Village of Scarsdale

Jonathan I. Mark, Mayor

Matthew J. Callaghan
Carl L. Finger
Deborah Pekarek
Marc Samwick
William Stern
Jane Veron

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Stephen M. Pappalardo,
Village Manager

Village Board Agenda

July 12, 2016
Agenda Committee Meeting - 7:30 PM – Trustees Room
Village Board Meeting - 8:00 PM - Rutherford Hall

Roll Call _____

Pledge of Allegiance _____

Minutes

- Village Board Meeting of June 28, 2016 _____

Bills & Payroll

- Trustee Callaghan _____

Mayor's Comments _____

Manager's Comments _____

Public Comments _____

Committee Items

Law Committee - Trustee Finger

- Resolution re: Authorization to Execute a Memorandum of Agreement with Scarsdale/Edgemont Family Counseling Service for the FY 2016/17 Aging in Place Inititative _____

- Resolution re: Authorization to Execute a Memorandum of Agreement with the Village of Scarsdale Union Free School District and Scarsdale/Edgemont Family Counseling Service for the 2016/17 Youth Services Project _____

Municipal Services Committee – Trustee Pekarek

- Local Law to Amend Chapter 179 of the Scarsdale Village Code, Entitled Garbage, Rubbish and Refuse, and Chapter 243 of the Scarsdale Village Code, Entitled Recycling - Elimination of Grass Clipping Collection Operation and Other Necessary Updates _____

Other Committee Reports _____

Liaison Reports _____

Written Communications (19) _____

- Property Tax Revaluation – (5)
- Grass Cycling – (9)
- Carolyn Mehta – Public Notice ROW Deposits
- Eric Miller – Library Renovation
- Lee Fischman – Assessment Committee
- Robert Harrison – Postponment of Grievance Hearing
- Lois Kohn Claar – Food Scrap Recycling

Town Board Agenda

Town Board Meeting
July 12, 2016
Rutherford Hall, Village Hall

Roll Call

Minutes

- Town Board Meeting of June 14, 2016

Reports

- Report of the Custodian of Taxes as of June 30, 2016

Resolutions

- Resolution re: Intermunicipal Agreement with the Town of Mamaroneck to Represent the Town of Scarsdale in Grievance Proceedings and Any Other Proceedings Challenging the 2016 Assessed Valuations
- Resolution re: Authorizing the Settlement of Litigation

Future Meeting Schedule

Tuesday, July 19, 2016

- Committee of the Whole Meeting – 6:30 PM – 3rd Floor Meeting Room
    - Scarsdale Public Library Renovation and Addition Project

Tuesday, July 26, 2016

- 8:30 AM - Village Board Meeting – Limited Agenda

THREE THOUSAND TWO HUNDRED FIFTY-SEVENTH

REGULAR MEETING

Village Hall
June 28, 2016

A Regular Meeting of the Board of Trustees of the Village of Scarsdale was held in the Rutherford Hall in Village Hall on Tuesday, June 28, 2016 at 8:00 P.M.

Present were Acting Mayor Samwick, Trustees Callaghan, Finger, Pekarek, Stern, and Veron. Also present were Village Manager Pappalardo, Deputy Village Manager Cole, Assistant Village Manager Richards, Village Attorney Esannason, Deputy Village Attorney Garrison, Village Treasurer McClure, Village Clerk Conkling and Assistant to the Village Manager Ringel.

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The minutes of the Board of Trustees Regular Meeting of Tuesday, June 14, 2016 were approved on a motion entered by Trustee Pekarek, seconded by Trustee Finger, and carried unanimously.

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Bills & Payroll

Trustee Veron reported that she had audited the Abstract of Claims dated June 28, 2016 in the amount of $660,992.20 which includes $6,237.10 in Library Claims previously audited by a Trustee of the Library Board which were found to be in order and he moved that such payment be ratified.

Upon motion duly made by Trustee Veron and seconded by Trustee Pekarek, the following resolution was adopted unanimously:

RESOLVED, that the Abstract of Claims dated June 28, 2016 in the amount of $660,992.20 is hereby approved.

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Mayor's Comments

None.

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Manager's Comments

Village Manager Pappalardo reported on the Con Edison gas main replacement project on Crane Road. Con Edison began construction yesterday on Crane Road. They are replacing a high pressure natural gas main that is located on Crane Road between Post Road and Stonehouse Road. The work involves saw cutting and excavating Crane Road to install the new gas main alongside the old one. The work is expected to take 8-10 weeks and will result in traffic delays along the Crane, Post, and Popham Road corridors.

Con Edison provided advance notice to Village residents served by the gas main to inform them that the project will not result in any disruption of service, as the old line will remain operational while the new line is installed. The residents will be out of service temporarily when the new line is placed into service and the individual homeowner service connections are made. Con Edison will provide advance notice to the residents prior to the cutover; they don't expect the residents to be out of service more than 8 hours. Construction work will occur Monday through Friday between the hours of 10:00 A.M. and 9:00 P.M. in order to facilitate the morning peak hour commute and to also allow on the back end for additional hours in the evening to expedite the project completion.

Vehicular traffic on Crane Road from Stonehouse Road to Post Road will function as a single reversible lane for most of the project. Scarsdale Police Officers will be on site during construction hours to conduct the appropriate traffic control. Con Edison has installed at the Village's request a variable message display board which alerts motorists of traffic conditions as they change. There are four of these display boards in locations within the vicinity of the project site.

The Village agreed to allow Con Edison to use a small portion of the Village Hall lower level parking lot on the Crane Road side to stage some of their construction equipment, vehicles, and materials. Some of the gas pipes will be stored along the Village right-of-way; they have been informed as to where they may do this to avoid damage to trees, etc.

The Village is also looking into the possibility of hiring a private inspector to represent the Village on site. Right now some of the Engineering personnel are keeping an eye on the project. Village Manager Pappalardo asked the community for their patience during this unavoidable work. If anyone has any questions or concerns about the project, they should call the Engineering office at 722-1106.

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Public Hearing(s)

Trustee Stern introduced a public hearing scheduled for this evening to consider a local law to amend Chapter 179 of the Scarsdale Village Code, entitled Garbage, Rubbish and Refuse, and Chapter 243 entitled Recycling. He noted that in the proposed amendment to the Code, there is a provision to not pick up grass cuttings and have them recycled. The amendment also includes the addition of recycling waxy gable top containers; poly coated containers.

Trustee Stern opened the public hearing at this time and requested any comments from the public.

Michael Iorio, Landscape Contractor and President of the New York State Turf and Landscape Association, stated that he has 18 employees and does about 50% of his work in Scarsdale. He stated that he was at the last Board of Trustees meeting and briefly spoke at that time. He noted that he saw the outcry that evening from Village residents regarding the 2016 Revaluation.

Mr. Iorio stated that grasscycling cannot be done all the time; there is a time and place for it. He stated that gas powered blowers cannot be used in Scarsdale to spread the clippings around. In May and June, all of the grass cannot be recycled. It would behoove the Board to not take away another service from the residents at this time. Landscapers will have to pay to bring the grass clippings to the recycling center; however, if a resident brings the clippings from their lawn there is no charge.

Trustee Stern stated that Mr. Iorio noted that in May and June it is very difficult to recycle all of the grass clippings; however, the Village does it at all of its public parks.

Mr. Iorio responded that the Village properties are not as lush as some private property owners lawns are and they do not have the same volume of grass on the Village properties. Also, the Village employees are allowed to use gas blowers. Why should a Village employee be able to use a gas blower in a Village park, but if he is working on a park-like private residence, he cannot use one.

Village Manager Pappalardo stated that the majority of work that is done on Village grounds and athletic fields are done under contractual services. Those contractors have to abide to the same laws that a private contractor does. The Village is exempt under the Code but it is not something they practice on a regular basis.

Mr. Iorio stated that he did some of those fields and he was allowed to use a blower at that time. The Village is taking a tool away; not everything can be recycled. Some can but not all. It is the same with leaf collection – you cannot mulch all of the leaves. There are a lot of associations out there pushing it. All of the pros and cons concerning mulching have not been brought out either way. It's not all or none.

Trustee Pekarek asked what the negatives and or the reasons are to not do the grasscycling in May and June.

Mr. Iorio responded that it is the mere volume. You can't clip it all and there are certain scientific facts to that. It will clump up and it will rot the grass; you will burn the grass. When you get into August and have fine clippings it is not that bad.

Trustee Pekarek asked if it would make a difference to raise the blades on the mower. Mr. Iorio replied that the lawn would then look like it was not cut. The standard is to cut 2 ½ inches.

Trustee Stern asked if Mr. Iorio if when he did mulch, did he find it beneficial to the grass. Mr. Iorio replied yes and no. The no is when there is too much volume. He agreed with Trustee Stern in that at certain times it does enrich the grass and turf.

Trustee Stern asked if during half of the growing season that grass recycling is beneficial? Mr. Iorio responded that it is a tool they use when necessary.

Michelle Sterling, stated that she had some statements that other people have sent to her that she wanted to read this evening, and then a statement of her own. She addressed the statement made by Mr. Iorio, stating that she hoped the Board could see through some of the things that were said by certain people who receive a benefit for advocating for certain things. She stated that she has no personal benefit to advocate for grasscycling, she is just trying to do the right thing for residents, the environment, water quality and soil quality. Mr. Iorio's job is to represent what is in the best interest of those people he represents. It is in the landscapers best interest to continue to have the Village subsidize their grass clipping pickup because if the Village picks up their grass clippings, then they don't have to explain to their residents why they have been blowing away the grass clippings for years even though it is beneficial. They also don't have to go to their clients and tell them they have to charge them for something they haven't charged them for many years.

Ms. Sterling stated that the science behind grasscycling is backed up by the Cornell Cooperative Extension. The grass clippings help with water conservation because they trap moisture. In addition, the grass clippings are 100% nitrogen – when you leave grass clippings on your lawn, you are effectively fertilizing your lawn for free. The landscapers take away our grass clippings and charging for it and then charging for a fertilizer application later on in the season. She also noted that since the 1970's, the Scarsdale School District have been grasscycling on all of their fields.

Ms. Sterling then read from some of the emails she received on this subject from members of the Forum Sustainability Committee that could not be here this evening:

- Renu Lalwani wrote that she would like to speak in favor of the amendment to the Village Code to promote grass recycling.

- Kay Eisenman, a former Trustee stated in her email that she would like to add her voice to those asking for a code change to end collection of grass clippings. This helps all lawns grow better and reduce the use of fertilizers which would be a benefit to the water system.

- Maggie Favretti, a teacher, stated that grasscycling requires less time, money, and effort. Put the logical back in ecological and everyone wins.

- Support statement from Friends of Scarsdale Parks which has been received by the Board of Trustees.

Ms. Sterling stated that grasscycling is just leaving your grass clippings on the lawn instead of bagging them. This does not require any special equipment; it does not require a mulch mower or special blades. This isn't about leaves, just grass clippings. Grasscycling would result in a healthier turf, water savings, less trucking, and less fertilization.

Residents would probably say 'no' to taking away a service provided to them by the Village even if they support the environment. The Board needs to weigh the benefits of grasscycling and not just react to the residents' knee jerk reaction of not wanting a service taken away. When it comes to health, safety and the environment you need leadership. She then spoke about the seat belt legislation and how everyone used their seat belts when it became law. In the beginning, people were not happy about that law. The legislators made the right decision when it was against the majority. That is how she sees this – health, safety and environmental – that is where the residents need the Board. She also thanked the Board for their service.

Trustee Veron asked Ms. Sterling what her view was on the landscaper's comment regarding rotting grass with the clippings in the months of May and June. Ms. Sterling replied that this was a fallacy and a construct, just like bagging is a fallacy and a construct. She stated that it is something that was created by landscapers. It is a service that was made up. To strip nitrogen from a lawn and to add it back as a fertilizer treatment and charge for both is a construct from the landscaping industry to make money. They are here this evening to defend that position.

Darlene LeFrancois-Haber, Co-Chair Scarsdale Forum Sustainability Committee, stated that she is a physician in the community and grew up in a very rural area. Being a physician she has an extensive science background. The New York State Department of Environmental Conservation (NYS DEC) has a 'leave it on the lawn' campaign and they provide a lot of documentation regarding the benefits of grasscycling.

She stated that she had a letter from Ron Schulhof to the Mayor and Board of Trustees and read it into the record as follows:

I am writing in support of the proposed changes to the Village code in regards to the pickup of grass clippings as I will be unable to attend the public hearing this evening. I write this letter as an individual resident. For those who may be reading this letter as part of the public record, I am a member of the Scarsdale Forum Sustainability Committee and Scarsdale Leaf Education Task Force, both of which have proposed discontinuing the pickup of grass clippings.

Picking up grass clippings curbside is an environmentally damaging non-essential service. A service for which there is a readily available alternative for homeowners: grasscycling. The same lawn that generates grass clippings is the best place to dispose of those clippings. Individually we can save water, reduce our fertilizer use and promote a healthy soil. As a community we can reduce our out-of-county trucking, remove a weekly eye (and nose) sore from our roads and redeploy any time or dollar savings to other village needs.

There will be instances where a homeowner cannot or chooses not to leave the clippings on their lawn. As with any other aspect of the village code, there should be a mechanism to address these instances. I believe the proposed code change provides this mechanism by allowing homeowners (free) or landscapers (for a fee[1]) to bring the clippings directly to the Recycling Center at Secor Road.

Grasscycling is easy, but change itself can be a challenge. This change however is worth the challenge. It's the kind of change that we'll look back on in a few years and wonder why we ever did it any other way. And it's a change that will not only give our residents a chance to make a difference, but will allow us as a community to make a significant and very positive impact on the environment.

Thanks as always for your time and service.

Dr. LeFrancois-Haber congratulated the Board on spending the time and energy to address this issue. She stated that their roles are akin in the respect that she deals with the individual and giving them reasons to change their behavior. In the end you have to do the right thing for that person and then that is the patient that will respect you and benefits from your intervention. In this case, the Board's intervention is that of a legislative nature. The Board is thinking of the health of the community and the environment. The science is clear and there is no question about what the right thing to do here is. She stated that people need help and the Board is here to help them. She hoped that the Board would come to a positive vote in conducting the code change regarding the grasscycling effort.

Larry Wilson, a landscape contractor from Yonkers, New York, representing the New York State Turf and Landscape Association came forward to speak. The Association has been serving the professional landscapers and homeowners of Westchester County for over 50 years. They provide scholarships, have been part of every community clean up, every Arbor Day tree planting, every possible community beautification effort that has ever been brought to their attention and they do it gladly.

Mr. Wilson stated that he knows that there is a certain aesthetic standard in play here; not only in Scarsdale but also in other comparable communities. It really can't be denied; the landscapers didn't make it up. The homeowners ask that the clippings be taken away. The landscapers cater to the needs and desires of the homeowners. There are many very particular homeowners with very high standards.

Mr. Wilson noted that it is a bad climate to discontinue any service at this time when residents are concerned about the recent revaluation. He stated that grass clippings are not the only thing that go in paper bags for pickup – there are branches, tree waste, any assortment of organic leaves and twigs that end up in those bags. There are many homeowners in Scarsdale that care about the aesthetics. They spend so much money and time devoted to the various aesthetics pursuits on their property. There would be concern that the grass clippings on the lawn would contain weed seeds as well spread over the lawn.

Mr. Wilson stated that the landscapers are trying to please the homeowner – it is a service business. He respectfully requested that the Board reject the proposal to discontinue the pickup of grass clippings in paper bags at curbside.

Trustee Stern asked Mr. Wilson how many landscapers were in the Association. Mr. Wilson replied that the number is approximately 300. In response to a question from Trustee Stern regarding the percentage of landscapers that only grass cycle. There are very few members of the Association that grass cycle. Mr. Wilson responded that this is not something that their customers want. In regard to the rogue seeds, Mr. Wilson stated that the grass catchers, especially those that are 40" wide, the blades are turning at 17,000 rpm and the grass catcher will be filled up in a very short distance. The rogue seeds are not spread upon the lawn to the same extent they would be if the clippings were not caught in the grass catcher.

Susan Douglas, 59 Crane Road, invited the Board members to make a field trip to her home. She has been doing grasscycling for three seasons. She stated that she had a dog that had died of cancer at 13 years old. That prompted her to look at the landscaping and wanted to promote a healthy lawn to keep the children and the animals healthy – they all walk across the lawn and track any chemicals put in laws into the house, etc. The dogs lick their paws and ingest things. They have an organic lawn and they leave the grass clippings in. It does save water. If the grass is cut on a regular basis, the grass clippings are short and they trap in water. Once a month they spray microbes all over lawn which promotes holes and water retention and good bugs and worms that keep the grass really bright and vibrant.

It is a win- win situation for the children, the animals and the environment. She felt that this change to the Code would be a very good thing.

Lynne Clark, 13 Walworth Avenue, thanked the Board members for their service to the community. She stated that she is in favor of recycling and making the environment sustainable inside and outside. The manner in which she recycles is personally her choice. Grass pickup is a valuable service in the Village as is leaf pickup. These things are not a matter of life and death, but if residents do not want to leave grass cuttings on their lawn or can't handle the removal of them, the new proposal creates an additional home maintenance burden. She believes that leaving grass on yards is fine and the Village is to be congratulated along with the Sustainability Committee for educating our residents to do so. However, our Village government should not be mandating what she does with her grass on her own property. Residents have always had these services for as long as she can remember – she has been a resident since 1947. To eliminate them now in this period of changing assessments, new bonds, and higher taxes is not smart and not the needed boost for the spirit of the Village. Continue educating the residents and let them choose for themselves. She urged the Board to not adopt the proposed amendment and leave the choice up to the residents of the Village. Government should not over reach in this way.

David Feinstein, 6 Brayton Road, stated that he does grasscycling and all organics and feels that he has one of the nicest front yards in his neighborhood. He noted that he walks to the train station and stated that he can smell the pesticides on the neighbors' lawns and the smell lingers for days. A healthy lawn requires less of these things. This is a perfect time for the Village to step up and say that to eliminate this service is a reallocation service and not a take away service. The time, money and effort that is spent picking up bags of grass can be better used to do other things. If people want certain aesthetic standards, let them pay for it. The Village should not be supplementing their aesthetic standards. He stated it was the Board's responsibility to think long term about the impact of these things and help the community see things that they sometimes can't. He pointed out that the UK allowed their people to make a very historic decision and it didn't go exactly as people planned and a lot of people are regretting it. Had people in power -- the political appointed officials made these decisions for them it would have been a different outcome because they are educated on the topic and they know all the facts.

Lena Crandall, 227 Fox Meadow Road, spoke briefly as President of the Scarsdale Forum. She stated that there has been reference made to the Sustainability Committee and she noted that she is proud to say that it is one of many committees that make up the Scarsdale Forum which is a local non-profit open to all residents of Scarsdale and the Mamaroneck Strip regardless of citizenship. If anyone is interested in this issue or any other issue that involves the environment, even if you are against grass clipping pick up and LED street lights, food composting, or organic practices, feel free to join and help with the research and write the reports.

Ms. Crandall, now speaking as a resident, stated that she has lived in Scarsdale since 1991. She is from a rural community and grew up mowing the lawn. What she learned is that when the grass clippings were long, all she had to do is go over them again and they would quickly disappear. She has been an advocate for the environment in this community for several years – she led the Friends of the Scarsdale Parks, Village Conservation Advisory Council and have had many conversations with fellow residents and have received calls recently about the proposal to eliminate grass clippings pickup. She assured these residents that it was perfectly fine to leave the grass clippings on the lawn. If the landscapers simply mow over them more than once, they will disappear faster. You have to educate the public. She thanked the Board for their service and the time that they spend and she urged the Board to enact this amendment which is a baby step in the right direction. The Village should do it and get the residents to talk to their landscapers and perhaps some will even try to cut their own grass.

Merrill Clark, 13 Walworth Avenue, stated that he is a member of the Sustainability Committee of the Scarsdale Forum where they look for opportunities to move towards zero waste and sustainability in the decades ahead. He stated that he admires the leadership of the group beyond words even when they face opposing views. On the subject of grass clippings, pickup or non-pickup, he stated that he had a useful discussion with their landscaping service owner who asked him to represent his views.

Mr. Clark stated that he learned that their landscaper has invested in machines over many years that smoothly cut and sweep into attached bins everything that is on our lawns, spring, summer and fall – grass, twigs, leaves, cuttings all go into bags. Even in the fall he is able to use these efficient machines. This landscaper's pride in how their lawn looks represents his primary personal and professional business motivation. There is no week when only grass gets into the mower. The landscaper told him that he would do whatever he wanted but he pointed out that they would not get a better looking or healthier lawn by leaving cut material on it. His fertilizers are safe. He understands the desire to recycle grass and reduce Village services but feels that his clients have other interests. Increased regulation has a negative effect on him and on his men – he stated that it is hard for all of them to make a living and to be asked to buy new equipment on top of existing investment and to be asked to truck materials to the recycling center are new burdens on him and his men. The costs would be added to his bills.

Mr. Clark stated that his landscaper urged him to express his views this evening. We should allow residents who prefer to leave grass on the lawn or to carry bags to the recycling center to do so. He stated that he did not believe that they should be stopped from leaving their grass clippings on their lawns any more than he should be forced to forgo the services they have used on their property for many years. Is it possible to keep all of the same services they now enjoy?

Kelly Sperling, 63 Tunstall Road, expressed her support for grasscycling. It is less work for her landscapers and there are no clippings on the driveways. There has been no downside.

Carol Silverman, Spier Road, has lived in Scarsdale since 1972 and has had many gardeners. She has been grasscycling for a few years. She encouraged the Board to adopt the amendment for the Village and for the environment and for the finances of the Village because it will save costs.

Michelle Sterling, spoke on behalf of Tony Robinson, Commissioner of the Harrison Department of Public Works. She stated that Harrison is the only Town in Westchester that grasscycles by code. Mr. Robinson told her that no one will grasscycle without a code change; it would never had worked had Harrison not done this. He added that education alone would not have worked. It has a benefit for them in terms of root elimination, time saved for their workers and fuel and tipping fees. The only complaints that they received from residents is that they were not provided with an alternate recycling site.

Ms. Sterling stated that Harrison was required to end grass clipping pickup because they are within 1000 feet of a reservoir. Their transfer facility was within 1000 feet of a watershed and the runoff was going into the watershed and contaminating it. By law, the NYC DEP mandated that they do it. When the code change was enacted, they didn't have a place for residents to bring the clippings. The nice thing about Scarsdale is that the residents here do have an alternative.

As there were no further comments from the public, Trustee Stern closed the public hearing on this issue.

Acting Mayor Samwick thanked everyone for coming out this evening and providing the Board with very thoughtful comments. The Board's expectation is that this will be back on the Board's agenda for their scheduled meeting of Tuesday, July 12, 2016 at 8:00 P.M. At that time the Board plans to vote on this proposed amendment.

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Trustee Pekarek introduced the next Public Hearing scheduled for this evening to consider a proposed local law to amend Chapter 256 of the Scarsdale Village Code entitled Streets, Sidewalks and Public Places.

Trustee Pekarek read from a memo from the Village Engineer that explains the proposed amendment to the Code as follows:

"Utility repair, replacement and improvements are common occurrences, and required for development and maintenance of existing infrastructure. This work is performed by various entities, and occurs daily throughout the Village. While necessary,

these projects often disrupt large areas of the Village owned Right-of-Way, cause delays, and often result in unsightly roadway patches.

In an attempt to ensure safe working conditions, promote proper workmanship, and obtain proper restoration of the Village Right-of-Way, updates and revisions to the Village Code are being proposed. The following is a list of areas that have been included in our revisions (detailed language can be found in the draft Local Law Amendment):

- Clarification that permits are required for work conducted within public easements
- Codification of curbing requirements for newly constructed homes(§ 256-8)
- The opportunity for the Village to hire a third party inspector during larger improvement projects (§ 256-13)
- Requirement of a Maintenance and Protection of Traffic (MPT) plan for work being done in high traffic areas(§ 256-13)
- Adoption of the "Minimum Pavement Restoration Limits" diagram (§256-16) to illustrate Acceptable pavement limits to be met for final restoration of the roadway."

At this time, Trustee Pekarek opened the Public Hearing for any public comment. As no comments were offered, Trustee Pekarek moved to close the Public Hearing, seconded by Trustee Stern and carried unanimously.

Upon motion entered by Trustee Pekarek, and seconded by Trustee Stern, the following Local law to Amend Chapter 256 of the Scarsdale Village Code entitled Streets, Sidewalks, and Pubic Places was adopted by the vote indicated below:

INTRODUCTORY LOCAL LAW #2 OF 2016
A LOCAL LAW AMENDING CHAPTER 256 OF THE SCARSDALE VILLAGE CODE ENTITLED STREETS, SIDEWALKS AND PUBLIC PLACES

BE IT ENACTED by the Board of Trustees of the Village of Scarsdale as follows:

Article I. Obstructions, Poles, Wires and Rubbish

§ 256-1. Permit required to obstruct.

[Amended 6-28-1966[1]]
No person shall obstruct any street, sidewalk, public easement or other public place without first securing a written permit from the Village Engineer and complying with such regulations affecting obstructions as the Village Engineer may prescribe. No owner or lessee of any premises in the Village shall permit any goods, wares or merchandise owned or controlled by him to be kept, stored, displayed or sold on or directly above any sidewalk adjoining such premises. No owner or lessee of any premises in the Village shall permit any refuse or waste from such premises to be kept or stored on or directly above any sidewalk adjoining such premises without first securing a written permit from the Village Manager

and complying with such regulations and restrictions as may be prescribed in such written permit.
[1]*Editor's Note: Amended at time of adoption of Code (see Ch. **1**, General Provisions, Art. **I**).*

§ 256-2. Poles and wires.

No person shall, without first securing a written permit from the Village Engineer, erect or cause to be erected or change the location of any telephone, telegraph or electric light or electric transmission pole in or string any wires or construct any conduit over or upon any public street, sidewalk, park or other public place.
[1]*Editor's Note: Amended at time of adoption of Code (see Ch. **1**, General Provisions, Art. **I**).*

§ 256-3. Rubbish and obstruction of public places and watercourses.

No person shall throw or cause to be thrown in any street, park or other public place or in any public drain, ditch or watercourse any rubbish or other solid matter or cause any obstruction or injury to any such drain, ditch or watercourse or divert or stop the flow thereof.

Article II. Openings

§ 256-4. Permit required; fees and deposits to be paid.

[Amended 5-13-1980 by L.L. No. 1-1980[1]]
No person shall open or cause to be opened the surface pavement or soil in any portion of the public right-of-way, public easement, park or other public place, without first securing a written permit from the Village Engineer. Prior to the issuance of a permit, the applicant shall pay the fees and deposits fixed by resolution of the Board of Trustees.
[1]*Editor's Note: Amended at time of adoption of Code (see Ch. **1**, General Provisions, Art. **I**).*

§ 256-5. Responsibility for repairs and restoration.

[Amended 5-13-1980 by L.L. No. 1-1980[1]]
In the case of openings for sewers, drains, water, gas, telephone or other public utility purposes, the applicant for the permit is responsible for the temporary repair of the opening within the public right-of-way, public easement, park or other public place and must pay the fees and deposits fixed by resolution of the Board of Trustees. In such case, the Village Engineer, in his discretion, at the time of issuing the permit, may authorize the applicant for the permit to do all the work required for permanent restoration of any opening within ~~type of~~ said public right-of-way, public easement, park or other public place and pay the fees and deposits fixed by resolution of the Board of Trustees. In the event that the Village Engineer does not authorize the applicant for such permit to do any of the work required for the permanent restoration of the opening within the public right-of-way, public easement, park

or other public place, the regular fees fixed by resolution of the Board of Trustees for this purpose shall apply.
[1]*Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).*

§ 256-6. Multiple neighboring openings.

[Amended 5-13-1980 by L.L. No. 1-1980; 3-14-1989 by L.L. No. 6-1989]
In case two or more neighboring openings are made at one time, the Village Engineer may allow the same under one permit, charging therefor only one fee for issuing the permit but separate fees for the restoration and inspections.

§ 256-7. Replacement of concrete slabs.

[Amended 5-13-1980 by L.L. No. 1-1980]
Whenever a concrete slab is cut or broken, the area to be replaced shall include a full slab.

§ 256-8. Replacement of curbing.

[Amended 5-13-1980 by L.L. No. 1-1980]
Any curbing removed by any person shall be reset or replaced. Any person failing to restore curbing to its original condition shall be required to pay an additional fee as fixed by resolution of the Board of Trustees. Any person constructing a new or substantially improved home may be required to install, replace or re-set granite curbing along the edge of pavement adjacent to the entire property, as directed by the Village Engineer.

§ 256-9. Additional fees for macadam and concrete sidewalks.

[Amended 5-13-1980 by L.L. No. 1-1980]
In the case of openings made in macadam or concrete sidewalks, a fee as fixed by resolution of the Board of Trustees in addition to any other required fee shall apply.[1]
[1]*Editor's Note: Current fees are available and on file in the office of the Village Clerk.*

§ 256-10. Limits on multiple openings.

[Amended 5-13-1980 by L.L. No. 1-1980]
In no case shall permits be granted to anyone other than a public service corporation for more than five openings to be made simultaneously.

§ 256-11. Fees and deposits.

[Amended 5-13-1980 by L.L. No. 1-1980; 2-8-2000 by L.L. No. 2-2000]
The following fees and deposits for restoration shall be fixed by resolution of the Board of Trustees pursuant to this section:

A. In the cases of openings in cinder or dirt roadways:
(1) For permit.
(2) For restoration.
(3) Inspection.

B. In the cases of openings in macadam or similarly paved roadways:
(1) For permit.
(2) For restoration.
(3) Inspection.

C. In the cases of openings in concrete roadways or roadways with a concrete base:
(1) For permit.
(2) For restoration.
(3) Inspection.

D. In case openings exceeding four square yards in area are made in the traveled or paved portion of roadways, additional fees for repairs shall be paid for areas in excess of four square yards, at a rate fixed by resolution of the Board of Trustees:
(1) In cinder or dirt roadways.
(2) In macadam or similarly paved roadways.
(3) In concrete roadways or roadways with a concrete base.

E. In the case of openings in macadam sidewalks.

F. In the case of openings in concrete sidewalks.

G. For failure to restore curbing to its original condition.

H. In the case of connections made to the Village sanitary sewer system.

I. In the case of connections made to the Village storm sewer system.
[1]*Editor's Note: Current fees are available and on file in the office of the Village Clerk.*

§ 256-12. Insurance.

[Amended 3-14-1989 by L.L. No. 6-1989; 3-9-2004 by L.L. No. 1-2004]
A. For street openings, sidewalk openings or any excavation in a public place totaling 500 square feet or less, no permit shall be issued for any such opening until the person desiring to make such opening or the person for whom it is to be made shall furnish to the Village insurance, evidenced by a certificate of insurance naming the Village as additional insured, in form satisfactory to the Village Attorney, with limits for personal injury of not less than $1,000,000 for any one person and not less than $3,000,000 for any one accident and not less than $100,000 for any one accident and $500,000 in the aggregate for property damage, insuring the Village, its officers, employees and agents against any liability for personal injury

or property damage, directly or indirectly resulting from or arising out of the granting of any such permit or any such opening or the method and manner of doing any work permitted or required by any such permit or under this article or any negligent act or omission in connection therewith on the part of the permittee, his employees or agents, provided that a public service corporation may, at its option, file an undertaking, in form satisfactory to the Village Attorney, to indemnify and save harmless the Village, its officers, employees and agents from any such liability, covering all openings made by it.

B. For street openings, sidewalk openings or any excavation in a public place greater than 500 square feet, no permit shall be issued for any such opening until the person desiring to make such an opening or the person for whom it is to be made shall furnish to the Village a separate Owners and Contractors Protection Policy, in form satisfactory to the Village Attorney, with limits for personal injury of not less than $1,000,000 for any one person and not less than $3,000,000 for any one accident and not less than $100,000 for any one accident and $500,000 in the aggregate for property damage, insuring the Village, its officers, employees and agents against any liability for personal injury or property damage, directly or indirectly resulting from or arising out of the granting of any such permit or any such opening or the method and manner of doing any work permitted or required by any such permit or under this article or any negligent act or omission in connection therewith on the part of the permittee, his employees or agents, provided that a public service corporation may, at its option, file an undertaking, in form satisfactory to the Village Attorney, to indemnify and save harmless the Village, its officers, employees and agents from any such liability, covering all openings made by it.

§ 256-13. Compliance required; requirements.

[Amended 3-14-1989 by L.L. No. 6-1989]
The person to whom the permit is issued shall see that the requirements contained in this article are observed.

A. Any excavation, other than for paving, within the right-of-way shall be made by hand and not by power-driven equipment, unless by special permission of the Village Engineer.

B. All excavations shall be by open cut, unless by special permission of the Village Engineer.

C. All trenches shall be backfilled using K-~~K~~Crete 50 in the traveled way or under sidewalks; trenches outside the traveled way shall be backfilled with K-~~K~~Crete 50 or with soil tamped in layers not exceeding 12 inches in depth.

D. All work done under any permit issued hereunder, whether directly by the permittee or by others to whom the work is ~~sublet~~ contracted to, shall conform to the requirements of the Village Engineer and shall be under full supervision of the permittee, who shall be solely responsible for the ~~character of the~~ work done.

E.The Village of Scarsdale reserves the right to hire a third party inspection service/inspector to oversee the opening and restoration of any work performed in the public right-of-way, public easement, park or other public place. All fees associated with this service shall be paid by the applicant prior to the issuance of any permit by the Village Engineer.

F.At the request of the Village Engineer, the applicant must supply a detailed maintenance and protection of traffic (MPT) plan, as per New York State DOT standards, showing the area of proposed work, all signage to be installed, detour routes, location of traffic control personnel, proposed lane closures, or any other requirement specified by the Village Engineer. The use of Scarsdale Police Department personnel may be required for additional traffic control. The expense for such personnel usage shall be paid by the applicant. After the Village Engineer approves the MPT plan, the applicant must submit the approved MPT plan to all Village emergency service departments and agencies.

§ 256-14. Temporary repairs.

[Added 5-13-1980 by L.L. No. 1-1980; amended 3-14-1989 by L.L. No. 6-1989]
The permittee is responsible for the temporary repair of the trench. Temporary trench repair is to consist of two inches of asphalt concrete placed on top of the K-~~K~~Crete backfill and level with the existing road surface.

§ 256-15. Time limit for work; closing trench for noncompliance.

[Amended 3-14-1989 by L.L. No. 6-1989]
The Village Engineer may prescribe the time when the work shall be done and the length of time that any trench or other excavation may remain open. He may cause any such trench or opening to be filled up or closed at the expense of the person to whom the permit is issued in case of noncompliance with the terms of such permit or other conditions prescribed at any time by the Village Engineer.

§ 256-16. Permanent trench repair.

Temporary trenches shall be widened a minimum of one foot beyond the original cut or any crack developed from the adjacent pavement settling because of the excavation. ~~The base course of road pavement shall consist of New York State Department of Transportation asphaltic concrete Type 1A to a depth equal to the existing base course (four inches minimum); top course of pavements shall consist of 2-1/2 inches of New York State Department of Transportation asphaltic concrete Type 7F in two lifts.~~ Asphalt thickness and materials shall conform to the standard construction details maintained by the Village Engineer. All final pavement restoration limits shall follow the guidelines depicted in the "Minimum Pavement Restoration Limits" diagram as adopted by the Board of Trustees, and amended from time to time. The "Minimum Pavement Restoration Limits" diagram shall be

maintained by the Village Engineer. The edges of ~~the~~ all trenches shall receive a liberal application of asphaltic emulsion to seal edges.
[1]*Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I).*

§ 256-17. Protection around opening.

The person to whom the permit is issued shall maintain sufficient guards, barricades, lights or watchmen to protect persons and property against injury and damage by reason of any such opening.

Article III. Drainage

[Amended at time of adoption of Code[1]]
[1]*Editor's Note: See Ch. 1, General Provisions, Art. I.*

§ 256-18. Connection to public stormwater drainage system.

No person shall connect any drain designed to conduct storm-, surface or subsurface water with any part of the public stormwater drainage system until the plans thereof drawn to scale shall have been filed with and approved by the Village Engineer and his written permit issued therefor. No person shall backfill any trench in which such drain is laid or constructed until the Plumbing Inspector shall have inspected the same and issued his written approval thereof.

§ 256-19. Drainage onto streets and sidewalks.

Except in case of temporary emergency, no person shall cause or permit any water or other liquid to be pumped or forced to run from or out of any building or premises upon or across any sidewalk or curbstone or into any street without first securing a written permit from the Village Engineer.

Article IV. Culverts and Gutters

[Amended at time of adoption of Code[1]]
[1]*Editor's Note: See Ch. 1, General Provisions, Art. I.*

§ 256-20. Culverts.

No person shall construct, alter, repair or remove any culvert along or near to the line of the gutter of any public street without first securing a written permit from the Village Engineer and complying with such specifications as the Village Engineer may prescribe. In case any such culvert under any private entrance shall become broken or damaged or insufficient properly to carry off the water flowing thereto, the owner of the premises for which such private entrance is provided shall, upon demand of the Village Engineer, forthwith

reconstruct the same in accordance with such specifications as the Village Engineer may prescribe.

§ 256-21. Interference with gutters.

No person shall obstruct, or construct any structure interfering or tending to interfere with the free and open operation of, any gutter of any public street without first securing a written permit from the Village Engineer and complying with such specifications as the Village Engineer may prescribe.

Article V. Sidewalks

§ 256-22. Snow and ice removal.

A. The owner, lessee, tenant, occupant or other person having charge of any building or lot abutting upon any paved sidewalk shall keep the sidewalk adjacent to such building or lot free and clear of snow and ice; provided, however, that failure to clear snow or ice from a sidewalk within a period of four hours, not including the time between 9:00 p.m. and 7:00 a.m., after the snow ceases to fall or the ice to form shall not be deemed a violation of this section. In case the snow or ice on the sidewalk shall be frozen so hard that it cannot be removed without injury to the pavement, such person shall, as soon thereafter as the weather shall permit, remove the same and, in the meantime, cause the sidewalk adjacent to such building or lot to be strewed with ashes, sand, sawdust or similar material.

B. No act of the Village in removing snow or ice from any such sidewalk shall affect the obligation imposed by this section on such person.

§ 256-23. Curb cuts.

[Amended 5-13-1980 by L.L. No. 1-1980; 3-14-1989 by L.L. No. 6-1989; 9-22-1992 by L.L. No. 7-1992; 3-9-2004 by L.L. No. 1-2004]
No person shall lower any curb or change the grade of any sidewalk for the purpose of providing vehicular access across such curb or sidewalk without first securing a written permit from the Village Engineer and complying with the following requirements:

A. Application shall be made, in writing, by the owner of record of the abutting premises to the Village Engineer. Such application shall set forth the points at which such vehicular access shall begin and end in relation to curb- and property lines and the materials of which it shall be constructed.

B. The Village Engineer shall not grant a permit to lower any curb or change the grade of any sidewalk for the purpose of providing vehicular access across such curb or sidewalk when, in his opinion, the actual or intended use of such vehicular access would endanger pedestrians or traffic.

C. Prior to the granting of any such permit, the Village Engineer shall charge a fee and shall exact a cash deposit per linear foot of the width of the proposed curb cut, which deposit shall be refunded upon completion of the curb cut to the satisfaction of the Village Engineer. The Village Engineer shall charge a fee for the inspection of the completed curb cut and may make such rules for the proper care and cleaning of such curb cut as he deems advisable. All fees pursuant to this section shall be fixed upon resolution of the Board of Trustees.

D. No such permit shall be issued until the applicant shall furnish the Village insurance, in a form satisfactory to the Village Attorney, with limits of not less than $1,000,000 for any one person and not less than $3,000,000 for any one accident for personal injury and not less than $100,000 for any one accident and $500,000 in the aggregate for property damage, insuring the Village, its officers, employees and agents against any liability or personal injury or property damage, directly or indirectly resulting from or arising out of the granting of any such permit or the making of such curb cut or the method and manner of doing any work permitted or required by any such permit or under this section or any negligent act or omission in connection therewith on the part of the permittee, his employees or agents.

E. Every such curb cut shall be constructed under the supervision and subject to the direction of the Village Engineer and on condition that, upon failure to comply with the terms of the permit, the Village Engineer may revoke the permit and cause the curb and sidewalk to be restored to their original condition at the expense of the owner of record of the abutting premises.

F. Should the use of the curb cut, in the opinion of the Village Engineer, be or become dangerous to pedestrians or traffic, the Village Engineer shall mail a written notice to the owner of record of the abutting premises to discontinue use of such curb cut and to restore such curb and sidewalk to the original condition within 10 days of the mailing of the notice, and such owner shall comply with such notice within 10 days. If such owner shall fail to so comply with such notice, the Village Engineer may revoke the permit and cause the curb and sidewalk to be restored to their original condition at the expense of the owner of record of the premises.

G. In case any part of a curb cut shall not be paved, repaved or repaired according to reasonable requirements of the Village Engineer, the Village Engineer shall mail a written notice to the owner of the abutting premises directing that the same be so paved, repaved or repaired, as the case may be. Such owner shall comply with such notice within 10 days. If said owner fails to comply with such notice, the Village Engineer may cause the curb cut to be paved, repaved or repaired, as the case may be, at the expense of such owner.

H. The owner of a lot may appeal from any decision of the Village Engineer. The appellant shall apply to the Planning Board within 60 days after the decision to deny a curb cut permit, with an information copy to the Village Engineer. This appeal shall include a statement of

guaranty that all expenses for any required opinion obtained from an independent consulting traffic engineer shall be paid by the appellant and shall be accompanied by a fee as set by resolution of the Board of Trustees.

I. The Planning Board may grant a waiver from the decision of the Village Engineer. In making its decisions, the Planning Board must find that the result will, in its judgment, not be in conflict with the public health, welfare and, in particular, with considerations of traffic safety and may attach appropriate conditions and safeguards to such waiver.

J. The Village Engineer is authorized to promulgate standards and guidelines for the construction and maintenance of driveways. Such standards and guidelines shall be filed with the Board of Trustees upon promulgation.

Article VI. Street Numbers

[Added 3-14-1989 by L.L. No. 6-1989]

§ 256-24. Purpose.

The purpose of this article shall be to require the clear display of house numbers from public streets for all properties that contain principal buildings within the Village in order to assist the general public or the authorities in identifying any property in case of an emergency, as well as for the welfare of the general public in conducting its normal affairs.

§ 256-25. Applicability.

This article shall apply to all properties within the Village that contain a principal building thereon, whether or not said building is occupied. Such premises shall bear and display at least one set of house numbers, which shall be assigned by the Village Engineer. Buildings facing two or more public roadways shall be required to display auxiliary numbers, if necessary, to pass the visibility test (as hereinafter set forth) when viewed from those points in the center line of the public roadway opposite those points where regularly used pedestrian or vehicular passageways enter the public roadway.

§ 256-26. Specifications and requirements.

A. In order to comply with this article, house numbers shall be Arabic in design, shall have a minimum height of two inches and shall be mounted in a secure fashion to the building's front wall or to a porch or other fixed appurtenance in front of the building in the general vicinity of the main entryway or main path of travel which leads to the main entrance from a public street or otherwise separately and securely mounted upon the face of a wall or upon a post in the front yard of the premises.

B. Auxiliary numbers shall be mounted at a height between four feet and 10 feet above the adjacent grade or exterior landing directly beneath but never higher than 15 feet above the adjoining grade. They shall be sufficiently legible as to contrasting background, arrangement, spacing, size and uniformity of integers so that the numbers may be read with ease during the daylight hours by a person possessing at least 20/40 vision as he views the numbers from the center line of the facing street and at an elevation of five feet above the finished surface thereof.

C. The numbers shall be so placed that trees, shrubs or other obstructions do not block the line of the numbers from the center of the street to any appreciable degree.

§ 256-27. Existing numbers.

Existing numbers used on premises which essentially comply with numbers officially assigned by the Village Engineer, at least to the extent that such number or numbers are in logical sequence with number or numbers assigned to properties on either side which are located on the same side of the street, shall be considered as bearing the correct number or numbers for the purposes of this article.

§ 256-28. Existing installations.

Existing installations which essentially meet the requirements and/or spirit of this article, including numbers presently on or attached to a mailbox, shall be deemed to be in compliance without further alteration.

§ 256-29. Failure to comply.

The absence of house numbers or the insecure fastening or absence of any integer thereof or the use of any number out of logical sequence for the street toward which it faces or the failure of a number to meet the elevation requirement or the visibility requirements shall be considered as a violation of this article. Failure on the part of the property owner to comply with the provisions of this Article within a period of 15 days from the date of issuance of a notice of violation shall be sufficient cause for the Village Engineer to proceed with carrying out the provisions of this article and assess any costs incurred to the property owner concerned, with a minimum charge of $25 for each property in violation.

§ 256-30. Assignment of numbers.

The final authority for determining and assigning the number or numbers to be used upon any particular property shall be the Village Engineer of the Village of Scarsdale, such authority being delegated to the Village Engineer by the Board of Trustees pursuant to § 4-412 of the Village Law.

Article VII. Penalties

[Added at time of adoption of Code[1]]
[1]*Editor's Note: See Ch. 1, General Provisions, Art. I.*

§ 256-31. Penalties for offenses.

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

EFFECTIVE DATE

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

Underline means addition.
~~Strikethrough means delete.~~

AYES	NAYS	ABSENT
Trustee Callaghan	None	Mayor Mark
Trustee Finger		
Trustee Pekarek		
Trustee Stern		
Trustee Veron		
Acting Mayor Samwick		

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Public Comment

None.

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Law Committee

Upon motion entered by Trustee Pekarek, and seconded by Trustee Veron, the following resolution regarding the Adoption of Village of Scarsdale Minimum Pavement Restoration Limits was approved by the vote indicated below:

WHEREAS, the Village Board of Trustees is desirous of maintaining a well-functioning, aesthetically pleasing, road network and is committed to preserving its life cycle, and

WHEREAS, an increase in new home construction coupled with aging gas, electric, water, sewer and communication mains within the Village require general contractors and utility, telecommunication companies to install, replace and repair underground infrastructure which necessitates the need to excavate within the roadway, this increased activity leads to deteriorating roadway infrastructure within the Village; and

WHEREAS, the Board of Trustees of the Village of Scarsdale recognizes it is prudent to require proper restoration of its roadways; and

WHEREAS, the development of minimum pavement restoration limit standards is necessary to ensure the restoration of all Village roadways in a uniform manner; and

WHEREAS, the Village Engineer of the Village of Scarsdale has developed acceptable pavement limits for proper restoration of the Village's road network following the completion of construction activities; and

WHEREAS, the restoration requirements depicted on the "Minimum Pavement Restoration Limits" diagram, attached hereto and made part hereof adequately accomplishes the above, now therefore be it

RESOLVED, that the "Minimum Pavement Restoration Limits" diagram dated June 20, 2016, attached hereto and made part hereof is herein adopted by the Village Board.

AYES	NAYS	ABSENT
Trustee Callaghan	None	Mayor Mark
Trustee Finger		
Trustee Pekarek		
Trustee Stern		
Trustee Veron		
Acting Mayor Samwick		

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Personnel Committee

Acting Mayor Samwick stated that the Board is very pleased to do the next appointment.

Upon motion entered by Acting Mayor Samwick, and seconded by Trustee Veron, the following resolution regarding Appointment of Fire Chief was approved by the vote indicated below:

WHEREAS, Thomas Cain is retiring from the Scarsdale Fire Department effective July 17, 2016, after nearly thirty-two years of distinguished service, ten and one half years of which he served as the Fire Chief; and

WHEREAS, to assist in the selection of Chief Cain's successor, an interview panel consisting of elected and former elected officials, senior Village staff, and a career fire service professional was assembled to evaluate and interview the four candidates who applied for the position; and

WHEREAS, the candidates were examined thoroughly by the members of the interview panel in areas of firematics, organizational theory, management style, public budgeting, leadership abilities, and professionalism; and

WHEREAS, on June 2, 2016, the panel filed the report attached hereto, naming two finalists for consideration by the Mayor and Village Manager; and

WHEREAS, the Mayor and the Village Manager reviewed the background and experience of the finalists, having then interviewed both on June 13, 2016; now, therefore, be it

RESOLVED, that pursuant to §4-400(1)(c)(i) of the New York State Village Law and §A318-4(A) of the Scarsdale Village Code, Captain James Seymour is hereby appointed to the position of Fire Chief for the Village of Scarsdale commencing on July 18, 2016, with the compensation to be determined by the Village Manager.

AYES	NAYS	ABSENT
Trustee Callaghan	None	Mayor Mark
Trustee Finger		
Trustee Pekarek		
Trustee Stern		
Trustee Veron		
Acting Mayor Samwick		

Acting Mayor Samwick stated that he would like to be the first to congratulate the Village's incoming Fire Chief Seymour and thanked him for his service.

Acting Mayor Samwick stated that he would also like to take this opportunity to thank Fire Chief Cain for all of his work and dedication for 32 years.

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Upon motion entered by Trustee Veron, and seconded by Trustee Finger, the following resolution regarding an Appointment to the Advisory Council on Human Relations was approved by a unanimous vote:

WHEREAS, the Advisory Council on Human Relations was organized on January 24, 1978, to advise and assist the Village Board of Trustees in fostering mutual respect and understanding among all individuals in the community; and

WHEREAS, the constitution of the Advisory Council on Human Relations provides for a total of up to twelve (12) members serving staggered two-year terms, with the current Council consisting of nine members, allowing for additional appointments; and

WHEREAS, Michelle Sullivan Lichtenberg, 91 Greenacres Avenue, has expressed an interest in serving on the Council on Human Relations; and

WHEREAS, the Village Board's Personnel Committee convened on June 14, 2016, to discuss this matter and voted to recommend to the Full Board that Michelle Sullivan Lichtenberg be appointed to the Advisory Council on Human Relations for a term ending April 2, 2018; now, therefore, be it

RESOLVED, that Michelle Sullivan Lichtenberg, 91 Greenacres is hereby appointed to serve as a member of the Advisory Council on Human Relations for a term ending April 2, 2018, or until such time as a successor is appointed.

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Upon motion entered by Trustee Veron, and seconded by Trustee Pekarek, the following resolution regarding Appointments to the Advisory Council on People with Disabilities was approved by a unanimous vote:

WHEREAS, the Advisory Council on People With Disabilities was created by resolution of the Village Board in 1984 with the purpose of assisting the Board in certain matters and issues to advance the interests of Village residents with disabilities; and

WHEREAS, the constitution of the Advisory Council on People with Disabilities provides for a total of seven to nine members serving two-year terms,

with the current council consisting of five members, allowing for additional appointments; and

WHEREAS, Marjorie A. Meiman, 13 Wakefield Road, and Ronny Hersch, 32 Benedict Road, are interested in serving on the Advisory Council on People with Disabilities for a two-year term ending April 2, 2018; and

WHEREAS, the Village Board's Personnel Committee convened on June 14, 2016, to discuss this matter and voted to recommend to the Full Board that Marjorie A. Meiman and Ronny Hersch be appointed to the Advisory Council on Human Relations for a term ending April 2, 2018; now, therefore, be it

RESOLVED, that Marjorie A Meiman, 13 Wakefield Road, and Ronny Hersch, 32 Benedict Road, are hereby appointed to serve as members of the Advisory Council on People with Disabilities for a term ending April 2, 2018, or until such time as a successor is appointed.

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Municipal Services Committee

Upon motion entered by Trustee Pekarek, and seconded by Trustee Callaghan, the following resolution Awarding VM Contract #1202 – Furnish and Install New 60' X 120' Full Span Fabric Salt Shed Structure was approved by the vote indicated below:

WHEREAS, as part of the Village's snow and ice removal program, an average of 3,000 tons of salt is used per year, all of which must be stored and protected from the elements at our 25 Ramsey Road facility, ready for safe and efficient access when needed; and

WHEREAS, the existing "lean-to" type shelter is functionally obsolete, in that its storage capacity is only approximately 1,000 tons, is operationally cumbersome, in that its bay-style segmentation leads to excessive time and effort to store and remove salt piles, and is structurally unsound, as evidenced by concrete delamination, rusted steel rebar reinforcement, and rotting timbers; and

WHEREAS, in order to address the structural and operational deficiencies of the existing aged structure, it is necessary to replace it with a cost-effective, modern, large span, lightweight metal enclosure featuring a fabric cover and providing a slightly larger footprint to facilitate increased storage and elimination of problematic dividing walls,

resulting in improved operational efficiency and enhanced storage capacity; and

WHEREAS, on April 26, 2016, the Board of Trustees adopted a resolution to transfer $250,000 in unassigned General Fund Balance to the Capital Fund for design and construction of a new salt shed and associated site work, with said preparatory demolition and site work already underway; and

WHEREAS, the Village Manager reports that he publicly advertised for the receipt of bids on June 3, 2016, through VM Contract # 1202 - Furnish and Install New 60' X 120' Full Span Fabric Salt Shed Structure; and

WHEREAS, on the bid opening date of June 14, 2016, four bids were received, with the lowest responsible lump sum bid of $123,380 submitted by Structures Unlimited, LLC, a company qualified to provide the required materials and install the full span fabric salt shed; now, therefore, be it

RESOLVED, that the Village Manager is hereby authorized to execute VM Contract #1202 - Furnish and Install New 60' X 120' Full Span Fabric Salt Shed Structure with Structures Unlimited, LLC. C4640 State Highway 97, Stratford, WI 54484 at the total lump sum cost of $123,380; and be it further

RESOLVED, that the $123,380 cost to Furnish and Install a New 60' X 120' Full Span Fabric Salt Shed Structure be charged to the Capital Budget Account H-5197-963 2016-112-Pub Bldg – DPW Salt Shed; and be it further

RESOLVED, that the Village Manager is herein authorized to undertake all administrative acts required pursuant to the terms of the contract.

AYES	NAYS	ABSENT
Trustee Callaghan	None	Mayor Mark
Trustee Finger		
Trustee Pekarek		
Trustee Stern		
Trustee Veron		
Acting Mayor Samwick		

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Other Committee Reports

Trustee Veron reported on the Advisory Council on Scarsdale Senior Citizens. She noted that this evening the Chair of said Council, Carol Silverman, and a member of the same Council, Lynne Clark spoke during the public hearing. She acknowledged the hard work of this Council. The Council is looking into options to expand their reach and increase their trips. They are also very positive about working with other community members on efforts to bridge the generations. She stated that she is very enthusiastic about the commitment on behalf of the Advisory Council of Scarsdale Senior Citizens and the energy behind all of their initiatives.

Trustee Veron also stated that she would like to laud Village staff on improved communications. There have been a lot of citizen requests for improved communications. The Village desires communications to be as user friendly as possible and to enable the give and take of citizen comment. She stated that she had the pleasure of meeting with Deputy Village Manager Cole as well as Village Manager Pappalardo to go through the communication strategy and the new platform that the Village is working to build. The platform incorporates best practices and she stated that she feels the citizenry will be extremely delighted by the improved communications. The Village will be launching that effort this fall and she looks forward to a very robust communications platform.

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Liaison Reports

Trustee Callaghan gave a brief report on the activities of the Parks and Recreation Department. He noted that the summer activities are in full swing; the pool and summer camps are open, and they are in the process of purchasing a batting cage for the new softball field at Crossway. They are also finalizing a contract for a football club in Scarsdale.

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Public Comments

Acting Mayor Samwick stated that in the enthusiasm to adopt the Road Restoration Standards, the Public Comments section of the meeting was inadvertently omitted. Therefore at this time he requested any comments from the public. As no comments were offered, the Public Comments portion of the meeting was closed.

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Acting Mayor Samwick recognized Trustee Callaghan at this time for comment.

Trustee Callaghan stated that he would like to share his reflection on the revaluation process. He stated that first of all, he wanted to thank all those residents that came forth with their opinions and expression. He felt that their depth of perception of this very complex issue and the clarity with which they expressed themselves was truly remarkable.

Trustee Callaghan noted for the record that the Trustees have been in angst over this issue since it first began. There is not one sitting Board member that hasn't had a tummy ache or a headache or body ache over this. He stated that he wanted the residents to know that the Trustees are moving in a very restricted area that has very limited options both legally and regulatory. Some unintended consequences of the Ryan revaluation had to do with happy people getting flipped into the unhappy people, and vice versa.

Senior citizens and first home buyers in Scarsdale were injured by this. He stated that he has been speaking with real estate agents and the rental market is slowly creeping up because the private homes are literally beyond their reach.

What a Trustee is really concerned with when called upon to speak to CNC candidates to pick a Trustee -- we used to like a song that says how to keep the music playing, how do you make it last, how do you keep the song from fading too fast. What that has to do with the Trustees is the first two, how to keep the music playing, how to make it last, has to do with the superb Village staff we have. Mr. Pappalardo is only the 5th Village Manager in nearly 100 years. That is sustainability at its best. These folks help the Trustees to monitor and govern and direct where this Village should go. And if the Trustee tries to make Scarsdale a better place as it grows, with luck, the music never ends. That's our job, our only job is to do this. We have folks like Mr. Pappalardo, Donna, Mary Lou, Rob Cole, Josh, Samantha, all the rest of them help the Trustees do this job.

Another unanticipated consequence of this was the possible eroding of the Village character. That is, the Village in the Park. As he has said before, senior citizens sell the property on small pieces of property and these properties are spread throughout Scarsdale – Murry Hill, Heathcote, Edgewood, Fox Meadow – they are all over. What they are going to do is built to the end of the envelope on that piece of property. Trustee Callaghan stated that he knows this from 14 years of experience with the Board of Appeals – these homes do not need appeal. They go to the end of the envelope; beyond the reach of the first homeowner.

In closing, Trustee Callaghan stated that this Village has always been to him anonymous with the words sterling on silver and we don't want to tarnish that and he didn't think that anyone sitting on the dais would even think of doing that. He stated that he wanted to go on record and wanted the folks watching this Board meeting on television to know the Board goes through a lot of angst and they are dealing in a very confined

environment. The Board as a group intend to keep on keeping on with this until they reach a reasonable conclusion. Thank you.

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Written Communications

Village Clerk Conking stated that thirty-six (36) communications have been received since the last meeting. All communications can be viewed on the Village's website, www.scarsdale.com under the Board of Trustees or Village Clerk section.

Twenty-nine (29) emails & letters regarding the 2016 Revaluation were received from the following:

- Farley Baker, 182 Johnson Road
- Janis Klavins, 5 Broadmoor Road – Mayors response included
- Jane Curley, 7 Hamilton Road – Mayors response included
- Laura Kunkin, 9 Continental Road
- Lou Mancini, 40 Carman Road
- Mary & Allan Shapiro, 12 Ferncliff Road
- Mary Beth Evans, 16 Edgewood Road – Mayors response included
- Mayra Kirdendall-Rodgriguez, 19 Fox Meadow Road (8 communications) – Mayors response are included
- Michael Seymour, 85 Greenacres Avenue – Mayors response included
- Mike Kunkin, 9 Continental Road
- Min Lucy Luo, 36 Carman Road
- Nickolai Baturin & Brice and Mayra Kirdendall-Rodgriguez
- A Real Estate Professional
- Robert Berg, 32 Tisdale Road (2 communications) – Mayors response included
- Rocco & Sheila Alfano, 170 Clarence Road – Mayors response included
- Susan Levine, Ardmore Road
- Wuhong Zhang, 19 Kent Road – Mayors response included
- Petition to Void 2016 Scarsdale Revaluation
- Leah Dembitzer
- Michele Braun, 14 Wakefield Road
- Village Response to Questions Submitted by Residents Nickolai Baturin and Brice & Mayra Kirdendall-Rodgriguez Regarding the Village-Wide Revaluation

Four (4) emails regarding Grass Clipping pickups was received from the following:

- Robert Malenitza
- Susan Levine, Ardmore Road
- Dina & Chris Corrini, 306 Heathcote Road
- Ron Schulhof

Additional Correspondence was received as follows:

- An email from Michelle Sterling and Ron Schulhof regarding the Food Composting Initiative
- Emails from Jeffrey Watiker and Alan Steinfeld regarding speeding on Carthage Road – Mayor response included
- An email from Madelaine Eppenstein, Co-President, Friends of the Scarsdale Parks regarding the fall leaf collection and grass clippings pickup.

****

Future Meeting Schedule

Acting Mayor Samwick announced the following future meeting schedule:

- *Monday, June 27, 2016* – Committee of the Whole – 8:00 P.M. – Rutherford Hall

Acting Mayor noted the above meeting held last night of the Committee of the Whole concerning the 2016 Revaluation. He stated that the Board knows that this is one of the most important things that they do as a body and the Board does hear every single comment that is made. The Board absolutely takes it to heart and are working very hard and very diligently to try to resolve this as best they can as Trustee Callaghan stated within the confines of the control that they do have over this process. He asked the residents to please know that the Board does hear them and to please know that the Board has given this an enormous amount of thought and will continue to do so.

- *Tuesday, July 12, 2016* – Agenda Meeting – 7:30 P.M. – Trustees' Room
- *Tuesday, July 12, 2016* – Village Board Meeting – 8:00 P.M. – Rutherford Hall

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Village Hall Schedule

- *Monday, July 4, 2016* – Independence Day – Village Hall Closed

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There being no further business to come before the Board, Trustee Veron moved to adjourn the meeting at 9:40 P.M., seconded by Trustee Stern and carried by a unanimous vote.

_____

Donna M. Conkling
Village Clerk

RESOLUTION RE: **AUTHORIZATION TO EXECUTE A MEMORANDUM OF AGREEMENT WITH SCARSDALE/EDGEMONT FAMILY COUNSELING SERVICE FOR THE FY 2016/17 AGING IN PLACE INITIATIVE**

WHEREAS, Scarsdale/Edgemont Family Counseling Service (SFCS) has provided a myriad of social services to the community for many years; and

WHEREAS, included among these services was the Older Adult Services Program, a jointly funded program between the Village of Scarsdale (Village) and SFCS, which, through the employment of a full-time Older Adult Services Program Director, provided advocacy and leadership while identifying areas for prevention, intervention, and support for individuals and families coping with challenges of later life; and

WHEREAS, in response to the changing demographics of the older adult population, SFCS recently completed an 18-month study examining the service delivery methodology provided to older adults, a summary of which is attached, concluding that the caseload no longer warranted a full-time program director and having proposed replacing that position with a part-time, qualified, licensed, mental health professional with the title of Senior Outreach Coordinator; and

WHEREAS, the Older Adult Services Program has been replaced by the Aging in Place Initiative, which will strive to meet the evolving challenges of Scarsdale's senior citizen community, who are active, highly educated, and will live long lives, through the delivery of services including outreach and engagement, emotional support, short-term counseling, in-home assessments, advocacy, education and information, and intergenerational programming; and

WHEREAS, through an agreed-upon arrangement with the Village, SFCS will no longer provide recreational and cultural field trips for seniors, which will now be provided by the Scarsdale Recreation Department with the cost of said trips and associated revenue included in the Fiscal Year 2016-17 General Fund operating budget; and

WHEREAS, SFCS has submitted its Fiscal Year 2016/17 funding request to the Village for the Aging in Place Initiative, attached herewith, for the fee of $44,651.71 representing a year-to-year reduction of $8,358.29; and

WHEREAS, the Board of Trustees reviewed and discussed this request during the FY 2016/17 budget deliberations and are desirous of continuing these services, as revised, and have appropriated the necessary program funding in the FY 2016/17 General Fund Budget; now, therefore, be it

RESOLVED, that the Village Manager and Mayor are hereby authorized to execute the attached Memorandum of Agreement with the Scarsdale/Edgemont Family Counseling Service Aging in Place Initiative in substantially the same form as attached hereto; and be it further

RESOLVED, that the funding requested by Scarsdale/Edgemont Family Counseling Services of $44,651.71 to support these program services, as identified in the agreement, be charged to the FY 2016/17 General Fund Budget Account # A-9990-HUMSV-ADULTS-400 499.

Submitted by: Village Manager
Date: July 08, 2016
For: July 12, 2016

RESOLUTION RE: **AUTHORIZATION TO EXECUTE A MEMORANDUM OF AGREEMENT WITH THE VILLAGE OF SCARSDALE, SCARSDALE UNION FREE SCHOOL DISTRICT AND SCARSDALE/EDGEMONT FAMILY COUNSELING SERVICE FOR THE FY 2016/17 YOUTH SERVICES PROJECT**

WHEREAS, in 1984 the Village of Scarsdale, Scarsdale Union Free School District and Scarsdale-Edgemont Family Counseling Service recognized the need for a safety net for youth and emotional support for their parents which led to the creation of the Scarsdale Youth Services Project; and

WHEREAS, the Youth Services Project is a partnership of the Village of Scarsdale, Scarsdale Union Free School District and Scarsdale/Edgemont Family Counseling Service that provides challenging programs for youth and parents that build confidence and strengthen the character of youth in grades six through twelve, through parental outreach, support groups, prevention strategies as well as other challenging programs; and

WHEREAS, the current agreement will expire effective August 31, 2016 and Scarsdale/Edgemont Family Counseling Service has proffered a successor agreement to the Village; and

WHEREAS, the term of the proposed agreement is for one year, commencing September 1, 2016 and terminating August 31, 2017, at a total cost of $470,469.92 , to be distributed equally between the Village and Scarsdale Union Free School District, at $235,234.96 for each government; and

WHEREAS, the Board of Trustees provided an appropriation of $235,235 in the FY 2016/17 General Fund Budget for the purposes of funding the Youth Services Project; now therefore be it

RESOLVED, that the Mayor and Village Manager are herein authorized to execute the Memorandum of Agreement among the Village of Scarsdale, Scarsdale Union Free School District and Scarsdale/Edgemont Family Counseling Service, in substantially the same form as attached hereto, and that the Village Manager is further authorized to perform all necessary administrative acts in connection therewith; and be it further

RESOLVED, that the cost of $235,234.96 associated with this agreement be charged to the FY 2016/17 General Fund Budget Account # A-9990-HUMSV-YOUTH-400 499 not to exceed budgeted appropriations.

Submitted by: Village Manager
Dated: July 08, 2016
For: July 12, 2016

INTRODUCTORY LOCAL LAW # __ OF 2016
A LOCAL LAW AMENDING CHAPTER 179 OF THE SCARSDALE VILLAGE CODE ENTITLED GARBAGE, RUBBISH AND REFUSE

BE IT ENACTED by the Board of Trustees of the Village of Scarsdale as follows:

§ 179-2 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ALUMINUM CANS
Containers fabricated of aluminum and commonly used for soda, beer or other beverages.

BIODEGRADABLE
Bags or material capable of decaying through the action of living organisms.

BULKY METALS
Stoves, refrigerators, dishwashers, dryers, washing machines, air-conditioning units, boilers, freezers, water tanks, lawn mowers, metal duct work, aluminum siding, metal window and door frames and other large metal appliances. This term excludes items defined as Construction and Demolition debris in this chapter.

BULKY WASTE
Beds, mattresses, chairs, tables, wood, windows, linoleum, magazines, books, colored or corrugated paper products and other large items not otherwise defined. This term excludes items defined as Construction and Demolition debris in this chapter.

CORRUGATED CARDBOARD
Non-wax coated corrugated cardboard containers and boxes.

COMMINGLED
The mixing together of the following recyclables: glass bottles, plastic bottles, metal and aluminum cans, gable top containers, and other like materials should they be deemed a recyclable product in the future.

CONSTRUCTION AND DEMOLITION DEBRIS
Concrete, masonry, wood, plaster, aluminum or other siding material, wire, asphalt, ceramics, tiles, Sheetrock, stones, bricks, clay pipe, concrete pipe and any other by-product of a new construction activity, renovation or rebuilding or other modification to a house, appurtenances and grounds.

COUNTY LAW

Such laws and regulations adopted by Westchester County which create regulations regarding source separation and recycling.

GABLE TOP CONTAINERS

Containers including polycoated and paper board like Tetra Paks or aseptic and gable top cartons, including all milk, cream, and milk substitute beverage containers.

GLASS BOTTLES

Transparent or translucent jars, bottles and containers which are primarily used for packaging and bottling of various products. ~~but only those glass bottles that are green, amber or clear in color.~~

METAL CANS

Containers fabricated primarily of metal, including aluminum cans.

MUNICIPALLY COLLECTED SOLID WASTE

Household waste and other waste materials routinely produced in a household and used household items that are municipally collected whether by public employees or contractors working for the municipality. This material does not include other materials defined as bulky metals, bulky wastes, construction and demolition debris, ~~glass bottles~~, commingled recyclables, ~~newsprint~~ and yard organics.

~~**NEWSPRINT**~~

~~The common, inexpensive machine-finished paper made chiefly from wood pulp used for newspapers. This term excludes glossy newspaper inserts, books and magazines, as well as other paper products.~~

PAPER BAGS

A biodegradable bag used for carrying various products and materials that are distributed or sold by grocery and department stores.

PAPER/CARDBOARD

Newspapers, glossy inserts, phone books, magazines, junk mail, brown paper bags, and corrugated and grey cardboard boxes. This term excludes waxed cardboard, including gable top containers, plastic and Styrofoam packing materials, cardboard with any trace of food, paperbacks or hardcover books.

PLASTIC BOTTLES/CONTAINERS

Containers made from plastic that are used for carrying or storing various products or liquids and that are marked with the recycling logo and identifying numbers (1-7).

RECYCLABLES

Glass bottles, metal and aluminum cans, ~~newsprint~~, paper/cardboard, gable top containers, yard organics, plastic bottles and containers, and bulky metals as defined in this ~~section~~ chapter.

YARD ORGANICS

Grass clippings, leaves, branches and other like organic garden materials. Excluded are tree trunks, root systems, tree stumps, logs, main branches and other large growing vegetation.

§ 179-3. Preparation of wastes for collection.

Every person in possession of or responsible for premises used for residential purposes shall prepare and segregate all material intended for collection by the Sanitation Division of the Department of Public Works as follows:

A. Municipally collected solid waste shall be placed in watertight metal or plastic containers, having a capacity not to exceed 30 gallons, with tight-fitting metal or plastic covers. The weight of any such containers and its contents shall not exceed ~~70~~ 50 pounds. No portion of any such container shall be located below the surrounding grade level or in any enclosure. ~~except as specifically permitted by the Sanitation Division of the Department of Public Works.~~

B. Material which is not self-contained shall be placed in suitable containers so as to prevent scattering or, if too large to be placed in containers, shall be bundled and securely tied. The bundles shall not exceed five feet in length, and neither a container and its contents nor a bundle shall weigh in excess of ~~70~~ 50 pounds.

C. Paper/Cardboard ~~Newsprint~~ intended for separate collection shall be separated from other municipally collected solid waste and shall be compactly and securely tied with rope or cord in bundles not exceeding 30 pounds in weight and 12 inches by 18 inches by 10 inches in dimensions or placed in paper bags. Collection shall be made in accordance with rules promulgated by the Sanitation Division of the Department of Public Works. ~~Newsprint~~ Paper used to wrap solid waste and contaminated ~~newsprint~~ paper shall not be included in such bundles and shall be disposed of with household waste.

D. Glass bottles may be separated from other municipally collected solid waste ~~and further separated by the colors green, amber and clear~~ and, if cleaned of contents with caps removed, may be delivered to the Village Recycling Center and placed in containers marked for ~~the various colors of glass~~ commingled recycling.

E. Aluminum cans may be separated from other municipally collected solid waste and, if cleaned of contents, may be delivered to the Village Recycling Center and placed in containers marked for ~~the cans~~ commingled recycling.

F. All plastics (not styrofoam) and gable top containers may be separated from other municipally collected solid waste and may be delivered to the Village Recycling Center and placed in containers marked for ~~plastics~~ commingled recycling.

G. Yard organics shall be separated from other municipally collected solid waste. Leaves, ~~grass clippings~~ and other mulch-like organic materials shall be placed in ~~plastic or~~ biodegradable paper bags for collection in accordance with rules promulgated by the Sanitation Division of the Department of Public Works. Yard organics, excluding grass clippings, shall be placed at the curb readily accessible to a village refuse collection truck. If yard organics are not placed at the curb, the Sanitation Division of the Department of Public Works must be called prior to ~~5~~3:00 p.m. two days preceding the scheduled collection.

(1) Fall leaves for the village leaf collection program must be raked to the area between the curb or pavement edge and property line for collection by Department of Public Works crews. Bagged leaves will be collected with yard organics.

(2) Branches not exceeding three inches in diameter shall be securely tied in bundles no longer than five feet in length, 18 inches in diameter and not exceeding 50 pounds in weight for collection with yard organics.

(3) Grass clippings will not be collected curbside by the Village. Residents can bring up to 200 pounds per day of their grass clippings, either loose or in biodegradable paper bags, to the Village Recycling Center at no charge. Contractors disposing of yard organic material at the Village Recycling Center are subject to paying the applicable fees as established by resolution of the Board of Trustees and identified in the annual Village-Wide Fees and Charges Schedule.

H. Placement of bulky metal and bulky waste for collection shall be at the curb readily accessible to a village refuse collection truck. ~~If~~ Village vehicles ~~are required to~~ may not enter private property for collection of this material. ~~the Sanitation Division of the Department of Public Works must be advised by telephone of the material to be collected and its location prior to 5~~3:00 p.m. ~~two days prior to the scheduled collection.~~

§ 179-4 Placement and collection procedures.

All material intended for collection by the Sanitation Division of the Department of Public Works shall be placed where it will be readily accessible for collection as follows:

A. Solid waste garbage shall be kept in a single location at the residence. ~~or in a garage (doors in an open or up position).~~

B. Other material shall be placed at the curb readily accessible to a village refuse collection vehicle. ~~If village vehicles are required to enter private property for the collection of material, such entry will be at the sole risk of the property owner.~~

C. ~~Newspaper~~ Paper/cardboard shall be placed at the curb~~side only~~ readily accessible to a Village refuse collection vehicle.

D. There will be no collection from residences where snow and ice have not been cleared from access pathways or driveways.

E. No material shall be placed at the street for collection prior to the day preceding the scheduled collection except yard organics, which excludes the collection of grass clippings.

F. Normal collection procedures may be changed if they conflict with scheduled holidays or in case of emergencies or other extenuating circumstances. Such changes ~~will~~ may be included in the annual sanitation/recycling calendar mailed to all residents, published in the ~~local~~ official Village newspaper and/or posted on the Village's website.

§ 179-5 Authorization required to collect.

A. From the time of placement of garbage and other waste for collection, such material shall be municipal property. It shall be unlawful for any person, firm or corporation to collect, pick up or cause to be collected or picked up any such material without the express written authorization of the Village of Scarsdale. Each such collection or pickup shall constitute a separate violation.

B. Nothing herein shall prevent any person from making arrangements for the private collection of materials, provided that such materials to be collected privately shall not be placed at the curb immediately preceding the day for municipal collection of such materials.

§ 179-6 Limitations on collections and acceptable wastes.

A. The Sanitation Division of the Department of Public Works shall not accept at its transfer site or pick up any construction and demolition debris, wood over three inches in diameter or over five feet long; tree stumps; tree trunks; firewood; railroad ties; telephone poles; discarded debris, such as lumber, concrete, plaster, dirt, rock, brick, asphalt or large wooden crates or boxes; stones or quantities of sod; flammable or highly combustible matter, such as cleaning establishment wastes or other industrial wastes found to contain varnish, paint, thinners or other dangerous materials; sawdust; explosives; ammunition; oil drums, either full or empty, cans or barrels containing combustible liquids; rubber tires of any size; rubber wastes; battery cases; tar paper roofing; tar cans; any large metal products or abandoned machinery; dead animals; or any hazardous waste as defined by Article 27 of the Environmental Conservation Law and the regulations promulgated thereunder.

B. The Sanitation Division of the Department of Public Works shall not pick up from any one dwelling unit during any collection more than:

(1) Three thirty-gallon containers. Each container shall not exceed 50 pounds in weight.

(2) Four bundles of branches.

(3) Six bags of leaves.~~, except by special arrangements.~~

C. The Sanitation Division of the Department of Public Works shall not pick up any material classified as toxic waste by 6 NYCRR 366, the identification and listing of hazardous wastes pursuant to Article 27, Title 9, of the Environmental Conservation Law or any ensuing legislation more restrictive than currently in force.

§ 179-7 Fees. [1]

Except as provided in Subsection B, any person transporting material to the ~~village disposal site~~ Village Recycling Center for the purpose of dumping shall be charged a fee as established by resolution of the Board of Trustees and indicated in the annual Village-Wide Fees and Charges Schedule; provided, however, that village residents may deliver and dump up to 200 pounds per day at no cost. A schedule of fees shall be posted at ~~the Sanitation Division of~~ the Department of Public Works Sanitation Division office.

~~[1]~~
~~*Editor's Note: The fee resolution is available and on file in the office of the Village Clerk.*~~

§ 179-8 Wastes originating outside of village.

No person shall transport to and/or attempt to dump at the ~~village disposal site~~ Village Recycling Center any waste material originating outside the village.

§ 179-9 Use of public waste receptacles.

No business owner, operator or employee shall place in a public waste receptacle maintained by the village any waste material that originates from a residence or the operation of a place of business.

§ 179-10 Authority of Manager.

The Village Manager shall have the authority, ~~subject to the approval of the Board of Trustees~~, to further limit or waive the above restrictions on the quantities and types of wastes collected and to adopt regulations, subject to the approval of the Board of Trustees, relating to garbage and bulky waste which, when adopted and approved, shall have the same status as the provisions of this chapter.

§ 179-11_Penalties for offenses.

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

EFFECTIVE DATE

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

Underline means addition.
~~Strikethrough means delete.~~

INTRODUCTORY LOCAL LAW # __ OF 2016
A LOCAL LAW AMENDING CHAPTER 243 OF THE SCARSDALE VILLAGE CODE ENTITLED RECYCLING

BE IT ENACTED by the Board of Trustees of the Village of Scarsdale as follows:

§ 243-1 Findings.

This chapter is adopted pursuant to General Municipal Law § 120-aa. Consideration has been given to existing source separation, recycling and other resource recovery activities in the region, to the adequacy of markets for separated materials and to any additional effort and expense to be incurred by residents in meeting these separation requirements.

§ 243-2 Definitions.

Unless the context otherwise requires, the following terms when used in this chapter shall have the following meanings:

ALUMINUM CANS
Containers fabricated primarily of aluminum and commonly used for soda, beer or other beverages.

BIODEGRADABLE
Bags or material capable of decaying through the action of living organisms.

BULKY METALS
Stoves, refrigerators, dishwashers, dryers, washing machines, air-conditioning units, boilers, freezers, water tanks, lawn mowers, aluminum siding, metal window and door frames and other like large metal appliances. This term excludes items defined as Construction and Demolition debris in this chapter.

CORRUGATED CARDBOARD
Non-wax coated corrugated cardboard containers and boxes.

COMMINGLED
The mixing together of the following recyclables: glass bottles, plastic bottles, ~~tin cans~~ metal and aluminum cans, gable top containers, and other like materials should they be deemed a recyclable product in the future..

CONSTRUCTION AND DEMOLITION DEBRIS
Concrete, masonry, wood, plaster, aluminum or other siding material, wire, asphalt, ceramics, tiles, sheetrock, stones, bricks, clay pipe, concrete pipe and any other by-product of a new construction activity, renovation or rebuilding or other modification to a house, appurtenances and grounds.

COUNTY LAW

Such laws and regulations adopted by Westchester County which create regulations regarding source separation and recycling.

GABLE TOP CONTAINERS

Containers including polycoated and paper board like Tetra Paks or aseptic and gable top cartons, including all milk, cream, and milk substitute beverage containers.

GLASS BOTTLES

Transparent or translucent jars, bottles and containers which are primarily used for packaging and bottling of various products.~~matters,~~. ~~but only those glass bottles that are green, amber or flint (clear) in color.~~

METAL CANS

Containers fabricated primarily of metal, ~~but not~~ including aluminum cans.

MUNICIPALLY COLLECTED SOLID WASTE

Household waste and other waste materials routinely produced in a household and used household items that are municipally collected whether by public employees or contractors working for the municipality. This material does not include other materials defined as bulky metals, bulky waste, construction and demolition debris, commingled recyclables, ~~newsprint~~ and yard organics.

~~**NEWSPRINT**~~

~~Machine-finished paper made chiefly from wood pulp used for newspapers. This term includes glossy newspaper inserts.~~

~~**BROWN**~~ **PAPER BAGS**

~~As distributed by grocery and department stores.~~ A biodegradable bag used for carrying various products and materials that are distributed or sold by grocery and department stores.

PAPER/CARDBOARD

Newspapers, glossy inserts, phone books, magazines, junk mail, paper bags, and corrugated and grey cardboard boxes. This term excludes waxed cardboard, including gable top containers, plastic and Styrofoam packing materials, cardboard with any trace of food, paperbacks or hardcover books.

PLASTIC BOTTLES

~~The~~ cContainers made from plastic that are used for carrying or storing beverages or liquids and that are marked with the recycling logo and identifying numbers (1-7).

PRIVATELY COLLECTED SOLID WASTE

Commercial waste and other waste materials routinely produced in offices, retail, restaurants or other commercial establishments that are collected by a private carter.

RECYCLABLES

Glass bottles, metal and aluminum cans, ~~newsprint~~, paper/cardboard, gable top containers, yard organics, plastic bottles and containers and bulky metals as defined in this chapter.

YARD ORGANICS

Grass clippings, ~~L~~leaves, branches and other like organic garden materials. Excluded are tree trunks, root systems, tree stumps, logs, main branches and other large growing vegetation. ~~It does not include grass clippings, tree stumps or logs.~~

§ 243-3 Establishment of program.

There is hereby established a program for the collection of paper, glass bottles, aluminum ~~cans,~~ and metal cans, yard organics (excluding grass clippings), plastic bottles, gable top containers and bulky metals for the purpose of recycling. The program shall be under the direction of the Village Manager, who shall be authorized ~~from time to time~~ to establish and promulgate rules and regulations to carry out the provisions of this chapter.

§ 243-4 Source separation required.

All persons who are owners, tenants or occupants of any commercial, residential or industrial building, shall separate out from municipally or privately collected solid waste left for collection, all paper, glass bottles, aluminum ~~cans,~~ and metal cans, plastic bottles, gable top containers, bulky metals and yard organics, excluding grass clippings. Separation will be in accordance with the provisions of this chapter, county law and those rules and regulations promulgated by the Village Manager.

§243-5 Grass clippings

Grass clippings will not be collected curbside by the Village. Residents can bring their grass clippings either loose or in biodegradable paper bags, up to 200 pounds per day, to the Village Recycling Center at no charge. Contractors will be charged to tip any yard organic material subject to the fees as established by the Board of Trustees in the annual fees and charges schedule.

§ 243-~~5~~6 Scavenging restricted.

A. Once recyclables have been placed at the curb for municipal collection, such recyclables shall be municipal property. It shall be unlawful for any person, firm or corporation to collect, pick up or cause to be collected or picked up any recyclable at the curb without the express written authorization of the Village of Scarsdale. Each such unauthorized collection shall constitute a separate violation.

B. Nothing herein shall prevent any person from making arrangements for the private collection of recyclables; provided that recyclables to be privately collected shall not be placed curbside on or immediately preceding the day for municipal collection of such recyclables.

§ 243-~~6~~7 Penalties for offenses.

A. The Village of Scarsdale or any private carter shall not collect any solid waste or recyclable which has not been separated and secured pursuant to the provisions of this county law or the rules and regulations so promulgated.

B. A violation of this chapter, other than § **243-5A**, shall constitute an offense punishable upon conviction thereof by a fine not exceeding $25 for the first offense and $50 for each offense thereafter.

C. A violation of § **243-5A** shall constitute a misdemeanor punishable upon conviction thereof by not more than six months' imprisonment or a fine not exceeding $250, or both.

§ 243-~~7~~8 Construal of provisions.

To the extent that the provisions of this chapter are inconsistent with or different from the provisions of Chapter **179**, the provisions of this chapter shall control.

EFFECTIVE DATE

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

Underline means addition.
~~Strikethrough means delete.~~

VILLAGE OF SCARSDALE

To: Stephen M. Pappalardo, Village Manager

From: Ingrid M. Richards, Assistant Village Manager IMR

Date: June 10, 2016

Re: Local Laws Amending Chapter 179 "Garbage, Rubbish and Refuse" and Chapter 243 "Recycling"

Purpose

At the Village Board's Sustainability Committee meeting held on Tuesday, May 10, members of the Scarsdale Leaf Education Task Force requested that the Board of Trustees eliminate the curbside grass clipping collection operations ("GCCO") in order to promote grasscycling. This request is consistent with the Task Force report dated March 6, 2016 "Review of 2015 Education Campaign and Proposal for 2016" previously submitted to the Village Board. In response, the Board of Trustees agreed to consider a local law allowing for the elimination of GCCO to elicit public response, comment and discussion. Toward that end, the Village Board will schedule a public hearing at its June 14, 2016 meeting, for June 28, 2016 to discuss the proposed amendments (attached) to Chapters 179 and 243 of the Scarsdale Village Code.

The purpose of this memo is to (1) define the term grasscycling, (2) outline the pros and cons of this process, (3) explain the current GCCO and (4) summarize the amendments to the proposed local law to provide for this change.

Grasscycling

Grasscycling, also known as grass mulching, is the process of leaving grass clippings on the lawn during and after mowing as opposed to bagging and removing the clippings.

Pros/ Cons of Grasscycling

There are certain environmental reasons and financial benefits to property owners that may lead a community to consider eliminating its GCCO in favor of grasscycling, including the following,

1. Grass clippings provide essential nutrients such as nitrogen, a valuable soil nutrient which may be returned to the lawn. This helps with healthy growth of grass thereby reducing the amount of fertilizer or chemicals needed to maintain a healthy lawn.
2. Grass clippings contain 80% water, reducing the frequency of irrigating the lawn, serving as a water conservation measure.
3. Homeowners employing landscapers should receive a reduction in service fees as the landscapers would no longer collect and bag grass clippings for disposal.

Although these are compelling reasons to support and implement a grasscycling program, if GCCO was eliminated, landscapers employed by property owners not wishing to employ grasscycling, may improperly dispose of grass clippings into waterways and catch basins. Local landscapers may believe that traveling to the Village's Recycling Center is inconvenient and the $125 per ton disposal fee too high, serving as a deterrent to the proper disposal of grass clippings.

The Department of Public Works annually collects approximately 770 tons of grass clippings from curbside in the Village. As a point of reference, a ¼ acre lawn produces 1 ½ tons of grass clipping per growing season, on average. Westchester County currently charges the Village $16.75 per ton tipping fee for disposal, which translates into a total cost of $12,897 per year.

According to Benedict Salanitro, Superintendent of Public Works, the elimination of GCCO will not eliminate the collection of organic yard waste, however total volumes would decrease expediting collections providing an opportunity to redeploy collection personnel to other critical tasks in the Department of Public Works.

Amendments to Chapter 179 and Chapter 243

In order to eliminate GCCO, comply with the changes to the Westchester County Recycling Law and make other necessary updates, there are a number of proposed modifications to Chapter 179 "Garbage, Rubbish and Refuse" and Chapter 243 "Recycling" in the Scarsdale Village Code, as follows:

Chapter 179:

1. The terms and definitions: biodegradable, corrugated cardboard, commingled, county law, gable top containers, metal cans, paper bags, paper/cardboard, and plastic bottles/containers have been added.
2. The term newsprint has been deleted.
3. Modifications to the definitions bulky metals, bulky waste, glass bottles, municipally collected solid waste, and recyclables, have been made.
4. Elimination of curbside grass clipping collection and establishment of parameters when residents and contractors take grass clippings to the Village Recycling Center have been included.
5. A number of necessary updates have also been included in the proposed Local Law Amending Chapter 179. (please refer to the local law amendment).

Chapter 243:

1. The terms and definitions: biodegradable, corrugated cardboard, construction and demolition debris, gable top containers, paper/cardboard, have been added.
2. Modifications to the terms and definitions of bulky metals, commingled, glass bottles, municipally collected solid waste, brown paper bags, plastic bottles, recyclables and yard organics have been made.

3. Elimination of grass clipping collection from the curbside and establishment of parameters when residents and contractors take grass clippings to the Village Recycling Center have been included.
4. A number of necessary updates have also been included in the proposed Local Law amending Chapter 243. (please refer to the local law amendment).

Attached please find the public hearing notice for the Board's June 28, 2016 meeting, with copies of the proposed draft laws. Please place on the Board's June 14, 2016 meeting agenda.

Thank you.

CC: Robert Cole, Deputy Village Manager
Wayne Esannason, Village Attorney
Benedict Salanitro, Superintendent of Public Works
Josh Ringel, Assistant to the Village Manager

PUBLIC HEARING

Village of Scarsdale

NOTICE IS HEREBY GIVEN that a Public Hearing is scheduled by the Board of Trustees of the Village of Scarsdale on Tuesday, June 28, 2016 at 8:00 p.m. in Rutherford Hall in Village Hall to consider two (2) proposed local laws to Amend Chapter 179 of the Scarsdale Village Code, entitled Garbage, Rubbish and Refuse, and Chapter 243 entitled Recycling.

Donna M. Conkling
Village Clerk

06/15/2016

PUBLIC HEARING HELD

ON TUESDAY, APRIL 12, 2016

Donna M. Conkling, Village Clerk

To the Mayor and Trustees...

My husband Joe and I are in favor of using the 2014 TYLER Technologies assessment/appraisal of our Homes as the basis for our Village.. Town.. and SchoolTaxes..
and Revoking or Cancelling the results of the recent
and unnecessary RYAN Reval..

since the RYAN Reval was based on a Model that was obviously flawed and produced results that varied widely from the TYLER Reval... less than 2 years before..that were difficult to substantiate or understand.

Any constraints that you might claim as to why this cannot
be done should vanish if you consider the wishes of the
community that you serve and the problems that the new Reval
created.

My guess is that Mayor Bob Steves..who had the idea for the second Reval...
might now regret his decision to encourage the Trustees at the time
to vote for it...even though his home did get a reduced Assessment.

The "little folks" like us..retirees who can least afford the big increases
we received.. were hit the hardest by the new Reval...which we believe is
patently unfair..
and has no basis in common sense or in relation to the previous recent Tyler
Reval..
which was thoughtful and gave us plenty of time to grieve in person..and time
for Tyler to readjust its findings.

We think..as do over 1000 others..that the RYAN Reval was a
mistake...possibly Mayor Steves mistake in judgment..and it is not too late for
this Mayor and the Village Board to see and admit that and to rectify it.

It just takes courage and the willingness to understand that the Reval was
truly a bad idea gone wild.
Please do the right thing for Scarsdale.

Thanks for listening.
Susan Levine
11 Ardmore Road

Dear Mayor Mark,

During the June 14th and subsequent meetings, many people have brought up valid points on why the Ryan revaluation is severely flawed and should be voided.

During the June 14th meeting, you, the Board of Trustees and the village counsel suggested that voiding the Ryan valuation would open the village to legal challenges and we should seek relief through grievance.

By now, you should realize that the wide ranging problems with Ryan's revaluation will not be fixed by grievances. Grievances are costly and only lowers the individual owner's over-valuation. It does not in any way increase the under-valuation that is rampant in Ryan's model.

As for the legal challenges 'excuse' and I say it is just that, an excnse, because your in-action could also open the village to legal challenges.

Some people have even suggested the village hire an oversight group to look at Ryan's work at minimal cost. Yet even that is going to deaf ears. Do you or the BOT really think this problem will go away if you stall long enough?

I nrge you, as the elected leader of our government to do what is right, to do something. Sitting on your hands is not an option.

Kai Tang
Ridgecrest E

From: Eric Miller <ericmiller411@gmail.com>
Sent: Wednesday, June 29, 2016 10:47 PM
To: Mayor
Subject: Re: Board of Trustees email

Dear Mayor Mark,

Thank you for your leadership as mayor. I am sure the revaluation process is not easy and it is difficult to make everyone happy. Holding the meetings over the just few weeks were greatly appreciated.

On another note, I truly hope the Board will host many more meetings regarding the funding for a new library. To spend upwards of $20 million in this environment would be extremely irresponsible. I read on scarsdale10583 that the library board was going to present again soon, and tighten their budget. Numbers I saw were very small - in terms of cuts.

I feel strongly that if they truly believe they can privately raise $7+ million, the Board of Trustees should give them a minimum threshold of $5 million in private funds escrow before allowing any village funding to be given. I worry we start with Village funding, the Library team fails to raise any material private money and the taxpayer is left holding the bag.

An investment of this magnitude, when the village is fighting over the reassessment and a large investment into the Greenacres school is quickly approaching, should require a Village-wide referendum. A small vocal few should not be authorized to run a $10-20 million tab. I really do not believe they will raise anywhere near what they say they can in private funds.

I appreciate your strong communication and hope all the upcoming meetings on this topic are well publicized.

Many thanks for your service.

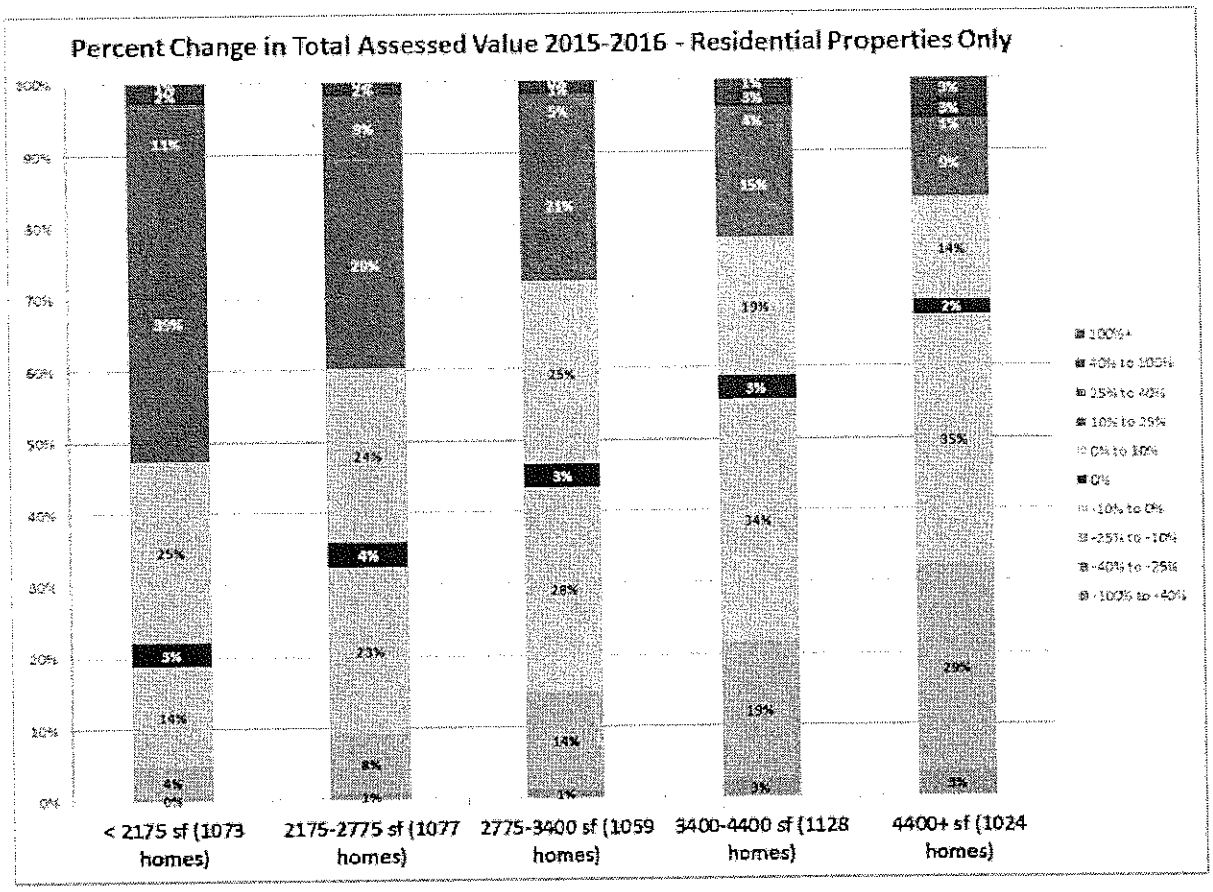
Best,
Eric Miller
10 Overlook Rd

Sent from my iPhone
Eric Miller
(917) 510 4072

From: Brice Kirkendall-Rodríguez <bricek@yahoo.com>
Sent: Wednesday, June 29, 2016 10:30 PM
To: Mayor
Cc: Manager's Department; Attorney's Office; Nanette Albanese; Steve Pappalardo
Subject: [BULK] Percent Change in Total Assessed Value when viewed through the lens of home size

Dear Mayor Mark,

Today's village release of a chart depicting the distribution of property value change by neighborhood inspired me to revisit the data and create a complementary chart that shows the same distribution by home size. I broke our housing stock up into roughly equivalent quintiles. Even I was surprised at the starkness of the result. Certainly now you can have no doubt about what has be wrought by the use of a square root model for home value. Almost 80% of the smallest homes saw an increase and almost 70% of the largest homes saw a decrease. Neighborhood is irrelevant to this discussion. The effects are village wide. If you want complete transparency on this issue, you'll post this on the village website as well.



Best regards,

Brice

Dear Mayor and Trustees,

The Tyler Reval assessed our house at 5 Lenox Place, a modest wood shingled home on .19 acres, on a dead end street, opposite the WRT.

with an increase of 23.8% over the previous year!!!

Now with the Ryan drive-by Reval we have an increase of an additional 14%.

Is your intent, with this Reval of 37.8% increase on our home taxes, a way to force us out of Scarsdale after living in the same home since 1965?

Are we to severe our ties and community involvements with our Village because of an excessive and unfair tax rise?

The Ryan drive-by Reval is filled with errors and obvious inequities. Nothing changed outside or outside our home between the two Revals.

We are requesting that this Ryan drive-by Reval be annulled.

In our 51 years of Scarsdale residency at 5 Lenox Place, this is our first and only letter of tax protest.

Sincerely yours,

Bernard and Jeannie Mackler

5 Lenox Place

For Distribution to The Scarsdale Board of Trustees:

Dear Trustees,

The following statement is submitted on behalf of the board of directors of the Friends of the Scarsdale Parks for your consideration at the Village Board's Sustainability Committee meeting tomorrow evening, July 8, 2014:

"The Friends of the Scarsdale Parks supports an amendment to the fall leaf collection regulations of the Village of Scarsdale, to take effect immediately. The new regulations should require bagging of fall leaves on all residential properties, with the option for residents to use leaves on their property as mulch; to have leaves and grass clippings mower-shredded in place; to use leaves and grass clippings as a component for making compost; or to have leaves and grass clippings carted away by landscapers. At the same time the Village should establish an ongoing educational program to actively promote the methods and environmental benefits of leaf and grass recycling, and should establish an accelerated timetable for the discontinuation of Village collection of leaves and grass clippings."

FOSP was an early advocate for a more sustainable environmental approach than the existing collection program of yard organics, and for the use rather than disposal of leaves and grass clippings by residents and the Village contractor and Staff. We vigorously supported the practice of mower shredding/mulching on site in the parks and other Village properties, which was implemented at the two Village center parks in 2012, Chase Park and de Lima Park. Thanks to the farsighted leadership of the Trustees and the Staff, since the beginning of 2013 this method has quickly become the norm throughout the more than two dozen Village properties, including recreation fields, parks and other open spaces.

Respectfully submitted,

Madelaine Eppenstein, Co-President
On behalf of the Friends of the Scarsdale Parks, Inc.

Donna Conkling

From: timothy.d.foley@gmail.com on behalf of Timothy Foley <tim@commanderfoley.com>
Sent: Thursday, June 02, 2016 4:04 PM
To: Clerk's Department
Subject: Potential Discontinuation of Grass Clipping Pick-up

I write in disapproval of the Potential Discontinuation of Grass Clipping Pick-up at this time.

I am quite snrprised to be in this position, as I am in favor of the Sustainability Committee's previous proposal to eliminate the vacuumed removal of leaves in autumn. However, many of the reasons I support the implementation of that proposal are absent from the grass clipping question.

In terms of leaf removal, there is a clear cost savings to the Village as a whole, in that an entire service would be elimmated, and the truck and equipment would no longer need to be operated or maintained. There would be an incremental carbon footprint benefit with one less gas-guzzling vehicle on our roads. The Village and the Sustainability Committee has already conducted an extensive public education campaign on the importance of mulching, including demonstrations on how to retrofit existing equipment to produce the desired effect. And finally, for those of us who tend our own lawns (and I fully recognize that I am in the minority!), the measure ultimately wouldn't be punitive -- even should I not immediately be able to change my own equipment or have the time to properly study and implement the new technique, I could always bag my leaves for pick-up. The removal of the vacuum trucks is the removal of a redundant perk, rather than an essential service.

None of these exist for the current proposal. There is not a clear cost savings and no incremental carbon footprint benefit from vehicle reduction because DPW would continue to operate the same equipment, use the same routes and, as I understand it, use the same routes as frequently to continue to pick up non-grass yard waste, including leaves. There has been no public education campaign before launching the proposal. I don't own a mulch mower and tend my lawn myself. So how can I retrofit? Or must I buy a new mower? There's been no education on this at all. Finally, this is the full elimination of an essential service that I use approximately 20 weeks out of the year. If I had a landscaper or gardener, perhaps negotiating a rate for removal would be no difficult thing. But now I'd be expected to either buy new equipment entirely or *add* to the vehicular traffic in Scarsdale by adding 20 or more trips to the recycling center. Surely, if the goal is sustainability and reducing our carbon footprint, this is a step backwards.

I would encourage you not to adopt this change at this time, until more civic dialogue and education has taken place, and until it's clearer what the economic and carbon footprint benefits would actually be, as that case has not yet been proven. In terms of best practices, I understand my lawn will be healthier with this change, but just about everything else will be worse.

To the Mayor and the Trustees:

I cannot imagine why anyone in Scarsdale would Not
be in favor of the work saving environmentally beneficial
process of leaving grass clippings in place during Lawn Mowing.

If Gardeners might oppose the process..it seems to me that
it might only be because they would worry that Homeowners
might wish to reduce their monthly bill... since there would
be Less Work every week for Gardeners..

They would no longer have to fill Large Paper Bags with Grass Clippings and
leave them at the Curb for Village pickup.

What other reasons for an objection could Gardeners have?

If they know anything at all about the environment..
and the benefits of this process to lawns..
they could have none.

Anyone else who objects to this proposed positive change in the Village
Code must Not understand its benefits and the positive
affect on Lawns it will have as well as the reduced Village work load.

I have my New gardener leaving grass clippings on my
lawn this season ..and there is absolutely No downside at all.
He will also mulch my leaves in the Fall.

I am totally in favor of Grass Recycling and Leaf Mulching.

Thanks for listening.

Susan Levine
Ardmore Road

From: michellesterling1@gmail.com <michellesterling1@gmail.com>
Sent: Friday, July 1, 2016 8:37:33 AM
To: Mayor; Jon Mark; Bill Stern; Matthew Callaghan; Marc Samwick; Jane Veron; Carl Finger; Deb Pekarek
Cc: sustainable@scarsdaleforum.com; Anne Jaffe-Holmes
Subject: grasscycling hearing followup information

Hello Mayor and Village Board of Trustees. Thank you for holding a hearing on grass clippings this past Tuesday night. One of the points raised by the NYSLTA was that grasscycling was not necessarily beneficial to our lawns along with a questioning of the science behind it. As you can see from the links below, grasscycling is recommended by the EPA, NY DEC, Cornell Cooperative and Westchester County:

1. **The United States Environmental Protection Agency (EPA):** (Link) (See page 12)
2. **New York State Department of Environmental Conservation (DEC):** (Link)
3. **Cornell University Cooperative Extension:** (Link)
4. **Westchester County Department of Environmental Facilities (DEF):** (Link)

Grass clippings are primarily made up water and nitrogen, two things our lawns need. As clippings are spread over the lawn they quickly fall between the grass and start to decompose. Please note none of the reports suggest only grasscycling part of the year or suggest there will be too many clippings. So long as you mow regularly, clippings can be left throughout the year including during the growing season.

Thank you again for your time and attention to this matter.

Michelle Sterling

From: Melissa Chepuru <mschepuru@gmail.com>
Sent: Friday, July 1, 2016 11:55:24 AM
To: Mayor
Subject: Grasscycling

Dear Mayor Mark,

I recently reinstated my membership on the sustainability committee of the Scarsdale Forum and was reading up on the Grasscycling issue that it looks like the Board is going to vote on soon.

I just wanted to put my two cents in on the issue, which seems like a no-brainer and why not? My gardeners (I think I've had 4 in my 16 years here) have never picked up the grass and I guess I'd never know the difference if they did. Given the enormous environmental benefits, not to mention the "nutritional" benefits to the lawn, both cited by the committee, valiantly led by Michelle Sterling, it would seem that if the highly educated, resourceful citizens of our town, upon learning of such things, would not immediately have their lawn tenders adopt the practice of leaving the grass on the lawn, then town leadership must and should urge them to do so and, in fact, enforce this practice. There is far too much cow towing to those who want to consume and burden our environment and infrastructure in this town and not enough standing on principles that would go toward doing good for the planet. The gridlock around solar energy approval and the overbuilding in some neighborhoods are just two examples of this. I know our water pressure has suffered severely, especially in summer, due to the increased building in our area. I've confirmed that with the water department, who lament that they are not consulted on building viability. That is astonishing, in my opinion. How is that? And yet the BAR holds sway on grounds of aesthetics. Wow.

But I digress. I just wanted to voice my support for the town-wide adoption of the simple practice of Grasscycling. (My phone is capitalizing it. It must be important.) I do hope the board will vote yes on this and move, ever incrementally, toward an environmental leadership position for our town.

Thanks for your time and consideration.

Melissa Sepe Chepuru, LMSW
7 Dickel Rd.

Sent from my iPhone

Dear Mayor Mark and Trustees,

The following is the statement of the Friends of the Scarsdale Parks, Inc. to the Village Board in July 2014 in support of grasscycling (which also advocated in favor of leaf conservation):

"'The Friends of the Scarsdale Parks supports an amendment to the fall leaf collection regulations of the Village of Scarsdale, to take effect immediately. The new regulations should require bagging of fall leaves on all residential properties, with the option for residents to use leaves on their property as mulch; to have leaves and grass clippings mower-shredded in place; to use leaves and grass clippings as a component for making compost; or to have leaves and grass clippings carted away by landscapers. At the same time the Village should establish an ongoing educational program to actively promote the methods and environmental benefits of leaf and grass recycling, and should establish an accelerated timetable for the discontinuation of Village collection of leaves and grass clippings.'

FOSP was an early advocate for a more sustainable environmental approach than the existing collection program of yard organics, and for the use rather than disposal of leaves and grass clippings by residents and the Village contractor and Staff. We vigorously supported the practice of mower shredding/mulching on site in the parks and other Village properties, which was implemented at the two Village center parks in 2012, Chase Park and de Lima Park. Thanks to the farsighted leadership of the Trustees and the Staff, since the beginning of 2013 this method has quickly become the norm throughout the more than two dozen Village properties, including recreation fields, parks and other open spaces." (FOSP email to Village Board July 2014, copy attached, emphasis added.)

The literature states that some of "the most prevalent reasons that people give for removing clippings may reflect misconceptions and habit. Such reasons include;

- Bagging may be the accepted practice in the neighborhood.
- Clippings can become unsightly when they lay on top of the turf canopy.
- Turf can be smothered due to the inconsistent clipping dispersal of side discharge rotary mowers.
- Some believe clippings enhance turf disease.
- Concern over clippings being tracked into a home or swimming pool.
- The notion that clippings will accumulate and form a detrimental thatch layer."

Chalmers, et al., "Mowing To Recycle Grass Clippings: Let the Clips Fall Where They May!" pages 1-2 (Virginia Cooperative Extension, Virginia Tech 2009), at http://pubs.ext.vt.edu/430/430-402/430-402.htmlhttp://pubs.ext.vt.edu/430/430-402/430-402.html.

These rationalizations are unpersuasive when weighed against the environmental benefits of grasscycling, the cost of Village collection practices, and the waste of natural resources. Despite the above misconceptions and aesthetic misgivings about grasscycling, "Grass clippings should be treated as a valuable resource. . . .grass clippings on the lawn break down rapidly as they are 85 percent water and do not contribute to thatch. Grass clippings also do not increase the possibility of disease." Cornell Cooperative Extension, "Grasscycling: Better than Bagging" (Rockland County NY, 2011), at http://rocklandcce.org/resources/grasscycling.

As stated previously, we hope that the Village Board will adopt a policy that supports grasscycling as an environmentally superior alternative to the annual collection and removal of tons of organic yard material.

Respectfully submitted,

Madelaine Eppenstein, Secretary
On behalf of the Friends of the Scarsdale Parks, Inc.

Donna Conkling

From: Lou Mancini <lou@jdevents.com>
Sent: Thursday, June 02, 2016 9:12 AM
To: Clerk's Department
Subject: Grass Clippings

Mayor & Trustees

Please do not change the law for grass clippings.

There is little economic reason to change the law. You are not reducing staff and curbside pickup for other similar waste will continue.

The burden placed on regular homeowners on fixed budgets who do not have a landscaper or funds to convert or buy new lawnmower to comply is burdensome.

This program should be voluntary program for those who want to support it.

Thanks,

Lou Mancini
JD Events LLC ********NOTE NEW ADDRESS********
55 Walls Drive Ste 204
Fairfield, CT 06824
203 416 1926 d
914 645 7728 m
203 371 8894 f
lou@jdevents.com

www.jdevents.com

From: June Reidenberg <jwreid@optonline.net>
Sent: Saturday, July 2, 2016 4:51 PM
To: Mayor
Subject: grasscycling

Dear Board of Trustees:

The proposed resolution to end the village collection of grass clippings would end a service to residents that has a value and policy implication you may not have considered. Grass clippings left on the lawn are often tracked into the house by those who cross the lawn to enter the house. These clippings must then be swept or vacuumed frequently to keep the house clean. For residents with young children this task may simply add to the hassle of daily living, but for elderly residents it will be a physical and financial burden. With age, housecleaning becomes more difficult and hiring help to do daily chores is expensive. I have lived in Scarsdale for 41 years and would like to continue to do so and to contribute to our community. I am concerned that reducing services provided by the village will burden seniors to the point that it will be necessary to leave. If that happens, it will be a result of public policy. Such a policy would be destructive of the wonderful community of all ages that we have.

Sincerely yours,

June Reidenberg
Greenacres Ave.

Donna Conkling

From: Andrew M. Edelman <amedelman@me.com>
Sent: Saturday, June 04, 2016 7:35 AM
To: Clerk's Department
Subject: Grass Clipping Pickups

I am writing in opposition to this new proposed 'regulation' on the Village no longer picking up grass clippings curbside. Why not try this on a 'voluntary' basis and see if it reduces the amount of pickups and waste? This will be a burden on homeowners who, for a variety of reasons, choose not to 'grass mulch.' Certainly, the elderly and infirm will have difficulty in taking these bags to the transfer station on their won. The alternative is to pay our gardeners to dispose of the clippings and they, in turn, need to pay for the privilege of dropping this 'waste' at the transfer station. With the continued increases in our taxes, why does the Village continue to try to reduce our services?

Those with allergies to grass may well be impacted negatively.

Thank-you.

From: Carolyn Mehta <carolyn.mehta@gmail.com>
Sent: Friday, July 1, 2016 1:30:12 PM
To: Mayor
Subject: Public notice on right of way deposits

Mayor Mark:

I saw the a Public Notice in the Inquirer. great job! So many are contractor who probably charged the deposits back to their unknowing clients.

I hope before the deposits are returned, there is confirmation that the work was done (sidewalks not damaged....) if not, the money should be used to fix the damage created during construction. That's what it is for!

I hope you read this after your vacation is over!

Safe travels.

Carolyn

From: Eric Miller <ericmiller411@gmail.com>
Sent: Wednesday, June 29, 2016 10:47 PM
To: Mayor
Subject: Re: Board of Trustees email

Dear Mayor Mark,

Thank you for your leadership as mayor. I am sure the revaluation process is not easy and it is difficult to make everyone happy. Holding the meetings over the just few weeks were greatly appreciated.

On another note, I truly hope the Board will host many more meetings regarding the funding for a new library. To spend upwards of $20 million in this environment would be extremely irresponsible. I read on scarsdale10583 that the library board was going to present again soon, and tighten their budget. Numbers I saw were very small - in terms of cuts.

I feel strongly that if they truly believe they can privately raise $7+ million, the Board of Trustees should give them a minimum threshold of $5 million in private funds escrow before allowing any village funding to be given. I worry we start with Village funding, the Library team fails to raise any material private money and the taxpayer is left holding the bag.

An investment of this magnitude, when the village is fighting over the reassessment and a large investment into the Greenacres school is quickly approaching, should require a Village-wide referendum. A small vocal few should not be authorized to run a $10-20 million tab. I really do not believe they will raise anywhere near what they say they can in private funds.

I appreciate your strong communication and hope all the upcoming meetings on this topic are well publicized.

Many thanks for your service.

Best,
Eric Miller
10 Overlook Rd

> From: Eric Miller <ericmiller411@gmail.com>
> Sent: Saturday, May 28, 2016 8:53 AM
> To: Mayor
> Subject: Re: Board of Trustees email
>
> Dear Mayor,
>
> As I read this week's Scarsdale Inquirer, I feel my blood start to boil once again. The Scarsdale library project seems very similar to the old SCC debate. A few tirelessly active citizens with a mission think they represent the entire taxpaying village.
>
> This project feels failed from the start. The amount of money they committed to raise is nowhere close to the numbers they promised and now, again, ask the Village to fund more? A $19 million project in this economic environment is so fiscally irresponsible that we would be the laughing stock of

Westchester. Higher end homes in this community are not selling, with near record inventory. High real estate taxes are crippling many. This project should either go back to a reasonable level (i.e. Capped at $5 million) or be shelved.
>
> At a minimum, as a Scarsdale taxpayer, I would hope we would have a village wide referendum on the issue if the village number to support goes above $4.5 million.
>
> Have a nice holiday weekend.
>
> Best,
> Eric Miller
> 10 Overlook Rd
>
>
>> On Feb 13, 2016, at 3:06 PM, Mayor <mayor@scarsdale.com> wrote:
>>
>> Dear Mr. Miller -- Thanks for your further thoughts.
>>
>> Very truly yours, Jon Mark
>> _____
>> From: Eric Miller <ericmiller411@gmail.com>
>> Sent: Saturday, February 13, 2016 10:00 AM
>> To: Mayor
>> Cc: Clerk's Department
>> Subject: Re: Board of Trustees email
>>
>> Thank you, again, Mayor Mark for your response. I unfortunately was unable to make this week's meeting that included a library funding discussion due to business travel.
>>
>> I read the synopsis in disbelief that a grassroots organization could believe they have the right to push the Board of Trustees to approve a $19.5 million project bond without further community discussion and a referendum.
>>
>> This whole situation is not so different than when the SCC also made a strong push. For a community this size, I sincerely hope our Trustees recognize the fragile state of the economy and remain judicious on being fiscally conservative. Of course a crowd of proponents will make a strong case for the investment - but please remember (as you have) that they do NOT represent the overall community's sentiment for a project this size. The only true way to judge that is to have a well advertised referendum.
>>
>> I remain concerned of the sheer amount of money they are asking for. I believe they should first raise $7.5 million and come back to the Board. Perhaps a compromise point is for this group to come back once they can evidence $5 million in an ESCROWED account.
>>
>> There is no doubt that the current library can use some restoration. $3mm? $5mm? Maybe. $19.5 million is similar to how the SCC grew from being an idea for an indoor pool for a few million dollars to a $20+ million megaplex that the community rejected.
>>

>> I appreciate the volunteer work you and the Board take on. It is commendable and appreciated. You are empowered to do what is best for the overall community over the long run, rather than take on a massive, fiscally irresponsible project being pushed by a smaller, well-funded vocal group.
>>
>> I plan to be here for the next 25 years and would rather not be picking up the tax issues over the next couple of decades... We keep raising taxes and fewer young families will migrate to Scarsdale because they cannot afford to.
>>
>> Many thanks and regards,
>> Eric Miller
>> 10 Overlook Rd
>>
>>>
>>> -----Original Message-----
>>> From: Eric Miller [mailto:ericmiller411@gmail.com]
>>> Sent: Sunday, December 13, 2015 5:38 PM
>>> To: Clerk's Department <clerk@scarsdale.com>
>>> Subject: Board of Trustees email
>>>
>>> Re: Proposed $19.5mm Library Renovation
>>> From: Eric Miller, 10 Overlook Rd
>>>
>>> I kindly request that we have multiple public sessions to dig into the financial impact on the Village and its taxpayers having to float a $12 million bond - and possibly more if the committee falls short of its $7.5mm private raise. I am still having difficulty computing the sheer amount being requested to build this facility, and as we all know, construction can easily go 10-20+% above expected costs. Not so dissimilar to the SCC proposal, this project is massive relative to the Village budget and affects all of our taxpayers.
>>>
>>> Why would we not have a referendum early on in this process to gauge the taxpayers interest in such a huge project? If we allow the private raising of capital, do we still have the ability to say NO to the $12mm ask? With 5,900 households, we would likely hear more from a vote than relying on only the interested parties whether to move forward with such an enormous library renovation project. I am confident that with a $5-7mm budget, we could do AMAZING things at the library - rather than $19.5mm.
>>>
>>> Our roads are in disrepair and our sewer lines have massive expenditures ahead to fix. Our healthcare costs for our Village employees are skyrocketing. A $19.5mm library renovation is way over the top in my view...particularly with what looks to be an anemic economic recovery in the US.
>>>
>>> Many thanks for your service and consideration.
>>>
>>> Respectfully submitted,
>>> Eric Miller
>>> 10 Overlook Rd, Scarsdale
>>>

From: Lee Fischman <lee.fischman@gmail.com>
Sent: Friday, July 1, 2016 1:47:04 PM
To: Mayor; Steve Pappalardo
Subject: Proposal for an Assessment Committee

Mayor / Trustees / Mr. Pappalardo,

Given the high level of dissatisfaction over the 2016 revaluation, including concerns over its methodology, data and even the decision to conduct the revaluation, I would like to follow through with my proposal to establish a standing Assessment Committee.

The purpose of the Assessment Committee could be to assist in vendor selection, provide technical oversight of the valuation process, provide guidance/rules for the timing of assessment updates and scope, conduct independent research to improve the process and practice of assessment, and produce guidance for the Board of Assessment Review; the Committee could even participate in the design of a valuation model.

The Assessment Committee would be Board-appointed and limited to properly qualified residents with a quantitative background being most desired, although a background in appraisal and related fields may also be helpful. It would actively collaborate with staff, outside professionals and residents.

In my view, the experience of the last two assessments has made it clear the assessment process – flawed or not – is too opaque. Given how high Scarsdale's taxes are, residents should be provided the utmost clarity into how their property valuations are obtained, and should trust that an open process with qualified resident volunteers is working on their behalf. If it succeeds, the Assessment Committee's work would benefit everyone.

Regards,
Lee Fischman

Donna Conkling

From: proscars@aol.com
Sent: Wednesday, June 29, 2016 11:50 AM
To: Mayor; jmark58@aol.com; bill.stern@yahoo.com; dpekarek@verizon.net; carlfingerscarsdaletrustee@gmail.com; marc.samwick@verizon.net; MJC49C@gmail.com; jveron.villagetrustee@gmail.com; Steve Pappalardo; Wayne Esannason; Nanette Albanese; Patrick McEvily; Clerk's Department; editor@scarsdalenews.com; cferris@scarsdalenews.com; mrv@post.harvard.edu
Subject: Postponement of Tonight's Grievance Hearing - NO Quorum

To All:

It is a travesty of our Town Assessment Review Board that has to cancel tonight's Grievance Hearing because they do not have a quorum of 3 out of 5 members particularly because Dorothy Finger has recused herself. Mrs Finger should immediately resign since she cannot do her duty.

The Village Board should immediately appoint a new member to the TARB from a list of past residents who have served on the TARB.

36 residents were signed up for tonight's grievance hearing . Now on short notice the meeting has been rescheduled for this Friday morning , July 1st when many residents already have travel plans for the July 4th holiday weekend. This is a travesty for the operation of the Scarsdale Town Assessment Review Board !!!

Void the Flawed 2016 Drive BY Reval NOW !!!

From: Lois Kohn-Claar <loiskc17@gmail.com>
Sent: Thursday, July 7, 2016 5:13:36 PM
To: Mayor
Subject: food scrap recycling

We would like to participate in the food scrap recycling program in Scarsdale.

Lois Kohn-Claar
10 Normandy lane
Scarsdale

TOWN BOARD MEETING

Rutherford Hall
Village of Scarsdale
June 14, 2016

A Meeting of the Town Board of Scarsdale was held in Rutherford Hall of Village Hall on Tuesday, June 14, 2016 at 11:08 p.m.

Present were Mesdames Pekarek and Veron; and Messrs. Callaghan, Finger, Samwick, Stern, and Mark. Also present were Village Manager Pappalardo, Deputy Village Manager Cole, Assistant Village Manager Richards, Town Counsel Esannason, Deputy Town Counsel Garrison, Custodian of Taxes McClure, Town Clerk Conkling, and Assistant to the Village Manager Ringel.

Mr. Mark presided.

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Minutes

The minutes of the Town Board Meeting of May 10, 2016 were approved on a motion entered by Mr. Finger, seconded by Mr. Stern, and carried unanimously.

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Report of the Custodian of Taxes

Custodian of Taxes McClure stated that the Board has received the Town financial reports for May 2016.

As of May 31, 2016, 98.25% of the 2015 County tax levy was collected in May compared to 98.06% for the comparable period in 2015. This is 0.19% better than last year's rate. Sixty percent of the County tax levy was paid to the County on May 25, 2016. The balance of $15,416,823.58 will be paid on October 15, 2016.

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Resolutions

Upon motion by Mr. Samwick, seconded by Mr. Finger, the following resolution regarding Real Property Tax Law (RPTL) Correction of Errors Petition for 7 Ferncliff Road, Scarsdale, New York was adopted by a unanimous vote:

WHEREAS, Petitioner, The Jean Dotorator Living Trust, is the owner of property located at 7 Ferncliff Rd, which is identified as Section 11, Block 11, Lot 21 on the official tax map of the Town of Scarsdale, filed an Application for Refund and Credit of Real Property Taxes on May 05, 2016, for the refund of certain County taxes issued on April 1, 2016; and

WHEREAS, although the property owner had contacted the Assessor, which resulted in the clarification and confirmation of owner eligibility for certain real property tax exemptions, that contact was made after issuance of the April 1, 2016 County tax bills, necessitating correction to the 2015 assessment roll and 2016 county tax roll for this property; and

WHEREAS, in a May 6, 2016, letter from the Executive Director of the Westchester County Tax Commission, attached hereto, the Director determined that a clerical error occurred, as defined in RPTL 520.2(c), and recommended that the application requesting a refund of the excess April 1, 2016, County taxes paid by the property owner, totaling $1,366.20, be approved by the assessing body, the Town of Scarsdale; now, therefore, be it

RESOLVED, that the Town Board acknowledges and agrees with the findings of the County Tax Commissioner that Petitioner's Application for Refund and Credit of Real Property Taxes for the tax year 2016 is a correctible error necessitating the refund of County taxes paid in the amount of $1,366.20; and be it further

RESOLVED, that Petitioner's Application for a Refund and Credit of Real Property Taxes for the tax year 2016 is herein approved and that the Village Manager is directed to communicate the Town Board's determination to the Petitioner and effectuate the refund of $1,366.20 in 2016 County taxes

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Future Meetings

Mr. Mark announced the following future meeting schedule:

- *Tuesday, June 28, 2016* – Agenda Meeting – 7:30 P.M. – Trustees' Room
- *Tuesday, June 28, 2016* – Village Board Meeting – 8:00 P.M. – Rutherford Hall

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Village Hall Schedule

- *Monday, July 4, 2016* – Memorial Day – Village Hall Closed

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On a motion entered by Mr. Samwick, seconded by Ms. Pekarek, the Town Board meeting adjourned at 11:10 P.M.

_____

Donna M. Conkling
Town Clerk

RESOLUTION RE: **INTERMUNICIPAL AGREEMENT WITH TOWN OF MAMARONECK TO REPRESENT THE TOWN OF SCARSDALE IN GRIEVANCE PROCEEDINGS AND ANY OTHER PROCEEDINGS CHALLENGING THE 2016 ASSESSED VALUATIONS**

WHEREAS, current members of the Scarsdale Village Board of Trustees, Town Board, and Town Board of Assessment Review recently filed grievance petitions challenging the 2016 assessed valuation for properties they own within the Town/Village of Scarsdale, specifically 49 Carman Road, 38 Butler Road, 26 Overhill Road, and 27 Sheldrake Road; and

WHEREAS, the Village Attorney, appointed by the Village Board of Trustees, serves as Counsel to the Town of Scarsdale and may be called upon to advise, appear, and defend grievances and SCAR proceedings involving the Town; and

WHEREAS, the Town Assessor, appointed by the Town Board, is charged, together with the Town Counsel, with the responsibility of defending grievances and SCAR petitions; and

WHEREAS, to avoid a potential conflict of interest or the appearance of impropriety, the Town of Mamaroneck has agreed to represent the Town of Scarsdale in the aforementioned grievances and any subsequent proceedings regarding these cases; and

WHEREAS, General Municipal Law § 119-o authorizes a municipality to jointly enter into or assign a municipal function to another municipality by execution of an intermunicipal agreement with that municipality; now, therefore, be it

RESOLVED, that the Town/Village Manager is herein authorized to execute an intermunicipal agreement with the Town of Mamaroneck in substantially the same form as attached hereto and conditioned on the execution of same by the Town of Mamaroneck, to have the Assessor for the Town of Mamaroneck represent the Town of Scarsdale in the grievance proceedings and any subsequent proceedings involving the challenges to the 2016 assessed valuation of the properties located within the Town/Village of Scarsdale at 49 Carman Road, 38 Butler Road, 26 Overhill Road, and 27 Sheldrake Road; and be it further

RESOLVED, that the Town of Scarsdale shall abide by any recommendation from the Town of Mamaroneck Assessor or any determination from the grievance and SCAR proceeding should one be filed; and be it further

RESOLVED, that the Town of Scarsdale shall reimburse the Town of Mamaroneck for any and all costs in connection with the grievance proceedings for said properties and any other proceedings challenging the 2016 assessed valuations.

Submitted by: Village Manager
Date: July 08, 2016
For: July 12, 2016

RESOLUTION: AUTHORIZING SETTLEMENT WITH STEVEN GREENBERG

WHEREAS, Steven Greenberg, the former owner of property located at 271 Fox Meadow Road, also identified on the Town/Village tax map as Section 4, Block 1, Lots 993 and 957, commenced multiple lawsuits in New York State Supreme Court on various grounds, including but not limited to, selective reassessment, excessive reassessment, due process and civil rights violations, and other related assessment violations; and

WHEREAS, these lawsuits were brought against the Board of Trustees of the Town of Scarsdale, the Board of Trustees of the Village of Scarsdale, the Board of Assessment Review of the Village of Scarsdale, Village employees Nanette J. Albanese, Wayne D. Esannason and Alfred A. Gatta, as well as the Tax Commissioner for the County of Westchester and the Scarsdale Union Free School District; and

WHEREAS, the subject lawsuits were filed in years 2008, 2009, 2010, 2011, 2012, 2013 and 2015; and

WHEREAS, Mr. Greenberg also commenced an action against the Town/Village of Scarsdale in Federal District Court, which was subsequently dismissed; and

WHEREAS, on May 10, 2016, a conference on all pending matters was held before Supreme Court Justice, Bruce Tolbert, who directed the parties to meet prior to June 10, 2016_ and attempt to resolve all of the valuation issues concerning Mr. Greenberg's former property, as well as other claims; and

WHEREAS, pursuant to the Court's directive, the parties, including the Town/Village's outside counsel, Terry Rice, Esq., met on June 8, 2015 and agreed to settle all of the outstanding claims and valuation issues for a sum of thirty-five thousand ($35,000.) dollars; and

WHEREAS, the Town/Village's outside counsel recommends that the Town/Village Board accept the offer of settlement subject to Mr. Greenberg discontinuing, with prejudice, all of the pending lawsuits against the Town/Village, it's employees, the Westchester County Tax Commissioner and the Scarsdale Union Free School District, and that mutual releases be executed by Mr. Greenberg and the Town/Village; now, therefore, be it

RESOLVED, that the Town Board of the Town/Village of Scarsdale accepts the proposed settlement offer stated in the attached Release subject to the conditions set forth above and authorizes the Village Manager to take all administrative acts necessary to effectuate the settlement of all pending litigation with Mr. Greenberg.

Submitted by: Village Manager
Dated: July 8, 2016
For: July 12, 2016