

**Board of Trustees Agenda**

**VILLAGE OF MAMARONECK BOARD OF TRUSTEES WORK SESSION AGENDA  
September 9, 2024 AT 5:15 PM - Courtroom - 169 Mount Pleasant Avenue  
NOTICE OF FIRE EXITS AND REQUEST TO  
SILENCE ELECTRONIC DEVICES**

ATTENDANCE

OPEN MEETING

1. NEW BUSINESS

- A. Verizon Easement (Chief DiRuzza)
- B. Board Resolution for Court Grant (Court 9/3)
- C. Creation of a Vision Zero Task Force (Trustee Yizar-Reid)
- D. Proposed Local Law - Battery Energy Storage Systems (Village Attorney)

2. ITEMS FOR TONIGHT'S REGULAR MEETING

- A. Firefighter Self Rescue Kits (James Barney 8/7)
- B. Realigning Election Cycles to match changes at Town and County ( Trustee Rawlings)
- C. Additional Funding for Con-Edison Joint Paving (Village Engineer 8/30)
- D. Crossing Guard Company (Chief DiRuzza)
- E. List of Parking Restrictions and Right on Red Restrictions (Chief DiRuzza and James Barney)

3. EXECUTIVE SESSION - ADVICE OF COUNSEL

- A. Budget Committee Member - In accordance with Public Officers Law Section 105(f), matters leading to the appointment of an individual to a Village Board or Committee

ADJOURN

ANY HANDICAPPED PERSON NEEDING SPECIAL ASSISTANCE IN ORDER TO ATTEND THE MEETING SHOULD CALL THE VILLAGE MANAGER'S OFFICE AT 914-777-7703

All Board of Trustee Regular, ZBA, Planning Board, and HCZM Meetings are Broadcast Live on LMC-TV:

Verizon FIOS Channels 34, 35 & 36

Cablevision Channels: 75, 76 & 77

And Streamed on the Web: [www.lmc-tv.org](http://www.lmc-tv.org)

## Village of Mamaroneck, NY

---

**Item Title:** Verizon Easement (Chief DiRuzza)

**Item Summary:** Verizon Easement (Chief DiRuzza)

**Fiscal Impact:**

**ATTACHMENTS:**

<b><u>Description</u></b>	<b><u>Upload Date</u></b>	<b><u>Type</u></b>
email	9/3/2024	Cover Memo
NY Telephone Easement	9/3/2024	Cover Memo
Easement Property	9/3/2024	Cover Memo
E-mail from Verizon	9/3/2024	Cover Memo
Letter from Verizon	9/3/2024	Cover Memo
Agreement - Verizon	9/3/2024	Cover Memo

## Courtney Wong

---

**From:** Sally Roberts  
**Sent:** Tuesday, September 03, 2024 9:49 AM  
**To:** Courtney Wong  
**Subject:** FW: Verizon Easement  
**Attachments:** New York Telephone Easement at Papes Park.PDF; Easement Property.docx; Verizon Easement Release - Intersection of Old White Plains Rd and Madison St, Mamaroneck, NY - Draft Documents; New York Telephone Easement at Papes Park.PDF

Sally J. Roberts  
Deputy Clerk, Village of Mamaroneck



123 Mamaroneck Avenue  
Mamaroneck, NY 10543  
Phone: 914/825-8124 – Fax: 914/777-7787 – [sroberts@vomny.org](mailto:sroberts@vomny.org)

<http://www.village.mamaroneck.ny.us>

---

**From:** Chief Sandra DiRuzza <[sdiruzza@vompd.com](mailto:sdiruzza@vompd.com)>  
**Sent:** Tuesday, September 3, 2024 9:23 AM  
**To:** Mayor and Board <[MayorandBoard@vomny.org](mailto:MayorandBoard@vomny.org)>  
**Cc:** Charles Strome <[cstrome@vomny.org](mailto:cstrome@vomny.org)>; Jeff Ahne <[jahne@vomny.org](mailto:jahne@vomny.org)>; Robert Spolzino <[rspolzino@abramslaw.com](mailto:rspolzino@abramslaw.com)>; Mary E. Desmond <[MDesmond@Abramslaw.com](mailto:MDesmond@Abramslaw.com)>; Sally Roberts <[sroberts@vomny.org](mailto:sroberts@vomny.org)>  
**Subject:** Verizon Easement

Mayor and Board,

In July of 2023, with the then Village Manager and Deputy Village Managers permission, I began communicating with representatives at Verizon to explore the possibility of acquiring property that they currently own in the village. In 1995, the Village of Mamaroneck granted an easement to NY Telephone Co (see attached). When Verizon purchased NY Telephone, the easement transferred over to Verizon. At the said location, the property/existing equipment has been flooded multiple times and the equipment contained in the existing structures is outdated/not functional. The impetus for this was to obtain the property back to convert it to playground space as it is next to a park (Papes Park-see attached). After several emails and a meeting with representatives from Verizon, they have agreed to give us the property back (attached). If the Board has no objections, the attached documents would need to be signed, notarized, and returned to Verizon. The Village would then need to remove the equipment (completed by Parks Department) to prepare the space to be revitalized. My understanding is there is money in the Parks and Recreation Trust Fund that could fund one or two small pieces of playground equipment and fencing for the area.

Chuck Strome has been made aware of this initiative.

Please advise if you have any questions or concerns.

Thank you

Regards,

**Chief Sandra DiRuzza**

Village of Mamaroneck Police Department

169 Mt. Pleasant Avenue

Mamaroneck, New York, 10543

[www.vompd.com](http://www.vompd.com)

Phone 914-825-8523

Fax 914-777-7707



VILLAGE of MAMARONECK POLICE  
DEPARTMENT

Vision • Mindfulness • Professionalism • Dedication



This communication (including attachments) is covered by the Electronic Communication Privacy Act, U.S.C. Sections 2510-2521, is confidential, and may contain privileged information. If you are not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, or believe you have received this communication in error, please do not print, copy, retransmit, disseminate, or otherwise use this communication or any of the information contained herein. Also please notify sender that you have received this e-mail in error and delete the copy you received.



\*N02099006\*



\*EAS2\*



\*\*\* DO NOT REMOVE \*\*\*

WESTCHESTER COUNTY RECORDING AND ENDORSEMENT PAGE  
(THIS PAGE FORMS PART OF THE INSTRUMENT)

THE FOLLOWING INSTRUMENT WAS ENDORSED FOR THE RECORD AS FOLLOWS:

TYPE OF INSTRUMENT EAS-EASEMENT FEE PAGE 6 TOTAL PAGES 6  
(SEE CODES FOR DEFINITIONS)

STAT'Y CHARGE	<u>5.25</u>
REC'ING CHARGE	<u>18.00</u>
RECMGT FUND	<u>4.75</u>
EA 5217	
TP-584	<u>5.00</u>
CROSS-REF.	<u>0.50</u>
MISC.	<u>0.00</u>

TOTAL PAID  
33.50

MORTGE. DATE	_____
MORTGE. AMT	_____
EXEMPT	YES ___ NO ___

LIBER: 12202  
PAGE : 116

REC'D TAX ON ABOVE MTGE:	
YONKERS	\$ _____
BASIC	\$ _____
ADDITIONAL	\$ _____
SUBTOTAL	\$ _____
MTA	\$ _____
SPECIAL	\$ _____
TOTAL PAID	\$ _____

THE PROPERTY IS SITUATED  
IN WESTCHESTER COUNTY,  
NEW YORK IN THE:  
TOWN OF MAMARONECK

\$ 3000.00  
CONSIDERATION

SERIAL NO. \_\_\_\_\_

DWELLING 1-6 OVER

RECEIVED:  
TAX AMOUNT \$ 12.00  
TRANSFER TAX# 0008796

\_\_\_ DUAL TOWN  
\_\_\_ DUAL COUNTY/STATE

\_\_\_ HELD  
\_\_\_ NOT HELD \_\_\_\_\_


TITLE COMPANY NUMBER: 01

EXAMINED BY AMC8 RECORDING DATE 01/06/99

TERMINAL CTRL# 99006N020 TIME 10:06

DATE RETURNED \_\_\_\_\_

WITNESS MY HAND AND OFFICIAL SEAL



LEONARD N. SPANO  
WESTCHESTER COUNTY CLERK

EAS  
bp  
T17  
u.50  
TPS

KNOW ALL MEN BY THESE PRESENT THAT:

WHEREAS, on the 16<sup>th</sup> day of March, 1995, the Village of Mamaroneck did execute and deliver unto New York Telephone Company, for the consideration therein mentioned, a Grant of Easement more particularly described in Exhibits A, B, C, and D attached thereto and made a part thereof, which said Grant of Easement was recorded on the 12<sup>th</sup> day of April, 1995, in the Deed Records of Westchester County in Liber 11126, Page 303.

EAS 951029005

WHEREAS, by mistake, a portion of the concrete pad was placed outside the Easement Area.

AND WHEREAS, both parties are desirous to change and amend Exhibits A and B of the original Grant of Easement hereinabove first mentioned.

NOW THEREFORE, in consideration of the sum of Three Thousand Dollars (\$3,000.00) in hand paid by New York Telephone Company, the receipt of which is hereby acknowledged, and other good and valuable consideration, we do hereby amend the said Grant of Easement with respect to the above changes and adopt and ratify the original Grant of Easement as so changed.

IN WITNESS WHEREOF, this instrument duly executed this 17 day of DECEMBER 1998.

Village of Mamaroneck  
By Michael S. Blay

\_\_\_\_\_  
Witness

STATE OF NEW YORK )  
 ) ss.:  
COUNTY OF WESTCHESTER )

On the 17 day of DECEMBER in the year 1998 before me, the undersigned, a Notary Public in and for said State, personally appeared MICHAEL S. BLAY, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity, and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Joyce Dean  
Notary Public

JOYCE DEAN  
Notary Public, State of New York  
No. 60-4719358  
Qualified in Westchester County  
Commission Expires May 31, 2000

PROPOSED FACILITIES: BURIED \_\_\_\_\_

ESTIMATE P73679 \_\_\_\_\_

AERIAL \_\_\_\_\_ BLANKET X X X \_\_\_\_\_

ROU. ORDER \_\_\_\_\_

PRINT # \_\_\_\_\_

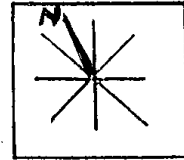
TOWN: MAMARONECK (VILLAGE OF MAMARONECK) \_\_\_\_\_

C.O. MAMARONECK \_\_\_\_\_

COUNTY: WESTCHESTER \_\_\_\_\_

STATE: NEW YORK \_\_\_\_\_

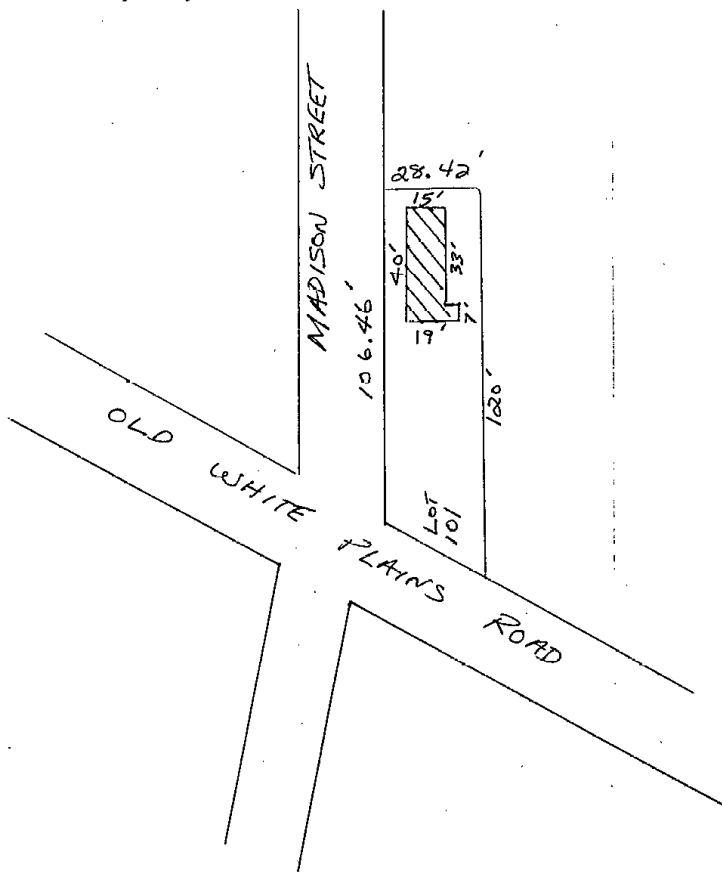
GRANTOR: VILLAGE OF MAMARONECK \_\_\_\_\_



DESCRIPTION OF ACTUAL TAKING

Land situated along the easterly side of Madison Street northerly of Old White Plains Road as further described on Exhibits 'B' and 'C', and described on the Town of Mamaroneck Tax Map as Section 8, Block 819, Lot 101, and shown on the Village Tax Map as Section 8, Block 82,

Lots 12A, 13A, & 14



NOT DRAWN TO ANY SCALE

GRANT OF EASEMENT

C.O. MAMARONECK TOWN VILLAGE MAMARONECK  
CITY \_\_\_\_\_

TO  
NEW YORK TELEPHONE COMPANY  
500 SUMMIT LAKE DRIVE  
VALHALLA, NY 10595

DATED \_\_\_\_\_

LINE NUMBER \_\_\_\_\_

POLE NUMBER \_\_\_\_\_

AERIAL \_\_\_\_\_ BURIED \_\_\_\_\_ BLANKET X

County Clerk's Office

Received on the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_

at \_\_\_\_\_ H. \_\_\_\_\_ M. \_\_\_\_\_ of Record in

Book No. \_\_\_\_\_ of Deeds

on Page No. \_\_\_\_\_ and examined

Leave this space for Recording Office

No. \_\_\_\_\_ Fee \_\_\_\_\_ Clk. \_\_\_\_\_

PLEASE RECORD AND RETURN TO:

RECORD AND RETURN TO

New York Telephone Company  
500 Summit Lake Drive, Rm. 476  
Valhalla, N.Y. 10595

ATTENTION: William DeBrocky

LINE	DIRECTION	DISTANCE
L1	N 24°11'00" E	40.00'
L2	S 65°49'00" E	15.00'
L3	S 24°11'00" W	33.00'
L4	S 65°49'00" E	4.00'
L5	S 24°11'00" W	7.00'
L6	N 65°49'00" W	19.00'

OLD WHITE PLAINS ROAD  
(ASPHALT PAVEMENT)

MADISON STREET  
(ASPHALT PAVEMENT)

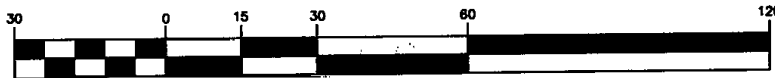
CHAIN LINK FENCE

N 24°11'00" E 57.46'

N/F VILLAGE OF MAMARONECK



GRAPHIC SCALE



( IN FEET )  
1 inch = 30 ft.

MAP REFERENCE: FILED MAP: No. VOL.19 Pg.80 AS FILED  
IN THE WESTCHESTER COUNTY CLERK'S  
OFFICE . (DATED OCT.27, 1905)  
DEED: LIBER 7444 Pg. 399  
DEED: LIBER 8371 Pg. 256

We, Chas H. Sells, Inc., hereby certify that the survey on which this map is based was completed on FEB. 8, 1995 and this map was completed on FEB. 10, 1995 and that said survey is in accordance with NYSAPLS current standards.

This survey was prepared in accordance with the current "CODE OF PRACTICE" of the NEW YORK STATE ASSOCIATION OF PROFESSIONAL LAND SURVEYORS (NYSAPLS). All certifications shall run to persons, named hereon, for whom this survey was prepared and on their behalf to any title company, governmental agency, or lending institution named hereon. Said certifications are not transferable to additional institutions or subsequent owners.

THE OWNERS OF THE PROPERTY SHOWN HEREON CERTIFY THAT THEY ARE FAMILIAR WITH THIS MAP, ITS CONTENTS AND LEGENDS AND HEREBY CONSENT TO ITS FILING.

Any alteration or addition to this survey is a violation of SECTION 7209 of the NEW YORK STATE EDUCATION LAW, except as per SUBDIVISION 2. All certifications hereon are valid for this map and copies thereof only if said map or copies bear the impressed seal of the surveyor whose signature appears hereon.

The location of underground improvements or encroachments hereon, if any exist, are not certified or shown.

MAP SHOWING EASEMENT  
TO BE ACQUIRED BY

**NEW YORK TELEPHONE COMPANY**  
FROM  
**VILLAGE OF MAMARONECK**



SITUATE IN  
**VILLAGE OF MAMARONECK**  
**WESTCHESTER COUNTY, NEW YORK**

PREPARED: FEB. 1995  
**CHAS. H. SELLS, INC.**  
ENGINEERS & SURVEYORS  
BEDFORD HILLS, N.Y.

By: **CHAS. H. SELLS, INC.**  
*Peter D. Cronk*  
N.Y. State Licensed Land Surveyor

FEBRUARY 10, 1995  
REVISED - NOVEMBER 18, 1998



**EXHIBIT "C"**

**DESCRIPTION OF AN EASEMENT  
TO BE ACQUIRED BY NEW YORK TELEPHONE COMPANY  
FROM  
VILLAGE OF MAMARONECK  
SITUATE IN THE  
VILLAGE OF MAMARONECK  
WESTCHESTER COUNTY, NEW YORK**

A utility easement over all that certain lot, piece or parcel of land situate, lying and being in the Village of Mamaroneck, County of Westchester and State of New York, being more particularly bounded and described as follows:

**BEGINNING** at a point in the easterly sideline of Madison Street. Said point being N24° 11' 00" East a distance of 57.46 feet from the corner formed by the intersection of the easterly sideline of Madison Street with the northerly sideline of Old White Plains Road. Thence from said **POINT OF BEGINNING**, the following courses and distances.

1. N24° 11' 00" East a distance of 40.00 feet along the easterly sideline of Madison Street to a point, thence;
2. S65° 49' 00" East a distance of 15.00 feet to a point, thence;
3. S24° 11' 00" West a distance of 33.00 feet to a point, thence;
4. S65° 49' 00" East a distance of 4.00 feet to a point, thence;
5. S24° 11' 00" West a distance of 7.00 feet to a point, thence;
6. S65° 49' 00" West a distance of 19.00 feet to the easterly sideline of Madison Street and the **POINT OR PLACE OF BEGINNING**.

**CONTAINING** 628.00 square feet of land more or less.

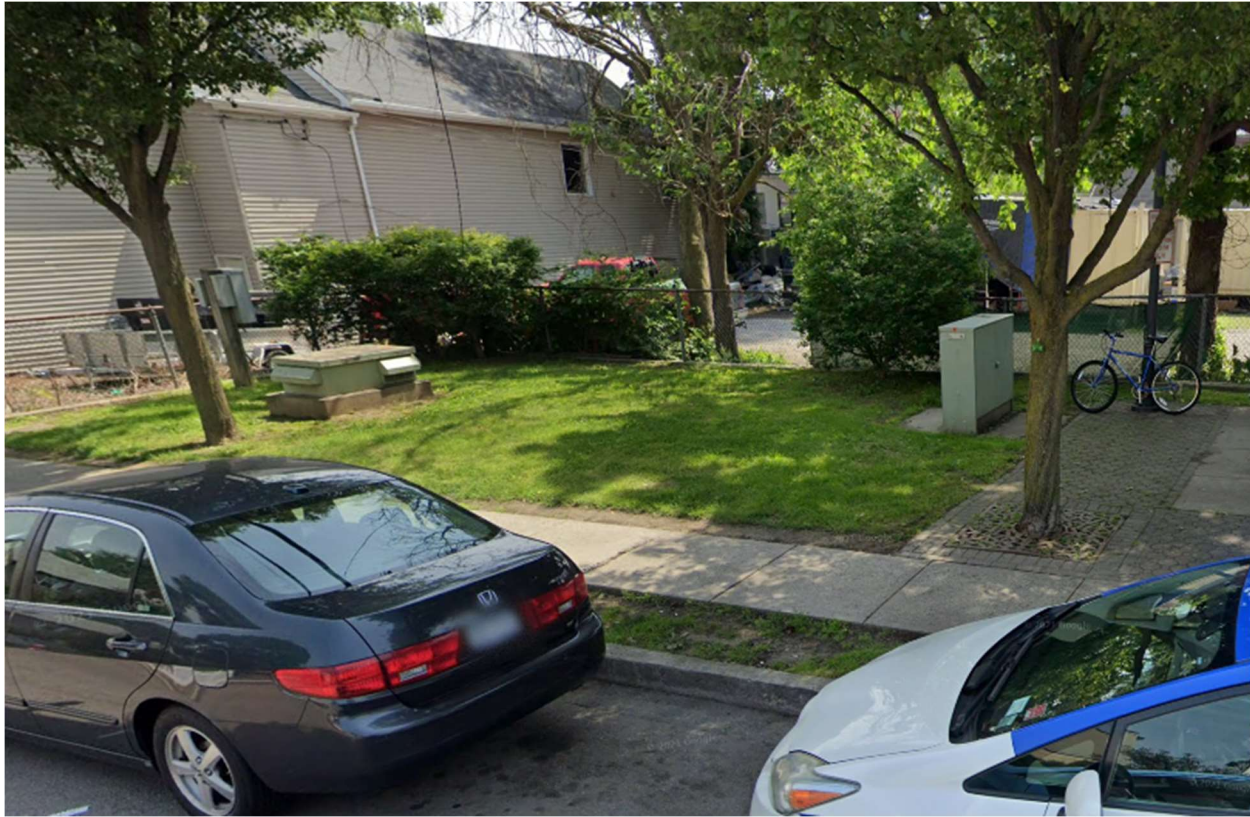
**Prepared by: CHAS. H. SELLS, INC.**  
Consulting Engineers & Land Surveyors  
Bedford Hills, NY  
November 18, 1998  
Project #94-808.01N



**EXHIBIT "D"**

**ADDENDUM**

**FIFTH:** It is expressly understood and agreed that this shall not be construed to permit the placement of any antennae or similar type structure for receiving or sending



## Courtney Wong

---

**From:** Marcotrigiano, Steven A <steven.marcotrigiano1@verizon.com>  
**Sent:** Thursday, July 18, 2024 5:57 PM  
**To:** Charles Strome  
**Cc:** Jeff Ahne; Kei Kurihara; Chief Sandra DiRuzza  
**Subject:** Verizon Easement Release - Intersection of Old White Plains Rd and Madison St, Mamaroneck, NY - Draft Documents  
**Attachments:** Letter to Mamaroneck for Release of Easement\_Draft.pdf; Quitclaim - Village of Mamaroneck DRAFT 7-2-24 (1).pdf; New York Telephone Easement at Papes Park (002) (1) (1).pdf

Good Afternoon Mr. Strome,

As discussed, please review the attached documents pertaining to the release of easement at the intersection of Old White Plains Rd and Madison St in Mamaroneck. Please note that the attached letter and quitclaim documents are drafts and will be finalized and resent to you, after you review the documents and reply to this email. You will be able to sign the quitclaim document at that time.

We (Verizon) will be disconnecting and removing any cables that are physically connecting our network to the equipment/enclosures on the property, so when the Village has the equipment/enclosures removed, there will be no damage to our network. We still need some time to disconnect and remove our cables, and the estimated timeframe is stated in the attached letter.

Please review the documents and inform me if everything is acceptable before we move forward.

Thank you.

--

Steven A. Marcotrigiano  
Outside Plant Engineering

111 Main St, Floor 8  
White Plains, NY 10601

Office: (914) 821-9710

Mobile: (914) 589-1697  
[steven.marcotrigiano1@verizon.com](mailto:steven.marcotrigiano1@verizon.com)



**Verizon Communications  
111 Main St, Floor 8  
White Plains, NY 10601**

**Steven Marcotrigiano  
Outside Plant Engineer**

July 18, 2024

Charles Strome  
Interim Village Manager  
Village of Mamaroneck  
123 Mamaroneck Ave  
Mamaroneck, NY 10543

**Re: Verizon New York, Inc. Easement  
Located at the Intersection of Madison St and Old White Plains Rd.**

Dear Mr. Strome:

This letter is in regards to the Verizon New York Inc. ("Verizon") easement issued in 1995 and amended in 1998, located at the intersection of Madison Street and Old White Plains Road in Mamaroneck, New York. (the "Easement"). Pursuant to the discussions between Verizon, Chief Sandra DiRuzza, and officials from the Village of Mamaroneck (the "Village"), the Village and Verizon mutually agree to release the Easement. To that end, Verizon has drafted the attached Quit Claim, Abandonment and Release Agreement. Please let me know if the terms of the agreement are acceptable.

As previously discussed, Verizon has an underground Controlled Environmental Vault (CEV) and a cross box on Easement property. The cross box has a small number of working circuits, which Verizon will need to relocate, but there are no working circuits in the CEV.

Verizon will release the Easement once we have completed relocating the working circuits out of the cross box. We anticipate this relocation taking approximately thirty (30) days to complete.

This letter and the attached quitclaim document are drafts, which will be finalized and resent to you after they are reviewed. You will be able to sign the quitclaim document at that time.

Yours sincerely,

Steven Marcotrigiano  
Outside Plant Engineer

First Last  
Month DD, YYYY  
Page 2 of 2

cc: Chief Sandra DiRuzza  
Village of Mamaroneck Police Department  
[sdiruzza@vompd.com](mailto:sdiruzza@vompd.com)

Attachments:

Quitclaim - Village of Mamaroneck DRAFT 7-2-24 (1)  
New York Telephone Easement at Papes Park (002) (1) (1)

## **QUITCLAIM, ABANDONMENT AND RELEASE AGREEMENT**

THIS QUITCLAIM, ABANDONMENT AND RELEASE AGREEMENT (“Agreement”), is dated July 18, 2024 and entered into by VERIZON NEW YORK, INC. (successor-in-interest to New York Telephone Company) having an office at One Verizon Way, Basking Ridge, NJ 07920 (“Verizon”) and the Village of Mamaroneck, having an office at 123 Mamaroneck Ave., Mamaroneck, NY 10543 (“Owner”).

WHEREAS, Owner is the owner in fee of a certain parcel of land situated in the Village of Mamaroneck, County of Westchester, New York, along the easterly side of Madison Street and northerly side of Old White Plains Road (“Owner Land”); and

WHEREAS, the Owner Land is subject to that certain utility easement for the benefit of New York Telephone Company, dated March 16, 1995, as amended on December 17, 1998, and recorded in the Office of Clerk of the County of Westchester, on January 6, 1999 in Liber 12202, Page 116 (the “Easement”), as evidenced by a copy of the amended Easement attached hereto and made a part hereof.; and

WHEREAS, the Easement granted Verizon’s predecessor-in-interest, New York Telephone Company, the right, privilege and authority (“Rights”) to construct, reconstruct, relocate, replace, operate, repair, maintain and remove wires, equipment, conduit, cable, cable cabinet and fixtures (collectively, the “Equipment”) upon the Owner Land; and

NOW THEREFORE, in consideration of the mutual covenants and agreements contained in this Agreement and for other good and valuable consideration, the receipt and sufficiency of which are hereby conclusively acknowledged, the parties hereto covenant and agree as follows:

1. Verizon hereby relinquishes and quitclaims all rights granted by the Easement and hereby releases Owner and its successors and assigns from any duty or obligation created by the Easement.
2. The parties agree that the Easement shall from this day forward be of no effect.
3. The Equipment and any all property inside of the Equipment is deemed abandoned by Verizon. Owner agrees to take possession and ownership of any and all abandoned Equipment, and shall from this day forward be responsible and liable for such Equipment and shall dispose of the Equipment in accordance with applicable federal, state and local laws.
4. The Owner shall defend, protect, save, hold harmless and indemnify Verizon from and against any and all claims, penalties, loss, fines, damages, costs, or charges regarding the abandoned Equipment or the Owner Land.
5. Owner and Verizon each represent and warrant that it has all necessary and appropriate authority to make this Agreement.

6. This Agreement may be recorded in the Office of Clerk of the County of Westchester and shall run with the land and shall bind and inure to the benefit of the successors, assigns and/or transferees of the parties.
7. This Agreement shall be governed, construed and interpreted in all respects in accordance with the laws of the State of New York without giving effect to the State of New York's principles of conflicts of law.
8. This Agreement may be executed in several counterparts, each of which shall be deemed an original but all of which shall constitute one and the same instrument.

**[REMAINDER OF PAGE INTENTIONALLY BLANK]**



IN WITNESS HEREOF, Verizon and the Owner have caused this Agreement to be duly executed below.

**VERIZON NEW YORK, INC.**  
(formerly New York Telephone Company)

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

STATE OF NEW YORK )  
COUNTY OF \_\_\_\_\_ ) ss.:

On the \_\_\_\_ day of \_\_\_\_\_ in the year 20\_\_ before me, the undersigned, a Notary Public in and for said State, personally appeared \_\_\_\_\_, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

\_\_\_\_\_  
NOTARY PUBLIC

**VILLAGE OF MAMARONECK**

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

STATE OF NEW YORK )  
COUNTY OF \_\_\_\_\_ ) ss.:

On the \_\_\_\_ day of \_\_\_\_\_ in the year 20\_\_ before me, the undersigned, a Notary Public in and for said State, personally appeared \_\_\_\_\_, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

\_\_\_\_\_  
NOTARY PUBLIC

## Village of Mamaroneck, NY

---

**Item Title:** Board Resolution for Court Grant (Court 9/3)

**Item Summary:** Board Resolution for Court Grant (Court 9/3)

**Fiscal Impact:**

**ATTACHMENTS:**

<b><u>Description</u></b>	<b><u>Upload Date</u></b>	<b><u>Type</u></b>
email	9/3/2024	Cover Memo
Resolution	9/5/2024	Cover Memo

## Courtney Wong

---

**From:** Elida Loci  
**Sent:** Tuesday, September 03, 2024 9:14 AM  
**To:** Laura Vasami; Bonnie Casterella  
**Cc:** Bonnie Casterella; Sally Roberts; Charles Strome; Courtney Wong  
**Subject:** RE: Board resolution for Court Grant

Hi Laura,

We want to update our counters and windows on the second floor.  
I am reaching out to companies to get estimates. As of now, I do not have an amount.

Kind regards,

Elida Loci  
**Court Clerk**  
Mamaroneck Village Court  
169 Mt Pleasant Ave, Mamaroneck, NY 10543  
Tel: 914-777-7710 | Fax: 914-777-7758  
Web: [www.village.mamaroneck.ny.us/justice-court](http://www.village.mamaroneck.ny.us/justice-court)



 Please consider the environment before printing this e-mail

**CONFIDENTIALITY NOTICE:** This electronic message is intended to be viewed only by the individual or entity to whom it is addressed. It may contain information that is privileged, confidential and exempt from disclosure under applicable law. Any dissemination, distribution or copying of this communication is strictly prohibited without our prior permission. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, or if you have received this communication in error, please notify us immediately by return e-mail and delete the original message and any copies of it from your computer system.

---

**From:** Laura Vasami <lvasami@vomny.org>  
**Sent:** Wednesday, August 28, 2024 1:08 PM  
**To:** Elida Loci <eloci@vomny.org>; Bonnie Casterella <bcasterella@vomny.org>  
**Cc:** Bonnie Casterella <bcasterella@vomny.org>; Sally Roberts <sroberts@vomny.org>; Charles Strome <cstrome@vomny.org>; Courtney Wong <cwong@vomny.org>  
**Subject:** FW: Board resolution for Court Grant

Hi Elida,

I can create the resolution based on the prior JCAP grant resolution and the attached template. The request will go on the 9/9 work session meeting agenda for discussion. The resolution will then go on the 9/23 regular meeting for adoption.

To write the resolution I need some additional information.

How much is the grant?

What is the grant funding? What will be purchased with the funding?

Thank you

---

**From:** Elida Loci <[eloci@vomny.org](mailto:eloci@vomny.org)>

**Sent:** Wednesday, August 28, 2024 11:34 AM

**To:** Laura Vasami <[lvasami@vomny.org](mailto:lvasami@vomny.org)>; Carl-Henry Gedeon <[cgedeon@vomny.org](mailto:cgedeon@vomny.org)>

**Cc:** Bonnie Casterella <[bcasterella@vomny.org](mailto:bcasterella@vomny.org)>

**Subject:** RE: Board resolution

This is the Template Board Resolution Memo.

Kind regards,

Elida Loci

**Court Clerk**

Mamaroneck Village Court

169 Mt Pleasant Ave, Mamaroneck, NY 10543

Tel: 914-777-7710 | Fax: 914-777-7758

Web: [www.village.mamaroneck.ny.us/justice-court](http://www.village.mamaroneck.ny.us/justice-court)



🌱 Please consider the environment before printing this e-mail

**CONFIDENTIALITY NOTICE:** This electronic message is intended to be viewed only by the individual or entity to whom it is addressed. It may contain information that is privileged, confidential and exempt from disclosure under applicable law. Any dissemination, distribution or copying of this communication is strictly prohibited without our prior permission. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, or if you have received this communication in error, please notify us immediately by return e-mail and delete the original message and any copies of it from your computer system.

---

**From:** Elida Loci

**Sent:** Wednesday, August 28, 2024 11:26 AM

**To:** Laura Vasami <[lvasami@vomny.org](mailto:lvasami@vomny.org)>; Carl-Henry Gedeon <[cgedeon@vomny.org](mailto:cgedeon@vomny.org)>

**Cc:** Bonnie Casterella <[bcasterella@vomny.org](mailto:bcasterella@vomny.org)>

**Subject:** Board resolution

Hi,

We are going to apply for a grant this year and one of the requirements is a Board resolution. Are we able to get a copy of it? The deadline is 10/11.

Thank you so much.

Kind regards,

Elida Loci  
**Court Clerk**  
Mamaroneck Village Court  
169 Mt Pleasant Ave, Mamaroneck, NY 10543  
Tel: 914-777-7710 | Fax: 914-777-7758  
Web: [www.village.mamaroneck.ny.us/justice-court](http://www.village.mamaroneck.ny.us/justice-court)



 Please consider the environment before printing this e-mail

**CONFIDENTIALITY NOTICE:** This electronic message is intended to be viewed only by the individual or entity to whom it is addressed. It may contain information that is privileged, confidential and exempt from disclosure under applicable law. Any dissemination, distribution or copying of this communication is strictly prohibited without our prior permission. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, or if you have received this communication in error, please notify us immediately by return e-mail and delete the original message and any copies of it from your computer system.

**RESOLUTION RE:  
APPROVAL OF APPLICATION FOR FUNDING FROM  
THE JUSTICE COURT ASSISTANCE PROGRAM**

WHEREAS, pursuant to §849-h of the Judiciary Law of the State of New York, the Justice Court Assistance Program (JCAP), established since 1999, provides opportunities for towns and villages to apply to the Chief Administrative Judge for state grant funds to assist in the operation of their municipal justice courts, and

WHEREAS, eligible grant items include court room facility and court security enhancement projects as well as the purchase of office equipment, and

WHEREAS, The Village Court is requesting authorization from the Village Board to apply for funding from the Justice Court Assistance Program during the upcoming grant cycle. One required component of that application is a Resolution from the Village Board authorizing the Village Court to apply for this funding; and

NOW THEREFORE BE IT RESOLVED, the Board of the Village of Mamaroneck authorizes the Mamaroenck Village Court to apply for the JCAP grant in the 2024-25 grant cycle up to \$30,000.

## Village of Mamaroneck, NY

---

**Item Title:** Creation of a Vision Zero Task Force (Trustee Yizar-Reid)

**Item Summary:** Creation of a Vision Zero Task Force (Trustee Yizar-Reid)

**Fiscal Impact:**

**ATTACHMENTS:**

<b><u>Description</u></b>	<b><u>Upload Date</u></b>	<b><u>Type</u></b>
Vision Zero	8/8/2024	Cover Memo

---

APRIL 21, 2023 • BY JENN FOX • IN CASE STUDIES, NEWS

# Where to Start on the Road to Vision Zero

Interest in Vision Zero is growing across the U.S. and the world. Many are wondering: “Where do we start?” While every community is different, there are some common first steps that we recommend. So, whether you are a mayor, a transportation planner or engineer, or a community advocate, we hope the following list of early actions – and linked resources – will support your work on the road to Zero.

## 1. Build on Vision Zero fundamentals & Safe System approach

Vision Zero is a strategy to eliminate roadway deaths and severe injuries, while increasing safe, healthy, equitable mobility for all. It is built on the belief that all people have the right to safe mobility. The foundation of Vision Zero is the Safe System approach, which recognizes that people will sometimes make mistakes and that human bodies are vulnerable.



**PERFECT** human behaviour

Prevent **COLLISIONS**

**INDIVIDUAL** responsibility

Saving lives is **EXPENSIVE**

**VS**

Integrate **HUMAN FAILING** in approach

Prevent **FATAL AND SEVERE CRASHES**

**SYSTEMS** approach

Saving lives is **NOT EXPENSIVE**

More is described in our *Core Elements for Vision Zero Communities* and our webinar *Vision Zero 101*

**Common question: What is the Safe System approach and why is it so important to Vision Zero?** The Safe System approach focuses on the responsibility to do all we can to both prevent crashes from happening, and to minimize the harm caused when crashes do occur. Vision Zero is more than a goal, or a slogan, or even a new program – it is a *fundamental* shift in how we think about and work on roadway safety. Leaders from Tacoma, Philadelphia, and Denver explain in this Safe System Foundation webinar.

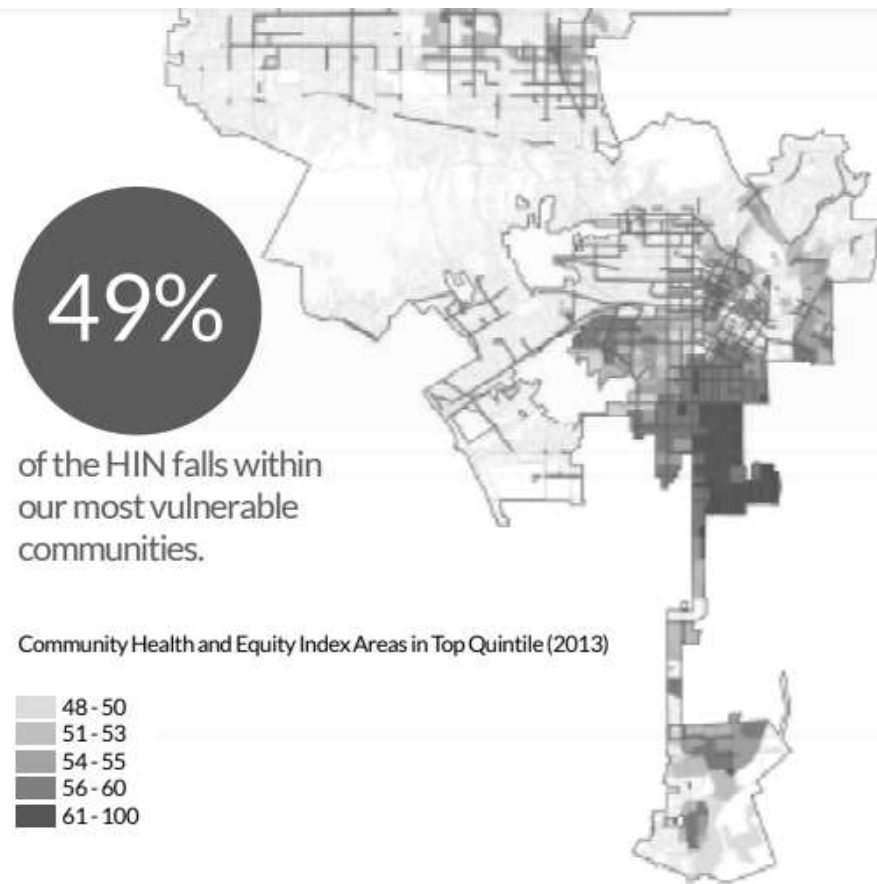
**Common question: What is the role of enforcement?** Traditional roadway safety efforts have emphasized the personal responsibility of individuals, focusing on encouraging, educating and enforcing strategies to help people behave responsibly. The Safe System approach, on the other hand, recognizes that people will inevitably make mistakes, so focuses upstream on designing and managing safe systems – road infrastructure, vehicles, and related policies, rather than relying on enforcement. We encourage communities to depend less on this reactive, punitive strategy and to center equity. Read more about rethinking the role of enforcement in traffic safety [here](#) and [here](#).

## 2. Assess your community's traffic safety situation

Vision Zero focuses on preventing roadway deaths and serious injuries. This starts with understanding what and where the most problems are, then prioritizing resources to make systemic improvements. Data should be analyzed over at least five years to identify locations and types of serious crashes and

can omit important information, with public health and equity data for a fuller picture, as described here.

With this data, communities should develop a High Injury Network (HIN) to focus limited resources on the most problematic locations and issues. It is important to overlay the HIN with other data – such as health equity and demographic information.



*Los Angeles overlaid its High Injury Network with data from the city's Health and Equity Index to combine demographic, socio-economic, health conditions, land use, transportation, crime, and pollution burden into a single lens to inform infrastructure investment priorities.*

In addition to this quantitative data, practitioners should bring in qualitative data derived from community engagement. Numbers and statistics don't always tell the full story, and people's lived experiences are necessary to developing a full picture of risk factors on the HIN. For example, some streets might be intimidating to walk or bike on, deterring people or causing people to make unsafe choices. Community engagement to understand more about placement of safe crossings or streetlights could improve safe access. This multi-layered input should inform your Vision Zero work – from planning to prioritization to action and accountability.

engage diverse stakeholders in shaping the work, build buy-in for change, and foster support for Vision Zero safety actions.

**Common question: When is the best time to involve the community?** The community should be engaged early and often. Read more about Promising Practices for Meaningful Public Involvement in Transportation Decision-Making, developed by the U.S. Department of Transportation. Vision Zero's data-driven, Safe System approach helps us recognize that many of traffic safety problems are not accidental; rather they stem from patterns of disinvestment and under-investment in communities, particularly historically Black communities. More about reaching out to, and compensating participants in underserved communities for their input is described here: [Building Capacity & Empowering People with Funding](#).

**Common question: Is a Vision Zero Task Force needed?** Because Vision Zero tackles interconnected systems affecting mobility – transportation, law enforcement, policy, health, technology, communication – communities need to ensure meaningful interagency collaboration. The Task Force should meet regularly and support consistent communication, coordination and adaptive management. Our resource about creating and sustaining a strong Task Force shares ways to maintain focus, collaboration, and accountability over time.

## 4. Leadership and sustained commitment are critical

An urgent, clear, and sustained public commitment to reaching Vision Zero within a set timeframe should come from the highest-ranking public officials in a community, usually the Mayor and City Council, as well as leaders of the major agencies that should be involved. Check out this [Components of a Strong Vision Zero Commitment](#) one-page reference, read this [CityLab](#) article, and download a [Vision Zero Model Resolution](#) developed by Change Lab Solutions. Building strong, cross-agency leadership and institutionalizing commitments is important, as elected leaders will move on.

A clear signal of priority from community leaders is also important in aligning the multiple agencies that influence roadway safety issues – from the transportation/public works department, to include

improvement resolutions, and budgets for accelerating improvements.

## 5. Develop, implement, and monitor a strong Vision Zero Action Plan

A Vision Zero Action Plan should be based on data and community input (see #2 above); identify priorities and strategies; and provide transparency and accountability. While the goal, or vision, is important, the Plan also needs actionable strategies, focused on managing speeds, designing roadways for safety, and centering equity (more described [here](#)). Each Action Plan strategy should identify the lead agency responsible, along with supporting/partner agencies, a projected timeline, and budget needs. Components should be underpinned by a process of continued community engagement and attention to equity. Check out:

- [Guidelines for an Effective Vision Zero Action Plan](#)
- [Moving from Vision to Action: Fundamental Principles, Policies & Practices to Advance Vision Zero in the U.S.](#)
- [The Collaborative Sciences Center for Road Safety Resource Hub and Vision Zero Plan list](#)
- [Webinar series: Fundamentals for Vision Zero Action Planning](#)

**Common question: *Should we hire a consultant to develop the Action Plan or develop the Plan in-house?***

Either approach can be effective, as long as in-house staff and leadership are deeply involved and feel ownership over Plan development and results. The *process* of development is just as important as the Plan itself because it brings key players more fully into the work.

**Common question: *How can we track progress (and challenges) and update the public?*** Regular updates in public meetings and annual reports help communities to evaluate and improve work toward Vision Zero. For example, Denver speaks about their monitoring and prioritization work in [this webinar](#). And advocates have an essential role to play, as described in [this webinar](#) about Vision Zero review and report cards.

traditional enforcement.

## Additional Questions

**Common question: *How can we fund Vision Zero efforts?*** Resources are available for roadway safety improvements. Consider the USDOT Safe Streets and Roads for All grant program and learn about state funding.

**Common question: *My community is small or rural, does Vision Zero fit for us?*** The fundamental principles of Vision Zero and the Safe System approach are the same, though may have different applications depending on the kind of community. National Center for Rural Road Safety and FHWA resources focus on smaller and rural communities.

**Common question: *What's the role of regional entities in Vision Zero?*** Learn about ways to coordinate with regional partners, such as Metropolitan Planning Organizations (MPOs): Centering Safety at Metropolitan Planning Organizations by Vision Zero Network and a Guide for Metropolitan Planning Organizations and Local Communities by FHWA.

The need for change is urgent: an average of 115 people lose their lives each day in this nation in roadway crashes. The loss and suffering are avoidable, and we have a responsibility to prevent these tragedies with safer systems for everyday transportation. Vision Zero's priorities to engage the community, center equity, build safe systems and manage speed may look different in different communities, and they core to making life-saving, lasting change.

What we do matters. In your work, remember that Vision Zero is not just a tagline — it is a fundamental shift in how we think about and approach safe mobility. Vision Zero Network is excited to support your community toward the goal of safe mobility for all people.

*Learn more: High Injury Network, Safe System, Vision Zero Action Plan, Vision Zero Task Force*

### Recent Posts

Safe Speeds Ahead: The Promise of Intelligent Speed Assistance

---

## ***Recent Webinars***

**Innovating for Quicker, Low-Cost Safety Solutions**

**Vision Zero 101: What It Means to Invest in a Safe System for All**

**Empowering Community: Meaningful Engagement in Vision Zero Efforts**

---

## ***Newsletter Sign Up***

**First Name\***

**Last Name\***

**Email\***

**City/Organization**

Fields with a \* are required.

[Sign up](#)

---

## ABOUT US

The Vision Zero Network is a collaborative, nonprofit campaign helping communities set and reach the goal of Vision Zero – eliminating traffic fatalities and severe injuries among all road users – while increasing safe, healthy, equitable mobility.

## WHO WE ARE

[VISION ZERO NETWORK](#)

[WHAT IS VISION ZERO?](#)

[OUR TEAM](#)

[FAQ](#)

[CONTACT](#)

## WHAT WE DO

[RESOURCE LIBRARY](#)

[WEBINARS](#)

[VISION ZERO COMMUNITIES](#)

[NEWS](#)

## STAY UPDATED

Sign up for our monthly e-newsletter.

**SIGN UP** 

---

© Vision Zero Network 2024

The Vision Zero Network is a fiscally sponsored project of **Community Initiatives**

Website designed by **Eric Tuvel**



## Village of Mamaroneck, NY

---

**Item Title:** Proposed Local Law - Battery Energy Storage Systems (Village Attorney)

**Item Summary:** Proposed Local Law - Battery Energy Storage Systems (Village Attorney)

**Fiscal Impact:**

**ATTACHMENTS:**

<b><u>Description</u></b>	<b><u>Upload Date</u></b>	<b><u>Type</u></b>
ll	9/5/2024	Cover Memo
battery backup	9/5/2024	Cover Memo

PROPOSED LOCAL LAW \_\_ of 2024

A Proposed Local Law establishing a six-month moratorium prohibiting the acceptance, processing and approval of applications and permits for battery energy storage systems in the Village of Mamaroneck

**BE IT ENACTED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF MAMARONECK AS FOLLOWS:**

*(Language in strike-through ~~abcde~~ ~~ghijk~~ to be deleted; language in **bold** is to be added)*

*Section 1.*

Section 342-3 of the Code of the Village of Mamaroneck, is amended by adding the following definitions:

**BATTERY ENERGY STORAGE SYSTEM**

**One or more devices, assembled together, capable of storing energy in order to supply electrical energy at a future time, but not a stand-alone 12-volt car battery, an electric motor vehicle, or common household batteries.**

**BATTERY ENERGY STORAGE SYSTEM, TIER ONE**

**A battery energy storage system having an aggregate energy capacity greater than 600 kWh or comprised of more than one storage battery technology in a room or enclosed area.**

**BATTERY ENERGY STORAGE SYSTEM, TIER TWO**

**A battery energy storage system having an aggregate energy capacity greater than 60 kWh and equal to or greater than 600 kWh or comprised of more than one storage battery technology in a room or enclosed area.**

**BATTERY ENERGY STORAGE SYSTEM, TIER THREE**

**A residential battery energy storage system having an aggregate energy capacity less than or equal to 80 kWh and, if in a room or enclosed area, consisting of only a single-energy storage system technology.**

**TRANSFORMER STATION**

**An area or group of equipment to transform power from one voltage to another or from one system to another that does not include battery energy storage systems or similar facility.**

*Section 2.*

Article XII of Chapter 342 Section of the Code of the Village of Mamaroneck, is amended by adding section 342-84.5, as follows:

**§ 342-84.5. Temporary moratorium on battery energy storage systems.**

**A. Purpose**

**The purpose of this local law is to protect the public health, safety and welfare of the residents of the Village of Mamaroneck and to maintain the status quo by temporarily suspending the processing of land use approvals and the granting of approvals for certain battery energy storage systems for a period of six months from the effective date of this local law while the Board of Trustees studies whether amendments to the Village Code are necessary regarding the propriety of battery energy storage systems.**

## **B. Legislative Findings**

**The Village of Mamaroneck is a suburban, largely residential community on Long Island Sound. The Village comprises 6.7 square miles of area of which 3.5 miles are underwater lands, and the upland 3.2 square miles are home to approximately 20,000 Village residents. The Village's unique natural environment consists of 9 miles of coastline along Long Island Sound, and multiple critical areas of environmental concern including Otter Creek, Guion Creek, Magid Pond, Van Amringe Mill Pond, the Mamaroneck River, and Hommocks Conservation area.**

**The Village is home to several distinct residential neighborhoods, each with its own individual characteristics. Along the Sound, there are Shore Acres, Greenhaven and Orienta. More densely populated neighborhoods are located inland, including Washingtonville, The Heights, Heathcote Hill, and Rye Neck.**

**The placement of battery energy storage systems in a densely populated Village and in close proximity to its natural resources raises issues of serious concern for the health, safety and welfare of Village residents. The Board of Trustees acknowledges that these systems play an important role in reducing demand and costs associated with power grid infrastructure, add capacity while lessening the burden on existing infrastructure, and reduce emissions, putting the Village closer to its Climate Smart Community goals. While the Board of Trustees remains dedicated to those goals, significant public health and safety concerns relative to the potentially volatile nature of lithium-ion batteries and battery storage operations have emerged, especially with regard to locating mega-watt scale facilities in close proximity to established residential and critical environmental areas. Indeed, several fires at battery energy storage facilities across the State of New York have significantly raised concerns by the Board of Trustees and the emergency and first responders, who must manage these occurrences and ensure continued public safety. The Board of Trustees has therefore decided that it is necessary to review the Village Code and consider potential revisions in order to address the safety concerns raised by battery energy storage systems.**

**The Board of Trustees intends to study the safety and security of these energy storage systems, including thermal runaway, off gassing and toxicity, stranded energy, ways to prevent fires, prevent by-product contamination, and ensure that emergency responders have the necessary training and information to prepare and deploy resources in the event of a fire. The Village also intends to study in which areas of the Village it may be appropriate to locate such systems.**

**In order to allow the Board of Trustees time to complete its review, draft proposed new legislation and enact any such legislation, the Board of Trustees deems it in**

**the best interest of the general health, safety and welfare of Village residents to impose a temporary moratorium prohibiting the review and approval of applications and permits for battery energy storage system in the Village of Mamaroneck.**

#### **D. MORATORIUM**

**For a period of six months from and after this local law becomes effective,**

- 1. The Building Department shall not accept any building permit application or issue any certificate of occupancy or certificate of compliance for a Tier 1 or Tier 2 battery energy storage system within the Village;**
- 2. The Planning Board shall not accept any application, grant any approval for, or continue to review an application for a subdivision plat, site plan approval, special use permit or other permit that involves the permitting, construction and/or development of a Tier 1 or Tier 2 battery energy storage system within the Village; and**
- 3. The Zoning Board of Appeals shall not accept any application or grant any approval for a variance or other permit that involves the permitting, construction and development of a Tier 1 or Tier 2 battery energy storage system within the Village.**

#### **E. APPROVED PROJECTS**

**Projects for which building permits have been granted are not subject to this moratorium.**

##### *Section 3.*

If any section, subsection, clause, phrase or other portion of this local law is, for any reason, declared invalid, in whole or in part, by any court, agency, commission, legislative body or other authority of competent jurisdiction, the portion of the law declared to be invalid will be deemed a separate, distinct and independent portion and the declaration will not affect the validity of the remaining portions hereof, which will continue in full force and effect.

##### *Section 4.*

This law will take effect immediately upon its filing in the Office of the Secretary of State in accordance with Municipal Home Rule Law. It supersedes the provisions of the Village Law, including those provisions which provide for the approval of a land use application on the basis of the passage of time, and the Code of the Village of Mamaroneck, including those provisions which authorize or require the approval of a land use application, to the extent that they are inconsistent with this local law.

June 19, 2024

Town of Carmel  
Town Board  
Supervisor Michael Cazzari  
Councilman Robert Kearns  
Councilwoman Suzanne McDonough  
Counselman Frank D. Lombardi  
60 McAlpin Avenue  
Mahopac, New York 10541

Re: Proposed Local Law Establishing a Six-Month Moratorium Prohibiting the Review and Approval of Applications and Permits for “Battery Energy Storage System” in the Town of Carmel.

**STATEMENT ON BEHALF OF THE TOWN OF SOMERS**

Supervisor Cazzari and Members of the Board:

On behalf of the Town of Somers, thank you for this opportunity to comment on the Town of Carmel’s proposed six-month moratorium on a proposed Battery Energy Storage System in Carmel.

This type of facility does not belong in Carmel or Somers, and the proposed six-month moratorium is a critical first step. This is too serious a matter to move forward without a full understanding of the risks associated with these facilities, and we applaud your efforts to take a breath and thoughtfully consider the best path forward.

Many residents of Somers are very concerned that the Proposed Facility is being considered, and fearful for the health and safety of their families, local first responders, and the environment. Within the past five years, the storage capacity of lithium battery facilities has grown exponentially, while laws and regulations have not caught up with this developing technology. The lack of regulation is precisely the reason why battery storage facilities fail so frequently, causing long-burning toxic fires in states across the country.

I. Dangers to Health and the Environment

While many other comments have addressed health and environmental concerns, I will

highlight some of the issues causing a high level of concern in the Somers community.

The site plan for the Proposed Facility places the actual battery storage units a mere 200 feet from the property lines of Somers residents. This is an untenable plan because there is a very real risk of what is known as a lithium-ion battery “thermal runaway” event at the facility.

These disasters can be initiated in numerous ways, including short-circuits in the wiring, software malfunctions, internal or external fires, damage from natural disasters such as earthquakes or hurricanes, or mechanical defects. Because the Proposed Facility would be operated remotely for the most part, there will be few or no workers on-site to address these failures or protect the facility during natural disasters before the situation turns into an uncontrollable emergency.

The proposed moratorium is needed to study what will happen if a thermal runaway event occurs on the border of the Towns of Carmel and Somers.

We do know that when these events occur:

- Within milliseconds, temperatures can exceed 1000 degrees Fahrenheit as the energy stored in the battery field is released. The intense heat and fire could be impossible for firefighters to contain at the site.
- Simultaneously with the rise in temperature, the battery fire will release high concentrations of fluoride gases, smoke, and other poisonous chemicals into the air, which pose an even greater threat to nearby residents and firefighters.
- Fluoride gasses are particularly toxic, and inhalation can cause death from irregular heartbeat and pulmonary edema. Dermal exposure causes burns, rapid destruction of the cornea and blindness.
- The Hydrogen fluoride gas will dissolve quickly into hydrofluoric acid once it is exposed to moisture. This extremely corrosive acid, as well as other heavy metals and solvents, will run-off the site during efforts to contain the blaze. The chemicals will contaminate what remains of the wetlands that currently compose a large area of the site.
- Because water will not smother this type of fire, it will burn for days and may even reignite. Local residents will need to evacuate.
- During this days-long disaster, our volunteer firefighters will work in these hazardous conditions day and night trying to contain the fire to the site.

While the proponents of the Proposed Facility have minimized local safety issues, recent events prove these *are* legitimate concerns. Just this past month a lithium battery facility in southern California burned for 11 days, requiring 40 firefighters to contain and finally extinguish the fire. Local officials issued an evacuation order while the facility burned and issued a “shelter-in-place” order to a nearby state prison.

In 2019, four firefighters were hospitalized with life threatening injuries sustained while responding to a fire at a battery storage system in Arizona (according to FEMA, 8 firefighters were injured).

In 2022 a fire erupted at the Moss Landing Energy storage facility in California which was caused

by a software programming error in the heat suppression system. This was the second event at this facility.

And of course, last summer there were three thermal runaway events in New York alone. While fortunately, there were no reported injuries, the long-term effects of exposure to these deadly chemicals have not been studied. The Proposed Facility in Carmel would be nearly 6 times larger than any other energy storage facility currently operating in the state.

The moratorium is needed to give the Town time to consider whether the proponent of the Proposed Facility, East Point Energy, has sufficient experience to build and operate a battery storage facility of this magnitude in our backyard. The company was acquired by Equinor in 2022, a Norwegian oil and gas company looking to expand its portfolio into the renewable energy sector. The Proposed Facility, along with two planned facilities in Texas, will be Equinor's first battery storage projects in the US. Equinor's first battery storage facility worldwide is located in the UK, and only became operational in January 2024. It is concerning that this company has no track record to ensure the safety of our community.

Finally, we were reminded this past April of our location near the Ramapo fault line, when a 4.8 magnitude earthquake shook buildings across New York. The proximity of the fault line was one of the major objections to Indian Point and is even more relevant to the safety of an unmanned or undermanned battery storage facility. Considering the possibility of another seismic event, this area of New York will never be safe for large battery storage plants. The Proposed Facility plans fail to even mention this critical factor.

## II. Laws and Regulations Are Needed

In early 2020, before East Point Energy was acquired by Equinor, the company submitted a general request regarding whether or not a "grid-scale battery project" is permitted in the Town of Carmel. At that time, there were only a handful of battery storage facilities in the US, and the ones that did exist were only a fraction of the size of the Proposed Facility. The technology to build a 116-megawatt battery energy storage system was still in its infancy. To my understanding the response to East Point Energy was that such a project is a "Commercial Establishment" under the Town Code, a permissible use in the Commercial/Business Park zoning district and that East Point has relied upon this 2020 letter as "proof" that its current proposal is zoning compliant.

The proposed moratorium is needed to give the Town more time and an opportunity to address this new rapidly developing technology. The Town of Carmel Code, like other towns, does not specifically regulate battery storage facilities by name. But not because an affirmative decision was made to let this industry self-regulate.

Many other industries are regulated by the Carmel Code, such as telecommunication structures and facilities, oil burning equipment, hydraulic fracturing, hazardous chemicals, flammable liquids and petroleum gas. The omission of battery storage facilities from the Code cannot be intentional; the issue simply has not been considered yet. The proponent of the Proposed Facility should not be allowed to rely on its 2020 zoning determination, these facilities must not be built until the issues are studied, and the Board can make an educated decision regarding whether the Town of Carmel wants this industry in its neighborhoods. A moratorium of at least six months is needed for this reason as well.

A lesson can be learned from New York State lawmakers. After the three thermal runaway events last summer, the state is scrambling to revise the Fire Code and pass other legislation to regulate battery storage facilities. Governor Hochul put together an inter-agency fire safety working group to come up with recommendations for battery energy storage safety standards, which were recently published. Notably, the working group found that local authorities do not have the ability to evaluate permitting documents for storage facilities, and expert peer reviews is required. The working group also recommended that qualified people who understand the storage installation are always available to help local emergency responders in case of a safety issue. While the state process is moving along, it will take more time before these recommendations are enacted into law.

But unlike the state, the Town of Carmel does not need to wait to enact legislation until after a thermal runaway disaster occurs. The Town has an opportunity to act now, carefully study the issues, and pass local laws and a comprehensive plan that will protect our residents and the environment. Considering what is at risk, a moratorium of at least six months is needed.

The Town of Somers respectfully requests the Board to pass the moratorium, to protect the health and safety of residents and our volunteer firefighters. We are depending on you. Thank you.

ABRAMS FENSTERMAN, LLP  
*Attorneys for the Town of Somers*

By: \_\_\_\_\_

Mary E. Desmond  
81 Main Street, Suite 400  
White Plains, New York 10601  
(914) 607-7010



# Battery Energy Storage System Model Law

For local governments to utilize when drafting local laws and regulations for battery energy storage systems.



Battery Energy Storage System Guidebook for Local Governments  
NYSERDA 17 Columbia Circle Albany, NY 12203

# Section Contents

- 1. Instructions.....5
- 2. Model Law .....7

# Overview

The Model Law is intended to help local government officials and AHJs adopt legislation and regulations to responsibly accommodate battery energy storage systems in their communities. The Model Law lays out procedural frameworks and substantive requirements for residential, commercial, and utility-scale battery energy storage systems.

---

**The workable version of this document can be found at [nyserdera.ny.gov/Energy-Storage-Guidebook](https://nyserdera.ny.gov/Energy-Storage-Guidebook), under Battery Energy Storage System Model Law tab.**

## 1. Instructions

1. This Model Law can be adopted by the governing board of cities, towns, and villages (hereinafter “local governments” or “municipalities”) to regulate the installation, operation, maintenance, and decommissioning of battery energy storage systems. The Model Law is intended to be an “all-inclusive” local law, regulating the subject of battery energy storage systems under typical zoning and land use regulations and it includes the process for compliance with the State Environmental Quality Review Act. Municipalities should review this Model Law, examine their local laws and regulations and the types, size range and number of battery energy storage system projects proposed, and adopt a local law addressing the aspects of battery energy storage system development that make the most sense for each municipality, deleting, modifying, or adding other provisions as appropriate.
2. This Model Law references a “Battery Energy Storage System Model Permit” that is available as part of NYSERDA’s Battery Energy Storage Guidebook. The Model Permit is intended to help local government officials and AHJs establish the minimum submittal requirements for electrical and structural plan review that are necessary when permitting residential and small commercial battery energy storage systems.
3. In some cases, there may be multiple approaches to regulate a certain aspect of battery energy storage systems. The word “OR” has been placed in the text of the model law to indicate these options. Municipalities should choose the option that works best for their communities. The content provided in brackets and highlighted is optional. Depending on local circumstances, a municipality may want to include this content or choose to adopt a different standard.
4. The Model Law is not intended for adoption precisely as it is written. It is intended to be advisory only, and users should not rely upon it as legal advice. A municipality is not required to adopt this Model Law. Municipal officials are urged to seek legal advice from their attorneys before enacting a battery energy storage system law. Municipalities must carefully consider how the language in this Model Law may be modified to suit local conditions, comprehensive plans, and existing land use and zoning provisions.

5. Before enacting this Model Law, a comprehensive plan outlining the goals and policies for the installation, operation, maintenance, and decommissioning of battery energy storage systems must be adopted by the local governing board (city or common council, town board, village board of trustees). Some local governing boards can satisfy this requirement by updating an existing comprehensive plan while others must adopt a new comprehensive plan. Suggestions on how local governing boards can develop and adopt in their existing or new comprehensive plans battery energy storage system friendly policies and plans that provide local protection are listed below:
  - A. Adopt a resolution or policy statement that outlines a strategy for municipal-wide battery energy storage system development. The chief executive officer of a local government (like a town supervisor or city or village mayor) may choose to issue in accordance with its local charter or other valid local law or regulations an executive order, proclamation or other declaration to advance battery energy storage system development.
  - B. Appoint a Battery Energy Storage Task Force (“Task Force”) that represents all interested stakeholders, including residents, businesses, interested non-profit organizations, the battery energy storage industry, utilities, and relevant municipal officials and staff to prepare an action plan, adopt or amend a comprehensive plan to include battery energy storage system planning goals and actions, and develop local laws and/or other regulations to ensure the orderly development of battery energy storage system projects.
  - C. Charge the Task Force with conducting meetings on a communitywide basis to involve all key stakeholders, gather all available ideas, identify divergent groups and views, and secure support from the entire community. The Task Force should also conduct studies and determine whether existing policies, plans, and land use regulations require amendments to remove barriers to and facilitate battery energy storage system development goals.
  - D. Establish a training program for local staff and land use boards. Municipalities are encouraged to utilize State and Federal technical assistance and grants for training programs when available.
  - E. Partner with adjacent communities to adopt compatible policies, plan components, and zoning provisions for battery energy storage system projects. County or regional planning agencies may also advise participating local governments on locally addressing these issues.

# 2. Model Law

## 1. Authority

This Battery Energy Storage System Law is adopted pursuant to Article IX of the New York State Constitution, §2(c)(6) and (10), New York Statute of Local Governments, § 10 (1) and (7); [Select one: sections 261-263 of the Town Law / sections 7-700 through 7-704 of the Village Law / sections 19 and 20 of the City Law and section 10 of the Municipal Home Rule Law] of the State of New York, which authorize the [Village/Town/City] to adopt zoning provisions that advance and protect the health, safety and welfare of the community.

## 2. Statement of Purpose

This Battery Energy Storage System Law is adopted to advance and protect the public health, safety, welfare, and quality of life of [Village/Town/City] by creating regulations for the installation and use of battery energy storage systems, with the following objectives:

- A. To provide a regulatory scheme for the designation of properties suitable for the location, construction and operation of battery energy storage systems;
- B. To ensure compatible land uses in the vicinity of the areas affected by battery energy storage systems;
- C. To mitigate the impacts of battery energy storage systems on environmental resources such as important agricultural lands, forests, wildlife and other protected resources; and
- D. To create synergy between battery energy storage system development and [other stated goals of the community pursuant to its Comprehensive Plan].

## 3. Definitions

As used in this [Article/Chapter], the following terms shall have the meanings indicated:

**ANSI:** American National Standards Institute

**BATTERY(IES):** A single cell or a group of cells connected together electrically in series, in parallel, or a combination of both, which can charge, discharge, and store energy electrochemically. For the purposes of this law, batteries utilized in consumer products are excluded from these requirements.

**BATTERY ENERGY STORAGE MANAGEMENT SYSTEM:** An electronic system that protects energy storage systems from operating outside their safe operating parameters and disconnects electrical power to the energy storage system or places it in a safe condition if potentially hazardous temperatures or other conditions are detected.

**BATTERY ENERGY STORAGE SYSTEM:** One or more devices, assembled together, capable of storing energy in order to supply electrical energy at a future time, not to include a stand-alone 12-volt car battery or an electric motor vehicle. A battery energy storage system is classified as a Tier 1 or Tier 2 Battery Energy Storage System as follows:

- A. Tier 1 Battery Energy Storage Systems have an aggregate energy capacity less than or equal to 600kWh and, if in a room or enclosed area, consist of only a single energy storage system technology.
- B. Tier 2 Battery Energy Storage Systems have an aggregate energy capacity greater than 600kWh or are comprised of more than one storage battery technology in a room or enclosed area.

**CELL:** The basic electrochemical unit, characterized by an anode and a cathode, used to receive, store, and deliver electrical energy.

**COMMISSIONING:** A systematic process that provides documented confirmation that a battery energy storage system functions according to the intended design criteria and complies with applicable code requirements.

**DEDICATED-USE BUILDING:** A building that is built for the primary intention of housing battery energy storage system equipment, is classified as Group F-1 occupancy as defined in the International Building Code, and complies with the following:

- 1) The building's only use is battery energy storage, energy generation, and other electrical grid-related operations.
- 2) No other occupancy types are permitted in the building.
- 3) Occupants in the rooms and areas containing battery energy storage systems are limited to personnel that operate, maintain, service, test, and repair the battery energy storage system and other energy systems.
- 4) Administrative and support personnel are permitted in areas within the buildings that do not contain battery energy storage system, provided the following:
  - a. The areas do not occupy more than 10 percent of the building area of the story in which they are located.
  - b. A means of egress is provided from the administrative and support use areas to the public way that does not require occupants to traverse through areas containing battery energy storage systems or other energy system equipment.

**ENERGY CODE:** The New York State Energy Conservation Construction Code adopted pursuant to Article 11 of the Energy Law, as currently in effect and as hereafter amended from time to time.

**FIRE CODE:** The fire code section of the New York State Uniform Fire Prevention and Building Code adopted pursuant to Article 18 of the Executive Law, as currently in effect and as hereafter amended from time to time.

**NATIONALLY RECOGNIZED TESTING LABORATORY (NRTL):** A U.S. Department of Labor designation recognizing a private sector organization to perform certification for certain products to ensure that they meet the requirements of both the construction and general industry OSHA electrical standards.

**NEC:** National Electric Code.

**NFPA:** National Fire Protection Association.

**NON-DEDICATED-USE BUILDING:** All buildings that contain a battery energy storage system and do not comply with the dedicated-use building requirements.

**NON-PARTICIPATING PROPERTY:** Any property that is not a participating property.

**NON-PARTICIPATING RESIDENCE:** Any residence located on non-participating property.

**OCCUPIED COMMUNITY BUILDING:** Any building in Occupancy Group A, B, E, I, R, as defined in the International Building Code, including but not limited to schools, colleges, daycare facilities, hospitals, correctional facilities, public libraries, theaters, stadiums, apartments, hotels, and houses of worship.

**PARTICIPATING PROPERTY:** A battery energy storage system host property or any real property that is the subject of an agreement that provides for the payment of monetary compensation to the landowner from the battery energy storage system owner (or affiliate) regardless of whether any part of a battery energy storage system is constructed on the property.

**UNIFORM CODE:** the New York State Uniform Fire Prevention and Building Code adopted pursuant to Article 18 of the Executive Law, as currently in effect and as hereafter amended from time to time.

## 4. Applicability

- A. The requirements of this Local Law shall apply to all battery energy storage systems permitted, installed, or modified in [Village/Town/City] after the effective date of this Local Law, excluding general maintenance and repair.
- B. Battery energy storage systems constructed or installed prior to the effective date of this Local Law shall not be required to meet the requirements of this Local Law.
- C. Modifications to, retrofits or replacements of an existing battery energy storage system that increase the total battery energy storage system designed discharge duration or power rating shall be subject to this Local Law.

## 5. General Requirements

- A. A building permit and an electrical permit shall be required for installation of all battery energy storage systems.
- B. Issuance of permits and approvals by the [Reviewing Board] shall include review pursuant to the State Environmental Quality Review Act [ECL Article 8 and its implementing regulations at 6 NYCRR Part 617 (“SEQRA”).
- C. All battery energy storage systems, all Dedicated Use Buildings, and all other buildings or structures that (1) contain or are otherwise associated with a battery energy storage system and (2) subject to the Uniform Code and/or the Energy Code shall be designed, erected, and installed in accordance with all applicable provisions of the Uniform Code, all applicable provisions of the Energy Code, and all applicable provisions of the codes, regulations, and industry standards as referenced in the Uniform Code, the Energy Code, and the [Village/Town/City] Code.

## 6. Permitting Requirements for Tier 1 Battery Energy Storage Systems

Tier 1 Battery Energy Storage Systems shall be permitted in all zoning districts, subject to the Uniform Code and the “Battery Energy Storage System Permit,” and exempt from site plan review.

## 7. Permitting Requirements for Tier 2 Battery Energy Storage Systems

Tier 2 Battery Energy Storage Systems are permitted through the issuance of a [special use permit] within the [XXXXXXXXXXXXXXXX, XXXXXXXXXXXX, XXXXXXXXXXXX] zoning districts, and shall be subject to the Uniform Code and the site plan application requirements set forth in this Section.

- A. Applications for the installation of Tier 2 Battery Energy Storage System shall be:
  - 1) reviewed by the [Code Enforcement/Zoning Enforcement Officer or Reviewing Board] for completeness. An application shall be complete when it addresses all matters listed in this Local Law including, but not necessarily limited to, (i) compliance with all applicable provisions of the Uniform Code and all applicable provisions of the Energy Code and (ii) matters relating to the proposed battery energy storage system and Floodplain, Utility Lines and Electrical Circuitry, Signage, Lighting, Vegetation and Tree-cutting, Noise, Decommissioning, Site Plan and Development, Special Use and Development, Ownership Changes, Safety, and Permit Time Frame and Abandonment. Applicants shall be advised within [10] business days of the completeness of their application or any deficiencies that must be addressed prior to substantive review.
  - 2) subject to a public hearing to hear all comments for and against the application. The [Reviewing Board] of the [Village/Town/City] shall have a notice printed in a newspaper of general circulation in the [Village/Town/City] at least [5] days in advance of such hearing. Applicants shall have delivered the notice by first class mail to adjoining landowners or landowners within [200] feet of the property at least [10] days prior to such a hearing. Proof of mailing shall be provided to the [Reviewing Board] at the public hearing.
  - 3) referred to the [County Planning Department] pursuant to General Municipal Law § 239-m if required.
  - 4) upon closing of the public hearing, the [Reviewing Board] shall take action on the application within 62 days of the public hearing, which can include approval, approval with conditions, or denial. The 62-day period may be extended upon consent by both the [Reviewing Board] and Applicant.
- B. Utility Lines and Electrical Circuitry. All on-site utility lines shall be placed underground to the extent feasible and as permitted by the serving utility, with the exception of the main service connection at the utility company right-of-way and any new interconnection equipment, including without limitation any poles, with new easements and right-of-way.

### C. Signage.

- 1) The signage shall be in compliance with ANSI Z535 and shall include the type of technology associated with the battery energy storage systems, any special hazards associated, the type of suppression system installed in the area of battery energy storage systems, and 24-hour emergency contact information, including reach-back phone number.
- 2) As required by the NEC, disconnect and other emergency shutoff information shall be clearly displayed on a light reflective surface. A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations.

D. Lighting. Lighting of the battery energy storage systems shall be limited to that minimally required for safety and operational purposes and shall be reasonably shielded and downcast from abutting properties.

E. Vegetation and tree-cutting. Areas within [10] feet on each side of Tier 2 Battery Energy Storage Systems shall be cleared of combustible vegetation and other combustible growth. Single specimens of trees, shrubbery, or cultivated ground cover such as green grass, ivy, succulents, or similar plants used as ground covers shall be permitted to be exempt provided that they do not form a means of readily transmitting fire. Removal of trees should be minimized to the extent possible.

F. Noise. The [1-hour] average noise generated from the battery energy storage systems, components, and associated ancillary equipment shall not exceed a noise level of [60] dBA as measured at the outside wall of any non-participating residence or occupied community building. Applicants may submit equipment and component manufacturers noise ratings to demonstrate compliance. The applicant may be required to provide Operating Sound Pressure Level measurements from a reasonable number of sampled locations at the perimeter of the battery energy storage system to demonstrate compliance with this standard.

### G. Decommissioning.

- 1) Decommissioning Plan. The applicant shall submit a decommissioning plan, developed in accordance with the Uniform Code, to be implemented upon abandonment and/or in conjunction with removal from the facility. The decommissioning plan shall include:
  - a. A narrative description of the activities to be accomplished, including who will perform that activity and at what point in time, for complete physical removal of all battery energy storage system components, structures, equipment, security barriers, and transmission lines from the site;
  - b. Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations;
  - c. The anticipated life of the battery energy storage system;
  - d. The estimated decommissioning costs and how said estimate was determined;
  - e. The method of ensuring that funds will be available for decommissioning and restoration;
  - f. The method by which the decommissioning cost will be kept current;
  - g. The manner in which the site will be restored, including a description of how any changes to the surrounding areas and other systems adjacent to the battery energy storage system, such as, but not limited to, structural elements, building penetrations, means of egress, and required fire detection suppression systems, will be protected during decommissioning and confirmed as being acceptable after the system is removed; and
  - h. A listing of any contingencies for removing an intact operational energy storage system from service, and for removing an energy storage system from service that has been damaged by a fire or other event.
- 2) Decommissioning Fund. The owner and/or operator of the energy storage system, shall continuously maintain a fund or bond payable to the [Village/Town/City], in a form approved by the [Village/Town/City] for the removal of the battery energy storage system, in an amount to be determined by the [Village/Town/City], for the period of the life of the facility. This fund may consist of a letter of credit from a State of New York licensed-financial institution. All costs of the financial security shall be borne by the applicant.



H. Site plan application. For a Tier 2 Battery Energy Storage System requiring a Special Use Permit, site plan approval shall be required. Any site plan application shall include the following information:

- 1) Property lines and physical features, including roads, for the project site.
- 2) Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, and screening vegetation or structures.
- 3) A [one- or three-line] electrical diagram detailing the battery energy storage system layout, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and over current devices.
- 4) A preliminary equipment specification sheet that documents the proposed battery energy storage system components, inverters and associated electrical equipment that are to be installed. A final equipment specification sheet shall be submitted prior to the issuance of building permit.
- 5) Name, address, and contact information of proposed or potential system installer and the owner and/or operator of the battery energy storage system. Such information of the final system installer shall be submitted prior to the issuance of building permit.
- 6) Name, address, phone number, and signature of the project Applicant, as well as all the property owners, demonstrating their consent to the application and the use of the property for the battery energy storage system.
- 7) Zoning district designation for the parcel(s) of land comprising the project site.
- 8) Commissioning Plan. Such plan shall document and verify that the system and its associated controls and safety systems are in proper working condition per requirements set forth in the Uniform Code. Where commissioning is required by the Uniform Code, Battery energy storage system commissioning shall be conducted by a New York State (NYS) Licensed Professional Engineer after the installation is complete but prior to final inspection and approval. A corrective action plan shall be developed for any open or continuing issues that are allowed to be continued after commissioning. A report describing the results of the system commissioning and including the results of the initial acceptance testing required in the Uniform Code shall be provided to [Code Enforcement/Zoning Enforcement Officer or Reviewing Board] prior to final inspection and approval and maintained at an approved on-site location.
- 9) Fire Safety Compliance Plan. Such plan shall document and verify that the system and its associated controls and safety systems are in compliance with the Uniform Code.
- 10) Operation and Maintenance Manual. Such plan shall describe continuing battery energy storage system maintenance and property upkeep, as well as design, construction, installation, testing and commissioning information and shall meet all requirements set forth in the Uniform Code.
- 11) Erosion and sediment control and storm water management plans prepared to New York State Department of Environmental Conservation standards, if applicable, and to such standards as may be established by the Planning Board.
- 12) Prior to the issuance of the building permit or final approval by the [Reviewing Board], but not required as part of the application, engineering documents must be signed and sealed by a NYS Licensed Professional Engineer.
- 13) Emergency Operations Plan. A copy of the approved Emergency Operations Plan shall be given to the system owner, the local fire department, and local fire code official. A permanent copy shall also be placed in an approved location to be accessible to facility personnel, fire code officials, and emergency responders. The emergency operations plan shall include the following information:
  - a. Procedures for safe shutdown, de-energizing, or isolation of equipment and systems under emergency conditions to reduce the risk of fire, electric shock, and personal injuries, and for safe start-up following cessation of emergency conditions.
  - b. Procedures for inspection and testing of associated alarms, interlocks, and controls.
  - c. Procedures to be followed in response to notifications from the Battery Energy Storage Management System, when provided, that could signify potentially dangerous conditions, including shutting down equipment, summoning service and repair personnel, and providing agreed upon notification to fire department personnel for potentially hazardous conditions in the event of a system failure.

- d. Emergency procedures to be followed in case of fire, explosion, release of liquids or vapors, damage to critical moving parts, or other potentially dangerous conditions. Procedures can include sounding the alarm, notifying the fire department, evacuating personnel, de-energizing equipment, and controlling and extinguishing the fire.
- e. Response considerations similar to a safety data sheet (SDS) that will address response safety concerns and extinguishment when an SDS is not required.
- f. Procedures for dealing with battery energy storage system equipment damaged in a fire or other emergency event, including maintaining contact information for personnel qualified to safely remove damaged battery energy storage system equipment from the facility.
- g. Other procedures as determined necessary by the [Village/Town/City] to provide for the safety of occupants, neighboring properties, and emergency responders.
- h. Procedures and schedules for conducting drills of these procedures and for training local first responders on the contents of the plan and appropriate response procedures.

I. Special Use Permit Standards.

- 1) Setbacks. Tier 2 Battery Energy Storage Systems shall comply with the setback requirements of the underlying zoning district for principal structures.
- 2) Height. Tier 2 Battery Energy Storage Systems shall comply with the building height limitations for principal structures of the underlying zoning district.
- 3) Fencing Requirements. Tier 2 Battery Energy Storage Systems, including all mechanical equipment, shall be enclosed by a [7-foot-high] fence with a self-locking gate to prevent unauthorized access unless housed in a dedicated-use building and not interfering with ventilation or exhaust ports.
- 4) Screening and Visibility. Tier 2 Battery Energy Storage Systems shall have views minimized from adjacent properties to the extent reasonably practicable using architectural features, earth berms, landscaping, or other screening methods that will harmonize with the character of the property and surrounding area and not interfering with ventilation or exhaust ports.

J. Ownership Changes. If the owner of the battery energy storage system changes or the owner of the property changes, the special use permit shall remain in effect, provided that the successor owner or operator assumes in writing all of the obligations of the special use permit, site plan approval, and decommissioning plan. A new owner or operator of the battery energy storage system shall notify the [Code Enforcement/Zoning Enforcement Officer] of such change in ownership or operator within [30] days of the ownership change. A new owner or operator must provide such notification to the [Code Enforcement/Zoning Enforcement Officer] in writing. The special use permit and all other local approvals for the battery energy storage system would be void if a new owner or operator fails to provide written notification to the [Code Enforcement/Zoning Enforcement Officer] in the required timeframe. Reinstatement of a void special use permit will be subject to the same review and approval processes for new applications under this Local Law.

## 8. Safety

A. System Certification. Battery energy storage systems and equipment shall be listed by a Nationally Recognized Testing Laboratory to UL 9540 (Standard for battery energy storage systems and Equipment) or approved equivalent, with subcomponents meeting each of the following standards as applicable:

- 1) UL 1973 (Standard for Batteries for Use in Stationary, Vehicle Auxiliary Power and Light Electric Rail Applications),
- 2) UL 1642 (Standard for Lithium Batteries),
- 3) UL 1741 or UL 62109 (Inverters and Power Converters),
- 4) Certified under the applicable electrical, building, and fire prevention codes as required.
- 5) Alternatively, field evaluation by an approved testing laboratory for compliance with UL 9540 (or approved equivalent) and applicable codes, regulations and safety standards may be used to meet system certification requirements.

B. Site Access. Battery energy storage systems shall be maintained in good working order and in accordance with industry standards. Site access shall be maintained, including snow removal at a level acceptable to the local fire department and, if the Tier 2 Battery Energy Storage System is located in an ambulance district, the local ambulance corps.

C. Battery energy storage systems, components, and associated ancillary equipment shall have required working space clearances, and electrical circuitry shall be within weatherproof enclosures marked with the environmental rating suitable for the type of exposure in compliance with NFPA 70.

## 9. Permit Time Frame and Abandonment

- A. The Special Use Permit and site plan approval for a battery energy storage system shall be valid for a period of [24] months, provided that a building permit is issued for construction [and/or] construction is commenced. In the event construction is not completed in accordance with the final site plan, as may have been amended and approved, as required by the [Reviewing Board], within [24] months after approval, [Village/Town/City] may extend the time to complete construction for [180] days. If the owner and/or operator fails to perform substantial construction after [36] months, the approvals shall expire.
- B. The battery energy storage system shall be considered abandoned when it ceases to operate consistently for [more than one year]. If the owner and/or operator fails to comply with decommissioning upon any abandonment, the [Village/Town/City] may, at its discretion, enter the property and utilize the available bond and/or security for the removal of a Tier 2 Battery Energy Storage System and restoration of the site in accordance with the decommissioning plan.

## 10. Enforcement

Any violation of this Battery Energy Storage System Law shall be subject to the same enforcement requirements, including the civil and criminal penalties, provided for in the zoning or land use regulations of [Village/Town/City].

## 11. Severability

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of the aforementioned sections, as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase, which shall remain in full force and effect.

# Questions?

If you have any questions about the Battery Energy Storage System Model Law, please email questions to [cleanenergyhelp@nyserda.ny.gov](mailto:cleanenergyhelp@nyserda.ny.gov) or request free technical assistance at [nyserda.ny.gov/Energy-Storage-Guidebook](https://nyserda.ny.gov/Energy-Storage-Guidebook). The NYSERDA team looks forward to partnering with communities across the State.

## ***Local Law Filing***

---

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

~~County~~

~~City~~

of

North Castle

Town

~~Village~~

Local Law No. \_\_\_\_\_ of the year 2024

A local law **to prohibit Battery Energy Storage Systems (BESS)**

---

Be it enacted by the Town Board of the  
(Name of Legislative Body)

~~County~~

~~City~~

of

North Castle

as follows:

Town

~~Village~~

**Section 1.** Amend the definition of Utility, Public in Section 355-4 of the Town Code as follows as well as add the following new definitions in proper alphabetical order:

UTILITY, PUBLIC -- Any person, firm, corporation or municipal agency duly authorized to furnish to the public, under public regulation, electricity, gas, water, sewage treatment, steam, cable television, telephone or telegraph. This definition does not include battery energy storage systems or similar facilities.

BATTERY ENERGY STORAGE SYSTEM (BESS) - One or more devices, assembled together, capable of storing energy in order to supply electrical energy at a future time, not to include a stand-alone 12-volt car battery or an electric motor vehicle. A battery energy storage system is classified as a Type 1, Type 2 or Type 3 battery energy storage system as follows:

Type 1 (utility) battery energy storage systems include all the following:

- Battery energy storage systems with an aggregate energy capacity greater than 600 kwh that are not clearly considered a Type 2 or Type 3 BESS; and/or
- Battery energy storage systems whose purpose is solely for energy storage for the local utility grid/network.

Type 2 (commercial) battery energy storage systems include all the following:

- Battery energy storage systems with an aggregate energy capacity greater than 80 kwh but equal to or less than 600 kwh; and
- Battery energy storage systems solely dedicated to providing energy storage for the property on which it is located. Any sale of excess energy to the local utility is prohibited.

Type 3 (residential/small scale) battery energy storage systems have an aggregate energy capacity less than or equal to 80 kwh and, if in a room or enclosed area, consist of only a single-energy storage system technology.

BATTERY(IES) -- A single cell or a group of cells connected together electrically in series, in parallel, or a combination of both, which can charge, discharge, and store energy electrochemically, excluding batteries utilized in consumer products.

**Section 2.** Amend the permitted use “\*13. Public utility transmission lines, exchanges or substations” in Section 355-21 of the Town Code as follows:

\*13. Public utility transmission lines, exchanges or substations, but excluding battery energy storage systems consisting of Type 1 and Type 2 systems.

**Section 3.** Amend the permitted use “\*10. Public utility exchanges or substations” in the CB-A and GB Zoning Districts in Section 355-22 of the Town Code as follows:

\*10. Public utility exchanges or substations, but excluding battery energy storage systems or similar facilities.

**Section 4.** Amend the permitted use “\*5. Public utility exchanges or substations” in the IND-A Zoning District in Section 355-23 of the Town Code as follows:

\*5. Public utility exchanges or substations, but excluding battery energy storage systems consisting of Type 1 and Type 2 systems.

**Section 5. Conflicting Standards.**

Where the requirements of this Local Law impose a different restriction or requirement than imposed by other sections of the Code of the Town of North Castle, the Town Law of the State of New York or other applicable rules or regulations, the requirements of this Local Law shall prevail.

**Section 6. Severability.**

The invalidity of any word, section, clause, paragraph, sentence, part or provision of this local law shall not affect the validity of any other part of this local law that can be given effect without such invalid part or parts.

**Section 7. Effective Date.**

This Local Law shall take effect immediately upon its adoption and filing with the Secretary of State.

Dated: \_\_\_\_\_, 2024

F:\PLAN6.0\Local Law Revisions\Battery Energy Storage\Prohibition\Local Law 6-6-24.doc

**Local Law 2 of 2021**

**A Local Law titled “Battery Energy Storage Systems”**

BE IT ENACTED by the Town Board of the Town of Westerlo, County of Albany as follows:

**Section 1. Title.**

This Local Law shall be known as the "Battery Energy Storage Systems" law.

**Section 2. Authority.**

This Local Law is adopted pursuant to sections 10 and 22 of the Municipal Home Rule Law. This Local Law shall supersede the provisions of Town Law to the extent it is inconsistent with the same, and to the extent permitted by the New York State Constitution, the Municipal Home Rule Law, or any other applicable statute.

**Section 3. Purpose.**

This Local Law is adopted to advance and protect the public health, safety, and welfare of the Town by creating regulations for the installation and use of Battery Energy Storage Systems as defined herein, with the following objectives:

1. To provide a regulatory scheme for the designation of properties suitable for the location, construction and operation of Battery Energy Storage Systems;
2. To protect the health, welfare, safety, and quality of life for the general public;
3. To ensure compatible land uses in the vicinity of the areas affected by Battery Energy Storage Systems;
4. To mitigate the impacts of Battery Energy Storage Systems on environmental resources such as important agricultural lands, forests, wildlife and other protected resources; and
5. To create synergy between Battery Energy Storage System development and other stated goals of the community pursuant to its Comprehensive Plan.

**Section 4. Definitions.**

ANSI: American National Standards Institute.

BATTERY: One or more devices (typically called “cells”), however electrically connected, capable of storing and delivering electricity by electrochemical means. This law does not apply to batteries in consumer products or motor vehicles solely powered by combustion.

BATTERY ENERGY STORAGE SYSTEM (“BESS”): A rechargeable Energy Storage System comprising Batteries, Battery chargers, controls, power conditioning systems and associated electrical equipment designed to provide electrical power. A BESS can be used to provide standby or emergency power, an uninterruptable power supply, load shedding, load sharing, or similar capabilities. A BESS is



classified as a Tier 1 or Tier 2 as follows:

1. Tier 1 BESS have an aggregate energy capacity less than or equal to 600kWh and, if in a room or enclosed area, consist of only a single Energy Storage System technology.
2. Tier 2 BESS have an aggregate energy capacity greater than 600kWh or are comprised of more than one storage battery technology in a room or enclosed area.

**COMMISSIONING:** A systematic process that provides documented confirmation that a BESS functions according to the intended design criteria and complies with applicable code requirements.

**DEDICATED-USE BUILDING:** A building that is built for the primary intention of housing BESS equipment and is classified as Group F-1 occupancy as defined in the International Building Code. It is constructed in accordance with the Uniform Code, and it complies with the following:

1. The building's only permitted primary use is for Battery Energy Storage, energy generation, and other electrical grid-related operations;
2. Occupants in the rooms and areas containing BESS are limited to personnel that operate, maintain, service, test, and repair the BESS and other energy systems;
3. No other occupancy types are permitted in the building; and
4. Administrative and support personnel are permitted in incidental-use areas within the buildings that do not contain BESS, provided the following:
  - A. The areas do not occupy more than 10 percent of the building area of the story in which they are located; and
  - B. A means of egress is provided from the incidental-use areas to a public way that does not require occupants to traverse through areas containing BESS or other energy systems.

**ENERGY CODE:** The New York State Energy Conservation Construction Code adopted pursuant to Article 11 of the Energy Law, as currently in effect and as hereafter amended from time to time.

**ENERGY STORAGE SYSTEM:** An arrangement or combination of components and structures designed to store and controllably deliver electricity. The means of storage within a Storage System may include, but are not limited to, batteries, flywheels, and elevated water tanks.

**MATURE FOREST -** A mature forest is any unimproved land in excess of one (1) acre with trees that are predominantly six (6) inches in diameter or more at Diameter at Breast Height (DBH).

**NATIONALLY RECOGNIZED TESTING LABORATORY (“NRTL”):** A U.S. Department of Labor designation recognizing a private sector organization to perform certification for certain products to ensure that they meet the requirements of both the construction and general industry OSHA electrical standards.

**NFPA:** National Fire Protection Association Local Law of 2021 Battery Energy Storage Systems.

**SPECIAL FLOOD HAZARD AREA (“SFHA”):** The land area covered by the floodwaters of the base flood on the National Flood Insurance Program's (“NFIP”) maps. The SFHA is the area where the NFIP’s floodplain management regulations must be enforced and the area where the mandatory purchase of flood insurance applies.

**UNIFORM CODE:** the New York State Uniform Fire Prevention and Building Code adopted pursuant

to Article 18 of the Executive Law, as currently in effect and as hereafter amended from time to time.

**WATT (“W”):** A unit of power. A power of one thousand watts (1000 W) is also referred to as one kilowatt (“kW”). A power of one million watts (1,000,000 W) is also referred to as one megawatt (“MW”).

**WATT-HOUR (“Wh”).** A unit of energy, equal to the amount of energy delivered in one hour by a power of one watt. Energy in the amount of one thousand watt-hours (1000 Wh) is also referred to as one kilowatt-hour (“1 kWh”). Energy in the amount of one million watt-hours (1,000,000 Wh) is also referred to as one megawatt-hour (“MWh”).

### **Section 5. Applicability.**

1. The requirements of this Local Law shall apply to all BESS permitted, installed, or modified in Town after the effective date of this Local Law, excluding general maintenance and repair.
2. Modifications to, retrofits or replacements of an existing BESS that increase the total designed discharge duration or power rating shall be subject to this Local Law.

### **Section 6. General Requirements.**

1. A Building Permit and an Electrical Permit shall be required for installation of all BESS.
2. Issuance of permits and approvals by the Planning Board shall include review pursuant to the State Environmental Quality Review Act ECL Article 8 and its implementing regulations at 6 NYCRR Part 617 ("SEQRA").
3. All BESS, all Dedicated Use Buildings, and all other buildings or structures that (1) contain or are otherwise associated with a BESS and (2) subject to the Uniform Code and/or the Energy Code shall be designed, erected, and installed in accordance with all applicable provisions of the Uniform Code, all applicable provisions of the Energy Code, and all applicable provisions of the codes, regulations, and industry standards as referenced in the Uniform Code, the Energy Code, and the Town of Westerlo Building Code.
4. All BESS shall contain automatically triggered five retardant and suppressant systems rated for electrical fires and releasing only materials not having toxic effect on responders and neighbors to the system.

### **Section 7. Permitting Requirements for Tier 1 Battery Energy Storage Systems.**

Tier 1 BESS shall be allowed in all zoning districts except the hamlets, require issuance of a BESS Permit, and be subject to the Uniform Code.

### **Section 8. Permitting Requirements for Tier 2 Battery Energy Storage Systems.**

Tier 2 BESS are allowed in all zoning districts except the hamlets, subject to Site Plan approval and a Special Use Permit issued by the Planning Board and in conformance with the Uniform Code.

#### **1. APPLICATIONS.**

Applications for the installation of Tier 2 BESS shall be:

- A. reviewed by the Building Department/Zoning Enforcement Officer for completeness. An application shall be complete when it addresses all matters listed in this Local Law including, but not necessarily limited to, (1) compliance with all applicable provisions of the Uniform Code and all applicable provisions of the Energy Code and (2) matters relating to the proposed BESS and Floodplain, Utility Lines and Electrical Circuitry, Signage, Lighting, Vegetation and Tree-cutting, Noise, Decommissioning, Site Plan and Development, Special Use and Development, Ownership Changes, Safety, Permit Time Frame and Abandonment. Applicants shall be advised within ten (10) business days of the completeness of their application or any deficiencies that must be addressed prior to substantive review.
- B. subject to a public hearing to hear all comments for and against the application. The Planning Board [or Zoning Board of Appeals] shall have a notice printed in a newspaper of general circulation in the Town at least five (5) days in advance of such hearing. Applicants shall have delivered the notice by first class mail to adjoining landowners or landowners within 200 feet of the property at least ten (10) days prior to such a hearing. Proof of mailing shall be provided to the Planning Board at the public hearing.
- C. referred to the County Planning Department pursuant to General Municipal Law § 239- m if required.
- D. upon closing of the public hearing, the Planning Board shall act on the application within sixty-two (62) days of the public hearing, which can include approval, approval with conditions, or denial. The sixty-two (62) day period may be extended upon consent by both the reviewing board and Applicant.

## 2. FLOODPLAIN.

An applicant for a BESS shall obtain necessary local floodplain development permits if proposed within Special Flood Hazard Areas.

Utility Lines and Electrical Circuitry. All on-site utility lines shall be placed underground to the extent feasible and as permitted by the serving utility, with the exception of the main service connection at the utility company right-of-way and any new interconnection equipment, including without limitation any poles, with new easements and right-of-way.

## 3. SIGNAGE.

- A. The signage shall be in compliance with ANSI Z535 and shall include the type of technology associated with the BESS, any special hazards associated, the type of suppression system installed in the area of BESS, and 24-hour emergency contact information, including reach-back phone number.
- B. As required by the NEC, disconnect and other emergency shutoff information shall be clearly displayed on a light reflective surface. A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations.

## 4. LIGHTING.

Lighting of a BESS shall be limited to that minimally required for safety and operational purposes and shall be reasonably shielded and downcast from abutting properties.

#### 5. VEGETATION AND TREE-CUTTING.

Areas within ten feet (10 ft) on each side of a Tier 2 BESS shall be cleared of combustible vegetation and other combustible growth. Single specimens of trees, shrubbery, or cultivated ground cover such as green grass, ivy, succulents, or similar plants used as ground covers shall be permitted to be exempt provided that they do not form a means of readily transmitting fire. Removal of trees should be minimized to the extent possible.

#### 6. NOISE.

The one-hour average noise generated from a BESS, including all components and associated ancillary equipment, shall not exceed a noise level of 60 dBA as measured at the outside wall of any n Residence and Occupied Community Building. Applicants may submit equipment and component manufacturer's noise ratings to demonstrate compliance. The Applicant may be required to provide Operating Sound Pressure Level measurements from a reasonable number of sampled locations at the perimeter of the BESS to demonstrate compliance with this standard.

#### 7. DECOMMISSIONING.

##### A. Decommissioning Plan.

The Applicant shall submit a decommissioning plan developed in accordance with the Uniform Code, containing a narrative description of the activities to be accomplished for removing the BESS from service, and from the facility in which it is located. The decommissioning plan shall also include: (1) the anticipated life of the BESS; (2) the estimated decommissioning costs; (3) how said estimate was determined; (4) the method of ensuring that funds will be available for decommissioning and restoration; (5) the method that the decommissioning cost will be kept current; (6) the manner in which the BESS will be decommissioned, and the Site restored; and (7) a listing of any contingencies for removing an intact operational Energy Storage System from service, and for removing an Energy Storage System from service that has been damaged by a fire or other event.

##### B. Decommissioning Fund.

The applicant, or successors, shall continuously maintain a fund or bond payable to the Town, in a form approved by the Town for the removal of the BESS, in an amount to be determined by the Town Board, for the period of the life of the facility. This fund may consist of a letter of credit from a State of New York licensed-financial institution. All costs of the financial security shall be borne by the Applicant.

#### 8. SITE PLAN APPLICATION.

For a Tier 2 BESS, Site Plan approval shall be required. Any Site Plan application shall include the following information:

- A. Property lines and physical features, including roads, for the project site.
- B. Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, and screening vegetation or structures.
- C. A one or three-line electrical diagram detailing the BESS layout, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and over current devices.
- D. A preliminary equipment specification sheet that documents the proposed BESS components, inverters and associated electrical equipment that are to be installed. A final equipment specification sheet shall be submitted prior to the issuance of the Building Permit.
- E. Name, address, and contact information of proposed or potential system installer and the owner and/or operator of the BESS. Such information of the final system installer shall be submitted prior to the issuance of the Building Permit.
- F. Name, address, phone number, and signature of the project Applicant, as well as all the property owners, demonstrating their consent to the application and the use of the property for the BESS.
- G. Zoning district designation for the parcel(s) of land comprising the project site.
- H. Commissioning Plan. Such plan shall document and verify that the system and its associated controls and safety systems are in proper working condition per requirements set forth in the Uniform Code (referenced in Appendix 1). BESS commissioning shall be conducted by a New York State (NYS) Licensed Professional Engineer or NYS Registered Architect after the installation is complete but prior to final inspection and approval. A corrective action plan shall be developed for any open or continuing issues that are allowed to be continued after commissioning. A report describing the results of the system commissioning and including the results of the initial acceptance testing required in the Uniform Code (referenced in Appendix 1) shall be provided to Planning Board prior to final inspection and approval and maintained at an approved on-site location.
- I. Fire Safety Compliance Plan. Such plan shall document and verify that the system and its associated controls and safety systems are in compliance with the Uniform Code (referenced in Appendix 2). The Fire Safety Compliance Plan shall be certified by a New York State (NYS) Licensed Professional Engineer or other Licensed Professional that such plan complies with all applicable law, regulations, code or requirements.
- J. System and Property Operation and Maintenance Manual. Such plan shall describe continuing BESS maintenance and property upkeep, as well as design, construction, installation, testing and commissioning information and shall meet all requirements set forth in the Uniform Code.
- K. Erosion and sediment control and storm water management plans prepared to New York State Department of Environmental Conservation standards, if applicable, and to such standards as may be established by the Planning Board.

- L. Engineering documents must be signed and sealed by a NYS Licensed Professional Engineer or NYS Registered Architect, and submitted to the Town's Designated Engineer for review and approval, prior to approval by any reviewing board or permit issuing authority.
- M. An Emergency Operation Plan per requirements set forth in Appendix 3.

#### 9. SPECIAL USE PERMIT STANDARDS.

- A. Setbacks. Tier 2 BESS shall comply with the setback requirements of the underlying zoning district for principal structures.
- B. Height. Tier 2 BESS shall comply with the building height limitations for principal structures of the underlying zoning district.
- C. Fencing Requirements. Tier 2 BESS, including all mechanical equipment, shall be enclosed by a 7-foot-high fence with a self-locking gate to prevent unauthorized access unless housed in a Dedicated-Use Building and not interfering with ventilation or exhaust ports.
- D. Screening and Visibility. Tier 2 BESS shall have views minimized from adjacent properties to the extent reasonably practicable using architectural features, earth berms, landscaping, or other screening methods that will harmonize with the character of the property and surrounding area and not interfering with ventilation or exhaust ports.
- E. Comply with all other Special Use Permit General Standards.

#### 10. OWNERSHIP CHANGES.

If the ownership of a BESS changes or the owner of the property changes, the Special Use Permit shall remain in effect, provided that the successor owner or operator assumes in writing all of the obligations of the Special Use Permit, Site Plan approval, and decommissioning plan. A new owner or operator of the BESS shall notify the Building Department of such change in ownership or operator within thirty (30) days of the ownership change. A new owner or operator must provide such notification to the Building Department and Town Clerk in writing. The Special Use Permit and all other local approvals for the BESS would be void if a new owner or operator fails to provide written notification to the Building Department and Town Clerk in the required timeframe. Reinstatement of a void Special Use Permit will be subject to the same review and approval processes for new applications under this law.

### **Section 9. Safety.**

#### 1. SYSTEM CERTIFICATION.

All BESS and associated equipment shall be listed by a NRTL to UL 9540 or CAN 9540 (Standard for BESS and Equipment) with subcomponents meeting each of the following standards that are applicable based on the storage type (electrochemical, thermal, and mechanical):

- A. UL 1973 (Standard for Batteries for Use in Stationary, Vehicle Auxiliary Power and Light Electric Rail Applications),
- B. UL 1642 (Standard for Lithium Batteries),

- C. UL 1741 or UL 62109 (inverters and power converters),
- D. Certified under the applicable electrical, building, and fire prevention codes as required,
- E. Alternatively, field evaluation by an approved testing laboratory for compliance with UL 9540 and applicable codes, regulations and safety standards may be used to meet system certification requirements.

## 2. SITE ACCESS.

All BESS shall be maintained in good working order and in accordance with industry standards. Site access shall be maintained, including snow removal at a level acceptable to the Fire Company and, if the Tier 2 BESS is located in an ambulance district, the local ambulance corps.

All BESS, their components, and associated ancillary equipment shall be placed with required working space clearances, and Circuitry shall be within weatherproof enclosures marked with the environmental rating suitable for the type of exposure in compliance with NFPA 70.

## 3. SITE OBLIGATIONS.

- A. The owner or operator of the Commercial BESS shall bear full responsibility for timely, competent, and effective address to any fires, downed wires, or other problematic contingencies as may occur and shall annually recertify that capability in a form acceptable to the Building Department and Fire Company.
- B. The owner or operator of the BESS shall offer training to the Fire Company and other first responders on how to coordinate with crews dispatched by the owner or operator to address fires, downed wires, or other problematic contingencies at the site.

## **Section 10. Permit Time Frame and Abandonment.**

1. The Special Use Permit and Site Plan approval for a BESS shall be valid for a period of twelve (12) months, provided that a Building Permit is issued for construction and construction is commenced. In the event construction is not completed in accordance with the final site plan, as may have been amended and approved, as required by the Planning Board, within twelve (12) months after approval, the Applicant or the Town may extend the time to complete construction for one hundred eighty (180) days. If the owner and/or operator fails to perform substantial construction after thirty-six (36) months, the approvals shall expire.
2. If the owner and/or operator fails to comply with decommissioning upon any abandonment, the Town may, at its discretion, utilize the available bond and/or security for the removal of a Tier 2 BESS and restoration of the site in accordance with the decommissioning plan.
3. The BESS shall be considered abandoned when it ceases to operate consistently for more than one year.

**Section 11. Enforcement.**

Any violation of this BESS Law shall be subject to the same enforcement requirements, including the civil and criminal penalties, provided for in the zoning or land use regulations of Town.

**Section 12. Severability.**

If any clause, sentence, phrase, paragraph or any part of this Local Law shall for any reason be adjudicated finally by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Local Law, but shall be confined in its operation and effect to the clause, sentence, phrase, paragraph or part thereof, directly involved in the controversy or action in which such judgment shall have been rendered. It is hereby declared to be the legislative intent that the remainder of this Local Law would have been adopted had any such provisions been excluded.

**Section 13. Repeal.**

All ordinances, local laws and parts thereof inconsistent with this Local Law are hereby repealed.

**Section 14. Effective Date.**

This Local Law shall become effective upon filing in the office of the Secretary of State in accordance with the provisions of the Municipal Home Rule Law.

**APPENDIX 1: Commissioning Plan.**

The BESS commissioning plan shall comply with the Uniform Code and include, at a minimum, the following information:

1. A narrative description of the activities that will be accomplished during each phase of commissioning including the personnel intended to accomplish each of the activities.
2. A listing of the specific BESS and associated components, controls and safety related devices to be tested, a description of the tests to be performed and the functions to be tested.
3. Conditions under which all testing will be performed, which are representative of the conditions during normal operation of the system.
4. Documentation of the owner's project requirements and the basis of design necessary to understand the installation and operation of the BESS.
5. Verification that required equipment and systems are installed in accordance with the approved plans and specifications.
6. Integrated testing for all fire and safety systems.
7. Testing for any required thermal management, ventilation or exhaust systems associated with the BESS installation.



8. Preparation and delivery of operation and maintenance documentation.
9. Training of facility operating and maintenance staff.
10. Identification and documentation of the requirements for maintaining system performance to meet the original design intent during the operation phase.
11. Identification and documentation of personnel who are qualified to service, maintain and decommission the BESS, and respond to incidents involving the BESS, including documentation that such service has been contracted for.

## **APPENDIX 2: Operation and Maintenance Manual.**

The Operation and Maintenance Manual shall be provided to both the BESS owner and their operator before the BESS is put into operation. The BESS shall be operated and maintained in accordance with the manual and a copy of the documentation shall be retained at an approved onsite location to be accessible to facility personnel, fire code officials, and emergency responders.

In addition to complying with the Uniform Code, the BESS Operation and Maintenance Manual shall, at a minimum, include design, construction, installation, testing and commissioning information associated with the BESS as initially approved after being commissioned, as well as the following information:

1. Manufacturer's operation manuals and maintenance manuals for the entire BESS or for each component of the system requiring maintenance, that clearly identify the required routine maintenance actions.
2. Name, address and phone number of a service agency that has been contracted to service the BESS and its associated safety systems.
3. Maintenance and calibration information, including wiring diagrams, control drawings, schematics, system programming instructions and control sequence descriptions, for all energy storage control systems.
4. Desired or field-determined control set points that are permanently recorded on control drawings at control devices or, for digital control systems in system programming instructions.
5. A schedule for inspecting and recalibrating all BESS controls.
6. A service record log form that lists the schedule for all required servicing and maintenance actions and space for logging such actions that are completed over time and retained on site.
7. Inspection and testing records.

**APPENDIX 3: Emergency Operations Plan.**

An emergency operations plan shall include the following information:

1. Procedures for safe shutdown, de-energizing, or isolation of equipment and systems under emergency conditions to reduce the risk of fire, electric shock, and personal injuries, and for safe start-up following cessation of emergency conditions.
2. Procedures for inspection and testing of associated alarms, interlocks, and controls.
3. Procedures to be followed in response to notifications from the BESS Management System, when provided, that could signify potentially dangerous conditions, including shutting down equipment, summoning service and repair personnel, and providing agreed upon notification to fire department personnel for potentially hazardous conditions in the event of a system failure.
4. Emergency procedures to be followed in case of fire, explosion, release of liquids or vapors, damage to critical moving parts, or other potentially dangerous conditions. Procedures can include sounding the alarm, notifying the fire department, evacuating personnel, de-energizing equipment, and controlling and extinguishing the fire.
5. Response considerations similar to a Safety Data Sheet (SDS) that will address response safety concerns and extinguishment when an SDS is not required.
6. Procedures for dealing with BESS equipment damaged in a fire or other emergency event, including maintaining contact information for personnel qualified to safely remove damaged BESS equipment from the facility. Provide two (2) emergency contact numbers.
7. Other procedures as determined necessary by the Town to provide for the safety of occupants and emergency responders.
8. Procedures and schedules for conducting drills of these procedures.
9. Provide remote surveillance in order to monitor the facility in case of fire or other emergencies.

Councilman Matthew Kryzak	Aye – Nay – Abstain
Councilwoman Amie L. Burnside	Aye – Nay – Abstain
Councilman Richard Filkins	Aye – Nay – Abstain
Councilman Joseph J. Boone	Aye – Nay – Abstain

Adopted this 5 day of October 2021.

**By Order of the Westerlo Town Board**

**Karla J. Weaver, Town Clerk**

I, KARLA WEAVER, Town Clerk of the Town of Westerlo, Albany County, New York, **DO HEREBY CERTIFY** that the foregoing local law was approved by the Town Board of the Town of Westerlo on October 5, 2021 and that the foregoing is a true and correct transcript of the original local law and of the whole thereof and that said original local law is on file in the Town Clerk’s office.

**I DO FURTHER CERTIFY** that each of the members of the Town Board had due notice of the said Town Board meeting.

**IN WITNESS WHEREOF**, I have hereunto set my hand and the seal of the Town of Westerlo this 6 day of December, 2021.

\_\_\_\_\_

Karla Weaver, Town Clerk

\_\_\_\_\_

TOWN SEAL

## Village of Mamaroneck, NY

---

**Item Title:** Firefighter Self Rescue Kits/ (James Barney 8/7)

**Item Summary:** Firefighter Self Rescue Kits (James Barney 8/7)

**Fiscal Impact:**

**ATTACHMENTS:**

<b><u>Description</u></b>	<b><u>Upload Date</u></b>	<b><u>Type</u></b>
email	9/3/2024	Cover Memo
Motorola Solutions	9/3/2024	Cover Memo
VOM Bail Quote	9/3/2024	Cover Memo
Bailout System Replacement	9/3/2024	Cover Memo
Resolution - rescue Kits	9/5/2024	Cover Memo

## Courtney Wong

---

**From:** Fire Chief James Barney  
**Sent:** Wednesday, August 07, 2024 11:37 AM  
**To:** Courtney Wong  
**Subject:** Fw: Firefighter Self rescue kits/ dispatch pagers  
**Attachments:** Motorola Dispatch Pagers.pdf; VILLAGE OF MAM-BAILOUT-QUOTE-71624.pdf; Bailout System Replacement 24-25.docx; Firefighting Dispatch Pagers.docx

**James Barney**  
**Chief Engineer**  
**Village of Mamaroneck Fire Department**  
**[\(914\) 351-6380](tel:9143516380)**



---

**From:** Fire Chief James Barney <James.Barney@vmfd.org>  
**Sent:** Tuesday, August 6, 2024 9:57 AM  
**To:** Charles Strome <cstrome@vomny.org>; Sally Roberts <sroberts@vomny.org>  
**Cc:** Fire Chief Thomas Siemsen <Thomas.Siemsen@vmfd.org>; Fire Chief Michael Yannuzzi <Michael.Yannuzzi@vmfd.org>  
**Subject:** Firefighter Self rescue kits/ dispatch pagers

Chuck and Sally,

Two items that, prior to Chuck's arrival, we were directed the last 6 years to have them on the Capital plan, therefore the cost for replacement is not figured into our operating budget. I am requesting these be added to the work session so we can continue to keep our members safe and compliant.

We have state mandated bailout (self rescue) packs that go to each interior firefighter. They have a service life of 10 years based on NFPA standards and we replace about 20 of them every year so that we are not replacing 150 of them at once.

We also need to purchase the last batch of dispatch pagers. Westchester county has changed their dispatching frequency range and we staggered the purchase of the required pagers so they all did not have to be replaced at once in the future. Currently, not all of our active members have a pager and are being dispatched through supplemental txt messaging which is delayed and relies on adequate cell service.

I have attached a quote for the bailout kits, and both Capital information sheets that were prepared last year.

I have also attached a quote for pagers that is from the previous order. I am currently unable to get an updated quote due to our vendor being hospitalized.

In total, requesting \$7300.00 for the dispatch pagers, which includes a 10% contingency, and \$16,697.00 for replacement self rescue kits.

thanks,

**James Barney**  
**Chief Engineer**  
**Village of Mamaroneck Fire Department**  
**(914) 351-6380**



Billing Address:  
 MAMARONECK FIRE DEPT,  
 VILLAGE OF  
 PO BOX 8  
 MAMARONECK, NY 10543  
 US

Quote Date:05/31/2023  
 Expiration Date:07/30/2023  
 Quote Created By:  
 Jerry Ables  
 jables@goosetown.com

End Customer:  
 MAMARONECK FIRE DEPT, VILLAGE  
 OF  
 Vinny Costa  
 vincent.costa@vmfd.org

Contract: 21562 - NEW YORK OGS,  
 STATE OF-PT 68722

Line #	Item Number	Description	Qty	List Price	Sale Price	Ext. Sale Price
MINITOR VI						
1	A04RAC9JA1AN	450-483MHZ FIVE CH UL IS M6 PAGER	15	\$588.00	\$382.20	\$5,733.00
1a	RA00641AA	ENH: 3 YEAR SFS	15	\$60.00	\$60.00	\$900.00
1b	STDCHG0136AG	STANDARD CHARGER	15	\$0.00	\$0.00	\$0.00
<b>Grand Total</b>					<b>\$6,633.00(USD)</b>	

**Notes:**

- Unless otherwise noted, this quote excludes sales tax or other applicable taxes (such as Goods and Services Tax, sales tax, Value Added Tax and other taxes of a similar nature). Any tax the customer is subject to will be added to invoices.



Any sales transaction following Motorola's quote is based on and subject to the terms and conditions of the valid and executed written contract between Customer and Motorola (the "Underlying Agreement") that authorizes Customer to purchase equipment and/or services or license software (collectively "Products"). If no Underlying Agreement exists between Motorola and Customer, then Motorola's Standard Terms of Use and Motorola's Standard Terms and Conditions of Sales and Supply shall govern the purchase of the Products.  
 Motorola Solutions, Inc.: 500 West Monroe, United States - 60661 - #: 36-1115800

**Quote**



635 North Broadway  
 White Plains, NY 10603  
 914-949-0512  
 844-224-3473  
 AAAEmergency.com

**Order Number:** 0342077  
**Order Date:** 7/16/2024

**Salesperson:** Al W. Sulenski  
**Customer Number:** 01-VMA507

**Sold To:**

MAMARONECK FD, VILLAGE OF \*\*\*  
 OFFICE OF THE CLERK - TREASURER  
 P.O. BOX 369  
 HELEN ACCT'S PAYABLE  
 MAMARONECK, NY 10543-0369

**Ship To:**

MAMARONECK FD, VILLAGE OF \*\*\*  
 OFFICE OF THE CLERK - TREASURER  
 P.O. BOX 369  
 HELEN ACCT'S PAYABLE  
 MAMARONECK, NY 10543-0369

Customer P.O.	Ship VIA	F.O.B.	Terms
QUOTE ON BAILOUT SYSTEMS	PICK UP		Net 30 Days

Ln	Item Code	Unit	Ordered	Price	Amount
1	RIT-7-VMFD-WEBBING	EACH	20	475.00	9,500.00
			NFPA BAIL OUT-PRESSPP***AL4- 50' KEVLAR WEBBING **** NEW STYLE FIRE AL4 **DESCENDER WITH E-Z GRIP AND BLUE ANODIZED HANDLE AND ALUMINUM HOOK KEVLAR 7" LANYARD WITH TRI LINK ***** FOR GLOBE OR MORNING PRIDE GEAR		
2	GE-541-NYC-L-2	EACH	20	342.00	6,840.00
			**WESTCHESTER CTY CONTRACT WC-24047** GEMTOR 541 FIRE SERVICE HARNESS (LEFT SIDE) WITH ALUMINUM LADDER HOOK NY STATE CONTRACT PC69006		
3	GE-541-NYC-L-4	EACH	1	357.00	357.00
			GEMTOR 541NYCL FIRE SERVICE HARNESS (LEFT SIDE) X-LARGE-UP TO 68" WAIST WITH ALUMINUM LADDER HOOK NY STATE CONTRACT PC69006		

Net Order: 16,697.00  
 Freight: 0.00  
 Sales Tax: 0.00  
**Order Total:** 16,697.00

**QUOTE EXPIRES: 08/15/24**





Project #: \_\_\_\_\_

## Village of Mamaroneck Capital Improvement Request Form Fiscal Year 2024/25 Capital Budget & Plan



Department: Fire Department

Project Name: Bailout System Replacements

Est. Cost: \$15,000

Useful Life: 10 years NFPA

Year Built/Purchased: 2015

Original Cost: \_\_\_\_\_

Useful Life of Original: 10 years NFPA

**Project Description:** Provide a complete description of the project being proposed. Provide basic information about the project, such as size, acreage, floor area, capacity, etc

**Replace bailout kits and harnesses at 10 year end of life**

**Justification:** Indicate the need for the project and what it is expected to accomplish.

**Bailout self rescue kits need to be replaced at 10 years per NFPA standard**

**Location/Site Status:** Is the site owned? If so, provide the address. Has a site location been determined, if not, provide a general location.

**N/A**

**Schedule:** Indicate the year funding is requested, or if the project will take several years to complete, outline the schedule. If applicable, be sure to include work done in prior years, including studies or other planning.

**2024/2025 for approval, lead time is 2 months**

**Coordination:** If the project is dependent upon one or more other CIP projects, identify them and indicate what the relationship among the projects is. If the project is not dependent upon, but should be linked to one or more other CIP projects, identify them and indicate what the relationship among the projects is.

**N/A**

**Impact on On-going Operating Costs/Personnel Requirements:** Explain the effect of this project on the operating costs, such as personnel, purchase of services, materials and supplies, equipment purchases, maintenance and utilities.

**Bailout kits can not be repaired and need to be replaced in 10 year intervals, we have staggered the replacement schedule**

**Impact if Project is not completed:** Provide a brief statement regarding the impact should the project not be funded/completed within requested time frame.

**10 year packs do not meet the current NFPA guidelines.**

**Environmental/Cultural/Recreational/Health Benefits:** Provide a brief statement regarding benefits to be achieved through implementation of the project.

**Replacement bailout kits will meet NFPA compliance and provide personal escape safety to our members.**

**Describe mitigation benefits of project) if applicable:** Provide a brief statement regarding the impact should the project not be funded/completed within requested time frame.

**10 year packs do not meet NFPA safety standards.**

**Cost Estimate:** It is extremely important that the cost data provided be as accurate and complete as possible. For projects that will take more than one year, list each year separately and then show total.

	<u>2024/25</u>	<u>2025/26</u>	<u>2026/27</u>	<u>2027/28</u>	<u>2028/29</u>	<u>Total</u>
1. Environmental study						
2. Site Acquisition						
3. Site Improvements						
4. Construction Costs						
5. Utility Connection						
6. Equipment/Furnishing						
7. Telecommunications						
8. Architectural/Engr/legal 16% of lines 3 thru 7						
9. Constr. Management 4% of lines 1thru 8						
<b>TOTAL= \$</b>						

**Basis of Cost Estimate:** Check one of the following. If you want to provide more detail on the estimate, do so with a narrative after indicating the type of estimate.

- Cost of comparable facility or equipment
- From cost estimate from engineer or architect or vendor
- From bids received
- "Preliminary" estimate, (e.g. no other basis for estimate, guesstimate)

**Recommended Source of Financing:** Indicate any suggestions for sources of financing, such as federal or state grants, contributions, donations, etc.

<u>Source</u>	<u>Amount</u>
<input type="checkbox"/> Appropriated Fund Balance	\$
<input type="checkbox"/> Debt Issuance	\$
<input type="checkbox"/> Grants	\$
<input type="checkbox"/> Gift	\$
<input type="checkbox"/> Sewer Fund	\$
<input type="checkbox"/> Water Fund	\$
<input type="checkbox"/> Recreation Fund	\$
<input type="checkbox"/> Other Funds/Special Reserves	\$
	<b>\$ TOTAL</b>

**RESOLUTION RE:**

**FIRE DEPARTMENT SELF-RESCUE KITS REPLACEMENT**

WHEREAS, the National Fire Protection Association (NFPA) standards require that the Village Fire Department replaces self-rescue kits at least every ten years, and compliance with these safety standards provide personal escape safety to the Village's Volunteer Firefighters; and

WHEREAS, the Village Fire Department has implemented a staggered replacement schedule to comply with the NFPA guidelines, and under this schedule ten self-rescue kits will expire in 2025; and

WHEREAS, the cost to replace the expiring rescue kits is approximately \$15,000.

NOW THEREFORE BE IT RESOLVED, that the Village Board of Trustees approves the purchase of ten new self-rescue kits at a cost not to exceed \$15,000; and

BE IT FURTHER RESOLVED, that the cost will be funded by fund balance or through future issuance of debt.

## Village of Mamaroneck, NY

---

**Item Title:** Realigning Election Cycles to match changes at Town and County ( Trustee Rawlings)

**Item Summary:** Realigning Election Cycles to match changes at Town and County ( Trustee Rawlings)

**Fiscal Impact:**

**ATTACHMENTS:**

<b><u>Description</u></b>	<b><u>Upload Date</u></b>	<b><u>Type</u></b>
ll	9/5/2024	Cover Memo
memo	9/5/2024	Cover Memo

PROPOSED LOCAL LAW \_\_ – 2024

A PROPOSED LOCAL LAW regarding the years in which the general election for the offices of Mayor and Trustee will be held in the Village of Mamaroneck, amending Chapter 9 of the Code of the Village of Mamaroneck.

**BE IT ENACTED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF MAMARONECK  
AS FOLLOWS:**

*(Language in strike-through ~~abcedefghijk~~ to be deleted; language in **bold** is to be added)*

*Section 1.*

Chapter 9 of the Code of the Village of Mamaroneck is amended by adding article IV, as follows:

**Article IV Election of Mayor and Trustees**

**§ 9-7 General Village Elections.**

**The general village election for the offices of mayor and trustee will be held biennially in the even numbered years. The mayor and trustees whose terms end in 2025 will each be elected for a single three-year term and their successors will thereafter be elected for terms of two years. The trustees whose terms end in 2026 will each be elected in that year, and their successors will be elected thereafter, for terms of two years.**

*Section 2.*

This local law shall be deemed repealed upon the entry of a final judgment, not subject to further appeal, determining Chapter 741 of the Laws of 2023 to be invalid.

*Section 3.*

If any section, subsection, clause, phrase or other portion of this local law is, for any reason, declared invalid, in whole or in part, by any court, agency, commission, legislative body or other authority of competent jurisdiction, the portion of the law declared to be invalid will be deemed a separate, distinct and independent portion and the declaration will not affect the validity of the remaining portions hereof, which will continue in full force and effect.

*Section 4.*

This local law is adopted pursuant to the authority granted by Municipal Home Rule Law § 10(1)(a)(1) and is subject to a mandatory referendum pursuant to Municipal Home Rule Law § 23(2)(e) to be held on \_\_\_\_\_ [not less than 60 days after adoption].

*Section 5.*

This local law will take effect, if approved at the referendum, as provided by Municipal Home Rule Law §27(1).

# Village of Mamaroneck



*Village Hall at the Regatta  
P.O Box 369*

*123 Mamaroneck Avenue  
Mamaroneck, NY 10543*

<http://www.villageofmamaroneck.org>

OFFICE OF  
**ROBERT A. SPOLZINO**  
VILLAGE ATTORNEY

Tel (914) 777-7737  
Fax (914) 777-7769

TO: Mayor Torres and the Board of Trustees

FROM: Robert A. Spolzino, Village Attorney  
Mary E. Desmond, Deputy Village Attorney

RE: Proposed Local Law for even year elections

DATE: September 3, 2024

CC: Charles Strome, Interim Village Manager  
Agostino Fusco, Village Clerk-Treasurer  
Sally Roberts, Deputy Village Clerk

---

At the Board's request we have prepared the attached proposed local law which provides for biannual general village elections for Mayor and Trustee in even numbered years. Unlike Proposed Local Law B of 2023, this local law does not provide for four-year terms. It does provide for a transition to even-year elections by which the Mayor and Trustee to be elected in 2025 would serve three-year terms, after which the Mayor and all Village Trustees would be elected in even years for two-year terms. The proposed local law is subject to a mandatory referendum to be held not earlier than 60 days after its adoption. The proposed local law also contains a provision by which the local law would be deemed repealed if Chapter 741 of the Laws of 2023, which established even year elections for town and county officials, is determined to be invalid.

Chapter 741, entitled, an "ACT to amend the town law, the village law, the county law, and the municipal home rule law, in relation to moving certain elections to even-numbered years," was signed by Governor Hochul on December 22, 2023. It moves the elections for certain local and county officials from odd-numbered years to even-numbered years.

Eight counties that hold elections in odd numbered years (Orange, Nassau, Oneida, Rensselaer, Jefferson, Rockland, Suffolk and Dutchess), several Suffolk County towns, and individual voters have commenced actions against the state for judgments declaring that the statutes unconstitutional. The governmental plaintiffs' primary argument is that the law violates the expansive home rule rights and powers given to local governments Article IX § 1 of the New York

State Constitution, including the authority to determine when local elections may be held. The individual plaintiffs argue that the law is unconstitutional because it would make voting confusing by requiring voters to make too many decisions on a single election day, require voters to stand in much longer lines to vote, and make it difficult to organize volunteers for local elections in even number years when most voters are focused on high-profile national and statewide races.

On July 2, 2024, these cases were consolidated before Justice Gerald J. Neri, Supreme Court Onondaga County, in *County of Onondaga et al., v. The State of New York et al.*, Index No. 003095/2024. On July 26, 2024, defendants moved to dismiss all eight complaints as consolidated. As of August 30, 2024, these motions were fully briefed. Oral arguments have been scheduled for September 17, 2024, at 1:30 p.m.

For further reference, copies of Chapter 741 and Article IX of the State Constitution are attached.

## LAWS OF NEW YORK, 2023

## CHAPTER 741

AN ACT to amend the town law, the village law, the county law, and the municipal home rule law, in relation to moving certain elections to even-numbered years

Became a law December 22, 2023, with the approval of the Governor.

Passed by a majority vote, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section 80 of the town law is amended to read as follows:

§ 80. Biennial town elections. [~~Except as otherwise provided in this chapter, a~~] Notwithstanding any provision of any general, special or local law, charter, code, ordinance, resolution, rule or regulation to the contrary, a biennial town election for the election of town officers, other than town justices or any town office with a three-year term prior to January first, two thousand twenty-five, and for the consideration of such questions as may be proposed by the town board or the duly qualified electors, pursuant to the provisions of this chapter, shall be held on the Tuesday next succeeding the first Monday in November of every [~~odd-numbered~~] even-numbered year. All other town elections are special elections. A town election or special town election held pursuant to this chapter, shall be construed as a substitute, for a town meeting or a special town meeting heretofore provided to be held by law, and a reference in any law to a town meeting or special town meeting shall be construed as referring to a town election or special town election. Any town completely coterminous with a village shall continue to elect its officers, including town justices, in odd-numbered years if both such village and town last held such elections in an odd-numbered year prior to January first, two thousand twenty-five.

§ 2. Subdivision 4 of section 17-1703-a of the village law, as amended by chapter 513 of the laws of 2022, is amended to read as follows:

4. In any case in which the proposition provided for in subdivision one of this section shall have resulted in favor of the local government operating principally as a town, then, at the regular village election next ensuing, all offices to be filled thereat shall be filled for terms to end at the conclusion of the then current calendar year. The term of office of each other elected village office shall also end at the conclusion of said then current calendar year, notwithstanding that any such term of office originally extended beyond such date. The offices of supervisor, four town council members and two town justices shall be filled by election as hereinafter provided at the November general election next following the effective date of the creation of such town or annexation of such territory; all other town offices shall be appointive. The election of the supervisor, council members and justices shall be for terms of office as follows:

(a) If such election is held in an [~~odd-numbered~~] even-numbered year, then the term of office for supervisor shall be the term regularly provided by law; the terms of office for two council members shall be

EXPLANATION--Matter in italics is new; matter in brackets [~~-~~] is old law to be omitted.



CHAP. 741

2

the terms regularly provided by law and the terms for the other two council members shall be two years each; the term for each justice shall be the term regularly provided by law. Upon the expiration of the two year term for council members as above provided, the terms for such offices shall be as regularly provided by law.

(b) If such election is held in an [~~even-numbered~~] odd-numbered year, then the term of office for supervisor shall be one year; the terms of office for council members shall be one year for two council members and three years for the other two council members and the terms of office for each justice shall be for the remainder of the then unexpired terms. Thereafter, each office shall be filled for the term regularly provided by law.

§ 3. Section 400 of the county law is amended by adding a new subdivision 8 to read as follows:

8. Notwithstanding any provision of any general, special or local law, charter, code, ordinance, resolution, rule or regulation to the contrary, all elections for any position of a county elected official shall occur on the Tuesday next succeeding the first Monday in November and shall occur in an even-numbered year; provided however, this subdivision shall not apply to an election for the office of sheriff, county clerk, district attorney, family court judge, county court judge, surrogate court judge, or any offices with a three-year term prior to January first, two thousand twenty-five.

§ 4. Paragraph g of subdivision 3 of section 34 of the municipal home rule law, as amended by chapter 24 of the laws of 1988, is amended and a new paragraph h is added to read as follows:

g. In this chapter or in the civil service law, eminent domain procedure law, environmental conservation law, election law, executive law, judiciary law, labor law, local finance law, multiple dwelling law, multiple residence law, public authorities law, public housing law, public service law, railroad law, retirement and social security law, state finance law, volunteer firefighters' benefit law, volunteer ambulance workers' benefit law, or workers' compensation law[~~7~~]; and

h. Insofar as it relates to requirements for counties, other than counties in the city of New York, to hold elections in even-numbered years for any position of a county elected official, other than the office of sheriff, county clerk, district attorney, family court judge, county court judge, surrogate court judge, or any county offices with a three-year term prior to January first, two thousand twenty-five.

§ 5. Notwithstanding any provision of any general, special or local law, charter, code, ordinance, resolution, rule or regulation to the contrary, a county elected official, or town elected official, subject to the requirements of sections one, two, three, or four of this act, elected and serving their term as of January 1, 2025 shall complete their full term as established by law. Provided, however, that if the completion of such full term results in the need for an election in an odd-numbered year after January 1, 2025, the county or town official elected at such election shall have their term expire as if such official were elected at the previous general election held in an even-numbered year. Provided, further, that such term shall not be applicable to any general, special, or local law pertaining to term limits. Nothing in this act shall prohibit a county, town, or any village subject to article seventeen of the village law, from enacting a local law to alter or permit alteration of an official's term limit.

§ 6. Severability. If any provision of this act is held invalid or ineffective in whole or in part or inapplicable to any person or situ-

ation, such invalidity or holding shall not affect, impair or invalidate other provisions or applications of this act that can be given effect without the invalid provision or application, and all other provisions thereof shall nevertheless be separately and fully effective, and to this end the provisions of this act are declared to be severable.

§ 7. This act shall take effect immediately; provided however that sections one, two, three and four of this act shall take effect January 1, 2025.

The Legislature of the STATE OF NEW YORK ss:

Pursuant to the authority vested in us by section 70-b of the Public Officers Law, we hereby jointly certify that this slip copy of this session law was printed under our direction and, in accordance with such section, is entitled to be read into evidence.

ANDREA STEWART-COUSINS  
Temporary President of the Senate

CARL E. HEASTIE  
Speaker of the Assembly

the full valuation, as determined by the state tax commission or by such other state officer or agency as the legislature shall by law direct. The legislature shall prescribe the manner by which such ratio shall be determined by the state tax commission or by such other state officer or agency.

Nothing contained in this section shall be deemed to restrict the powers granted to the legislature by other provisions of this constitution to further restrict the powers of any county, city, town, village or school district to levy taxes on real estate. (Derived in part from former §10. Renumbered and amended by Constitutional Convention of 1938 and approved by vote of the people November 8, 1938; further amended by vote of the people November 8, 1949; November 3, 1953; subparagraph (f) added by separate amendment approved by vote of the people November 3, 1953. Former subparagraph (e) repealed and former subparagraph (f) relettered (e) by amendment approved by vote of the people November 5, 1985.)

**[Application and use of revenues: certain public improvements]**

§10-a. For the purpose of determining the amount of taxes which may be raised on real estate pursuant to section ten of this article, the revenues received in each fiscal year by any county, city or village from a public improvement or part thereof, or service, owned or rendered by such county, city or village for which bonds or capital notes are issued after January first, nineteen hundred fifty, shall be applied first to the payment of all costs of operation, maintenance and repairs thereof, and then to the payment of the amounts required in such fiscal year to pay the interest on and the amortization of, or payment of, indebtedness contracted for such public improvement or part thereof, or service. The provisions of this section shall not prohibit the use of excess revenues for any lawful county, city or village purpose. The provisions of this section shall not be applicable to a public improvement or part thereof constructed to provide for the supply of water. (New section added by amendment approved by vote of the people November 8, 1949. Amended by vote of the people November 3, 1953.)

**[Taxes for certain capital expenditures to be excluded from tax limitation]**

§11. (a) Whenever the city of New York is required by law to pay for all or any part of the cost of capital improvements by direct budgetary appropriation in any fiscal year or by the issuance of certificates or other evidence of indebtedness (except serial bonds of an issue having a maximum maturity of more than two years) to be redeemed in one of the two immediately succeeding fiscal years, taxes required for such appropriation or for the redemption of such certificates or other evidence of indebtedness may be excluded in whole or in part by such city from the tax limitation prescribed by section ten of this article, in which event the total amount so required for such appropriation and for the redemption of such certificates or other evidence of indebtedness shall be deemed to be indebtedness to the same extent and in the same manner as if such amount had been financed through indebtedness payable in equal annual installments over the period of the probable usefulness of such capital improvement, as determined by law. The fiscal officer of such city shall determine the amount to be deemed indebtedness pursuant to this section, and the legislature, in its discretion, may provide that such determination, if approved by the state comptroller, shall be conclusive. Any amounts determined to be deemed indebtedness of any county, city, other than the city of New York, village or school district in accordance with the provisions of this section as in force and effect prior to January first, nineteen hundred fifty-two, shall not be deemed to be indebtedness on and after such date.

(b) Whenever any county, city, other than the city of New York, village or school district which is coterminous with, or partly within, or wholly within, a city having less than one hundred twenty-five thousand inhabitants according to the latest federal census provides by direct budgetary appropriation for any fiscal year for the payment in such fiscal year or in any future fiscal year

or years of all or any part of the cost of an object or purpose for which a period of probable usefulness has been determined by law, the taxes required for such appropriation shall be excluded from the tax limitation prescribed by section ten of this article unless the legislature otherwise provides. (New. Adopted by Constitutional Convention of 1938 and approved by vote of the people November 8, 1938; amended by vote of the people November 8, 1949, and by vote of the people November 6, 1951.)

**[Powers of local governments to be restricted; further limitations on contracting local indebtedness authorized]**

§12. It shall be the duty of the legislature, subject to the provisions of this constitution, to restrict the power of taxation, assessment, borrowing money, contracting indebtedness, and loaning the credit of counties, cities, towns and villages, so as to prevent abuses in taxation and assessments and in contracting of indebtedness by them. Nothing in this article shall be construed to prevent the legislature from further restricting the powers herein specified of any county, city, town, village or school district to contract indebtedness or to levy taxes on real estate. The legislature shall not, however, restrict the power to levy taxes on real estate for the payment of interest on or principal of indebtedness theretofore contracted. (New. Adopted by Constitutional Convention of 1938 and approved by vote of the people November 8, 1938. Amended by vote of the people November 5, 1963.)

**ARTICLE IX<sup>10</sup>**

**LOCAL GOVERNMENTS**

**[Bill of rights for local governments]**

Section 1. Effective local self-government and intergovernmental cooperation are purposes of the people of the state. In furtherance thereof, local governments shall have the following rights, powers, privileges and immunities in addition to those granted by other provisions of this constitution:

(a) Every local government, except a county wholly included within a city, shall have a legislative body elective by the people thereof. Every local government shall have power to adopt local laws as provided by this article.

(b) All officers of every local government whose election or appointment is not provided for by this constitution shall be elected by the people of the local government, or of some division thereof, or appointed by such officers of the local government as may be provided by law.

(c) Local governments shall have power to agree, as authorized by act of the legislature, with the federal government, a state or one or more other governments within or without the state, to provide cooperatively, jointly or by contract any facility, service, activity or undertaking which each participating local government has the power to provide separately. Each such local government shall have power to apportion its share of the cost thereof upon such portion of its area as may be authorized by act of the legislature.

(d) No local government or any part of the territory thereof shall be annexed to another until the people, if any, of the territory proposed to be annexed shall have consented thereto by majority vote on a referendum and until the governing board of each local government, the area of which is affected, shall have consented thereto upon the basis of a determination that the annexation is in the over-all public interest. The consent of the governing board of a county shall be required only where a boundary of the county is affected. On or before July first, nineteen hundred sixty-four, the legislature shall provide, where such consent of a governing board is not granted, for adjudication and determination, on the law and the facts, in a proceeding initiated in the supreme court, of the issue of whether the annexation is in the over-all public interest.

(e) Local governments shall have power to take by eminent domain private property within their boundaries for public use together with excess land or property but no more than is sufficient to provide for appropriate disposition

<sup>10</sup> New article, adopted by amendment approved by vote of the people November 5, 1963. Former Article IX repealed, except sections 5, 6 and 8, which were relettered subdivisions (a), (b) and (c) respectively of new section 13 of Article XIII.

or use of land or property which abuts on that necessary for such public use, and to sell or lease that not devoted to such use. The legislature may authorize and regulate the exercise of the power of eminent domain and excess condemnation by a local government outside its boundaries.

(f) No local government shall be prohibited by the legislature (1) from making a fair return on the value of the property used and useful in its operation of a gas, electric or water public utility service, over and above costs of operation and maintenance and necessary and proper reserves, in addition to an amount equivalent to taxes which such service, if privately owned, would pay to such local government, or (2) from using such profits for payment of refunds to consumers or for any other lawful purpose.

(g) A local government shall have power to apportion its cost of a governmental service or function upon any portion of its area, as authorized by act of the legislature.

(h) (1) Counties, other than those wholly included within a city, shall be empowered by general law, or by special law enacted upon county request pursuant to section two of this article, to adopt, amend or repeal alternative forms of county government provided by the legislature or to prepare, adopt, amend or repeal alternative forms of their own. Any such form of government or any amendment thereof, by act of the legislature or by local law, may transfer one or more functions or duties of the county or of the cities, towns, villages, districts or other units of government wholly contained in such county to each other or when authorized by the legislature to the state, or may abolish one or more offices, departments, agencies or units of government provided, however, that no such form or amendment, except as provided in paragraph (2) of this subdivision, shall become effective unless approved on a referendum by a majority of the votes cast thereon in the area of the county outside of cities, and in the cities of the county, if any, considered as one unit. Where an alternative form of county government or any amendment thereof, by act of the legislature or by local law, provides for the transfer of any function or duty to or from any village or the abolition of any office, department, agency or unit of government of a village wholly contained in such county, such form or amendment shall not become effective unless it shall also be approved on the referendum by a majority of the votes cast thereon in all the villages so affected considered as one unit.

(2) After the adoption of an alternative form of county government by a county, any amendment thereof by act of the legislature or by local law which abolishes or creates an elective county office, changes the voting or veto power of or the method of removing an elective county officer during his or her term of office, abolishes, curtails or transfers to another county officer or agency any power of an elective county officer or changes the form or composition of the county legislative body shall be subject to a permissive referendum as provided by the legislature. (Amended by vote of the people November 6, 2001.)

**Powers and duties of legislature; home rule powers of local governments; statute of local governments.**

§2. (a) The legislature shall provide for the creation and organization of local governments in such manner as shall secure to them the rights, powers, privileges and immunities granted to them by this constitution.

(b) Subject to the bill of rights of local governments and other applicable provisions of this constitution, the legislature:

(1) Shall enact, and may from time to time amend, a statute of local governments granting to local governments powers including but not limited to those of local legislation and administration in addition to the powers vested in them by this article. A power granted in such statute may be repealed, diminished, impaired or suspended only by enactment of a statute by the legislature with the approval of the governor at its regular session in one calendar year and the re-enactment and approval of such statute in the following calendar year.

(2) Shall have the power to act in relation to the property, affairs or government of any local government only by general law, or by special law only (a) on request of two-thirds of the total membership of its legislative body or on request of its chief executive officer concurred in by a majority of such membership, or (b) except in the case of the city of New York, on certificate of necessity from the governor reciting facts which in the judgment of the governor constitute an emergency requiring enactment of such law and, in such latter case, with the concurrence of two-thirds of the members elected

to each house of the legislature.

(3) Shall have the power to confer on local governments powers not relating to their property, affairs or government including but not limited to those of local legislation and administration, in addition to those otherwise granted by or pursuant to this article, and to withdraw or restrict such additional powers.

(c) In addition to powers granted in the statute of local governments or any other law, (i) every local government shall have power to adopt and amend local laws not inconsistent with the provisions of this constitution or any general law relating to its property, affairs or government and, (ii) every local government shall have power to adopt and amend local laws not inconsistent with the provisions of this constitution or any general law relating to the following subjects, whether or not they relate to the property, affairs or government of such local government, except to the extent that the legislature shall restrict the adoption of such a local law relating to other than the property, affairs or government of such local government:

(1) The powers, duties, qualifications, number, mode of selection and removal, terms of office, compensation, hours of work, protection, welfare and safety of its officers and employees, except that cities and towns shall not have such power with respect to members of the legislative body of the county in their capacities as county officers.

(2) In the case of a city, town or village, the membership and composition of its legislative body.

(3) The transaction of its business.

(4) The incurring of its obligations, except that local laws relating to financing by the issuance of evidences of indebtedness by such local government shall be consistent with laws enacted by the legislature.

(5) The presentation, ascertainment and discharge of claims against it.

(6) The acquisition, care, management and use of its highways, roads, streets, avenues and property.

(7) The acquisition of its transit facilities and the ownership and operation thereof.

(8) The levy, collection and administration of local taxes authorized by the legislature and of assessments for local improvements, consistent with laws enacted by the legislature.

(9) The wages or salaries, the hours of work or labor, and the protection, welfare and safety of persons employed by any contractor or subcontractor performing work, labor or services for it.

(10) The government, protection, order, conduct, safety, health and well-being of persons or property therein.

(d) Except in the case of a transfer of functions under an alternative form of county government, a local government shall not have power to adopt local laws which impair the powers of any other local government.

(e) The rights and powers of local governments specified in this section insofar as applicable to any county within the city of New York shall be vested in such city. (Amended by vote of the people November 6, 2001.)

**Existing laws to remain applicable; construction; definitions.**

§3. (a) Except as expressly provided, nothing in this article shall restrict or impair any power of the legislature in relation to:

(1) The maintenance, support or administration of the public school system, as required or provided by article XI of this constitution, or any retirement system pertaining to such public school system,

(2) The courts as required or provided by article VI of this constitution, and

(3) Matters other than the property, affairs or government of a local government.

(b) The provisions of this article shall not affect any existing valid provisions of acts of the legislature or of local legislation and such provisions shall continue in force until repealed, amended, modified or superseded in accordance with the provisions of this constitution.

(c) Rights, powers, privileges and immunities granted to local governments by this article shall be liberally construed.

(d) Whenever used in this article the following terms shall mean or include:

(1) "General law." A law which in terms and in effect applies alike to all counties, all counties other than those wholly included within a city, all cities, all towns or all villages.

(2) "Local government." A county, city, town or village.

(3) "People." Persons entitled to vote as provided in section one of article two of this constitution.

(4) "Special law." A law which in terms and in effect applies to one or more, but not all, counties, counties other than those wholly included within a city, cities, towns or villages.

## ARTICLE X CORPORATIONS

### [Corporations; formation of]

Section 1. Corporations may be formed under general law; but shall not be created by special act, except for municipal purposes, and in cases where, in the judgment of the legislature, the objects of the corporation cannot be attained under general laws. All general laws and special acts passed pursuant to this section may be altered from time to time or repealed. (Formerly §1 of Art. 8. Renumbered by Constitutional Convention of 1938 and approved by vote of the people November 8, 1938.)

### [Dues of corporations]

§2. Dues from corporations shall be secured by such individual liability of the corporators and other means as may be prescribed by law. (Formerly §2 of Art. 8. Renumbered by Constitutional Convention of 1938 and approved by vote of the people November 8, 1938.)

### [Savings bank charters; savings and loan association charters; special charters not to be granted]

§3. The legislature shall, by general law, conform all charters of savings banks, savings and loan associations, or institutions for savings, to a uniformity of powers, rights and liabilities, and all charters hereafter granted for such corporations shall be made to conform to such general law, and to such amendments as may be made thereto. The legislature shall have no power to pass any act granting any special charter for banking purposes; but corporations or associations may be formed for such purposes under general laws. (Formerly §4 of Art. 8. Renumbered by Constitutional Convention of 1938 and approved by vote of the people November 8, 1938; amended by vote of the people November 8, 1983.)

### [Corporations; definition; right to sue and be sued]

§4. The term corporations as used in this section, and in sections 1, 2 and 3 of this article shall be construed to include all associations and joint-stock companies having any of the powers or privileges of corporations not possessed by individuals or partnerships. And all corporations shall have the right to sue and shall be subject to be sued in all courts in like cases as natural persons. (Formerly §3 of Art. 8. Renumbered and amended by Constitutional Convention of 1938 and approved by vote of the people November 8, 1938.)

### [Public corporations; restrictions on creation and powers; accounts; obligations of]

§5. No public corporation (other than a county, city, town, village, school district or fire district or an improvement district established in a town or towns) possessing both the power to contract indebtedness and the power to collect rentals, charges, rates or fees for the services or facilities furnished or supplied by it shall hereafter be created except by special act of the legislature.

No such public corporation (other than a county or city) shall hereafter be given both the power to contract indebtedness and the power, within any city, to collect rentals, charges, rates or fees from the owners of real estate, or the occupants of real estate (other than the occupants of premises owned or controlled by such corporation or by the state or any civil division thereof), for services or facilities furnished or supplied in connection with such real estate, if such services or facilities are of a character or nature then or formerly furnished or supplied by the city, unless the electors of the city shall approve the granting to such corporation of such powers by a majority vote at a general or special election in such city; but this paragraph shall not apply to a corporation created pursuant to an interstate compact.

The accounts of every such public corporation heretofore or hereafter created shall be subject to the supervision of the state comptroller, or, if the member

or members of such public corporation are appointed by the mayor of a city, to the supervision of the comptroller of such city; provided, however, that this provision shall not apply to such a public corporation created pursuant to agreement or compact with another state or with a foreign power, except with the consent of the parties to such agreement or compact.

Neither the state nor any political subdivision thereof shall at any time be liable for the payment of any obligations issued by such a public corporation heretofore or hereafter created, nor may the legislature accept, authorize acceptance of or impose such liability upon the state or any political subdivision thereof; but the state or a political subdivision thereof may, if authorized by the legislature, acquire the properties of any such corporation and pay the indebtedness thereof. (New. Adopted by Constitutional Convention of 1938 and approved by vote of the people November 8, 1938.)

### [Liability of state for payment of bonds of public corporation to construct state thruways; use of state canal lands and properties]

§6. Notwithstanding any provision of this or any other article of this constitution, the legislature may by law, which shall take effect without submission to the people:

(a) make or authorize making the state liable for the payment of the principal of and interest on bonds of a public corporation created to construct state thruways, in a principal amount not to exceed five hundred million dollars, maturing in not to exceed forty years after their respective dates, and for the payment of the principal of and interest on notes of such corporation issued in anticipation of such bonds, which notes and any renewals thereof shall mature within five years after the respective dates of such notes; and

(b) authorize the use of any state canal lands and properties by such a public corporation for so long as the law may provide. To the extent payment is not otherwise made or provided for, the provisions of section sixteen of article seven shall apply to the liability of the state incurred pursuant to this section, but the powers conferred by this section shall not be subject to the limitations of this or any other article. (New. Added by vote of the people November 6, 1951.)

### [Liability of state for obligations of the port of New York authority for railroad commuter cars; limitations]

§7. Notwithstanding any provision of this or any other article of this constitution, the legislature may by law, which shall take effect without submission to the people, make or authorize making the state liable for the payment of the principal of and interest on obligations of the port of New York authority issued pursuant to legislation heretofore or hereafter enacted, to purchase or refinance the purchase of, or to repay advances from this state made for the purpose of purchasing, railroad passenger cars, including self-propelled cars, and locomotives and other rolling stock used in passenger transportation, for the purpose of leasing such cars to any railroad transporting passengers between municipalities in the portion of the port of New York district within the state, the majority of the trackage of which within the port of New York district utilized for the transportation of passengers shall be in the state; provided, however, that the total amount of obligations with respect to which the state may be made liable shall not exceed one hundred million dollars at any time, and that all of such obligations shall be due not later than thirty-five years after the effective date of this section.

To the extent payment is not otherwise made or provided for, the provisions of section sixteen of article seven shall apply to the liability of the state incurred pursuant to this section, but the powers conferred by this section shall not be subject to the limitations of this or any other article. (New. Added by vote of the people November 7, 1961.)

### [Liability of state on bonds of a public corporation to finance new industrial or manufacturing plants in depressed areas]

§8. Notwithstanding any provision of this or any other article of this constitution, the legislature may by law, which shall take effect without submission to the people, make or authorize making the state liable for the payment of the principal of and interest on bonds of a public corporation to be created pursuant to and for the purposes specified in the last paragraph of section eight of article seven of this constitution, maturing in not to exceed thirty years after their respective dates, and for the principal of and interest on notes of such corporation issued in anticipation of such bonds, which notes

## Village of Mamaroneck, NY

---

**Item Title:** Additional Funding for Con-Edison Joint Paving (Village Engineer 8/30)

**Item Summary:** Additional Funding for Con-Edison Joint Paving (Village Engineer 8/30)

**Fiscal Impact:**

**ATTACHMENTS:**

<b><u>Description</u></b>	<b><u>Upload Date</u></b>	<b><u>Type</u></b>
Proposal	9/4/2024	Cover Memo
screenshot	9/4/2024	Cover Memo
Resolution	9/5/2024	Cover Memo

**Petrillo Contracting, Inc.**

41 Edison Avenue  
Mount Vernon, NY 10550

Ph# (914) 665-4141 Fx# (914) 664-5180

**PROPOSAL**

DATE
8/13/2024

NAME / ADDRESS
Gianfia Corp 179 Brady Avenue Hawthorne, NY 10532

P.O. NO.	Location
Mamaroneck	

DESCRIPTION	QTY	COST	TOTAL
Work to be performed in Mamaroneck on Hinnen Place and Union Ave per Sq Yd			
232x30 =	773.33	47.00	36,346.51T
237x15 =	395	47.00	18,565.00T
Sales Tax		8.375%	6,613.73
<b>TOTAL</b>			<b>\$61,525.24</b>

SIGNATURE \_\_\_\_\_

DATE \_\_\_\_\_

Owner Name



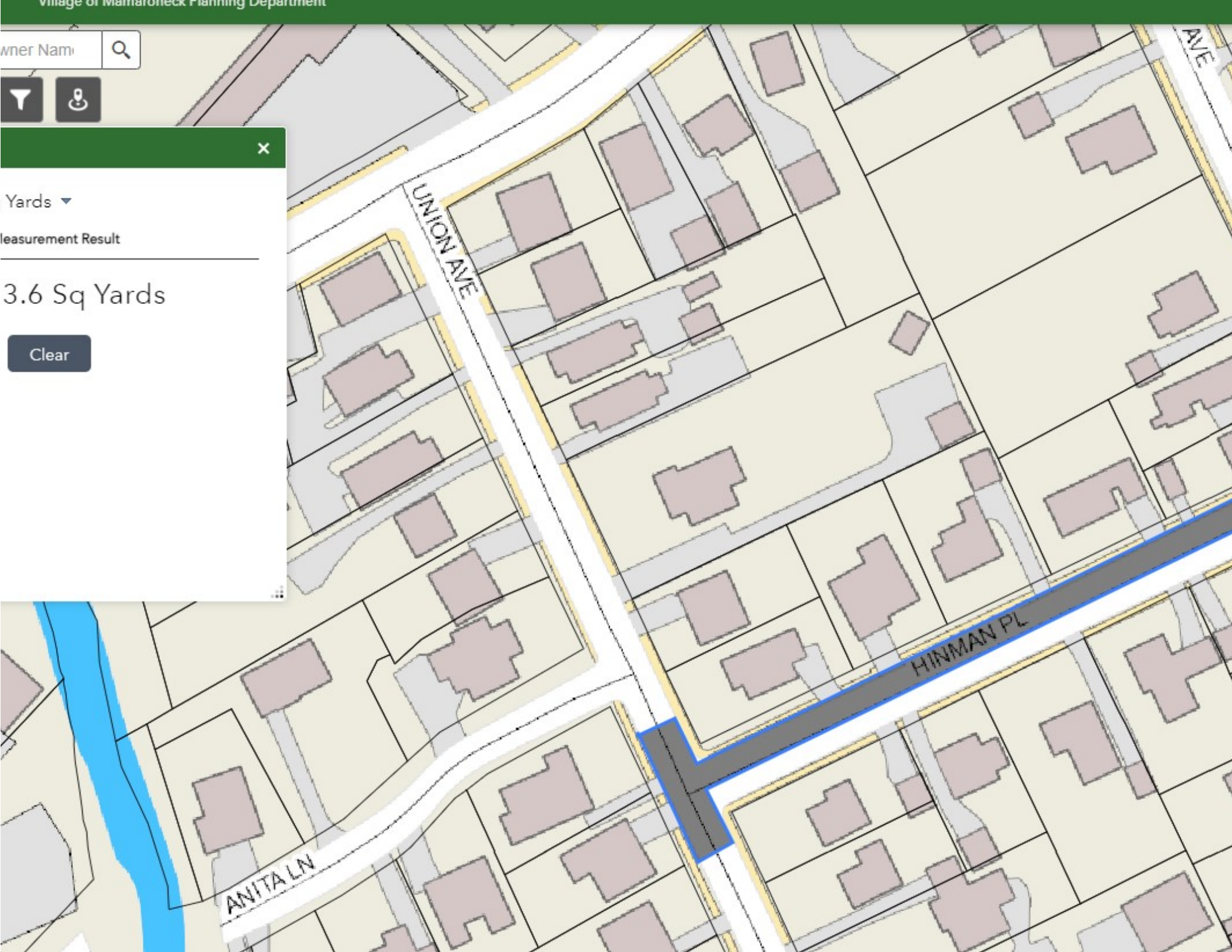
Yards ▾

Measurement Result

---

3.6 Sq Yards

Clear





**RESOLUTION RE:  
COORDINATED PAVING OPERATIONS WITH  
CONSOLIDATED EDISON OF NEW YORK**

WHEREAS, Consolidated Edison recently completed upgrades to their gas piping on Union Avenue and Hinman Place that requires repaving of this area; and

WHEREAS, based on visual observations of Union Avenue and Hinman Place made by both the Village Engineer and the Department of Public Works General Foreman, it was determined that in lieu of Consolidated Edison paving their portion of the street, it was in the benefit of the Village to incorporate a full curb to curb paving of the area as outlined in the attached map; and

WHEREAS, the proposed paving work covers a portion of Union Avenue and one-half of Hinman Place, for a total of 1,168.33 square yards; and

WHEREAS, performing the work jointly with Consolidated Edison will save the Village time and money, and the Village has successfully coordinated with Consolidated Edison and their contractors to perform roadway restoration in the past; and

WHEREAS, Consolidated Edison's contractor has provided an estimate for the paving work, and the portion of which the Village would be responsible for would be of \$54,911.51; and

WHEREAS, the Village Engineer has reviewed and analyzed this estimate, compared it with similar work performed by other contractors, and determined that the proposed cost of \$54,911.51 is fair and reasonable, now therefore be it

RESOLVED, that said purchase be charged to a Capital Budget Account to be determined by the Clerk Treasurer; and be it further

RESOLVED, that this purchase be funded through the future issuance of debt or application of fund balance; and be it further

RESOLVED, that the Village Manager is authorized to undertake such administrative acts as may be necessary to effectuate this work.

## Village of Mamaroneck, NY

---

**Item Title:** Crossing Guard Company (Chief DiRuzza)

**Item Summary:** Crossing Guard Company (Chief DiRuzza)

**Fiscal Impact:**

**ATTACHMENTS:**

<b><u>Description</u></b>	<b><u>Upload Date</u></b>	<b><u>Type</u></b>
email	9/5/2024	Cover Memo

## Courtney Wong

---

**From:** Chief Sandra DiRuzza  
**Sent:** Tuesday, September 03, 2024 12:13 PM  
**To:** Mayor and Board  
**Cc:** Charles Strome; Sgt. Joseph Gaglione; Danielle Gilliard; Sally Roberts  
**Subject:** Third Party Administration of School Crossing Guard Program  
**Attachments:** Village of Mamaroneck NY Crossing Guard Services 23 Posts.pdf

Good afternoon,

As you are aware, we have been researching the transferring of the management of the School Crossing Guard program to an outside agency. There would be several benefits to making this transition. The company would ensure all designated locations are covered by a trained Crossing Guard, with a supervisor assigned to our jurisdiction to oversee the Crossing Guards at the various post assignments. The company would utilize our current Crossing Guards and backfill with their existing staff. This would enable the department the ability to increase Crossing Guard locations, as it has been difficult to staff even our current locations. Presently, when there is a Crossing Guard shortage, the department must backfill with standby Crossing Guards, then Parking Enforcement Officers (PEOs), the Community Service Worker (CSW), then Police Officers, sometimes on overtime.

The company would also be responsible for all aspects of managing the program (i.e., post assignments, supervision of staff, training, hiring, and all administrative tasks), thereby allowing Village staff to focus on their primary responsibilities.

Additionally, due to the Crossing Guards now being employed by this company, the Village of Mamaroneck would no longer have to pay liability insurance for the guards, nor unemployment benefits.

An RFP was posted on 7/25 with a due date of 8/16. One company was selected: Crossing Guard Services- Adam Bryan, CEO. (See attached RFP with page 23 updated to reflect approximate pricing. The pricing would be slightly less as current School Crossing Guards hourly rates vary between \$21.32-\$24.03 ).

A cost analysis was completed relating to the School Crossing Guard (SCG) program the Village of Mamaroneck PD currently manages. Based on the 2023-2024 school year, the village's cost to manage the program was \$317,913. If we had utilized an outside agency, the approximate cost would have been \$375,493-a difference of \$57,580.

With the addition of 4 new crossing guard posts and a salary adjustment for the 2024-2025 school year, the cost difference would be approximately \$88,270.

Not incorporated into the cost analysis is:

- Hours incurred by Village HR Staff to process new crossing guard hires, verifications, processing and reporting of unemployment claims (when school is not in session or is closed due to inclement weather).
- Hours incurred by the Community Service Worker to administer the program (scheduling/coverage, attendance records).

- Hours incurred by the Sergeant to manage the program (background checks of new hires, investigating and addressing complaints/personnel issues).

In addition, when other personnel are needed to provide coverage for a crossing:

- The use of an on-duty PEO results in loss of enforcement/loss of revenue.
- The use of an on-duty Police Officer results in a reduction of Vehicle & Traffic and Quality of Life enforcement, loss of community engagement opportunities/proactive patrolling, delayed response times.

Note-The Village of Portchester recently transitioned to this company.

I feel the benefits of transitioning to a company to manage this program will allow the Village of Mamaroneck to operate more efficiently.

Please advise if you have any questions or concerns.

Thank you

Regards,

**Chief Sandra DiRuzza**

Village of Mamaroneck Police Department

169 Mt. Pleasant Avenue

Mamaroneck, New York, 10543

[www.vompd.com](http://www.vompd.com)

Phone 914-825-8523

Fax 914-777-7707



VILLAGE of MAMARONECK POLICE  
DEPARTMENT  
Vision • Mindfulness • Professionalism • Dedication



This communication (including attachments) is covered by the Electronic Communication Privacy Act, U.S.C. Sections 2510-2521, is confidential, and may contain privileged information. If you are not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, or believe you have received this communication in error, please do not print, copy, retransmit, disseminate, or otherwise use this communication or any of the information contained herein. Also please notify sender that you have received this e-mail in error and delete the copy you received.

## Village of Mamaroneck, NY

---

**Item Title:** List of Parking Restrictions and Right on Red Restrictions (Chief DiRuzza and James Barney)

**Item Summary:** List of Parking Restrictions and Right on Red Restrictions (Chief DiRuzza and James Barney)

**Fiscal Impact:**

**ATTACHMENTS:**

<b><u>Description</u></b>	<b><u>Upload Date</u></b>	<b><u>Type</u></b>
email	9/5/2024	Cover Memo
Resolution	9/6/2024	Cover Memo

## Courtney Wong

---

**From:** Courtney Wong  
**Sent:** Thursday, September 05, 2024 12:07 PM  
**To:** Courtney Wong  
**Subject:** FW: List of parking restrictions and right turn on red restrictions

---

**From:** Chief Sandra DiRuzza <[sdiruzza@vompd.com](mailto:sdiruzza@vompd.com)>  
**Sent:** Monday, August 12, 2024 4:33 PM  
**To:** Charles Strome <[cstromer@vomny.org](mailto:cstromer@vomny.org)>; Sally Roberts <[sroberts@vomny.org](mailto:sroberts@vomny.org)>; Elaine Du <[edu@akrf.com](mailto:edu@akrf.com)>  
**Cc:** James Barney <[jbarney@vomny.org](mailto:jbarney@vomny.org)>  
**Subject:** RE: List of parking restrictions and right turn on red restrictions

Sally

The 26<sup>th</sup> would be fine as I would like to give James time to review. My understanding is they can be installed as part of the safety improvement plan, but they cannot be enforced until added to the code.

Thank you

Regards,

**Chief Sandra DiRuzza**

Village of Mamaroneck Police Department

169 Mt. Pleasant Avenue

Mamaroneck, New York, 10543

[www.vompd.com](http://www.vompd.com)

Phone 914-825-8523

Fax 914-777-7707



VILLAGE of MAMARONECK POLICE  
DEPARTMENT  
Vision • Mindfulness • Professionalism • Dedication



This communication (including attachments) is covered by the Electronic Communication Privacy Act, U.S.C. Sections 2510-2521, is confidential, and may contain privileged information. If you are not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, or believe you have received this communication in error, please do not print, copy, retransmit, disseminate, or otherwise use this communication or any of the information contained herein. Also please notify sender that you have received this e-mail in error and delete the copy you received.

---

**From:** Charles Strome <[cstrome@vomny.org](mailto:cstrome@vomny.org)>  
**Sent:** Monday, August 12, 2024 4:31  
**To:** Sally Roberts <[sroberts@vomny.org](mailto:sroberts@vomny.org)>; Chief Sandra DiRuzza <[sdiruzza@vompd.com](mailto:sdiruzza@vompd.com)>; Elaine Du <[edu@akrf.com](mailto:edu@akrf.com)>  
**Cc:** James Barney <[jbarney@vomny.org](mailto:jbarney@vomny.org)>  
**Subject:** RE: List of parking restrictions and right turn on red restrictions

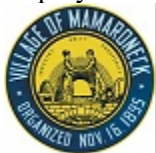
I defer to the Chief but might be easier to do it at the meeting on the 26<sup>th</sup>.

---

**From:** Sally Roberts <[sroberts@vomny.org](mailto:sroberts@vomny.org)>  
**Sent:** Monday, August 12, 2024 4:29 PM  
**To:** Chief Sandra DiRuzza <[sdiruzza@vompd.com](mailto:sdiruzza@vompd.com)>; Elaine Du <[edu@akrf.com](mailto:edu@akrf.com)>  
**Cc:** James Barney <[jbarney@vomny.org](mailto:jbarney@vomny.org)>; Charles Strome <[cstrome@vomny.org](mailto:cstrome@vomny.org)>  
**Subject:** RE: List of parking restrictions and right turn on red restrictions

If these are new, the Board will need to approve. If you would like before school starts, we can ask that they add to tonight's agenda or do at their AP and Minor Items meeting on August 26. Let me know.

Sally J. Roberts  
Deputy Clerk, Village of Mamaroneck



123 Mamaroneck Avenue  
Mamaroneck, NY 10543  
Phone: 914/825-8124 – Fax: 914/777-7787 – [sroberts@vomny.org](mailto:sroberts@vomny.org)

<http://www.village.mamaroneck.ny.us>

---

**From:** Chief Sandra DiRuzza <[sdiruzza@vompd.com](mailto:sdiruzza@vompd.com)>  
**Sent:** Monday, August 12, 2024 4:18 PM  
**To:** Elaine Du <[edu@akrf.com](mailto:edu@akrf.com)>  
**Cc:** James Barney <[jbarney@vomny.org](mailto:jbarney@vomny.org)>; Sally Roberts <[sroberts@vomny.org](mailto:sroberts@vomny.org)>; Charles Strome <[cstrome@vomny.org](mailto:cstrome@vomny.org)>  
**Subject:** RE: List of parking restrictions and right turn on red restrictions

Thank you Elaine.

James-FYI

Sally-unless James has any changes, these restrictions will need to be added to the Village Code.

Thank you

Regards,

**Chief Sandra DiRuzza**  
Village of Mamaroneck Police Department  
169 Mt. Pleasant Avenue  
Mamaroneck, New York, 10543  
[www.vompd.com](http://www.vompd.com)

Phone 914-825-8523

Fax 914-777-7707



VILLAGE of MAMARONECK POLICE  
DEPARTMENT

Vision • Mindfulness • Professionalism • Dedication



This communication (including attachments) is covered by the Electronic Communication Privacy Act, U.S.C. Sections 2510-2521, is confidential, and may contain privileged information. If you are not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, or believe you have received this communication in error, please do not print, copy, retransmit, disseminate, or otherwise use this communication or any of the information contained herein. Also please notify sender that you have received this e-mail in error and delete the copy you received.

**From:** Elaine Du <edu@akrf.com>

**Sent:** Monday, August 12, 2024 4:09

**To:** Chief Sandra DiRuzza <sdirusza@vompd.com>

**Subject:** List of parking restrictions and right turn on red restrictions

**Parking restrictions**

For § 326-80 Schedule XIII: Parking Prohibited at All Times

<https://ecode360.com/7712579#7712588>

Name of Street	Side	Location
Grand Street	South	From Mamaroneck Avenue to a point 130 feet west thereof
Mamaroneck Avenue	West	From Grand Street to utility pole approximately 35 feet south
Mamaroneck Avenue	East	From Grand Street to parking lot driveway of 689 Mamaroneck Avenue
New Street	South	From Mamaroneck Avenue to a point 25 feet west thereof
Mamaroneck Avenue	West	From New Street to a point 41 feet south thereof
Mamaroneck Avenue	West	From New Street to a point 25 feet north thereof
Mamaroneck Avenue	East	From the southern Brixmore Lot driveway to the northern Brixmore lot driveway
Gertrude Avenue	North	From the 107 Gertrude Avenue driveway to Mamaroneck Avenue



Mamaroneck Avenue	East	From Hillside Avenue to the northbound stop bar approximately 60 feet south
-------------------	------	---

**Right Turn on Red restrictions**

For § 326-74 Schedule VII: Prohibited Right Turns on Red Signal

<https://ecode360.com/7712581#7712581>

Name of Street	Direction of Travel	Prohibited Right Turn on Red Signal Onto
Mamaroneck Avenue	Both	New Street / Brixmore Driveway
New Street	East	Mamaroneck Avenue <i>*At all times - Amend to remove time of day</i>
Brixmore Driveway	West	Mamaroneck Avenue
Mamaroneck Avenue	North	Hillside Avenue
Gertrude Avenue	East	Mamaroneck Avenue <i>*At all times - Amend to remove time of day</i>



**Elaine Du, PE**  
 Technical Director  
 Traffic and Transportation

---

P: 914.922.2352 | [edu@akrf.com](mailto:edu@akrf.com) | [www.akrf.com](http://www.akrf.com)  
 34 South Broadway, Suite 300, White Plains, NY 10601

*This e-mail and any attached file is intended only for the person or entity to which it is addressed and may contain information that is privileged, confidential or otherwise protected from disclosure. Dissemination, distribution or copying of this e-mail or the information herein by anyone other than the intended recipient, or an employee or agent responsible for delivering the message to the intended recipient, is prohibited. AKRF will not be responsible for the misuse, reuse, or modification of the transmitted information.*

**RESOLUTION RE:  
ESTABLISHING RIGHT TURN ON RED RESTRICTIONS AND PARKING  
PROHIBITED AT ALL TIMES IN CERTAIN AREAS**

RESOLVED, that Chapter 326 (Vehicle & Traffic Law) of the Code of the Village of Mamaroneck is amended as follows:

**§ 326-74 Schedule VII: Prohibited Right Turns on Red Signal.**

<b>Name of Street</b>	<b>Direction of Travel</b>	<b>Prohibited Right Turn on Red Signal Onto</b>
Mamaroneck Avenue	Both	New Street / Brixmore Driveway
New Street	East	Mamaroneck Avenue <i>*At all times - Amend to remove time of day</i>
Brixmore Driveway	West	Mamaroneck Avenue
Mamaroneck Avenue	North	Hillside Avenue
Gertrude Avenue	East	Mamaroneck Avenue <i>*At all times - Amended to remove time of day</i>

AND BE IT FURTHER RESOLVED, that Chapter 326 (Vehicle & Traffic Law) of the Code of the Village of Mamaroneck is amended as follows:

**§ 326-80 Schedule VIII: Parking Prohibited at All Times**

<b>Name of Street</b>	<b>Side</b>	<b>Location</b>
Grand Street	South	From Mamaroneck Avenue to a point 130 feet west thereof
Mamaroneck Avenue	West	From Grand Street to a utility pole approximately 35 feet to the south

<b>Name of Street</b>	<b>Side</b>	<b>Location</b>
Mamaroneck Avenue	East	From Grand Street to parking lot driveway of 689 Mamaroneck Avenue
New Street	South	From Mamaroneck Avenue to a point 25 feet west thereof
Mamaroneck Avenue	West	From New Street to a point 41 feet south thereof
Mamaroneck Avenue	West	From New Street to a point 25 feet north thereof
Mamaroneck Avenue	East	From the southern Brixmore Lot driveway to the northern Brixmore lot driveway
Gertrude Avenue	North	From the 107 Gertrude Avenue driveway to Mamaroneck Avenue
Mamaroneck Avenue	East	From Hillside Avenue to the northbound stop bar approximately 60 feet south

## Village of Mamaroneck, NY

---

**Item Title:** Budget Committee Member

**Item Summary:** Budget Committee Member - In accordance with Public Officers Law Section 105(f), matters leading to the appointment of an individual to a Village Board or Committee

**Fiscal Impact:**