Village of Scarsdale

Jonathan I. Mark, Mayor

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

Office of the Village Manager
Scarsdale, New York 10583
914-722-1110
Fax: 914-722-1119
www.scarsdale.com

Stephen M. Pappalardo,
Village Manager

Limited Agenda
July 26, 2016
Village Board Meeting - 8:30 AM – Trustees Room

Action

Roll Call _____

Minutes

- Village Board Meeting of July 12, 2016 _____

Bills

- Trustee Finger _____

Committee Items

Personnel Committee – Trustee Veron

- Resolution re: Appointment to the Conservation Advisory Council _____
- Resolution re: Appointment to the Advisory Council on Scarsdale Senior Citizens _____

Town Board Agenda

Special Town Board Meeting
July 26, 2016
Trustees Room, Village Hall

Roll Call

Resolutions:

- Resolution re: Appointment to the Town Board of Assessment Review

Future Meeting Schedule

Tuesday, August 9, 2016

- 7:30 PM Agenda Committee Meeting
- 8:00 PM Village Board Meeting

THREE THOUSAND TWO HUNDRED FIFTY-EIGHTH

REGULAR MEETING

Village Hall
July 12, 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, July 12, 2016 at 8:00 P.M.

Present were Mayor Mark, 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.

* * * * * * * *

The minutes of the Board of Trustees Regular Meeting of Tuesday, June 28, 2016 were approved on a motion entered by Trustee Pekarek, seconded by Trustee Veron, and carried unanimously.

* * * * * * * *

Bills & Payroll

Trustee Callaghan reported that he had audited the Abstract of Claims dated July 12, 2016 in the amount of $385,660.01 which includes $78,248.09 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 Callaghan and seconded by Trustee Pekarek, the following resolution was adopted unanimously:

RESOLVED, that the Abstract of Claims dated July 12, 2016 in the amount of $385,660.91 is hereby approved.

Trustee Callaghan further reported that he had examined the payment of bills made in advance of a Board of Trustees audit totaling $84,363.65 which were found to be in order and he moved that such payments be ratified.

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

RESOLVED, that payment of claims made in advance of a Board of Trustees audit totaling $84,363.65 is hereby ratified.

* * * * * * * *

Mayor's Comments

Mayor Mark gave the following comments this evening:

"Regarding the Revaluation 2016: We have read the July 8, 2016 letter to the editor of the *Inquirer* and its observations about the 2016 revaluation. Notwithstanding its detailed critique of the results of the revaluation the characterizations of the 2016 revaluation and its conclusions are the assertions and opinions of its author. An email received today from another resident which overall is supportive of the 2016 revaluation while commenting critically on portions of it highlights this point. It is also noted that detailed criticisms were made of the 2014 revaluation by others when its results were issued and a web search of revaluations generally in communities across the country yields frequent spirited critiques of them. In short, the perception that any given mass appraisal, or village-wide revaluation, may be flawed is not without precedent.

The comments received do not change where we are. The 2016 revaluation is done. The grievance process is being pursued as it properly should be and it is expected that reductions in assessments will be made as appropriate through that process. The assertions in the letter that future bond issues may receive less support than would have been the case without the 2016 revaluation is a matter of pure speculation. The Village is planning a $6.4 million refunding bond issuance this week. In a Credit Opinion dated July 7, 2016, Moody's reiterated its AAA rating of the Village's credit and indications are that there is strong investor demand for the bonds well in advance of the issuance date. The next significant bond issue on the horizon would be the School Board proposed issue to fund the Greenacres School project. While that is not the purview of this Board, it appears that the Greenacres School project and its various options were receiving plenty of community focus even before the results of the 2016 revaluation were known. It is expected that that attention would translate into debate about its funding regardless of the revaluation.

Another potential bond issue receiving attention relates to the proposed Library renovation. The library project is also receiving substantial community focus and we are many steps away from reaching a conclusion on the scope of the project and how it will be funded. These discussions also have been ongoing and will continue irrespective of the results of the revaluation. A Committee of the Whole meeting is scheduled for July 19th at 6:30PM on this matter for anyone interested in attending.

Of course the unspoken issues with the respect to the 2016 revaluation are why was it done and can it be undone. The answer to the second part of that question is largely "no" although the grievance process will address one part of the issue by lowering assessments

that are determined to be too high. The answer to the first question is, in brief, that the 2016 revaluation was initiated in good faith in an effort to address perceived inequities in the 2014 revaluation. That the 2016 revaluation produced its own set of perceived inequities is admittedly an unhappy result. But hindsight is 20/20 and here we are.

As has been explained at previous meetings, the legal options available to this Board are few. The grievance process will move forward for those who grieved. The other issues raised by critics of the 2016 revaluation will most likely be faced by future Boards. As to the criticism leveled at the non-partisan system, it is suggested that such comments miss the point of the strength of the system. The barriers to entry are close to zero. The absence of allegiances by elected officials to special interest groups is a plus. That is the strength of our non-partisan system in my view. Before asserting the failings of our system, its critics should look at our deadlocked U.S. Congress and the corruption that plagues the governments of many states, including that of New York, and consider whether partisanship politics truly offers a better alternative. With those national and state experiences as examples, I am not sure it does. Many of those who are involved in the present debate have never appeared before the Village Board or attended and participated in a Village Board Committee meeting until this issue understandably attracted their interest. Perhaps going forward they and other residents will find it to their benefit to make time to participate in our municipal government on a more regular basis. The door is always open.

The LED Street Light Project: The Village LED Streetlight Pilot Program is underway with pilot LED streetlights installed in a number of locations throughout the Village. Pilot lights are installed on sections of White Plains (Post) Road, Heathcote Road, Mamaroneck Road and Tisdale Road. Two additional lights will be installed on Springdale Road later in July. Specific locations can be found on maps that will be posted on the Village web site. This phase of the Pilot will continue for the next three months. The lights being piloted are only being considered for high traffic roads and Town & Country post-top locations. The locations being considered during this part of the program (Post Road, Heathcote from Post to Five Corners, Mamaroneck Road, Weaver Street and Town & County locations) include 287 lights (total lights in Scarsdale are approximately 2,000). For lights on smaller roads or in the downtown area we would expect to conduct additional pilots which would test lights appropriate for those streets.

Based on preliminary metrics we would expect annual savings of about 85,000 kilowatt hours and $20,000 in utility costs from converting these 287 streetlights to LEDs for a payback of about 3 to 4 years and a return on investment of about 30%. These numbers may change based on which lights, if any, are ultimately installed and the final pricing we receive. However, indications are that these 287 lights would provide a very good financial return while reducing the Village's energy use.

Resident feedback is important to the Committee in helping determine how the project moves forward and we hope to hear from everyone in the Village. A story in today's *New York Times* captioned "LED Streetlights: Comfort or Nuisance? Depends on the

Neighborhood" underscores the range of reactions from favorable to unfavorable that LED street lights can elicit. LED street lights can transform the appearance of a neighborhood at night and it is for this reason that your comments on the Pilot project would be particularly useful in decision making on this project. Please send any comments or questions to LED@Scarsdale.com or drop off comments at Village Hall at the LED comment box located on the first floor counter. Prior to any rollout after the Pilot, the Committee will report back to the Board of Trustees at a meeting open to all.

Note that this project has been going on since the formation of the LED Ad Hoc Committee at the end of April 2015. This summary is one of several status reports on the project we have given over the past year. We thank the LED Ad Hoc Committee – residents, Farley Baker, David Raizen, Michelle Sterling and its Chair Ron Schulhof, and the head of the Village Department of Public Works, Benny Salanitro for their hard work on this important project.

New Fire Chief: At a ceremony this afternoon, Captain James Seymour, a 12-year veteran of the Scarsdale Fire Department, assumed command as Chief of the Department. We thank outgoing Chief Thomas Cain for his 32 years of service, 11 years as Chief, to the Department and the Village. We look forward to Chief Seymour's service in the years ahead.

* * * * * * *

Manager's Comments

Village Manager Pappalardo reported on the credit rating opinion recently received from Moody's. The Board adopted a resolution at its June 14, 2016 meeting authorizing the issuance of bonds to refund $6.6 million of existing Village debt. The purpose of this refunding is to take advantage of the current low interest rate environment by refinancing the existing debt at a lower rate. There are roughly eight (8) years left to maturity of the existing debt and the Village's financial advising firm estimates the Village will realize a savings of approximately $225,000 through the refunding. The bond sale is scheduled for Thursday, July 14th. As is the norm, when the Village goes to the debt market, Moody's credit rating agency reviews the Village's finances. They interview the Village Manager and Village Treasurer and issue a credit opinion on the Village's financial outlook including its bond rating on behalf of potential investors. This activity took place over the past two weeks and on July 7th, Moody's issued their credit option on the $6.6 million refunding. In summary, the opinion stated that Moody's reaffirmed the Triple A Bond rating citing Scarsdale's sound financial position, healthy reserves, sizable and wealthy tax base, proximity to New York City and the low debt burden. The opinion went on to state that Village management and governance is sound as demonstrated by conservative budgeting practices which have generated multiple consecutive operating surpluses, stable reserve levels and long term planning for Capital Expenditures. Even though expenditure reduction ability is low, due to strong collective bargaining groups and the Triboro amendment which enhances the union's collective bargaining powers, the year to year increase in the Village's 2017 Budget

was only 1.85% and the Village was able to appropriate $1 million in unassigned fund balance to help mitigate the tax increase. It was a very positive credit opinion from Moody's.

Village Manager Pappalardo also reported that the Village Traffic Study has been underway in the Village Center as well as a related enforcement initiative by the Police Department. He explained that in November of last year, the Village hired the traffic consulting firm of TRC Engineers Inc. to gather traffic and pedestrian data and provide recommendations for vehicular and pedestrian safety improvements in the Village Center. The primary focus area of the study was the Popham/Chase/Overhill intersection with secondary review of the entire Popham Road corridor and the intersection of Crane and Fox Meadow Roads. The study was precipitated by a number of resident complaints about unsafe driving in the Village Center and involved meetings with the Overhill Neighborhood Association. Additionally, the Scarsdale Forum's Municipal Services Committee issued a report on October 28, 2015 on traffic assessment safety and potential improvements in the Village Center. A draft of TRC's traffic analysis has been completed, submitted and reviewed by Village staff with comments recently returned to the consultant for review. It is expected that the final report will be available this month and upon its receipt it will be released publicly for review. It is anticipated that there will be public meetings to discuss at the Board standing committee level.

Village Manager Pappalardo stated that understanding the importance of enforcement in any program to reduce aggressive driving habits adversely affecting pedestrian and vehicular safety, in January 2016 the Scarsdale Police Department began an initiative to increase traffic enforcement efforts in the Village Center in four general areas – failure to yield the right-of-way to pedestrians in the crosswalk; failure to comply with traffic control regulations which include stop signs and red lights; distracted driver violations including the use of cell phones; and seat belt use. Year to date since January, this initiative has resulted in a 65% increase in moving citations that have been issued. Through June of 2015, the Police Department issued 250 citations in these areas as opposed to 412 that have been issued so far this year through June. These enforcement efforts are working to advance vehicular and pedestrian safety and coupled with any physical changes implemented through the TRC report and continued educational efforts and collaboration with the business community, more can be done.

Village Manager Pappalardo gave an update on the 2-4 Weaver Street construction project. The Building Inspector received a letter from Twin Oaks Construction last week notifying him that they are no longer employed as the general contractor for the 2-4 Weaver Street project. The project entails construction of a new condominium building at that site with associated parking for 11 units and the retrofitting of the existing tavern building at the Five Corners intersection to house three additional units. Building construction has been ongoing since August of 2015 and was recently halted upon completion of the steel installation for the new building. The Village's Building Inspector Frank Diodati contacted the owner's representative and he confirmed that the owners are still committed to this project and had been actively recruiting for a new general contractor. There was a meeting

held today with the owner's representative and he was accompanied by the Vice President of Redcom Design and Construction, who is the new general contractor for the project. The owner's representative also confirmed that all existing design professionals and subcontractors that have been working on the project will remain on the job and the project will be moving forward as soon as possible. The new general contractor is currently reviewing all the plans and information and will be providing the Village an updated construction schedule. The goal is to restart the construction activity in early August.

****

Public Comment

Robert Berg, 32 Tisdale Road, read from his statement regarding the 2016 revaluation which was submitted to the Village Clerk to be made part of the record. He stated he was speaking as a private citizen and not as a member on the Town Board of Assessment Review (BAR). In his statement he spoke the demands being made on the BAR as a result of the Ryan 2016 revaluation are overwhelming and unfair. He also noted that the situation has been exacerbated by recusal of one of the members to hear any cases.

Mayor Mark interjected that there are efforts being made to recruit an additional member for the BAR. The Personnel Committee has been engaged in that effort. So far those contacted have declined.

Mr. Berg continued, stating that the recusal and another member's upcoming long planned vacation has put undue pressure on the remaining members of the BAR. He spoke about the long hours that the members have to put in because of the 2016 Revaluation.

As a member of the BAR for several years, he stated that perhaps a dozen grievances have come before them each year to argue their cases and they never had to schedule a second day of hearings. This year there were nearly 200 grievances that came before them which was a very high number and they ended up holding three days of hearings. He spoke to the statistics of the cases they have heard to date and stated that there were many flaws in the Ryan revaluation.

Mr. Berg stated that the residents have asked the Board for an independent investigation of the Ryan reval and they have received no response. He asked if the Village was going to take any steps in connection with this revaluation.

There was an exchange between Trustee Stern and Mr. Berg regarding the grievances that came before the BAR and why some received reductions and some did not. Trustee Stern also advised Mr. Berg that the Board has tried to find a replacement for the BAR member that recused themselves and is continuing its search. He further stated that the reason that Mr. Ryan was selected to do the 2016 revaluation was because the cost was much lower than having Tyler Technologies do another revaluation.

Trustee Veron told Mr. Berg that the Board understands that the BAR is working very hard and their dedication is appreciated. She stated that the Board has been working diligently to find a replacement.

In response to a question from someone in the audience, Village Attorney Esannason stated that the Board would appoint someone to the BAR who had some experience and knowledge of real estate and real estate values, and stated that they are required under the statute to complete a training course provided by the State in order to hear grievances and to render decisions on assessments. The appointee must be a resident and have the qualifications and competencies to do the job.

Mayra Kirkendall-Rodriquez, Fox Meadow Road, read from her statement regarding the 2016 revaluation which was submitted and included in the record. Ms. Kirkendall-Rodriguez expressed her concerns that the Board has not brought Mr. Ryan or the Assessor to a meeting so that they can address the concerns and questions that the residents have regarding the revaluation. She stated that in her opinion there is no transparency in Scarsdale and that the revaluation was not done in good faith. She also stated that the Board members did not ask the important questions of Mr. Ryan in regard to the model he would be using and the methods utilized in conducting the revaluation.

Ms. Kirkendall-Rodriguez encouraged residents to not just grieve their taxes, but they should sending letters to the Mayor and the press.

Trustee Stern informed Ms. Kirkendall-Rodriguez that there was a letter published by a resident who disputed her analysis of the 2016 revaluation. He asked her to address this. She stated that she did not see this letter.

Mayor Mark stated that the letter referred to by Trustee Stern will be posted on the website.

Woody Kraut, former President of the Drake Edgewood Neighborhood Association and President of Scarsdale Neighborhood Association Presidents, stated that the 2014 revaluation done by Tyler Technologies appeared to be a very professional job; however the Ryan revaluation was one sheet with numbers on it and looked to be a very superficial job. He stated that he felt this was a flawed process and the Board should rescind it. Because of this, he said that he will be more active and come to more Board meetings from now on.

Jane Curley, 7 Hamilton Road, stated that she would like the grass clippings pickup to continue. She stated that she does not employ a landscaper and that it is not realistic for her to put bags of grass clippings in her car and bring them to the recycling center.

In regard to the 2016 revaluation, she stated that she works for a bank in model validation. She explained to the Board that she looks at models every day to see if she can find anything wrong with them. She further explained how a model can be biased and in her opinion, Ryan's model is biased. She explained her expertise in other areas, including real estate appraisal. She stated that a real estate appraiser is not qualified to develop a pricing model. She spoke about the differences in valuation for identical lots from street to street and stated that there are 13 that are fatally flawed just on her block. It is a sloppy indefensible job and this model is flawed.

Mayor Mark stated that the Board has explained the situation that they are in and those are the answers that they have at the present time.

Scott Copeland, 1 Black Birch Lane, stated that the community needs to be heard and the Board needs to speak to them. It doesn't look like the revaluation was fair. His property value increased by 50% in two years. To grieve his taxes will be costly as well - $5,000-10,000 and it will probably be the same for everyone else. He thought the State could throw this revaluation out.

Mayor Mark responded that the NYS Office of Real Property Services will review the revaluation in the aggregate.

Mr. Copeland stated that value that homes were placed at needs to come back down to fair market selling prices. He asked if there is a way to do a secondary revaluation.

Mayor Mark stated that a secondary revaluation would be a new revaluation. He explained that the Village has to have a final roll by September 15th; the hard work of the BAR will adjust downward those properties that have been grieved; he understands the point that it won't adjust upward for properties that may have been undervalued. To the extent that it is still viewed as unfair, the Board will be faced with the question of doing another revaluation and have a committee of residents advise on who the valuator should be and some of the suggestions made during this process be put in place. That is something the Board would have to decide to do.

Village Attorney Esannason stated that the Village is not in the position to go back to the State and tell them that the model is flawed. They will conduct their own independent evaluation of the revaluation after receipt of the information. They will then come out with their determination as to whether they think it is within the appropriate range. If it falls outside of that range, the State will impose an equalization rate that will have to be applied to insure that the assessments and values reach 100% of value. With respect to this Board, this Board has done everything it believed and earnestly thought was right and correct to do. There is no statutory provision that gives this Board the authority to rescind or recall a revaluation or the assessments once the tentative assessment roll has been filed. The only process that the law provides is that you undertake the grievance process and if you are not satisfied with the outcome from the BAR, you then have the opportunity to go to a SCAR

proceeding or an Article 7 proceeding. A SCAR proceeding is a proceeding in the Supreme Court with a hearing officer where you will present your case and your information and a hearing officer will make a determination as to whether or not your assessment should be further adjusted or not. The other option is that community can undertake a new revaluation and hire another consultant to come and do the work in conjunction with a committee that is established by the Board. In an effort to establish equity and fairness this Board undertook that effort in trying to insure that the process was fair for everyone.

Mr. Copeland stated that this was not a transparent process, he only received a card in the mail about his assessment. The 2014 revaluation was much more detailed.

Village Attorney Esannason stated that the 2014 revaluation was the first one done after approximately 45 years of not conducting a revaluation. The information derived from Tyler conducting home inspections and making notes of all of the criteria and data is still very much relevant two years later. There is not a whole lot that has changed with respect to that data.

Kai Tang, 22 Ridgecrest East, stated that if the Board decides to take away the grass clipping service, he and other residents be questioning the Board on what they are going to do with that money.

Regarding the revaluation, Mr. Tang stated that the Board is trying to transfer the blame to the residents by accusing them of not participating. But when they do participate it falls on deaf ears. Mr. Berg and others had pleaded with the Board to not push ahead with this second revaluation. He asked if there were a process for increasing the under assessed?

Village Attorney Esannason stated that under the law you cannot unilaterally an individual assessment on a property.

Mr. Tang stated that the valuation is flawed. Many people have explained it to the Board. The Board should hire an oversight to look at it for a few thousand dollars. New York State will only look at the aggregate value and if that value is what they expect, they will pass it along and that will not help the residents. He compared his property to Trustee Samwick's property which is twice the size of his. According to Mr. Ryan, he and Trustee Samwick have identical property values - how is that defensible?

Farley Baker, 182 Johnson Road, stated that his property assessment increased by 41%. His home is 1100 sq. ft. There is a lot of anger here among the residents; however he is feeling disappointment in the Board of Trustees and the system that he participates in as a volunteer. The increase is harmful to him and others. He stated that he would like to see the Board take some responsibility and take some action to find out what happened. He respects all the members of the Board but doesn't want to be disappointed in the system.

Joseph Tonelli, Past President New York State Turf and Landscape Association, currently Chairman of the Board, stated that he has been in the industry for over 50 years. The idea of not picking up grass clippings leaves an unreasonable burden with the landscaper and the taxpayer. Mulch mowing can be used some of the time but not always due to weather constraints. Much of the time it leaves caked up residue from the process. Due to the summer blower ban, the landscapers cannot clean or manicure the property the way they should. The homeowners and taxpayers have a right to a manicured property. He urged the Board to strongly reconsider the proposed local law and look to a reasonable compromise – perhaps the use of one backpack blower for cleanup during the summer ban. The Association is receptive to working together with the Village in reaching a satisfactory solution.

Robert Harrison, 65 Fox Meadow Road, stated that the Scarsdale Youth Tennis League began last evening with 40 young future tennis players, boys and girls from 6 to 18 years old. He encouraged residents to sign their children up for this league. For $50 they can play 32 hours of tennis over the next 4 weeks at the Scarsdale Middle School, 6PM-8PM each evening, Monday through Thursday. T-Shirts and participation trophies are distributed. The event ends with a tournament and pizza and ice cream party.

Mr. Harrison stated that he supported the 2014 revaluation – it was time to do it after 45 years. He was on the Village Board at the time and the Board approved the contract with Tyler Technologies. Former Village Manager Gatta stated at the time that Tyler Technologies did a great job.

Mr. Harrison asked if Mr. Ryan has been paid his final payment of $85.000.

Mayor Mark stated that there is an outstanding $40,000 and it is not being paid. The Village Manager is holding this payment waiting for answers from Mr. Ryan.

Trustee Stern stated that there is an extensive C.V. on Mr. Ryan which the Mayor has that includes all his qualifications, stats, etc. Mr. Harrison may want to take a look at this.

Mayor Mark added that Mr. Ryan is senior course instructor for the IAAO (International Association of Assessing Officers). He teaches more than a dozen courses on mass appraisal for them. His qualifications are available through this organization.

Trustee Stern stated that the Board has a lot of angst over this situation. For the last months, the Board has been asking the questions of Ryan and are trying to get answers. The Board is not making excuses for anything that has been done. The Board's hands are tied by the rules and laws of the State of New York and that is a fact that they cannot change. Everyone on the Board is extraordinarily upset with this situation, and if they can find any way of correcting it, they will.

Mr. Harrison pointed out members of the Board whose assessments went down with this revaluation and told Trustee Stern that he had no pain. He moved to void the 2016 revaluation.

Trustee Finger stated that if the Board takes a plainly illegal action and the Village is sued by the other 4,000 homeowners or any one of them and it costs all the residents hundreds of thousands of dollars to lose and be right back where they started, will that make people feel better?

Mr. Harrison asked Trustee Finger if his mother, Dorothy Finger has resigned from the Town Board of Assessment Review.

Village Attorney Esannason informed Mr. Harrison that this is an inappropriate question.

Mr. Harrison urged someone in the audience to apply to the Personnel Committee to serve on the Town BAR. The Mayor welcomed any applicants.

Mr. Harrison stated that he and other residents are contacting lawyers in connection with the possibility of filing a class action suit against the Village of Scarsdale, the Assessor, and J.F. Ryan and Associates. Malfeasance in office. Mr. Harrison asked if a restraining order can be brought to hold up the revaluation.

Mayra Kirkendall-Rodriguez, Fox Meadow Road, stated that the Board brought all of these problems with the revaluation upon themselves. She noted that a few people have explained to the Board thoroughly about the components of a model. She also noted that several people from the Heathcote and Murray Hill area had attended a meeting in April and all asked very good questions. She stated that Mr. Ryan evaded these questions. The Board ignored a lot of those questions.

Ms. Kirkendall-Rodriguez went through Ryan's contract with the Village and asked questions as to whether certain items contained in the contract were addressed and completed. She also asked if the Assessor has met certain requirements as set forth in the contract as well as her responsibilities. Mr. Ryan's reports should have been defensible, have reasonable estimates and substantiated by factual market data. This information still isn't there.

She accused the Board and the Village staff of not looking into Mr. Ryan's experience before awarding him the contract and no one understood what his qualifications were.

There being no further comment, Mayor Mark closed the public comment section of the meeting.

****

Law Committee

Upon motion entered by Trustee Finger , and seconded by Trustee Pekarek, the following resolution regarding Authorization to Execute a Memorandum of Agreement with Scarsdale/Edgemont Family Counseling Service for the FY 2016/17 Aging in Place Initiative was approved by the vote indicated below:

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.

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

* * * * * * * *

Upon motion entered by Trustee Finger , and seconded by Trustee Veron, the following resolution regarding 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 was approved by the vote indicated below:

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, provide outreach to parents, make available support groups, offer parenting for 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 $235,234.96 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 all costs associated with this agreement be charged to FY 2016/17 General Fund Budget Account # A-9990-HUMSV-YOUTH-400 499 not to exceed budgeted appropriations.

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

* * * * * * * *

Municipal Services Committee

Trustee Pekarek stated that this evening the Board is considering a Local Law to Amend Chapter 179 of the Scarsdale Village Code Entitled Garbage, Rubbish, and Refuse and Chapter 243 of the Village Code entitled Recycling – Elimination of Grass Clipping Collection Operation and Other Necessary Updates including the additional collection of gable topped waxed coated containers as recycled materials.

Trustee Stern stated that the grasscycling issue has created a lot of controversy, both positive and negative. Some of the negative comments include that this is a service that residents pay for through their taxes. This comment has nothing to do with the benefits of grasscycling. For him, he stated that it is not a valid reason for not doing grasscycling. Other people insist that grass clippings not be left on their grass. He stated that it is a known fact that the grass clippings are very small if the grass is mowed properly – the clippings go into the earth very quickly. He noted that the landscapers have come out against the proposed local law because they feel that they want to provide the ultimate service to their customers without regard to the environment.

Trustee Stern noted that two years ago, the Village put out the landscape contract for the Village properties for rebid which would include grasscycling. Bids came back much lower than the previous provider because the landscaper would not have to pick up the grass and mulch the leaves in the fall. For the people that don't want to recycle there is a method and option for them or their landscaper to bring the grass clippings to the recycling center. The Environmental Protection Agency recommends grasscycling as well as the New York State Department of Conservation and the Westchester County Department of Environmental Services.

Trustee Stern read an excerpt of an article from Cornell Cooperative Extension regarding the benefits of grasscycling, the result of an extensive scientific study. There is no downside to grasscycling. This is not about saving money; it is about saving Scarsdale and the environment. In regard to what would be done with the money that is saved by eliminating this service, the men will still be working and doing other projects – infrastructure repair, etc. Trustee Stern urged everyone on the Village Board to vote for this proposed Local Law.

Trustee Pekarek stated that grasscycling for her is a habit. This has been a practice that has been in her family since her grandparents mowed their lawn with a push mower. She stated that she has always been pleased with the appearance of the lawns she has been responsible for or played upon. No fertilizers were used. She understood that this approach is not for everyone. Grasscycling is considered by many well credentialed groups that recommend a more organic and less invasive approach to lawn care and maintenance to benefit the soil, add moisture. Grass clippings contain anywhere from 80-85% water. Grasscycling is employed on all the lawns, fields and parks in the Village where organic lawn

care is used. The health of all these properties are tested frequently and deemed quite healthy.

Trustee Pekarek stated that if residents choose not to grasscycle, the new code provides them the ability to drop off 200 lbs. of grass clippings daily free of charge and landscapers would be able to drop off grass clippings as well as all other organic materials for a fee of $125 per ton. If grass clippings were no longer picked up the Village would save some money; an estimated 770 tons of grass is picked up curbside equaling $12,900 annually. Making the code change would free up some of the workers in the Department of Public Works and they could work on other Village projects.

Nevertheless, Trustee Pekarek stated that the elimination of this service will be considered a service reduction by residents. She stated that she would like to see the Board of Trustees and the Village design an educational outreach program to residents, landscapers, and gardeners to encourage grasscycling and clarify some misconceptions before this change is implemented in the Code. She understands that education is a very slow process to elicit a change in behavior, but she is very sensitive to the notion of asking their neighbors to incur additional costs and inconvenience, especially at this time.

Trustee Veron stated that she is pro environmental measures and she believes that the majority of Scarsdale residents are as well. She stated that she also greatly appreciates the Committee's research and recommendations as well as the time and energy devoted to this issue. The hard work and dedication by these individuals helps to keep these issues at the forefront of discussion. At this time, Trustee Veron stated that she is not ready to vote on the law as is because it includes the topic of grasscycling for which she still has questions. She has listened carefully to public input and read the emails from residents that have been sent to the Board. She stated that she would like more of the facts because making a change for those who are not in favor has significant implications.

Trustee Veron stated that she would like to hear from landscapers who service Scarsdale about how they would handle that change. She wants to know whether or not they do need new equipment; whether or not they would need to mow with more frequency, particularly during the peak season; how they would handle and implement the transition to grasscycling. There is a segment of Scarsdale that manages their own lawn care and she imagines it would be a hardship for them to bring their grass clippings to the recycling center.

Trustee Veron noted that the pause for her does not preclude grasscycling; it doesn't keep those who are doing it from doing it and it doesn't extinguish the conversation. It is a great benefit to everyone to continue having these discussions; she would like a little more time, additional information and more facts. She stated that she would like the Village to start collecting the data regarding seasonality of grass clipping pickups. She would like to understand how the inclement weather affects the grass clippings – she would like to use extra time to gather this and additional information to provide a clear path for those

residents to understand what the impacts would be.

Trustee Callaghan stated that he agrees with Trustee Veron and that he would vote Aye for this resolution with the exception that the grass clippings be taken out of the proposed local law and that it be tabled for future discussion.

Trustee Finger stated that he would be favorable towards the local law as drafted but on the other hand, it is important that the Board adopt the other items in the local law. He would not oppose an amendment to the local law as proposed.

Mayor Mark stated that it does not appear that based on the comments from the Board members, it does not appear the Board will be adopting the grass clippings portion of what is proposed this evening even though it is still very much on people's minds.

Upon motion entered by Trustee Pekarek, and seconded by Trustee Veron, the following Local Laws to Amend Chapter 179 of the Scarsdale Village Code entitled Garbage, Rubbish and Refuse and Chapter 243 entitled Recycling – Elimination of Grass Clipping Collection Operation and Other Necessary Updates were adopted as amended to delete any reference to the elimination of grass clippings being collected curbside, by the vote indicated below:

INTRODUCTORY LOCAL LAW #3 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.

<u>BIODEGRADABLE</u>
<u>Bags or material capable of decaying through the action of living organisms.</u>

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. <u>This term excludes items defined as Construction and Demolition debris in this chapter.</u>

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 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.

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 53:00 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.

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 #4 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 c~~Containers 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, 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. 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 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 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 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.~~

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

****

After the vote, Trustee Veron asked if the Village Manager could get the data they spoke about at the Sustainability Committee – starting to log the bags and understand seasonality, etc. Village Manager Pappalardo stated that this can be done but he will need some more specifics which they can talk about.

****

Other Committee Reports

None.

****

Liaison Reports

Trustee Callaghan gave a brief report on the activities of the Parks and Recreation Department. The summer day camp training is going on, with up to 1400 youngsters enrolled. It is a great program.

He also noted that Arthur Manor held its 88th Children's Parade this year and mentioned that the Westchester Band has fronted that Children's Parade for 36 years. Twenty-five of those years under Dr. Joe Albright.

* * * * * * * *

Trustee Veron commended the Greenacres Neighborhood Association for their 4th of July celebration. It was run by an incredible group of volunteers and attracted people of all ages within the Greenacres community. There were games and a moving patriotic ceremony.

* * * * * * * *

Written Communications

Village Clerk Conking stated that twenty-one (21) 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.

Ten (10) emails & letters regarding the 2016 Revaluation were received from the following:

- Susan Levine, 11 Ardmore Road
- Kai Tang, Ridgecrest East
- Brice Kirkendall-Rodriguez (2)
- Bernard & Jeannie Mackler, 5 Lenox Place
- Eric Miller, 10 Overlook Road
- Robert Harrison, 65 Fox Meadow Road
- Lee Fischman
- Brian Nottage, 26 Lockwood Road
- Philip Maresco, 43 Ferncliff Road

Nine (9) emails regarding grass clipping pickups was received from the following:

- Madelaine Eppenstein, Co-President Friends of the Scarsdale Parks (2)
- Timothy Foley
- Susan Levine, Ardmore Road
- Michelle Sterling
- Melissa Sepe Chepuru, 7 Dickel Road
- Lou Mancini, 40 Carman Road (2)
- June Reidenberg, Greenacres Avenue

- Andrew Edelman

Additional Correspondence was received as follows:

- An email from Lois Kohn-Claar, 10 Normandy Lane regarding participation in the food waste composting program.
- An email from Carolyn Mehta regarding public right of way deposits.

* * * * * * * *

There being no further business to come before the Board, Trustee Veron moved to adjourn the meeting at 10:25 P.M., seconded by Trustee Stern and carried by a unanimous vote.

_____

Donna M. Conkling
Village Clerk

RESOLUTION RE: APPOINTMENT TO THE CONSERVATION ADVISORY COUNCIL

WHEREAS, the Conservation Advisory Council (Council) was created to advise the village on the development, management, and protection of its natural resources and consists of nine members appointed by the Village Board for two-year terms; and

WHEREAS, a long-standing vacancy currently exists on the Council; and

WHEREAS, the Village Board's Personnel Committee met on July 19, 2016, and discussed the application of Joan S. Weissman, 3 Kingston Road, for a position on the Conservation Advisory Council; and

WHEREAS, the Personnel Committee recommends to the full Village Board that Joan S. Weissman be appointed to serve as a member of the Council; now, therefore, be it

RESOLVED, that Joan S. Weissman, 3 Kingston Road is herein appointed to the Conservation Advisory Council for a term expiring April 2, 2018, or until such time as a successor is appointed.

Submitted by: Village Manager
Date: July 21, 2016
For: July 26, 2016

RESOLUTION RE: APPOINTMENT TO THE ADVISORY COUNCIL ON SCARSDALE SENIOR CITIZENS

WHEREAS, the Advisory Council on Scarsdale Senior Citizens (Council) was created in 1985 by Resolution of the Village Board of Trustees to advise and assist the Village Board in matters concerning the senior citizens of the Village of Scarsdale; and

WHEREAS, pursuant to the Council's constitution, membership shall be comprised of such number of Scarsdale residents as may be appointed by the Village Board, each for a two-year term; and

WHEREAS, the Village Board's Personnel Committee met on July 19, 2016, and discussed the application of Natasha Rose, 10 Ridgecrest East, for a position on the Advisory Council on Scarsdale Senior Citizens; and

WHEREAS, the Personnel Committee recommends to the full Village Board that Natasha Rose be appointed to serve as a member of the Council; now, therefore, be it

RESOLVED, that Natasha Rose, 10 Ridgecrest East, is hereby appointed to the Advisory Council on Scarsdale Senior Citizens for a term ending April 2, 2018, or until such time as a successor is appointed.

Submitted by: Village Manager
Date: July 21, 2016
For: July 26, 2016

RESOLUTION RE: APPOINTMENT TO TOWN BOARD OF ASSESSMENT REVIEW

WHEREAS, the Town Board of Assessment Review consists of three to five members appointed by the Town Board for five year terms, with said Assessment Review Board traditionally functioning as a five member body; and

WHEREAS, Board member Dorothy Finger resigned her position on the Town Board of Assessment Review effective July 21, 2016, creating a vacancy on the Board to fill her unexpired term, or until September 30, 2017; and

WHEREAS, the Village Board's Personnel Committee met and discussed an application of Jane Curley, 7 Hamilton Road, for a position on the Town Board of Assessment Review; and

WHEREAS, the Personnel Committee recommends to the Full Town Board that Jane Curley be appointed to fill the unexpired term of Dorothy Finger, subject to successful completion of the introductory training course mandated by New York State; now, therefore, be it

RESOLVED, that Jane Curley, 7 Hamilton Road, is hereby appointed to the Town Board of Assessment Review, subject to successful completion of New York State mandatory training pursuant to Real Property Tax Law §523(2), to fill the unexpired term of Dorothy Finger for a term effective upon completion of said training and expiring on September 30, 2017.

Submitted by: Town Clerk
Date: July 21, 2016
For: July 26, 2016