

# Village of Scarsdale



*Jonathan I. Mark, Mayor*

*Stephen M. Pappalardo,  
Village Manager*

*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*

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## Village Board Agenda

November 9, 2016

Agenda Committee Meeting - 7:30 PM – Trustees Room

Village Board Meeting - 8:00 PM - Rutherford Hall

Roll Call

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Pledge of Allegiance

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Minutes

➤ Village Board Meeting of October 25, 2016

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Bills & Payroll

➤ Trustee Pekarek

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Mayor's Comments

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Manager's Comments

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Public Comments

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Committee Items

Finance Committee –Trustee Samwick

- Resolution re: Adopting Internal Control Policy for 2017 \_\_\_\_\_
- Resolution re: Adopting Village Investment Policy for 2017 \_\_\_\_\_
- Resolution re: Acceptance of a Gift to the Scarsdale Public Library \_\_\_\_\_

Fire Commissioner – Trustee Callaghan

- Resolution re: Service Time Extension for Fire Captain Jeffrey D. Gaskin \_\_\_\_\_

Municipal Services Committee – Trustee Pekarek

- Resolution re: Authorizing a Food Scrap Composting Program and Creating an Ad-Hoc Oversight Committee \_\_\_\_\_

Other Committee Reports \_\_\_\_\_

Liaison Reports \_\_\_\_\_

Written Communications (6) \_\_\_\_\_

- Advisory Council on Parks, Recreation and Conservation – Hyatt Park
- Phil Maresco - Revaluation
- Hyatt Field – Scarsdale Forum Sustainability Committee
- Hyatt Field – Carol Silverman
- Betty Blume – Popham Road Firehouse Renovations
- Susan Levine – Library Renovation

Town Board Agenda

Town Board Meeting  
November 9, 2016  
Rutherford Hall, Village Hall

Roll Call \_\_\_\_\_

Minutes

- Town Board Meeting of October 13, 2016 \_\_\_\_\_
- Special Town Board Meeting of October 25, 2016 \_\_\_\_\_

Reports

- Report of the Custodian of Taxes as of October 31, 2016 \_\_\_\_\_

## Future Meeting Schedule

Wednesday, November 9, 2016

6:30PM – Village Board to sit as an Appeals Board to hear an appeal regarding the Committee on Historic Preservation’s Default Denial Decision on the Issuance of a Certificate of Appropriateness to permit the Substantial Demolition of a Residential Structure Located at 41 Olmsted Rd

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Town/Village Board - Committee of the Whole  
Immediately Following the Completion of the Village Board Meeting

- Legal Matter Relative to the 2016 Revaluation Project
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(It is anticipated that a motion will be offered to move into Executive Session to discuss a legal matter.)

Tuesday, November 22, 2016

6:55PM – Personnel Committee

- Boards, Councils and Committee Positions/Vacancies  
(It is anticipated that a motion will be offered to move into Executive Session to discuss personnel matters)
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7:30PM – Agenda Committee Meeting

8:00PM – Village Board Meeting

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Tuesday, November 29, 2016

6:55PM – Committee of the Whole

- Scarsdale Public Library Renovation & Addition Project  
Status Report & Referendum Discussion
- 

Tuesday, December 13, 2016

6:55PM – Joint Land Use and Sustainability Committee

- Conservation Advisory Council – Solar Policy and  
Permitting Guidance Documents
- 

## Village Hall Schedule

Tuesday, November 8, 2016

Election Day – Village Hall Services Closed (Village Hall Open for Voting)

Friday, November 11, 2016

Veteran’s Day – Village Hall Closed

Thursday, November 24, 2016

Thanksgiving Day – Village Hall Closed

**THREE THOUSAND TWO HUNDRED SIXTY-FIFTH****REGULAR MEETING**

Rutherford Hall  
 Village Hall  
 October 25, 2016

A Regular Meeting of the Board of Trustees of the Village of Scarsdale was held in Rutherford Hall in Village Hall on Tuesday, October 25, 2016, at 8:00 P.M.

Present were Mayor Mark, Trustees Callaghan, Finger, Pekarek, Samwick, 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, and Assistant to the Village Manager Ringel.

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The minutes of the Board of Trustees Regular Meeting of Tuesday, October 13, 2016 were approved on a motion entered by Trustee Pekarek, seconded by Trustee Veron, and carried unanimously.

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**Bills & Payroll**

Trustee Finger reported that he had audited the Abstract of Claims dated October 25, 2016 in the amount of \$2,098,200.72 which includes \$56,911.42 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 Finger and seconded by Trustee Samwick, the following resolution was adopted unanimously:

**RESOLVED**, that the Abstract of Claims dated October 25, 2016 in the amount of \$2,098,200.72 is hereby approved.

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**Mayor's Comments**

Mayor Mark gave the following comments:

“On the 2016 Revaluation Related Matters and Update:

On October 14, 2016, we received two emails from Mayra Kirkendall-Rodriguez prompted by the Committee of the Whole meeting on October 13, 2016, which was held to consider whether or not to take steps to phase in certain assessment increases resulting from the 2016 revaluation for a limited number of certain eligible residents. That question was taken under advisement and will be considered further this evening.

In summary, the emails received asked the following questions:

1. What precedents and statutes prohibit the Board of Trustees from invalidating the 2016 revaluation?
2. Have any of you spoken to any counsel other than the Village Attorney?
3. Why was Tyler not given a chance to do the 2016 revaluation? Were Trustees aware that Tyler sent a proposal to the Assessor?
4. Can State Assemblywoman Amy Paulin be asked to introduce emergency legislation to invalidate the 2016 revaluation?
5. Who at the New York State Office of Real Property Tax Services (ORPTS) did we speak with on this subject?
6. When will an ad hoc committee on revaluation be convened? How will its members be selected? Will it be up to residents to volunteer?

I responded to the emails noting that I would address the questions in my comments tonight. Here is my response.

1. The legal framework in which the Board is operating was summarized in a 1972 opinion of counsel of the State Board of Equalization Assessment (SBEA) issued March 13, 1972 (Volume 1 – Opinions of Counsel SBEA No. 75). The SBEA was the predecessor to the ORPTS. The question presented was “whether a town board has the authority to prohibit the assessor from using a reappraisal the board considers unsatisfactory and to direct the assessor to use a prior roll as the basis for the current assessment roll to be completed.” The Opinion reviews relevant statutory provisions. It cites Section 2 of Article 16 of the Constitution of the State of New York noting that it provides, in part, that the Legislature shall provide for the supervision, review and equalization of assessments for purposes of taxation. The opinion then states that the State Legislature has delegated the exclusive authority to assess real property for the purposes of local real property taxation to local assessors (citing, Town Law, section 33 and Real Property Tax Law, section 500 et. seq.). The opinion concludes that: “The town board, therefore, has no authority to substitute its judgment for that of the assessor and the exclusive remedy available to a property owner, who considers himself aggrieved by reason of any assessment made by the assessor, is that which is provided by Article 5 and Article 7 of the Real Property Tax Law.” Article 5 is the provision that establishes the Board of Assessment review grievance process. Article 7 establishes the process for judicial review of assessments through SCAR filings and certiorari petitions. The counsel to the SBEA issued an

opinion stating the same conclusion on July 3, 1975 and again by way of update on February 10, 2012 (Volume 2 – Opinions of Counsel SBEA No. 29).

2. No subsequent interpretation, regulation or case that asserts a contrary view has been brought to our attention and therefore these opinions appear to state a definitive view of the law.
3. Last month we had a telephone call on this subject with Assemblywoman Amy Paulin and members of the ORPTS Staff. Included in that call was Amanda Hiller, the Deputy Commissioner and Counsel of ORPTS. She confirmed our understanding of the legal limits on this Board's authority as set forth in the SBEA (the predecessor to ORPTS) opinions. So in terms of speaking with counsel other than the Village Attorney, the answer is yes, we have spoken with other counsel who is conversant with the relevant regulatory scheme and so is an authoritative source for the purpose of confirming what our own research has shown.
4. In terms of whether or not the Board knew of Tyler's interest in doing the follow-up revaluation, I have not seen evidence that it did. However, given the level of resident criticism of the work Tyler did in 2014 it would have been an unlikely choice at the time to do a follow-up revaluation. By analogy, that would have been tantamount to asking J. F. Ryan to do the next revaluation. However, whether the prior Board knew of Tyler's interest or not, it is reasonably clear that at least a part of the answer to the question on why J.F. Ryan was chosen to do a revaluation in the manner it was done seems to have been based on budgetary considerations and the goal sought to be achieved by the 2016 revaluation. As we all now know, the 2016 revaluation was prompted in large part by the criticism of some residents of flaws they perceived and analyzed in the Tyler revaluation. It was hoped that a further revaluation would improve on what Tyler had done. In seeking to do so, budget concerns played a part in seeking a means for achieving that objective at a lower cost than the just under \$1 million spent on the Tyler revaluation. It was believed that could be accomplished because the subsequent revaluation would utilize – and did utilize -- all of the property data collected by interior inspections made by Tyler of virtually all properties located in the Village. Having had an unprecedented 95% participation rate by residents in granting access to their homes to collect that data, it was believed that by using that current data, a subsequent revaluation would not have to involve access to residents homes and substantial savings could be achieved. In fact, ORPTS, in accordance with its Cyclical Reassessment Aid Program, requires all parcels to be “physically inspected” once every six years. This type of physical inspection does not necessarily require the kind of comprehensive Village-wide interior data collection completed by Tyler for the 2014 revaluation. The generally accepted industry standard for completing such a comprehensive interior inspection is no less than once every 10 years but certainly not two years after such an effort was accomplished.

5. As far as asking Assemblywoman Paulin to introduce legislation providing authority to invalidate the 2016 revaluation, whether or not such a request should be made is a matter with which members of this Board have wrestled. The issue is not whether we can make that request or not – any request can be made and Assemblywoman Paulin has always been supportive of Scarsdale. We have confirmed this point with her.

I have also had a similar conversation with State Senator Andrea Stewart-Cousins who also said that she would do what she could to be supportive of the Village.

However, the threshold question before us is not whether we can make such a request, but rather if we did and even if it were granted would that be the best result for the Village as a whole. It is on this threshold question that I have a different view from those residents who have urged us to make such a request. I believe that even if the final 2015 assessment roll could be reinstated, that would not be the best result, have stated so previously and will repeat some of what I have said before on this subject.

For members of this Board who were on the Board at the time of the Tyler revaluation the similarity of the circumstances we face today with respect to the 2016 revaluation are several in important respects. There is a strong dissatisfaction with the results of the 2016 revaluation. The same was true in the case of the 2014 Tyler revaluation. There is a call to do another revaluation as soon as possible. The same was true in 2014. The two scenarios differ in those who are voicing these sorts of concerns, but the calls to action are essentially the same: the product is flawed, let's throw it out and redo it.

As I have said before, in my view replacing the 2016 revaluation which has been criticized for its flaws, with the results of the 2014 revaluation that were subject to similarly vehement criticism, does not address the issue at hand. This not a question of the Board being afraid to anger some residents. This Board has shown in the past year and a half that it does not shrink from exercising what it believes to be a reasonable judgment just because it might make some residents angry. So too in this situation, as the Board considers the issues before it one thing is clear, that probably any decision made by the Board will make some folks unhappy. That is simply the nature of the circumstances in which we find ourselves. As I have said previously, reinstating the prior assessment roll, with the flaws inherent in it, will undoubtedly precipitate a host of issues – some that might be anticipated and some unforeseen. Several sorts of legal and practical issues may arise.

- A legal issue that re-instatement would trigger is that those who may be grieved by the reinstatement of the 2015 roll would be denied an opportunity to file grievances. That inability must be seriously considered. A course of action that fails to afford residents their due process grievance rights would

be an egregious result -- not simply a matter of angry residents. In contrast, those homeowners aggrieved by the 2016 roll were afforded the opportunity for – and did pursue administrative and judicial relief from the assessments through the statutory grievance process.

- During the period such legislation was working its way through the legislative process a period of months of uncertainty over assessed values in the Village would continue, with no promise of what the resolution would be. The legislative process would require action by each of the State Assembly and the State Senate and then action by the Governor. The formal legislative process could not start until January 2017 when the legislators go back in session. We have also heard that it is sometimes the case that individual legislators from one locality will withhold voting on legislation focused on another locality until the end of the legislative term in June. They use their vote as a negotiating tool for getting votes on measures they are sponsoring. What this means is that just because our representatives may support legislation we might request, passage could involve a very prolonged period during which the process plays out with little certainty as to the result. This sort of extended period of uncertainty would do little to ease the angst some have experienced as a result of the 2016 revaluation and if the legislation did not get adopted, would not address it at all.
- As a practical matter, if authorizing legislation was passed, implementation would likely not be feasible until deep into 2017 either concurrent with the time for issuance of initial tax bills – or even after initial tax bills went out based on the 2016 valuations still in place. This would create a chaotic scenario in the administration of taxes on the County and local level increasing the possibility of incorrect billings, the need to issue refunds and additional tax bills. Such a scenario would be another source of distress for residents that cannot be dismissed.
- Lastly, reinstating the 2015 roll does not squarely address the problem now confronting us, making pursuing this course undesirable in my view.

The framework provided by statute for dealing with the effects of a Village-wide revaluation are in process. 1,103 of our homeowners availed themselves of the administrative appeal to the Board of Assessment Review and based on data provided to me today, of those, 584 have filed for further review of their grievances either by way of SCAR proceedings (463) or Cert petitions (121). Any assessment reductions granted these property owners will automatically cause a redistribution of property taxes to the other property owners who did not grieve.

The point is that to address the present concerns of the residents who have spoken up, the path forward is to do another Village-wide revaluation – and do it in a well

thought-out, well publicized and inclusive manner that is adequately documented and understood – even if there are some that may disagree with whatever its outcome may be.

*Moving forward: process for considering future revaluation:* So when and how do we go about doing another re-valuation. Once we carefully map out the “how” process, the “when” can be determined. In terms of the “how” we have asked the Village staff to draft an outline of a revaluation process that reflects what we have all learned from the 2014 and 2016 processes. The high points are fairly straight forward: locating a pool of qualified and available vendors and selecting a vendor through a suitable vetting process; drafting a clear and manageable professional services agreement including a detailed scope of work, achievable milestones and the necessary deliverables; oversight of the process in a manner that assures what has been contracted for is actually performed and delivered; allowance of a period in which residents can informally ask questions about preliminary assessment results and in which appropriate corrections can be made prior to the tentative assessment roll statutory filing date; and budgetary considerations.

We have commented that the process for considering a future revaluation should be a thoughtful one that included, among other things, resident input. In that regard, we had spoken generally about forming an ad hoc advisory committee of residents, with Village staff representation, for that purpose.

To that end, we are considering what the make-up of the Committee should be, taking into account the suggestions we have received from residents in that regard.

We will need to flesh out the mandate for the ad hoc committee but in general terms, it would be a vehicle for making recommendations to the Village Board and the Village staff on the process for the next revaluation; for providing input on the selection of a firm to do the work; and providing some level of oversight of the process, consistent with any legal or conflict of interest limitations. The scope of these roles will have to be thought out further, but it is not contemplated that the ad hoc committee would do the work or otherwise be involved in the conduct of the revaluation itself. It would be important for all residents to know that the execution of the revaluation will be, and was, in the hands of whatever vendor was engaged for the purpose and Village staff – and was not subject to the control of a select – albeit well-meaning – group of residents. The process of appointing this sort of ad hoc committee will be advanced in the coming months and we will let residents know when we are ready to start accepting applications.

*Consideration of Phase-In Legislation:* A special meeting of the Town Board has been noticed for this evening. The sole purpose of that meeting will be to continue consideration of a resolution which if adopted, would request that our representatives in Albany start the State legislative process for enacting a law that would then permit the Village to adopt a Code provision that would phase-in certain levels of reassessed values over a period of time, likely three years. This evening’s Special Town Meeting is the second such meeting on this

topic. A prior Special Town Meeting to consider this proposal was held on September 27, 2016. On September 27<sup>th</sup>, this Board heard an overview presentation on the phase-in mechanism from Deputy Village Manager Rob Cole. The Board also heard public comments on the subject, substantially all of which were in opposition to it for a variety of reasons. Following the procedure we used on September 27<sup>th</sup>, even though the matter is a Town Board matter, if residents in attendance wish to comment on this subject during the public comment section of this meeting they should feel free to do so.

*Hyatt Field:* This Board is aware of community opposition to a proposal to create a parking lot at Hyatt Field as part of an overall plan to mitigate traffic and parking issues in and around Hyatt Park. We have received a number of emails from residents on the subject, a report dated October 14, 2016 from the Friends of Scarsdale Parks in opposition to creating the parking lot, a statement by the Bramlee Heights Neighborhood Association reporting on an October 17<sup>th</sup> meeting with Parks Superintendent Brian Gray in which opposition to a parking lot was one topic discussed, and are aware of the meeting held on October 19, 2016 of the Advisory Council on Parks and Recreation (PRC) at which further resident opposition comments were made. Trustees Callaghan, Pekarek and Veron attended the PRC meeting. Suffice it to say, the point has been made and has been heard.

The PRC is scheduling a follow-up meeting for Wednesday, November 2, 2016 at 8:00 p.m. in Village Hall to discuss further the plan and to provide recommendations to the Village Board on the various plan components. In the interim, Village Staff will continue to engage with neighborhood residents on this issue arising from the popularity and use of Hyatt Park. As such, under the circumstances, the construction of a parking lot of the sort initially proposed at Hyatt Field is not imminent.

*Solar Panel Guidance:* The Board was pleased to receive this week an October 2016 report titled "Scarsdale Solar Policy and Permitting Guidance" from the Conservation Advisory Council (CAC). The Board had made a request last spring that the Council research best practices for regulating solar energy systems that homeowners might wish to install. That research has now been done and the Council's thoughtful report reflects the hard work put into studying the issue and in coming up with some recommendations with respect to it. We have scheduled a public meeting for 6:30 pm, December 13, 2016 which will be a joint meeting of the Land Use and Sustainability Committees of this Board to go over the report and to consider next steps. In the meantime, we thank the CAC, chaired by Lee Fishman, for their hard work on this important subject.

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### Manager's Comments

Village Manager Pappalardo reported on the Annual Fall Leaf Collection Program of the Village which commenced this week and will continue until December 16<sup>th</sup>, which is the last day to place leaves at the curb for collection. For many years, the program consisted of

DPW Highway Department personnel supplemented by temporary laborers collecting leaf piles loose at the curb line with vacuum trucks. The leaves are hauled to the recycling center where they are removed by Westchester County contractors and disposed of at leaf composting facilities located outside of Scarsdale. Collections are performed three to four times at each residence during the season. Alternately, leaves may be placed in biodegradable paper bags and placed at the curb for weekly collections by separate public works crews. Residents and contractors are reminded that all leaf piles placed loose at curbside for collection must be free of any other organic matter which includes twigs, branches, grass clippings. These so called 'contaminated piles' can damage Village equipment and will not be collected. In these cases, Village personnel will leave a warning notice at the home notifying residents of this requirement.

Additionally, loose leaves placed in the roadway are a traffic safety hazard in violation of the Village Code. They can also create localized flooding situations when they wash away and block Village storm drains from functioning properly. Homeowners are again reminded to refrain from this practice and to inform their landscapers to place the leaves no closer to the street than the curb line. Warning notices, as well as violation notices if this practice is witnessed will be issued. The Village asks for the residents' adherence to maintaining traffic safety and proper flood mitigation during the leaf collection season.

Residents and landscapers working at Scarsdale homes are encouraged to bring their leaves loose or in paper bags to the recycling center at 110 Secor Road where they can dump them for free. Contractors must obtain a permit from the public works department and provide proof of client residency. Residents may also purchase 40 gallon biodegradable bags at the recycling center at a cost of \$4.00 for five bags. There are no restrictions to the number of bags the residents can purchase. Please contact the Public Works Department at 722-1150 for further information.

Village Manager Pappalardo stated that finally, residents are encouraged to mulch mow their leaves on site. Leaf mulching provides environmental health benefits to your lawn while reducing phosphate run off into water bodies as well as localized flooding and traffic hazards concerns previously mentioned. Additional information regarding leaf mulching is available on the Village website at [www.scarsdale.com](http://www.scarsdale.com). He also mentioned to any residents or local landscapers interested that the City of New Rochelle is hosting a mulch mowing workshop on Saturday, November 5<sup>th</sup> at 3:00 P.M. at Twin Lake Park, which is the grass area located on North Avenue in front of New Rochelle High School. The event will involve a live demonstration by a professional landscaper and opportunities to have questions answered by the experts from the Greenburgh Nature Center.

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### Public Comment

**Howard Weitz**, Lawrence Road, spoke regarding the questions as to whether or not the 2016 Revaluation can be invalidated. Now, after much time and discussion, the residents are just finding out through the Assemblywoman's emails that under the Home Rule Law, and Westchester County being one of the Charter counties, that there was this path. He pointed out that his criticism is that if the Board could have given this straight to the residents at the beginning, that yes it could be done but that they didn't want to do it, then a lot of time and effort would have been saved.

**Philip Mehler**, 54 Birchall Drive, longtime Scarsdale resident, stated that he had asked a few questions some months ago about the budget. He stated that he had asked why the Board is hoarding the taxpayers' money which he believes is in the range of \$11 million and is collecting no interest. Why isn't the Board using some of that money? A couple of million dollars could be used to stabilize the taxes which the Board arbitrarily raises 3-4% every year. Another couple of million dollars could be used to improve the roads which are currently the worst in Westchester. Why is the money just sitting there year after year?

Mayor Mark replied that that the Board does not arbitrarily raise tax rates. There is a budget process which is very detailed. The Village does use some of the money that is in the General Fund balance both for roads and to provide cash for a variety of capital projects and for capital needs. In past years, it has been used to help purchase fire engines and to use to provide funding for some of the other capital work that has been done in the Village rather than borrow money. The Village has used it, not to the extent some residents would like, in past years to reduce tax burden and the Board will continue to look at that each budget season. The Village receives a lot of credit in its credit rating for having that balance there and has a Triple A credit rating.

Mr. Mehler argued that the Village did not need a Triple A credit rating and that there are only two Fortune 500 companies that have a Triple A rating – Proctor and Gamble and Microsoft. The money just sits there collecting no interest.

Mayor Mark responded that interest rates today are sufficiently low that if interest were being collected it would virtually negligible. The fact that it is not collecting interest for the last nine years when we have been in historically low interest rates is almost a moot point. The Board understands the criticism and the question.

Mr. Mehler then asked why the Village Assessor hasn't yet been fired.

Mayor Mark stated that the Board has stated repeatedly that they are looking at the situation in the Village Assessor's office about the Village Assessor and about how that office is run. There are laws that govern such things and the Board is looking at all of that.

Mr. Mehler stated that there is no excuse for the Village Assessor – he stated that she is incompetent and that he didn't think anyone would refute that. Secondly, she should have never been hired in the first place. The Village Manager did not review or vet her credentials properly. Third, she accepted gifts from the vendor and then assigned him the job of the revaluation without competitive bids. Fourth, she bloated the Village payroll; she had four people on her staff. Fifth, the revaluation is an unmitigated disaster and \$2 million has gone down the drain with the consultants and all the costs for the extra people hired by the Assessor. In his opinion, the Board failed in their fiduciary responsibilities to monitor what the Assessor was doing. She has nothing but contempt for the taxpayers of Scarsdale; she has a 'soak the rich' philosophy; she is rude to everyone and that alone is enough to have fired her long ago. Mr. Mehler stated that all of the tax increases have totally destroyed the market for house of \$3 million and up.

Trustee Stern stated that Mr. Mehler made a lot of accusations and he stated that the Board has its hands tied when it considers these types of negotiations for legal reasons. He added that not all residents are dissatisfied with the Assessor. To make a blanket statement like he did is not supported by other evidence. Trustee Stern stated that some people were very satisfied with this recent revaluation, although a lot are unsatisfied. Accusations have been made that are unsupported by facts and he suggested that the facts be looked at. He added that if the area is overbuilt, the homes will not sell.

Trustee Finger stated that the Board approved over \$800,000 in invoices for roadwork that has been done. He stated that the Board and staff are focused on getting the paving work done. He informed Mr. Mehler that if he went over the numbers mentioned before with the assistance of the Village Treasurer, he might see that the numbers are a little different from what he stated.

**Steven Rakoff**, 64 Morris Lane, stated that what concerns him is that the Board wants the same players running the same proposed reval system with an ad hoc committee that the Board will select and they will only have input. He stated that the Mayor's answer is disappointing although it is full of facts. A revaluation should not be done for a third time in a row with the same oversight.

Mr. Rakoff stated that FOILs have been filed have they have been delayed since July. The citizens have a right to know under State law.

Mr. Rakoff stated that homes are not being purchased here because consumer confidence has been shaken.

Mayor Mark stated that there are legal reasons why he cannot comment further and it is his most sincere hope and to the extent he can make a commitment because he may not be in the Mayor's chair at the time, that whenever the next revaluation is done it is not going to be done the same way. It will be done along the lines that he outlined and by

people who are able to attend to it properly. To protect the Village, he cannot say any more about it at this time.

Mr. Rakoff asked if there were any reason the FOILs have not moved forward; assuming they are not censored he assumed that they flow as they are filed.

Mayor Mark stated that as a general matter, that is correct – there are certain things that are permitted to be done in the process of those and certain review procedures that the law allows, as a general matter it is his impression that they are being processed as best the staff can, given the volume of the FOILs.

Village Manager Pappalardo stated that the FOIL requests that have been received on the revaluation total 44. Thirty of them have been completed to this point in full, ten have been partially complete and there are four that are still pending. Staff has spent an enormous amount of staff time trying to complete the FOILs, understating the urgency of the situation and concerns of the residents. It is a team effort involving five to six staff members on a daily basis.

Village Attorney Esannason stated that under the Freedom of Information Law, the municipality has the right to exclude certain communications, particularly those communications that are deemed to be intra agency. Intra agency would be a document that flows from one department to the next and is not a statistical tabulation, does not constitute a final agency policy determination, and is not a matter that generally affects the public. Those emails are generally excluded. Since June 1<sup>st</sup>, there has been inordinate number of requests – we have never seen in as many years as he has been here, as many requests that have been received. He noted a spreadsheet listing of all the FOIL requests and stated that there was one resident's FOIL request that was enormous. On July 18<sup>th</sup> of this year, the Village turned over 14,834 emails. In addition to that, the same resident filed another FOIL request, and on October 13<sup>th</sup>, the Village turned over 15,496 emails. There are still approximately 3,500 emails left for that particular resident. That is just one person and just one subject matter. FOILs are not just limited to revaluation; they come in for the Police Department, Police Reports, land use matters – the Village receives the whole gamut of FOIL requests. Generally those requests are taken in the order that they are received; however, if there is a FOIL request that can be processed expeditiously, then that is done and that request is taken out of order. It is time consuming – there are no additional resources and staff works within the confines of the resources they have with the understanding that there are still jobs to do – there is still a Village to run. Staff is doing the best we can under the circumstances.

Mr. Rakoff questioned Village Attorney Esannason why he would feel he even needs to review all the emails if the email is between a vendor and an employee.

Village Attorney Esannason stated that he never said he goes through all of the emails. He does skim through some of them because the Village needs to be aware of what

is actually being sent to a FOIL applicant so that the Village is informed. The 15,496 emails that were provided to a resident were totally from outside agencies. He stated that the Village doesn't see or read everyone's emails, so from a management perspective, the Village should be aware of what is being said and what emails go out. There are some FOIL requests that are intra agency that are being reviewed, and unfortunately it is going to take time.

Mr. Rakoff told the Mayor that this is what creates the angst; however, he wanted the Village Attorney to state for the record that he does not represent any employee.

Village Attorney Esannason stated that he does not represent the employee; he represents the Village. However, he does represent an employee in their capacity as a representative of the Village.

Mr. Rakoff stated that they have called for transparency over the last three years and people would like to know that they can just get the emails in a timely fashion before this process begins to linger and affect the real estate market with what they believe is bad leadership within the Assessor's office.

**Ron Parlato**, 1 Sherbrooke Road, asked if there was a timeline when Ms. Kirkendall-Rodriguez's FOILs which she filed sometime in July will be answered.

Mayor Mark stated that Deputy Village Manager Cole has responded to her a number of times by email; not with a timeline but describing the process that the staff is going through.

Mr. Parlato asked if there was a better program that could be found that certain key words could be put into to bring the requested emails forward.

Village Manager Pappalardo responded that the Village just purchased some software that allows the Village to do that and sort the emails more quickly. This has helped the Village answer a handful of these FOILs. As the Village Attorney Esannason has explained, however, there are some FOILs that are so broad that cover thousands of emails and some of them may be protected in the interest of the Village. The Village Attorney has the responsibility to do some sort of random sampling of those emails to make sure that those that are protected are not released. This is where the difficulty comes in as to what reasonable people would think is a timely fashion to answer a FOIL request. There were 44 FOIL requests relative to the reval. He stated that he has a spreadsheet of the FOIL requests available for anyone who wants to see the nature of the requests. FOIL requests come in many varieties; there can be a simple request for a document you can put your hands on and send it right away. Most of them are difficult and time consuming; an inordinate amount of staff time is spent on the FOILs. It is a lot of staff time and is taking away from a lot of other things that need to be done. The Village is doing the best that it can; there is no way to farm this out. It is a question of handling it in house, keeping it

organized. We receive new FOIL requests every day; it is not just the reval. We have had another approximately 225 FOIL requests that have come in over the last 11-12 months on different issues that also has to be managed. There is not a date certain for the balance of Ms. Rodriguez's emails at this point. The Village Attorney is doing the best he can to get through them. He stated that he has asked the Village Attorney to release some emails once he has gone through them and that has been done in batches which is not normally done. The usual procedure is to wait until the FOIL request is completely filled before releasing any information. This is all being done through electronic mail so that no one has to spend any money because the law allows for the Village to charge 25 cents for each hard copy page of this information. The Village is trying to work with the residents and working very hard to get them done.

Mr. Parlato asked Village Manager Pappalardo if he were shocked at the emails coming from the Assessor's office in relation to the Deputy Village Manager.

Village Manager Pappalardo stated that this was an isolated email. He is concerned when he sees emails that he does not think are professional and the staff has been coached on this type of thing. However, it is the most popular mode of communication these days and there are thousands of them that go out all the time. It is a difficult question for him to answer but he stated that the staff understands the proper use of email.

Mr. Parlato stated that the Assessor can't stay in Scarsdale; she has been inept and not done her proper job. The taxpayers have had enough and it is time for her to leave. The residents are hoping the Board of Trustees and the Village government will do this for them and hire an assessor who has respect for them.

Mayor Mark responded that the Board understands and has internalized that point.

Mr. Parlato thanked the Board for the new website and stated that it is a better communication system.

**Linda Killian**, 1 Forest Lane, stated that she has been a resident for 32 years. She stated that she has never seen the Village in such a crisis of confidence with its governance and also a crisis of uncertainty with the tax structure of the real estate. She stated that the Board is on a course of making one bad decision after another, starting with the 2016 reval. She took issue with the Mayor's remark of likening the 2016 reval to the 2014 reval – she stated that was not true. The 2014 reval was thought through in a very thoughtful way. It was done in a very open way; the entire process had a lot of support from the community. During the revaluation process, Tyler Technology, unlike Mr. Ryan, is a national professional organization. Some people may have not liked the outcome but it was professionally conducted.

Ms. Killian addressed the issue before the Board this evening about requesting Assemblywoman Amy Paulin to ask the New York State Legislature to phase in the tax assessments over three years. She stated that this is another ill-considered decision which is not going to do anything to bring closure to this. Of the options the Village has, it is not a good one. She would advocate a request of the State Legislators to void the 2016 revaluation which everyone knows was incompetently done and revert to the revaluation done in 2014, which she urged the Board to do. She stated that Westchester County tax is going to be a 0% tax increase for this year and she hoped that the Board would keep this in mind as a way of governance for the Village.

**Robert Berg**, 32 Tisdale Road, stated that he wanted to talk about the phase-in very briefly and stated 'don't do it'.

**Robert Harrison**, 65 Fox Meadow Road, noted that the Board had a Traffic Study meeting this evening at 6:00 P.M. He said that the meeting was not videotaped and the Scarsdale Inquirer and Scarsdale 10583 were not at the meeting. He insisted that the Board videotape these meetings as it is not fair to the community to not be able to watch them.

Mr. Harrison thanked the Mayor for his detailed remarks made earlier in the meeting. He stated that contrary to the Mayor's remark about the similarity between the 2014 and 2016 reval controversies, there is no comparison. Some people were unhappy with the 2014 reval but the 2016 reval had an impact on many senior citizens who have lived in Scarsdale for many years. This was not the same as the 2014 revaluation.

Mr. Harrison stated that Bill Mehler made comments about the Assessor, as he also has – she can be rude and arrogant and she says doesn't have good math skills. She should retire or be forced to do so. He asked if a copy of her contract with the Village could be requested through FOIL.

Mayor Mark stated that the Assessor's term is governed by New York State law.

Village Manager Pappalardo stated that the Assessor has an employment letter, not a contract.

Mr. Harrison stated that he spoke to the Assistant Director Christin O'Neill at the Committee on Open Government to discuss the FOIL process this afternoon. She stated that within 5 business days, the municipality is supposed to respond to the FOIL application and at that time can state that more time is needed to fulfill the request. Twenty business days later, the municipality should give a date certain as to when the FOIL request will be satisfied. She did mention that there are certain intra agency items that are not FOIL-able.

Village Attorney Esannason stated that with respect to the 20 days, there is also a provision that states 'or otherwise'. It takes into consideration other circumstances

surrounding the FOIL request that makes it impossible to provide a response with the 20 days as stated in the statute.

Mr. Harrison mentioned that he had submitted a FOIL request for a listing of FOILs that have been filed and their status and he looked forward to receiving it shortly.

Mr. Harrison noted that the unfunded reserve balance as of May 31<sup>st</sup> is approximately \$8.1 million and equals about 15.4% of the budget. The Board could easily look at using some of that fund balance prudently to keep the tax rate increase below 3-4% next year.

Concerning the phase-in legislation, Mr. Harrison stated that there is no time for the public to speak before the Board votes on it tonight.

Mayor Mark stated that the public could comment on it now, but they can also comment on it at the time the resolution is discussed at the Town Board meeting following this meeting.

Mr. Harrison stated that the resolution the Board is considering at the Town Board meeting regarding phase-in legislation, the number discussed previously of 128 homes that would be helped by this legislation does not appear in the resolution. He asked Deputy Village Manager Cole for a comment on this.

Deputy Village Manager Cole stated that although the resolution does not specify the number, the backup for the resolution still has the same analysis.

Mayor Mark stated that it is the same back up material as discussed previously at the September 27<sup>th</sup> meeting. The number of 128 is largely driven by the STAR eligibility requirement which is the model that Greenburgh and Ossining used. There was some discussion at the last public meeting that the number might be lower than that; it may be a lesser number.

**Howard Weitz**, Lawrence Road, questioned the timing of the phase in legislation versus invalidation of the 2016 revaluation.

**Ron Parlato**, 1 Sherbrooke Road, asked Village Attorney Esannason if he could receive the legislation he discussed with him concerning his meetings with other assessors during the grievance process.

Village Attorney Esannason stated that once the grievance process has commenced, the assessor no longer has jurisdiction over matters. She cannot unilaterally make changes to the assessment roll. The tentative assessment roll is filed on June 1<sup>st</sup> and Grievance Day is June 21<sup>st</sup>.

Mr. Parlato stated that he is notified of a change in assessment in the month of March. He stated that he has sat with other assessors on other properties that he owns and has gone to them with a CMA report from MLS and voice his concerns about being over assessed.

Village Attorney Esannason suggested that he meet with Mr. Parlato and they can discuss this rather than take up the Board's time with this individual question.

**Robert Harrison**, 65 Fox Meadow Road, stated that it is his understanding that once all the SCAR filings are in, that one could contact the Assessor and ask to sit down and meet with her to look over the filings and negotiate before going before a hearing judge. He asked the Village Attorney to confirm that the Assessor would be willing to meet.

Village Attorney Esannason stated that once the Assessor receives the list from the Court, she will then commence preparing her files and cases and will then notify residents prior to the actual hearing date and appearing in Court. Those residents can then come in and have a conversation about resolving the matter before it goes to Court. It is his understanding that a lot of these are resolved before the actual trial takes place.

There being no further comments, Mayor Mark closed the public comments portion of the meeting.

\* \* \* \* \*

#### Finance Committee

Trustee Samwick reported on the statements of expense and revenue for the various funds of the Village for the first four months of fiscal year 2016-17.

General fund appropriations were 41.76% spent as of September 2016. The Village refunded the balance of the 2009 debt issue which added a book expense of \$7.1 million to expenditures. Exclusive of this, expenditures were 29.3% spent, a 1.27% increase from the 28.08% in 2015-2016.

General Fund Revenues other than property taxes are \$12,918,491 through September 2016, including the revenue of \$6,295,000 related to the bond refunding. Exclusive of the bond revenue, other revenue is up \$523,926 through September 2016 from the 2015-2016 figure of \$6,066,566. Building Permit revenue (included in License and Permit revenue) is \$44,900 less than last year. Recreation Department revenue decreased \$129,200 due to decreased enrollment in some programs. The Recreation Department expects to make up some of the reduction going forward. Rental income dropped \$35,000. The drop is partially offset by the increases in Department Fees of \$25,100. Tax penalties and delinquent tax collections increased \$354,100 offsetting decreases of \$45,000 in Mortgage Tax and contributing to the year to year improvement. The increase in delinquent

tax collections is non-recurring with the result that revenue from tax penalties will decline as the balance of delinquent taxes has been reduced.

The actual collection of Village taxes through September 30, 2016 is at 99.03%. This is an increase of 39 basis points from last year's collection rate.

\* \* \* \* \*

#### Fire Commissioner

Upon motion entered by Trustee Callaghan , and seconded by Trustee Pekarek, the following resolution regarding a Uniformed Firefighters Association Fundraiser for the Muscular Dystrophy Association was approved by a unanimous vote:

**WHEREAS,** Through a combination of volunteerism and philanthropy, both directly and through the organizations to which they belong, Village employees demonstrate support for Scarsdale community values, including participating in a variety of local and non-local activities and fundraisers benefitting worthwhile causes near and far; and

**WHEREAS,** the Scarsdale Uniformed Firefighters Association (UFFA) has requested that the Village Board authorize a "Fill the Boot" fundraising effort in support of the Muscular Dystrophy Association, to be held on public property in the vicinity of Fenimore Road and Greenacres Avenue, to seek donations from pedestrians, many of who commute from the nearby Hartsdale Train Station; now, therefore, be it

**RESOLVED,** that the Village Board herein approves and supports the UFFA's efforts for a "Fill the Boot" fundraiser on public property, in the vicinity of Fenimore Road and Greenacres Avenue, on October 28, 2016, from 6:00 am – 9:00 am, for the benefit of the Muscular Dystrophy Association.

\* \* \* \* \*

#### Land Use Committee

Upon motion entered by Trustee Samwick, and seconded by Trustee Veron, the following resolution regarding an Extension of Building Permit #143351 for a Residence at 44 Murray Hill Road was approved by a unanimous vote:

**WHEREAS,** Building Permit #143351 was originally issued on October 8, 2014 with an estimated cost construction cost of \$500,000 for partial

interior and exterior demolition and construction of an addition, renovations, and alterations at 44 Murray Hill Road, identified on the Village Tax Map as Section 17 Block 01 Lot 6L, expired on October 7, 2016; and

- WHEREAS,** subsequent to the issuance of the building permit and start of construction, the applicant submitted an amendment to the Building Inspector to increase the size of the second floor exterior addition and to construct a swimming pool house. Due to the exterior design changes, the amendment was referred by the Inspector to the Board of Architectural Review who reviewed and approved the scope change on December 1, 2014, said amendment further resulting in an increase in the estimated cost of construction to \$750,000; and
- WHEREAS,** the owner of the property has since been unable to complete the construction within the allowable time due to cost overruns during the partial demolition work, the discovery of unknown conditions revealed during said demolition, the subsequent structural redesign as a result of the unknown conditions, and the owner opting to generally redesign several interior alterations after demolition was complete; and
- WHEREAS,** the architect requested a building permit extension for an additional twenty-four month period, expiring October 7, 2018; and
- WHEREAS,** the Building Inspector has reviewed the extension request, visited the site, and has determined that the renewal request is warranted and that the remainder of the work will take twenty-four months to complete; and
- WHEREAS,** the Village will incur additional costs to inspect the home and process this request for a building permit extension; and
- WHEREAS,** there have been no complaints or violations in conjunction with this permit; and
- WHEREAS,** §132-25.C of the Village Code stipulates that the Village Board may extend building permits by resolution; now, therefore, be it
- RESOLVED,** that Building Permit #143351 for the construction of an addition, renovation and alteration at 44 Murray Hill Road be extended to October 7, 2018; and be it further

**RESOLVED**, that the owner pay to the Village of Scarsdale, as compensation for the increased administrative costs associated with additional review and inspection services, an additional fee of \$10,855.92 in accordance with the pro rata fee listed in the 2016-17 Fees & Charges Schedule, calculated at a rate of 1/24<sup>th</sup> of the original building permit fee multiplied by the number of additional months estimated to complete construction.

\* \* \* \* \*

Police Commissioner

Upon motion entered by Trustee Stern, and seconded by Trustee Veron, the following resolution regarding Acceptance of a Gift from the Bowman Family Foundation for the Scarsdale Police Department was approved by a unanimous vote:

**WHEREAS**, The Bowman Family Foundation, on behalf of Matthias B. Bowman, wishes to make a restricted gift in the form of a \$2,000 grant to the Village of Scarsdale for the sole purpose of providing funding for police department needs identified by the Police Chief and approved by the Village Manager, as stipulated in the attached gift letter and associated Grant Terms and Conditions dated October 11, 2016; and

**WHEREAS**, Village staff has reviewed the Grant Terms and Conditions associated with accepting the gift and believes it is in the best interest of the Village to accept the gift; and

**WHEREAS**, pursuant to Policy #106: “*Gifts to the Village of Scarsdale*” of the Village of Scarsdale Administrative Policies & Procedures Manual, acceptance of all gifts valued at \$500 or greater must be approved by the Village Board of Trustees; now, therefore, be it

**RESOLVED**, that the Village Board of Trustees accepts a gift of \$2,000 from the Bowman Family Foundation, pursuant to the Grant Terms and Conditions accompanying the Bowman Family Foundation letter attached hereto, and made a part hereof, to be used exclusively toward police department needs as identified by the Police Chief and approved by the Village Manager, and additionally extends its thanks and appreciation to The Bowman Family Foundation and Matthias B. Bowman for this generous gift to the community; and be it further

**RESOLVED**, that the Village Treasurer is herein directed to deposit said gift of \$2,000 in the Scarsdale Police Department Gifts budget account, TE-93-.08 – “Employ- Grat-Gifts-Police.”

Before the vote on the above resolution, Trustee Stern commented that he spoke to Police Chief Matturro who pointed out that this gift, plus another \$20,000 received in the past will enable the Police Department to purchase another license plate reader which is sorely needed. The Department has a license plate reader which is used almost exclusively on Post Road. Post Road is a major artery between northern Westchester and the Bronx. There is a lot of traffic that traverses this road and there are people with violations that shouldn't be driving vehicles. The license plate readers are very helpful in finding those vehicles that are in violation.

Trustee Stern noted as a point of interest that the first policeman hired by the Village in the early 1900's used a motorcycle. The sole purpose was to catch speeders on Post Road.

\* \* \* \* \*

#### Other Committee Reports

None.

\* \* \* \* \*

#### Liaison Reports

Trustee Callaghan reported as Fire Commissioner, noting the very successful Fire Fair manned by both the Volunteer and paid Firemen. The Fire Fair was held this past weekend with approximately 500-600 young people and their families in attendance. The Fire Chief has decided to make fire drills more education and try to enhance that experience in the Scarsdale public schools during the next year. He will share those ideas with the Board at a future meeting.

Trustee Veron reported that Deputy Village Manager Cole, along with IT Director Chris Obrien have worked very hard on new website. Residents can now view it at [www.scarsdale.com](http://www.scarsdale.com). They are working alongside the Ad Hoc Committee on Communications to ensure that there is ease of use, appropriate functionality and content. She stated that they are seeking comments from the public to relay their experience with the website. She noted that in the near future there will be a place for the residents on the website to provide those comments. They are seeking all input from the community in terms of how the website meets the residents' needs, as well as any other comments they might have. The entire committee is collecting comments in order to enhance communication between the Village government and residents. She announced that they have already had their first meeting of the Ad Hoc Committee on Communications and it was a very well attended meeting and an active discussion was held. She thanked those that have continued to apply to the committee. She stated that they will hold those applications;

right now the committee is full. If and when there is need for additional members, those that have applied will be notified.

Trustee Stern commented on the report received by the Board from the Conservation Advisory Council on its recommendations for revising the policy for solar panels on houses. The Board will have to consider these recommendations. This paves the way for expanding for solar power generation in Scarsdale. He relayed his own experience, stating that he has had a 6 kilowatt system since 2012. Con Edison has, in effect, paid him over that time through today \$11,085 for selling electricity to them. Today he watched his meter going backwards and selling electrical energy to Con Edison. Everyone in Scarsdale has that opportunity. Not only does he benefit financially, but with this system he has saved omitting 27 tons of CO2 into the atmosphere, which is equivalent to driving 54,000 miles in a typical vehicle. This is the best return on investment that one can get, with banks paying 0-less than 1% interest. The interest rate of return on this is incredible. He further stated that the Federal Government has just extended the 30% tax credit which was going to expire at the end of this year, for the next couple of years. So the community has the opportunity to take 30% off their taxes owed (not gross income) on any expense related to installing solar panels which would include a new roof if necessary. The cost of the panels have gone down 50% since he installed them in 2012. He encouraged residents to look into this.

Trustee Pekarek reported that DPW, the Village Arborist, the Superintendent of Parks and Recreation, the Village Engineer, and members of the Friends of the Parks today went out to Potter Road to look at the idea widening Potter Road by a small margin. The trees were one of the concerns that may be impinged upon if the road is widened. The Friends of the Parks identified at least one tree; DPW will make sure that this tree is protected. There is another tree that looks like it might be compromised so it is being further investigated by the Arborist and once that report is received a determination on that tree will be made. The Advisory Committee on Parks and Recreation responded quickly on reviewing this matter.

Trustee Finger announced that the Teen Center, the Scarsdale Library, and the Scarsdale-Edgemont Family Counseling Service are sponsoring two screenings of the documentary "Screenagers" on November 2<sup>nd</sup> and November 3<sup>rd</sup> with discussion following the screenings. He encouraged residents to attend.

\* \* \* \* \*

#### Written Communications

Village Treasurer McClure reported on behalf of Village Clerk Conkling stating, that all communications received that are written to the Mayor and Board of Trustees can be viewed on the Village's website, [www.scarsdale.com](http://www.scarsdale.com) under the Board of Trustees or Village Clerk section.

She reported that twelve (12) communications have been received since the last regular Board of Trustees meeting held on October 13, 2016.

Five (5) communications regarding the 2016 Reval were received from the following:

- Barbara Wabeck
- Mayra Kirkendall-Rodriguez, Fox Meadow Road (two communications)
- Michelle Braun & Norman Bernstein, 14 Wakefield Road
- Michael Seymour, 85 Greenacres Avenue

The remaining seven (7) communications were received from the following from the following:

- Conservation Advisory Council regarding Scarsdale Solar Policy Permitting Guidelines
- Bramlee Heights Neighborhood Association Statement regarding the Hyatt Field Park Parking Situation and Rest Stations
- Ron Schulhof & Michelle Sterling regarding a proposed food scrap drop-off site at the Secor Recycling Facility
- Terri Simon, Library Board President, with an update to the Library Information Binder
- Lika Levi, 21 Lockwood Road (two communications) regarding the new web site and construction activity in the Village
- Donald Nawi, regarding an article in the Scarsdale Inquirer concerning the state of businesses in the Village Center

\* \* \* \* \*

There being no further business to come before the Board, on a motion entered by Trustee Pekarek, and seconded by Trustee Finger, the meeting was adjourned at 9:50 P.M.

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Donna M. Conkling  
Village Clerk

**RESOLUTION RE:     ADOPTING INTERNAL CONTROL POLICY  
                                  FOR 2017**

**WHEREAS,**           New York State General Municipal Law (GML) Section 104-b requires the Village Board to review its procurement policies and procedures on an annual basis; and

**WHEREAS,**           the Village Board last reviewed and adopted the Internal Control Policy #201 of the *Village of Scarsdale Administrative Policies & Procedures Manual*, on November 10, 2015, pursuant to Section 104-b(4) of the General Municipal Law; and

**WHEREAS,**           staff reviewed and discussed the Internal Control Policy and does not recommend any changes to the existing policy; now, therefore, be it

**RESOLVED,**           that the Internal Control Policy be adopted in accordance with the attached November 09, 2016 document, hereto referred to as “Internal Control, Policy # 201, November 09, 2016.”

Submitted by: Village Manager  
Date:           November 03, 2016  
For:            November 09, 2016

# Memo



To: Stephen M. Pappalardo, Village Manager  
From: Mary Lou McClure, Village Treasurer  
CC: Robert A. Cole, Deputy Village Manager  
Date: 11/4/2016  
Re: Internal Control Policy #201

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In accordance with the annual adoption of the Village's Internal Control Policy #201, I have reviewed the existing policy and recommend that the policy be re-adopted. The draft policy (attached) continues the use of other political subdivisions' contracts utilizing the New York State "Piggybacking" Law (GML §103(16)). Consistent with §3.12 of the policy, I have attached the list of professional service agreements that exceed \$10,000 compiled by the Village Manager's Office.

I have attached a draft copy of the Internal Control Policy for 2017. If you agree, please place this item on the Village Board's November 9, 2016, meeting agenda for their consideration.

# GrossByVendor

June 2015 through May 2016

Vendor	Name
16324	DATTNER ARCHITECTS
5001	J. F. RYAN ASSOCIATES, INC.
16615	KOMPAN, INC.
16081	UK ELITE SOCCER, INC.
15680	PLAN A ADVISORS, INC
15857	SPORTIME TENNIS
2452	BACKYARD SPORTS
13466	LIFETIME RACQUET SPORTS
9189	GRIGG & DAVIS ENGINEERS,P.C.
11889	BOND, SCHOENECK & KING, PLLC
334	GARDELLA, RICHARD M.
1765	BSN SPORTS
3965	RICE, TERRY
39	THYSSENKRUPP ELEVATOR CORP.
1112	DANIEL G. VINCELETTE, PC
16624	STUDIOKAT, LLC
16114	GUEVARA, KELVIN
10811	PLAYGROUND MEDIC
1941	OVERDRIVE INC.
16316	BIFFERT, MELISSA
4891	MAD SCIENCE OF WESTCHESTER
15288	US SPORTS INSTITUTE, INC
14669	CAROL VERGARA & ASSOCIATES
16292	MAZZELLA, LTD
16240	RDM VALUATIONS, INC.
499	GENERAL CODE, LLC
288	LETIZIA, GAIL
133	FREDERICK P CLARK ASSOC. INC.
12050	FULLER & D'ANGELO, P.C.
11608	FRIENDS OF WESTCHESTER BAND
498	FUNTIME AMUSEMENTS, INC.
16758	RICHARD S. KESSLER, PE
15781	XTREME CHEER
13927	GRAPHIC IMAGE
5373	AARON ASSOCIATES OF CT, INC.
5045	APPLIED TECHNOLOGY SVCES. INC.
15948	STAMPFLI ENTERPRISES, LLC
8279	NAPCO
16080	ANTONUCCI & ASSOCIATES
16113	BRAINFUSE, INC
16644	CIVICPLUS
10006	CLARITY TESTING SERVICES INC.

16200	M & M APPRAISERS AND CONSULTANTS
1656	MRB GROUP ENGINEERING, ARCHITECTURE
9320	DLT SOLUTIONS
15429	MATITYAHU, ARI
13765	FITNESSLINK LLC.
4245	BEST BEST & KRIEGER
16331	THE UPPER CLASS, LLC
1922	BLACKBOARD CONNECT INC
16604	DAVID A. BARBUTI, ARCHITECT, P.C.

	<b>Gross</b>
Library Design	310,936.20
Revaluation	189,386.00
Hyatt Field Equipment	156,793.80
Rec Dept Soccer Program	107,105.00
Fund Raising Library Project	90,000.00
Rec Dept Tennis Program	77,614.04
Rec Dept Summer Camp Program	68,333.44
Rec Dept Tennis & Platform Program	51,837.50
Professional Services-Architects	51,100.00
Legal Services - Personnel	46,185.14
Legal Services - Land Use	46,000.00
Rec Dept Athletic Programs & Gear	44,246.95
Legal Services - Taxpayer Litigation	43,538.50
Settlement	40,000.00
Legal Services - Assessment/Grievance	38,043.50
Fundraiser Consultant-Library Rehab	35,510.00
Professional Service - Cable TV	34,140.00
Playground Safety Inspection	32,720.00
Digital books for Library	31,884.38
Professional Service - accounting	30,450.00
Rec Dept Programs	28,700.00
Various Rec Programs	26,918.50
Appraisals	24,250.00
Appraisals	24,150.00
Appraisals	23,550.00
Village Code	18,284.32
Court Steno	17,187.00
Planning Board Consultant	16,723.44
Architects	16,550.00
Concerts in the Park	16,000.00
Camp Entertainment	15,029.99
Engineering service - Borings @ Library	15,000.00
Rec Dept Cheerleading Program	14,884.75
Printing - Rec Dept Brochure	14,383.10
SCADA Water System	14,027.00
Environmental Services	13,269.15
Rec Camp Program Music & Dance	13,000.00
Scanning Program	12,813.00
Engineering Service - Heathcote Rd Brdg	12,812.50
Library Homework Help	12,800.00
Website Design	12,500.00
Employment Testing	11,637.00

Appraisals	11,600.00
Tax Map Production	11,360.00
Engineering - AutoCad Maintenance	11,009.05
Rec Dept Lifeguard Training	10,840.00
Rec Dep Athletic Program	10,633.14
Legal Services Telecommunications Law	10,551.20
Rec Dept Seniors Trip	10,464.00
Communications-Emergency Notification	10,000.00
Architect - 2-4 Weaver St Review	10,000.00

RE: INTERNAL CONTROL

POLICY: #201

ORIGINAL DATE: 12/17/91

APPROVED BY: Board of Trustees Resolution

REVISION DATES: 1/12/93, 1/11/94, 1/09/96, 1/28/97, 1/27/98, 1/25/00, 1/8/02, 1/13/04, 1/27/04, 4/05/06, 3/6/07, 2/13/08, 1/12/10, 1/11/11, 12/13/11, 11/12/13, 11/12/2014, 11/10/2015, 11/9/16

MOST RECENT ADOPTION DATE: ~~11/10/2015~~ 11/9/16

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## 1. Purpose

1.1 Pursuant to New York State General Municipal Law (GML) §104(b), to establish guidelines for purchasing goods and services for the Village in order to document the purchasing and internal control practices of the Village and to identify the roles and responsibilities of the individuals involved in purchasing.

1.2 Pursuant to New York State General Municipal Law (GML) §104(b) and the Village Internal Control Policy, to establish guidelines for purchasing goods and services by means of a Village of Scarsdale credit card, to document the purchasing and internal control practices of the Village with respect to the use of a credit card and to identify the roles and responsibilities of the individuals involved in purchasing. The use of a credit card would only be permitted for Village of Scarsdale business purposes and in situations where a vendor will not accept a check or purchase order in payment for goods or services.

1.3 For the purpose of this policy, the term "Village Manager" refers to the Village Manager as appointed by the Board of Trustees or such other designee authorized by the Village Manager to act on his/her behalf.

1.4 For the purpose of this policy , the term "Contract Administrator" shall be the employee designated by the Village Manager to serve as coordinator and control figure for contracts issued pursuant to GML §103 "bidding thresholds" pertaining to competitive sealed bids.

## 2. Policy

2.1 A purchase order shall be required for all purchases of goods and services of \$1,000 or more pursuant to §2.4A and B and §2.5 of this policy. A "Non-Purchase Order" will be used for all payments of \$999 or less.

2.2 Each Village department head shall designate a departmental purchasing coordinator and one alternate to process its purchase orders and request for payments. The purchasing coordinator must have the written approval of the department head prior to the issuance of a purchase order or request for payment.

2.3 Emergency purchases will be made in accordance with GML §103 (4).

2.4 The following guidelines shall be adhered to with respect to purchasing limits:

A. Materials, supplies, equipment, apparatus and services, labor, construction as required for purchase and public works contracts respectively per NYS statutes:

<b>AMOUNT</b>	<b>REQUIRED</b>	<b>APPROVAL</b>
Under \$500	Confirming/0 Quotes	Department Head
\$500/ \$999	2 Quotes (Verbal)	Department Head
\$1,000/ \$19,999	3 Quotes (Written)	Village Manager
\$20,000/ more (1)	Competitive Bids	Village Board
\$20,000/\$34,999 (2)	3 Quotes (Written)	Village Manager
\$35,000/ more (3)	Competitive Bids	Village Board

- (1) Purchase contract (materials, supplies, equipment) bid limit – General Municipal Law, or as amended by statute.
- (2) Public works contracts (labor and materials) or as amended by statute.
- (3) Public works contract bid limit - General Municipal Law or as amended by statute.

B. Professional Services agreements in accordance with § A318-4C of the Village Code and § 3.12 of this policy.

2.5 Purchases of capital budget items made through New York State and Westchester County contracts and through the Scarsdale School District or Southern Westchester BOCES, or any other contract issued by a governmental agency in accordance with state statute, shall not be subject to the quotes or competitive requirements of §2.4 above but shall be subject to the approval requirements of such section when a specific appropriation or capital budget authorization have not been approved by the Board of Trustees. Purchases of operating budget items made through these contracts must be approved by the Village Manager.

2.6 Non-Purchase Orders or Purchase orders issued to the same vendor for the same product cannot be split in order to avoid the dollar thresholds established in §2.4A or the New York State bidding statutes. When it is known or can be reasonably expected that the aggregate amount to be spent on purchases of the same commodity, or the same type of public work, will exceed the dollar thresholds over the course of a fiscal year, competitive bidding or the use of New York State, Westchester County, Scarsdale School District, Southern Westchester BOCES or other Cooperative Purchasing Agreements/Contracts is required.

2.7 Confirming purchase orders or “Non-Purchase Orders” approved by department heads may be issued for amounts not to exceed \$500 and in situations where requirements contracts have been awarded to vendors for supplies and materials routinely purchased by one or more departments. Amounts from \$500 to (but not including) \$1,000 must have two quotes attached pursuant to §2.4.

2.8 Contracts approved pursuant to § 2.4 A and B of this policy can be awarded on a unit price basis or a lump-sum price basis. Contracts approved on a unit price basis will contain an estimate of the total dollars to be expended which will be used to determine whether quotations or competitive bids are required and whether the contract must be approved by the Village Board or the Village Manager.

2.9 Change Orders:

A. Increases in estimated contract amounts, awarded contract amounts or the aggregate amounts of change orders must be approved by the Village Board when the following limits are exceeded:

For contracts less than \$100,000	\$10,000 limit
For contracts between \$100,000 and \$500,000	20% limit of the contract amount
For contracts greater than \$500,000	20% of the contract amount, not to exceed \$200,000

B. For contracts greater than \$500,000, the Village Manager shall report periodically to the Village Board of Trustees, all approved change orders up to the 20% or \$200,000 threshold at which point all change orders must be approved by the Village Board.

2.10 In order to comply with terms calling for timely remittances to vendors upon the delivery of materials or supplies or the rendering of services to the Village for the conduct of its affairs, payments for items such as utilities, postage or other items requiring payment prior to the next Board of Trustees audit, may be made in advance of a Board of Trustees audit, provided such payments are duly approved by a department head, the

Village Manager and the Village Treasurer. Such payments made in advance of a Board of Trustees audit shall be presented monthly to the Board of Trustees for ratification. Each department shall take advantage of discounts where available and process those payments in a timely manner to ensure compliance with vendor terms.

2.11 In situations when, in the public interest, the Village Manager determines that the Village requires particular goods or services for which there is no substantial equivalent and which are, in fact, available from only one source, competitive bidding may not be required for the procurement of the item pursuant to GML §103(5).

2.12 Contracts that have been approved by the Board of Trustees and contain option clauses or extensions to renew on the part of the Village require prior approval of the Village Board by resolution for the exercise of such option or extension, except in situations in which the contract language or resolution authorizing the execution of the original contract permits the Village Manager to approve said option clauses or extensions.

### **3. Procedure**

3.1 Initiating a Purchase Using a Purchase Order: A purchase order/requisition shall be initiated by the purchasing coordinator at the departmental level by inputting the details of the purchase order into the computerized purchasing system. The system will alert the purchasing coordinator as to the availability of funds. All overrides must be approved by the department head and reported to the Village Manager before proceeding. Details of the purchase must include the vendor's name and address, the description of the item(s) being purchased, the quantity, unit price and total price, delivery instructions, and a properly structured budget account code. Information such as the number of quotes, the amounts quoted, and those vendors who quoted must be entered in accordance with this policy. Additional information may be requested by the Village Manager.

3.2 Approval of Purchase: A clerk in the Village Manager's Office will print a list of all departmental purchase requisitions daily and present such list to the Village Manager for approval. Upon approval by the Village Manager, the clerk will print the purchase orders and distribute them to the various departments. The list signed by the Village Manager will be filed for audit purposes.

3.3 Departmental Follow-up: The departmental purchasing coordinator, when applicable, will send a copy of the purchase order (i.e. mail, fax, e-mail, etc.) to the vendor and hold Copy 1 - Claim Form and Copy 2 - Department Copy until the supplies and materials or services are received and until the invoice is in hand. The original vendor's invoice and a signed delivery ticket, packing slip or equivalent must be attached to Copy

1 - Claim Form which must also be signed by the department head in the space indicated. The purchasing coordinator must check the purchase order against the invoice to verify mathematical accuracy, tax exempt status, shipping and handling charges, etc. Copy 1 - Claim Form with attachments will then be delivered to the Village Treasurer for payment.

3.4 Processing Payment: The Village Treasurer will ensure that the math is accurate, that the attachments are in order and that the proper signatures are in place. The Village Treasurer will then sign Copy 1 - Claim Form and cause the claim to be entered for payment. An abstract of claims will be prepared by the Village Treasurer for each meeting of the Board of Trustees. The original claim forms and supporting documentation will be delivered to a designated member of the Board of Trustees for audit prior to the Village Board Meeting. Upon approval by the Board of Trustees, such claims will be paid by the Village Treasurer.

3.5 Emergency Purchases: Pursuant to GML § 103(4), emergency purchases will conform to the approvals cited in § 2.4 of this policy which require the approvals as provided in § 2.4 A of this policy. In addition, the words "Emergency Purchase" and the reason for such must be shown on the purchase order or on an attached memorandum and approved by the Village Manager or designee. If the purchase exceeds statutory bid limits, a resolution declaring the emergency and authorizing the purchase must be prepared by the department for approval by the Village Board at its next regularly scheduled meeting.

3.6 Purchase Order Format: A purchase order is prepared in two copies and routed as follows:

A. The Gold Copy (1) is the original claim form which is to be maintained by the department pending receipt of the invoice and packing slip and sent to the Village Treasurer for payment.

B. The Green Copy (2) is to be retained and filed by the department issuing the purchase order.

A "blanket purchase order" may be issued to those merchants from whom repetitive purchases of inexpensive items are made, , provided the total amount of the blanket purchase order does not exceed budget appropriations and the annual amount of dollars of purchases does not exceed the threshold for competitive bid requirements under the General Municipal Law. One purchase order is issued to cover all purchases made in a given time period. Prior to issuing a blanket purchase order, the department head must furnish the Village Manager with a list of employees authorized to make purchases under the blanket order. Each authorized employee will be issued an identification card to be presented to the vendor when making such a purchase. The department will maintain all

receipts of purchases made under a blanket purchase order and process a claim form itemizing all purchases made during a billing period. At the end of the billing period, the department will compare the claim form and summary invoice furnished by the vendor, verify the receipt of goods or services, resolve any differences, and process the claim for payment. Department heads will be required to justify the need to use blanket purchase orders through periodic examination by the Village Manager of the department's purchasing record with a particular vendor. There may be certain payments which do not require the processing of a numbered purchase order. These include, for example, payment for utilities, petty cash items, such as subscriptions, conference registrations, and certain reimbursement expenses. In these cases, a blank claim form should be used.

3.7 State & County, School District & BOCES Contracts and other applicable contracts: Department heads are encouraged to take advantage of New York State and Westchester County contracts and contracts with the Scarsdale School District and Southern Westchester BOCES and any Cooperative Purchasing Agreements provided for by state statute whenever possible. Purchase orders issued from New York State and Westchester County contracts and contracts with the Scarsdale School District and Southern Westchester BOCES or other contract which may be subsequently provided by law, must include the group number and the contract number (or other identifying characteristic) and expiration date on the face of the purchase order and a copy of the contract must be kept on file. The latest New York State and Westchester County, Scarsdale School District and Southern Westchester BOCES contract information is available on the internet or through contacting the appropriate government agency. Each department is urged to evaluate its needs for the fiscal year so that the use of New York State and Westchester County, Scarsdale School District and Southern Westchester BOCES contracts can be maximized.

3.8 Requirements Contracts: Annual contracts may be issued to vendors for supplies, equipment, and services routinely required by one or more departments. Such contracts protect pricing for a specified period of time and allow departments to make confirmation purchases from the vendor. Upon awarding a requirements contract, the department(s) will be given a listing of the prices and the items that may be purchased. Reference to the contract must be made on the face of each claim form used for such purpose.

### 3.9 Advertising for Bids:

A. Sufficient amount of time must be provided from the advertisement date to the awarding of the contract for all competitively bid contracts. It is to the Village's advantage to provide for a greater period of time and is preferred in situations requiring excessively detailed bid specifications. The department initiating a bid specification must verify that there are sufficient unencumbered funds to award and complete the proposed

contract; obtain a contract number from the contract administrator; and develop preliminary specifications for the contract. The department may also prepare a newspaper advertisement (Advertisement of Bid) for signature by the Village Manager. The completed package, including a list of potential bidders, must be submitted to the Village Manager in advance of the proposed contract advertisement date. The department initiating the contract may contact potential bidders approximately half-way through the bidding period and complete the bidder notification form in an attempt to determine the number of bidders who are considering submitting a bid and whether additional measures might be necessary to encourage more bids. When the bids are opened, the department head should make a written recommendation concerning the awarding of the contract and deliver such recommendation to the Village Manager, with a copy to the Contract Administrator. In the event that a department head does not recommend awarding a contract to the lowest bidder, a memorandum with supporting documentation describing the reason(s) that the department head believes that a particular bidder is "not responsible," must be prepared and forwarded to the Village Manager. Examples of reasons which would cause a negative recommendation include, but are not limited to: non-compliance with the specifications; a criminal conviction or indictment of the bidder; an inadequate list of references; or, a previous history of unsatisfactory performance. In the event that a sole bid or no bids are received, the department head may contact the prospective bidders in receipt of the contract bid specifications to inquire as to the reason (s) for not submitting a bid.

B. The Contract Administrator shall issue all contract numbers. The appropriate department head shall prepare and distribute the bid documents to potential bidders. The Village Treasurer or designee shall attend the bid opening and record the bids. The department head shall prepare the resolution for the Village Board agenda and submit it to the Village Manager by noon on the Wednesday preceding the next regularly scheduled Village Board meeting; notify all bidders of contract award; prepare and handle all paper work necessary to execute the contract; return all bid deposits of the unsuccessful bidders upon execution of the contract; and, return the bid deposit of the successful bidder after the completion of all work to the satisfaction of the Village.

3.10 Maintenance Agreements: The Village has service agreements with manufacturers and authorized service centers for most of its office machines and equipment such as typewriters, copiers, computers, and dictation equipment. It is the duty of each department head to inform the Village Manager's Office of the need to procure or cancel any existing maintenance agreement for Village equipment. Each department is responsible for monitoring any required repair or service of equipment covered under a maintenance agreement.

3.11 Receiving and Inspection of Purchased Goods: When any supplies, materials or equipment items are delivered to the Village, the department placing the

order is responsible for inspecting the goods and signing the delivery ticket or packing slip and initiating the payment process. Whenever possible, all items are to be inspected upon receipt in the presence of the vendor or shipper. Delivery tickets or packing slips with the signature of the person acknowledging the receipt of the goods must be attached to all invoices submitted for payment. Inspections of materials should include: verification of the correct delivery site; verification of the correct items and quantities ordered and a check for damaged or defective goods. When incomplete deliveries are received, the department should immediately call the vendor to verify whether the item(s) are on back-order or whether there has been a mistake in shipment. Department heads should not authorize payment approval for partial orders.

3.12 Professional Service Agreements: All professional service contracts are to be issued pursuant to GML §103 and §57.7 and §A318-4(c) of the Village Code. It may not always be in the best interests of the Village to solicit alternative proposals or quotations for certain professional services such as legal counsel, consulting services, or insurance coverages. In circumstances where the cost of professional services is estimated to exceed \$10,000 in a fiscal year, a Request for Proposal process may be conducted which will give the Village the latitude to emphasize a firm's or individual's expertise, training and experience and not limit the determination of a contract award to costs. The Village Manager shall notify the Board of all professional service contracts greater than \$10,000 on a scheduled basis.

3.13 Sole Source: Pursuant to GML §103(5), in making a determination that particular goods or services are available from only one source, the Village department head requisitioning the procurement shall document the unique benefits of the item; that no other item provides substantially equivalent or similar benefits; and that, considering the benefits received, the cost of the item is reasonable, when compared to other products or services in the marketplace. In addition, the Village department head shall, if feasible, document, as a matter of fact, that there is no possibility of competition for the procurement.

3.14 When initiating purchases of up to \$1,000, a "Non-Purchase Order" may be used. Department heads may order goods and/or services up to \$1,000 subject to §2.4 of this policy. The Departmental purchasing coordinator will enter the information (vendor #, invoice data, amount of purchase, general ledger account number, etc.) into the computerized purchasing system. The system will print a "Non-Purchase Order" which shall be attached to the vendor invoice. The Department Head will approve the Non-Purchase Order by signing and forwarding it to the Treasurer for additional approval and processing.

3.15 The department will retain a copy of the "Non-Purchase Order" and the invoice.

#### **4. Credit Card Purchases**

4.1 A sole credit card will be issued in the name of the Village of Scarsdale with the Village Manager identified on the card and remain in a secure location in the Treasurer's Office.

4.2 The credit card issued shall be with one of the authorized Village depositories pursuant to § 2.9 or 3.8 of the Village Investment Policy.

4.3 Credit card use pursuant to the Village Internal Control Policy is limited to on-line purchases in which standard Village payment methods (i.e. purchase order, check) are not acceptable by a vendor.

4.4 All purchases will be made in accordance with GML §103 (4), Village Code Chapter 57 and the Village Internal Control Policy.

4.5 A department head seeking to use the credit card shall apply to the Village Treasurer on a designated three part form with original (white) submitted to the Treasurer, gold for Manager's files and green for the department files pursuant to §3.6 of this policy. Once permission is initially granted by the Village Treasurer and subsequently, by the Village Manager, the card will be released by the Treasurer to the department head for the purchase of only the goods and services approved on the request form. The department head is fully responsible and liable for the use of the card including circumstances where a subordinate makes the actual purchase. The department head will return the card to the Village Treasurer, or Deputy Village Treasurer immediately after the transaction is concluded.

4.6 In order to confirm receipt of items or services purchased and for timely remittances, each time a card is used the department head must submit appropriate documentation to the Treasurer's Office pursuant to §3.3 of the Village Internal Control Policy for reconciliation with the credit card statement.

4.7 Cash advances are not permitted.

4.8 In the event the card is lost or stolen, the individual must report the loss or theft immediately to the Treasurer's Department which will notify the Credit Card Issuer.

4.9 Fraudulent use of the credit card or for uses not consistent with this policy by an employee may result in the following actions:

- Immediate suspension of card privileges;

- Employee reimbursement to the Village via check payable to the Village of Scarsdale within 48 hours of the demand by the Village Treasurer, and
- Formal disciplinary action including the termination of employment.

**RESOLUTION RE:     ADOPTING 2017 VILLAGE INVESTMENT  
                                  POLICY**

**WHEREAS,**           the Village’s Investment Policy provides that the Finance Committee of the Village Board, acting as an Investment Committee shall, at least annually, formulate a written investment program and submit same to the Village Board for approval; and

**WHEREAS,**           the Village Board last reviewed and adopted the Investment Policy, Policy # 501 of the *Village of Scarsdale Administrative Policies & Procedures Manual*, on November 10, 2015; and

**WHEREAS,**           recognizing the importance of the Village’s Investment Policy, Village staff on an annual basis reviews said policy and recommends any proposed modifications to the Village Board for consideration; and

**WHEREAS,**           staff performed said review and is not recommending any changes to the existing policy; now, therefore, be it

**RESOLVED,**         that the 2016-17 Village Investment Policy be adopted in accordance with the attached November 09, 2016 document, hereto referred to as “Investment of Village Monies, Policy # 501.”

Submitted by: Village Manager  
Date:            November 03, 2016  
For:             November 09, 2016

# Memo



**To:** Stephen M. Pappalardo, Village Manager  
**From:** Mary Lou McClure, Village Treasurer  
**CC:** Robert A. Cole, Deputy Village Manager  
Maria Colotti, Deputy Village Treasurer  
**Date:** November 2, 2016  
**Re:** Policy # 501 Investment of Village Monies

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In accordance with the annual adoption of the Village Investment Policy, I have reviewed the existing policy and recommend that the policy be readopted unchanged.

The Fiscal Year 15/16 General Fund budgeted interest income was \$55,000, with actual revenue of just over \$59,500. Interest rates ranged from 10 basis points to 45 basis points over the course of the fiscal year.

While money market rates were relatively stable for the past year in the money market accounts (0.10% - 0.23%), JP Morgan Chase (JPMC) gave us a higher rate (0.45%) on the checking accounts with significant balances. HSBC has maintained a rate of 20-23 basis points for most of the year in the money market accounts. Consequently, we have moved most funds to JPMC. At present, we are limited to investments in money market funds since certificates of deposit are not currently offered by our banks and Treasury Bills recently yielded only 25-35 basis points for four to thirteen weeks. I should note that we have been limited in the past to a maximum of \$6.0 million per auction. Additionally, each investment in Treasury Bills has a fee attached of at least \$100 which depresses the yield.

I have attached a copy of the 2017 Investment Policy, unchanged from year-to-year. If you agree, please place this item on the Village Board's November 9, 2016, agenda for their consideration.

RE: INVESTMENT OF VILLAGE MONIES

POLICY: #501

ORIGINAL DATE: 8/15/95

APPROVED BY: Board of Trustees Resolution

REVISION DATE: 8/13/96, 8/12/97, 8/11/98, 7/27/99, 8/15/00, 4/09/02, 8/13/02, 8/10/04, 8/9/05, 4/10/07, 9/25/2007, 12/9/2008, 1/12/2010, 1/11/2011, 11/12/13, 11/12/2014, 11/10/2015, 11/9/2016

MOST RECENT ADOPTION DATE: ~~11/10/2015~~ 11/9/2016

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## 1. Purpose

1.1 To outline the investment policy of the Village of Scarsdale which will apply to all monies available for investment in the various funds maintained by the Village, including the following:

- General Fund
- Special Revenue Funds (Including Town of Scarsdale)
- Capital Projects Fund
- Enterprise Funds
- Internal Service Funds
- Fiduciary Funds
- Library Fund

## 2. Policy

2.1 The primary objectives of this investment policy are:

- A. To conform with all applicable statutory requirements (legal);
- B. To adequately safeguard principal (safety);
- C. To provide sufficient liquidity to meet all operating requirements (liquidity);
- D. To obtain a reasonable rate of return (yield).

### INVESTMENT COMMITTEE

2.2 The Finance Committee of the Board of Trustees of the Village of Scarsdale shall act as the Investment Committee. The Investment Committee shall, at least annually, review the investment policy and submit it to the Board of Trustees for approval.

## DELEGATION OF AUTHORITY

2.3 The Village Board's responsibility for administration of the investment program is delegated to the Village Treasurer who shall establish written procedures for the operation of the investment program consistent with these investment guidelines and subject to the approval of the Investment Committee. Such procedures shall include an adequate internal control structure to provide a satisfactory level of accountability based on records incorporating description and amounts of investments, transaction dates, and other relevant information. The operating procedures shall be reviewed, at least annually, by the Investment Committee and by the Village's independent auditors for appropriateness and compliance. Absent any written procedures, this Investment Policy shall constitute the operating procedures.

## PRUDENCE

2.4 All participants in the investment process shall seek to act responsibly as custodians of the public trust and shall avoid any transaction that might impair public confidence in the Village of Scarsdale to govern effectively.

2.5 Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the safety of the principal as well as the probable income to be derived.

2.6 All participants involved in the investment process shall refrain from personal and business activity that could conflict with proper execution of the investment program, or which could impair their ability to make impartial investment decisions.

## DIVERSIFICATION

2.7 The Village of Scarsdale will diversify its deposits and investments by financial institution, unless fully collateralized as noted in Section 2.10, and by maturity scheduling.

## INTERNAL CONTROLS

2.8 All moneys collected by any of the officers or employees of the Village shall be transferred to the Village Treasurer within three days of collection, or within the time period specified by law, whichever is shorter. The Village Treasurer is responsible for establishing and maintaining an internal control structure to provide reasonable, but not absolute, assurance that deposits and investments are safeguarded against loss from unauthorized use or disposition, that transactions are executed in accordance with management's authorization and recorded properly, and are managed in compliance with applicable laws and regulations.

## DESIGNATION OF DEPOSITARIES

2.9 The banks and trust companies authorized herein for the deposit of monies are JP Morgan Chase, HSBC, Wells Fargo Bank, and the Cooperative Liquid Assets Securities System ("CLASS").

## COLLATERALIZING OF DEPOSITS

2.10 In accordance with the provisions of General Municipal Law, Section 10, all deposits of the Village of Scarsdale, including certificates of deposit and special time deposits (together with agreed-upon interest, if any, and any costs or expenses arising out of the collection of such deposits upon default), in excess of the amount insured under the provisions of the Federal Deposit Insurance Act shall be secured by a pledge of "eligible securities" as scheduled in Appendix A hereto with an aggregate "market value," as defined in said Section 10, at least equal to the aggregate amount of such excess. The Village Treasurer shall have the discretion to require that the amount of any such pledge shall have a market value of more than 100% of the amount of such excess if, in the Village Treasurer's judgment, such requirement would not have a significant adverse effect on yield.

## SAFEKEEPING AND COLLATERALIZATION

2.11 Eligible securities used for collateralizing deposits shall be held by the depositary bank or trust company or a designated custodial bank subject to security and custodial agreements. The security agreement shall provide that eligible securities are being pledged to secure the deposits of the Village of Scarsdale together with agreed-upon interest, if any, and costs or expenses arising out of the collection of such deposits upon default. The security and custodial agreements shall also include all other provisions necessary to provide the Village of Scarsdale with a perfected security interest in the eligible securities and to otherwise secure the Village of Scarsdale's interest in the collateral, and may contain other provisions that the Village Treasurer deems necessary. It shall also provide the conditions under which the securities may be sold, presented for payment, substituted or released and the events which will enable the Village of Scarsdale to exercise its rights against the pledged securities.

2.12 The custodial agreement shall provide that securities held by the custodial bank or trust company, as agent of and custodian for the Village of Scarsdale, will be kept separate and apart from the general assets of the custodial bank or trust company and will not, in any circumstances, be commingled with or become part of the backing for any other deposit or other liabilities. The agreement should also provide that the custodian shall confirm the receipt, substitution or release of the securities. The agreement shall provide for the frequency of revaluation of the eligible securities and for the substitution of securities when a change in the rating of a security may cause ineligibility.

2.13 The Village Treasurer shall enter into security and custodial agreements with the authorized depositories and custodians, subject to the approval of each agreement by the Village Attorney. Such agreements may be in the form of model agreements provided to local governments by the Comptroller of the State of New York.

#### PERMITTED INVESTMENTS

2.14 As authorized by Section 11 of the General Municipal Law, the Village of Scarsdale authorizes the Village Treasurer to invest monies not required for immediate expenditure for terms not to exceed its projected cash flow needs in the following types of investments:

- A. Special time deposit accounts in designated depositories, subject to the collateral requirements outlined in Sections 2.10 through 2.13;
- B. Other money market accounts associated with these depositories subject to the collateralization requirements outlined in Sections 2.10 through 2.13;
- C. Certificates of deposit issued by designated depositories, subject to the collateral requirements outlined in Sections 2.10 through 2.13;
- D. Obligations of the United States of America;
- E. Obligations issued or fully guaranteed by agencies of the United States of America where the payment of principal and interest are guaranteed by the United States of America;
- F. Obligations of the State of New York.

#### REPURCHASE AGREEMENTS

2.15 Repurchase agreements are authorized subject to the following restrictions:

- A. All repurchase agreements must be entered into subject to a Master Repurchase Agreement;
- B. All repurchase agreements will be limited to a maximum maturity of 5 days;
- C. Trading partners are limited to banks or trust companies authorized pursuant to this Policy;
- D. Pledged securities shall be limited to obligations of the United States of America and obligations issued or fully guaranteed by agencies of the United States of America where payment of principal and interest is fully guaranteed by the United States of America;
- E. No substitution of securities will be allowed.

#### PURCHASE OF INVESTMENTS

2.16 The Village Treasurer is authorized to contract for the purchase of investments:

A. Directly, including through a repurchase agreement, from an authorized trading partner.

B. By participation in a cooperative investment program with another authorized governmental entity pursuant to Article 5G of the General Municipal Law where such program meets all the requirements set forth in State Comptroller Opinion No. 88-46, and the specific program has been authorized by the Village Board of Trustees.

2.17 Investment of Bond Proceeds – Consistent with NYS Local Finance Law, Section 165.00, the proceeds of bond issues shall be deposited into a special account. The Investment of the bond proceeds will be governed by Section 2.14 of this policy. Investment maturities will be timed to insure that funds are available to meet expenditure needs. In addition, investment options will be sensitive to the arbitrage rebate that may be required by the federal government if investment yields exceed the bond's interest rate.

#### AUTHORIZED FINANCIAL INSTITUTIONS AND DEALERS

2.18 The Village of Scarsdale shall maintain a list of financial institutions and dealers approved for investment purposes. All financial institutions with which the Village conducts business must have a senior debt rating of at least A by at least two of the leading rating agencies. Security dealers not affiliated with a bank shall be required to be classified as reporting dealers affiliated with the New York Federal Reserve Bank, as primary dealers. The list of financial institutions and dealers shall be evaluated annually.

#### REPORTING

2.19 The Village Treasurer shall submit periodic (no less than quarterly) investment reports to the Investment Committee disclosing investment activity during the period, including descriptions, amounts, rates of interest and maturity dates.

2.20 The Village Treasurer shall prepare an annual report within 60 days of the end of the fiscal year. This report shall include the amount of interest earned, the effective annual yield, and a schedule of investments held by the Village at fiscal year-end.

### **3. Procedures**

3.1 Investments will be limited to those authorized in the Investment Policy.

3.2 The investment selection process for certificates of deposit will utilize competitive quotations from at least three authorized depositories, where practicable.

3.3 Each investment transaction will be made by written authorization. If the authorization is initially given verbally, a written authorization will be sent the same day by the Village Treasurer to the appropriate financial institution or dealer.

3.4 All investment authorizations and confirmations will be promptly checked against the Village Treasurer's investment records by another Village employee.

3.5 The Village Treasurer will maintain a file of written investment authorizations and confirmations.

3.6 The Village Treasurer will maintain a record of all investment transactions including descriptions, amounts, rates of interest, maturity dates and earnings.

3.7 The Village Treasurer will determine on a regular basis that obligations have been pledged by the depositaries in accordance with the agreements in place.

3.8 The Village Treasurer will maintain a list of financial institutions and dealers approved for investment purposes and will ensure that dealers are rated at least AA by at least two of the leading rating agencies. As of January 11, 2011, the list includes JP Morgan Chase, HSBC, Wells Fargo Bank, M&T Bank, Signature Bank, Hudson Valley Bank and the Cooperative Liquid Assets Securities System ("CLASS").

3.9 The Village Treasurer will report investment activity in accordance with the provisions contained in the Investment Policy.

3.10 The maximum amount which may be kept on deposit at JP Morgan Chase, HSBC, and Wells Fargo Bank is set at \$70 million.

3.11 The maximum amount which may be invested in the following financial institutions is as follows:

CLASS:	\$15 million
M&T Bank:	\$15 million
Signature Bank:	\$15 million
Hudson Valley Bank:	\$2 million

## **APPENDIX A**

### **SCHEDULE OF ELIGIBLE SECURITIES**

- (i) Obligations issued, or fully insured or guaranteed as to the payment of principal and interest, by the United States of America, an agency thereof or a United States government sponsored corporation.
- (ii) Obligations partially insured or guaranteed by any agency of the United States of America, at a proportion of the market value of the obligation that represents the amount of the insurance or guaranty.
- (iii) Obligations issued or fully insured or guaranteed by the State of New York, obligations issued by a municipal corporation, school district or district corporation of such State or obligations of any public benefit corporation which under a specific State statute may be accepted as security for deposit of public monies.

**RESOLUTION RE: ACCEPTANCE OF A GIFT TO THE SCARSDALE PUBLIC LIBRARY**

**WHEREAS,** pursuant to Policy #106: “*Gifts to the Village of Scarsdale*” of the Village of Scarsdale Administrative Policies & Procedures Manual, acceptance of all gifts valued at \$500 or greater must be approved by the Village Board of Trustees; and

**WHEREAS,** the Gellin Zalaznick Foundation, Inc. has made a \$750 donation to the Scarsdale Public Library; now, therefore, be it

**RESOLVED,** that the Village Board hereby accepts the gift of \$750 from the Gellin Zalaznick Foundation, Inc. to the Scarsdale Public Library; and be it further

**RESOLVED,** that the Village Treasurer take the necessary steps to accept this financial gift of \$750 and deposit in the Scarsdale Public Library Budget Account TE-91-.22 – “Miscellaneous Gifts”; and be it further

**RESLOVED,** that the Board of Trustees hereby extends their heartfelt thanks and great appreciation to the Gellin Zalaznick Foundation for their generosity and commitment to the Scarsdale Public Library.

Submitted by: Village Manager  
Date: November 4, 2016  
For: November 9, 2016

THE GELLIN ZALAZNICK  
FOUNDATION INC

COMMAND ASSET PROGRAM

5116  
99-716/1023 10007

10/21/16  
Date

Pay to the Order of Acresdale Library \$750<sup>xx</sup>/<sub>xx</sub>-  
Seven hundred fifty <sup>xx</sup>/<sub>xx</sub> Dollars



For Re: Gina Case [Signature], President  
5116

⑆102307164⑆

**RESOLUTION RE: SERVICE TIME EXTENSION FOR FIRE  
CAPTAIN JEFFREY D. GASKIN**

**WHEREAS,** Fire Captain Jeffrey D. Gaskin has requested an extension of his service time beyond the thirty-year limit established by Local Law #1 of 1970; and

**WHEREAS,** said local law requires Village Board of Trustees approval of an extension at least one year prior to the firefighter completing thirty (30) or more years of service; and

**WHEREAS,** Fire Captain Jeffrey D. Gaskin has been recommended for such extension by Fire Chief James E. Seymour IV, conditioned on his passing the necessary physical examinations provided by the Village during Calendar Years 2017 and 2018; now, therefore, be it

**RESOLVED,** that Captain Jeffrey D. Gaskin of the Village of Scarsdale Fire Department is hereby granted a one-year extension of his service time in the Department from November 19, 2017, to November 19, 2018; and be it further

**RESOLVED,** that such one-year extension is conditioned on Fire Captain Jeffrey D. Gaskin passing the annual physical examinations to be given in Calendar Years 2017 and 2018.

Submitted by: Village Manager  
Date: November 03, 2016  
For: November 9, 2016



Scarsdale Fire  
Department – Office  
of the Fire Chief

# Memo

VH # 16-10-03

To: Stephen M. Pappalardo, Village Manager  
From: James E. Seymour IV, Fire Chief  
Cc: Angela Martin, Human Resource Director  
Date: October 26, 2016  
Re: Captain Jeffrey D. Gaskin Service Extension Request

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Captain Jeffrey D. Gaskin has requested an extension of mandatory retirement in accordance with the provisions of the Village of Scarsdale Local Law #1 of 1970 (see attached request letter). Captain Gaskin was hired by the Village effective November 19, 1980, and will complete 36 years of service in November 2016. The Village Board previously extended by resolution his service from November 19, 2016, to November 19, 2017.

It is my recommendation that the Village grant an extension of one year from November 19, 2017, to November 19, 2018, provided that Captain Gaskin's 2017 and 2018 physical examinations find him fit for duty.

Captain Gaskin is currently capable of doing his job.

I have attached a resolution for the Village Board of Trustees to consider at their meeting on November 9, 2016.

Jeffrey D. Gaskin  
177 Secor Road  
Scarsdale, N. Y. 10583  
1-914-723-9126

October 21, 2016

James Seymour, Fire Chief  
Scarsdale Fire Department  
50 Tompkins Road  
Scarsdale, N. Y. 10583

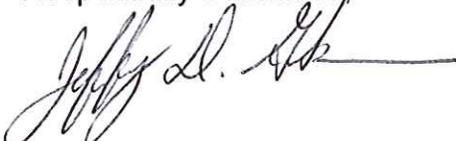
Dear Chief

Pursuant to local law # 1 of 1970 I am requesting a service extension beyond 30 years with the Village of Scarsdale.

I am making this request for employment year:  
November 19, 2017 to November 18, 2018

Please forward this request to the Village Board for approval. Thank you for your consideration with this matter.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Jeffrey D. Gaskin", with a horizontal line extending to the right.

Jeffrey D. Gaskin

**RESOLUTION RE:     **AUTHORIZING A FOOD SCRAP COMPOSTING PROGRAM AND CREATING AN AD-HOC OVERSIGHT COMMITTEE****

**WHEREAS,**     The United States Environmental Protection Agency reports that food scraps account for approximately 15% of municipal solid waste, with composting such organic materials being an important waste reduction strategy; and

**WHEREAS,**     resident interest in food scrap recycling is evidenced through the success of the Scarsdale school district program and other similar initiatives, but at-home composting methods are both impractical and not suitable for meat, fish, dairy, bread, rice, pasta, oils, bones, and shells; and

**WHEREAS,**     a drop-off site located at the Village Recycling Center on Secor Road would support resident access to a commercial-grade food scrap recycling service that meets community needs in a cost-effective manner; and

**WHEREAS,**     the creation of an ad-hoc committee consisting of residents with experience in food scrap recycling and Village staff would work to monitor program implementation and conduct outreach and education regarding the new service; and

**WHEREAS,**     the Village Board of Trustees discussed this initiative at its Agenda Committee Meeting on October 25, 2016, having reached consensus that the program, as outlined above, should be implemented for a start-up investment of \$1,000 - \$2,000, with annual operating expenses of \$4,000 - \$5,000; now, therefore, be it

**RESOLVED,**     that a food scrap recycling program, as further described in an October 20, 2016, email from Ron Schulhof, attached hereto and made a part hereof, is herein established; and be it further

**RESOLVED,**     that an Ad-Hoc Committee on Food Scrap Recycling be formally established as of the date of this resolution for a period of 18 months with the following members appointed:  
Ron Schulhof, Springdale Road  
Michelle Sterling, Brayton Road  
Benedict Salanitro, DPW Superintendent  
Stephen Arangio, Sanitation Foreman  
; and be it further

**RESOLVED,**     that the Committee's charge is as follows:  
1. Coordinate program implementation;  
2. Monitor program success and make recommendations for improvement; and  
3. Provide public program education and outreach to residents.

Submitted by: Village Manager  
Date:           November 01, 2016  
For:           November 09, 2016

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**From:** Ron Schulhof  
**Sent:** Thursday, October 20, 2016 12:32 PM  
**To:** Mayor  
**Cc:** Michelle Sterling  
**Subject:** Food Scrap Drop-off Site

Hi Mayor Mark

Thanks for speaking with us yesterday. As discussed we are proposing a food scrap drop-off site at the Secor Recycling Facility. A drop-off site would provide residents with a beneficial and desired service in a way that is low cost and simple to both implement and run. Following is an overview of the proposal:

### **Set up**

10 outdoor totes (65 gallons each) would be set up at Secor Road Recycling Facility where residents could bring their food scraps from home. The Village would contract with a commercial hauler to pick up the food scraps on a weekly basis and bring them to a commercial composting facility. Since the food scraps are going to a commercial composting facility all types of food, as well as compostable products and bags, will be acceptable.

### **Program Expenses**

The start-up cost of the program will be approximately \$1,000 - \$2,000 to cover the outdoor totes, signage and any educational materials. Annual expenses would be approximately \$4,000 - \$5,000 for the weekly pickup of the food scraps.

### **Soft Costs / Labor**

A drop-off site should require only minimal staff time to operate. Education and outreach could be handled by resident volunteers.

### **Implementation**

It is necessary to formalize this service through a Board resolution. Unlike with a curbside pickup program or an on-site "Rocket Composting" system which were considered pilot programs, this needs to be viewed as a new and ongoing service to our residents similar to the textile bin and documented accordingly.

In order to get the program up and running in the first year, we would strongly urge an ad-hoc committee of residents and staff be established with three main objectives:

1. Oversee implementation

2. Monitor the program and address any issues
3. Provide education and outreach to residents about this service and the benefits of composting

In terms of whether the committee is a partnership between the Forum Sustainability Committee and Village or a newly formed ad-hoc committee, we believe the most important aspect is the formal implementation through a resolution that clearly states the objectives of the program. A resolution will ensure expectations are set at the outset and the appropriate structure is in place to manage the program for success.

Ron and Michelle

Jonathan J. Mark, Mayor  
Matthew J. Callaghan  
Carl L. Finger  
Deb Pekarek  
Marc Samwick  
William Stern  
Jane Veron



Stephen M. Pappalardo, Village Manager  
Brian Gray, Superintendent PRC

1001 Post Road  
Scarsdale, New York 10583  
Phone: 914-722-1160  
Fax: 914-722-1166  
www.scarsdale.com

November 4, 2016

MEMO TO: Stephen Pappalardo, Village Manager

FROM: Brian Gray, Superintendent of PRC

CC: Robert Cole, Deputy Village Manager

RE: Advisory Council on Parks, Recreation and Conservation recommendation regarding Hyatt Park

On Wednesday, November 2, 2016 the Advisory Council on Parks, Recreation and Conservation (PRC) met to formalize a recommendation to the Village Board regarding the proposed parking plan for Hyatt Park. Unfortunately only three (3) out of the nine (9) PRC Members attended the meeting which did not make a quorum. The PRC Members that were present drafted a Recommendation which was then e-mailed to the entire PRC on Thursday, November 3<sup>rd</sup> for a final vote conducted electronically.

I am attaching the Recommendation approved by the PRC to this Memo to be submitted to the Village Board for their Wednesday, November 9<sup>th</sup> Board Meeting.

Results of the vote are as follows:

Six (6) PRC Members were IN SUPPORT of the attached PRC recommendation

Sean Kelly  
Louis Vetrone  
Tara Greco  
Rusty Varlotta  
Joshua Glantz  
Matthew Zik

Two (2) PRC members did not respond

Stephen Nicholas  
Nicholas Black

Please let me know if you require further information. Thank you in advance.

Brian

November 3, 2016

Advisory Council on Parks, Recreation and Conservation

Recommendation to Village Board of Trustees – Hyatt Park Proposed Parking Plan

The Scarsdale Advisory Council on Parks, Recreation and Conservation (PRC) held a meeting on Wednesday, October 19<sup>th</sup> to discuss parking issues on neighboring streets of Hyatt Park as well as a concept plan to create a parking lot able to accommodate 27 vehicles along the existing easement in left field of Field #1 which was presented by Village Staff.

The proposal presented by Village Staff consists of the bulleted items below:

- Restricting parking to the Northern side of Lee Road
- Restricting parking to the Western side of Potter Road and stripe spaces to delineate actual parking spots
- Widening Potter Road by 3' from Lee Road to Boulevard contingent upon and considering analysis of Village arborist.
- Creation of dedicated handicap parking spaces North of Lee road on the Western side of Potter to the dead end
- Creating 3 additional parallel parking spots and striping the parallel parking spots on Boulevard to delineate actual parking spots
- The parking lot concept plan consists of creating a 22' paved driveway along the existing easement in the park as well as the creation of 3 sections of 9 spots (27 total) in left/center field of the baseball field #1 closest to Boulevard. The proposed parking spaces would be gravel and would encroach into Field #1 by approximately 20 feet. Additionally, fencing/netting would be installed to protect vehicles in the driveway and parking spaces.

Based on the issues raised including the need for the preservation of greenspace, pedestrian safety and the overall aesthetics and purpose of the park as well as the overwhelming response received by the PRC from the community, both in writing as well as in person, in opposition to the proposed concept parking lot plan by community members, Bramlee Heights Neighborhood Association and the Friends of Scarsdale Parks, the PRC does not support the proposal to construct a 27 space parking lot in left field of Field #1.

The PRC does support all other aspects of the Village proposal pertaining to the creation and promulgation of no parking zones on the Eastern side of Potter Road and Northern side of Lee Road as well as the construction of 3 additional parallel parking spaces along Boulevard.

With respect to the parking regulations proposed for Potter Road, the PRC also supports the widening of Potter Road by 3' as an additional safeguard to ensure emergency vehicles have access to Potter Road during periods of high park usage.

Further we recommend that the Recreation Department in conjunction with the ISOs improve communications with ISO members and visitors about parking limitations and possible alternatives including the Historical Society, IHM, and Village Hall parking areas. In addition, the PRC recommends that start time for games at the two fields at Hyatt always be staggered to limit traffic congestion at peak turnover times.

Finally, the PRC recommends that the Recreation Department staff encourage scheduling of future Softball tournaments at Supply Field whenever possible.

**From:** Phil Maresco <[ufop77@yahoo.com](mailto:ufop77@yahoo.com)>  
**Sent:** Thursday, October 27, 2016 6:10 PM  
**To:** Mayor  
**Cc:** Mayra Kirkengall-Rodriguez  
**Subject:** Ryan revaluation

Mr Mayor & Mr Village Manager,

**Please contact Ms. Amy Paulin and request that she introduce legislation to invalidate the Ryan Revaluation.**

**She is prepared to take such legislative action if you request it.**

**If there is no action to do that, please do not waste our taxpayer money by opposing an article 78 action against the Village.**

**Rather direct Village counsel to stipulate to the action and join us in rejecting the work of Ryan.**

**Thank you**

Sincerely,

**Philip Maresco  
43 Ferncliff Rd**

**FRIENDS OF THE SCARSDALE PARKS, INC.**

**REPORT IN OPPOSITION TO THE CREATION OF A PARKING LOT  
IN HYATT FIELD PARK**

The mission of the Friends of the Scarsdale Parks since its founding in 1957 has been “to help preserve and protect Scarsdale’s public green spaces.”<sup>1</sup> As with all FOSP conservation projects, project goals are coordinated and implemented in a collaborative effort with the Village of Scarsdale and its departments of Parks, Recreation and Conservation (PRC) and Public Works (DPW). This collaboration is an integral part of our working relationship with the Village.”<sup>2</sup>

In accordance with this spirit of cooperation FOSP enjoys with the Village and our inclination to find practical solutions to competing community interests when it comes to the natural environment, we are submitting this report for the purpose of (1) placing in the proper historical context the current Village proposal to use a substantial section of the Hyatt Field Park parkland as a paved, fenced parking lot, and (2) stating our opposition to the proposal for the creation of a parking lot in any part of Hyatt Field Park in the Bramlee Heights neighborhood.

**History of Community Opposition in Scarsdale Village  
to Misuse of Parkland for Vehicular Parking**

FOSP’s mission in the stewardship of Scarsdale’s open space and parkland could not be exemplified more clearly than our position on the Hyatt Field parking issue:

- (a) To promote and foster by all proper means in the Village of Scarsdale, New York the preservation, restoration and conservation of existing public park land, public gardens and other public open green space areas in order to maintain the ecological integrity and beauty of Village of Scarsdale owned land;
- (b) To advocate that Village of Scarsdale owned land, including public park land, public gardens and other public open green space areas, whether so designated by deed of gift or purchase or otherwise, shall be protected, maintained and preserved as such and shall not be used for any other purpose;
- (c) To promote and foster by all proper means in the Village of Scarsdale public knowledge and appreciation of and for Village of Scarsdale owned public park lands, public gardens and other public open green space areas and the need for their protection, maintenance and preservation;
- (d) To keep apprised of opportunities for acquisition by the Village of Scarsdale of land suitable for use as public parkland, public gardens and other public open green space areas; and
- (e) To advocate against encroachment by private or public actions on Village of Scarsdale owned public park lands, public gardens and other public open green space areas.<sup>3</sup>

FOSP has cited with approval the foresight of Village planners in the past who accelerated

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<sup>1</sup> FOSP is a 501(c)(3) New York State nonprofit corporation.

<sup>2</sup> FOSP Harwood Park Wetland Restoration Project Report, at page 2 (May 12, 2015) (“FOSP Wetland Restoration Project Report”).

<sup>3</sup> FOSP By Laws, adopted as of April 6, 2016.

acquisition of open space in the 1920s, when real estate values had begun to soar, most notably the tract that became the High School and Library campuses which were once part of the old Butler estate:

“When Scarsdale had large areas of undeveloped land no one thought about the future need of parks and playgrounds. But as one estate after another was divided into building lots, residents who had the welfare of the whole community in mind began to consider the advantages of open spaces.”<sup>4</sup>

Over time the issues shifted, from Village acquisition of open space for public recreational or passive use before none would be left for purposes aside from private development, to the appropriate use of open space. There are a few notable examples that, in the context of Hyatt Park, are worth recounting.

In the 1970s FOSP was among the leading civic advocates for the preservation of Village Center open space. During that period, both the Village Green at 1.8 acre Chase Park on Chase Road (and Woodland Place) and 1 acre de Lima Park on Popham Road (at Autenreith Road) were viewed as prime real estate for the creation of extensive paved parking lots. Needless to say FOSP strenuously and unequivocally opposed these ill-advised proposals.

According to the PRC’s 2016-2017 brochure, 5.1 acre Hyatt Field Park was “built” as parkland in the hopeful post-war era in 1949 and 1952. The current proposal for Hyatt Field Park – where a long-dormant schematic design for parking that would encroach on the outfield of the larger of two baseball playing fields appears to have been set aside, only to be resurrected now – is eerily reminiscent of the issue before the Village regarding Chase Park in the 1960s and 1970s:

“Reactivation of any idea of using the Chase Road lots for parking not only does not solve the total problem [of Village Center parking needs] but suggests a retreat from moral and legal commitments to preserve the area as a park, and as a buffer zone between the business district and residential areas. Some years ago this was thrashed out and one would have hoped that the cogent arguments then advanced by so many organizations and individuals against such use of parkland would have laid the concept to rest for all time. Any village plan for open space and planned business-residential zoning is seriously weakened and its future made problematical by the proposal. There has been no basic change in the relevant factual situation to warrant a change in the earlier decision against turning the Chase Road park into a parking lot.”<sup>5</sup>

The improper use of municipal funds to turn parkland into a parking lot when there are available alternatives was also raised in 1970:

“The use of 61 Popham Road for 'worker' parking would not alleviate the commuter situation, and would involve a zoning change and loss of open space or park-like property

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<sup>4</sup> H. Hansen, Scarsdale: From Colonial Manor to Modern Community, at page 212 (The Town Club, 1954), cited in FOSP Wetland Restoration Project Report, at page 1.

<sup>5</sup> Letter from Frank H. Gordon, FOSP president, to Saul Horowitz, Jr., Scarsdale Village Mayor, at page 2 (February 19, 1970) (“Gordon Letter”).

in contravention of long-term village plans. It is questionable whether public funds should be spent for such a narrow purpose, especially when the Freightway property is available, suited for parking purposes, already owned by the Village, and appropriately zoned.”<sup>6</sup>

A flyer distributed by FOSP during the 1970 public uproar over turning Village Center parkland into a parking facility reflects the same enduring community sentiment about parkland preservation today:

“Our Village Green is more than real estate. It is a vital part of the village we've chosen for our environment, and in which we have all made substantial housing investments. The Chase Road-Woodland Place meadows are now a part of our esthetic and cultural values. They are a basic part of village life. . . . After announcing in open session that it would not, after all, put in an earlier proposed 60-car parking lot on Autenrieth and Popham Roads, the Village Board, in a surprise move and without public hearing or any discussion, authorized the destruction of this village landmark green area on Chase Road by voting to install 100 parking spaces. . . .The Board says it is retaining the ‘Chase Road’ portion of the area as open space and using only the ‘Woodland Place lots,’ but they are both parts of the whole that make up our Village Green, which for all practical purposes would be destroyed by the parking lot.”<sup>7</sup>

The result of community opposition to the misappropriation of public parkland 46 years ago was the dedication of both Chase and de Lima Parks as inviolable parkland. We recommend the same disposition here, and respectfully request that the proposal for a parking facility at Hyatt Field Park should be tabled permanently.

### **Save Hyatt Field Park as Parkland, Not as Parking Stock**

In recent correspondence to the Village, members of the community nearest to Hyatt Field Park who are most directly affected have expressed their opposition to any use of the parkland for vehicular parking. They and residents of other neighborhoods have advocated for reasonable, alternative solutions commensurate with the largely seasonal increase in parking needs for sporting events at the park. The prerequisite of all these groups is notification to and inclusion of the community in the dialogue and in the evaluation process to find alternatives.

Potential solutions have already been suggested. They would not require encroachment on the parkland but would instead involve reconfiguration of street parking combined with closure of certain access streets that become blocked during peak times of park usage, and a potential, mutually agreeable arrangement for use during non-conflicting hours of the Immaculate Heart of Mary Church parking lot on the SE corner of Boulevard and Gaylor Road.<sup>8</sup>

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<sup>6</sup> Gordon Letter, at page 1.

<sup>7</sup> FOSP Flyer, "Save Chase Road Park" (March 12, 1970).

<sup>8</sup> See, e.g., Langford, Barbara. "Re: Hyatt Field Park Parking Lot Construction." Email message to Jon Mark, Carl Finger, Steven Pappalardo, Brian Gray (3 October 2016).

Community opposition to the Hyatt Field parking lot proposal is based on an appreciation of the central role that this and other parks play in the lives of Scarsdale homeowners, their children, and park users from neighboring towns. The relevant factors cited by residents who oppose the proposal include, but are not limited to, loss of public space, loss of recreational usage, limited seasonal usage, transiency, loitering and vandalism, pedestrian and child safety, neighborhood and resident usage, non-Scarsdale resident usage, property values, and speeding on local streets.<sup>9</sup> In the category of loss of public space at this particular mixed recreation-passive park, the open field areas beyond the outfield(s) are frequently used for picnicking by parents (or nannies) with their young children.

The amount of space that would need to be appropriated for 27 parking spaces is not discernable from the almost illegible schematic provided to the community by the Village. But assuming that the proposed parking area would require standard spacing for off-street parking (about 9' wide, 18' long) and the approximate width of a standard traffic turning lane (12'), at least 7,000 sq ft of parkland would have to be appropriated.<sup>10</sup> Any fence or net would take up additional space on the outfield(s). To get an idea of the area needed to park 27 vehicles, envision the lengthy block of center median parking on northbound East Parkway from approximately Popham Road to the Spencer Place-Metro North Station intersection.

Assuming also an allowance for adequate turning space for ingress/egress from and to the street, 27 parking spaces would create vehicle creep extending more than 243 feet from Grand Boulevard to beyond the NW edge of the large baseball outfield. Any safety fencing would have to be at least that length, and high enough to prevent balls well hit across a foreshortened outfield from smashing into windshields and pedestrians.

In the summer of 2016, in a collaboration with the Village FOSP constructed and planted at the NW end of Hyatt Field Park a native perennial butterfly garden. We are therefore cognizant that rising at the western edge of this section of the parkland is a steep hill upon which private residences and local streets overlook the park. At least one resident requires vehicular access to park in his driveway abutting the existing utility path, access which would be impeded by activity on a 27-car lot on a widened pathway. Pedestrians (including children) entering the park via a steep stairway on the hill above the new parking area would encounter additional safety hazards from parking activity.

The proposal for Hyatt Field Park would entail impervious paving in the parkland, on a sensitive Village-mapped wetland area, that would appear to cost nearly \$1,300 per parking space at a total Village-

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<sup>9</sup> Hobbs, R. Craig. "Re: Planned Construction - Parking - Hyatt Field Park." Email message to Brian Gray, Robert Cole, Steve Pappalardo, Jon Mark (1 October 2016). *See also* Berg, Robert. "Re: Hyatt Field Park Parking." Email message to Brian Gray (29 September 2016); Wolfe, Cory. "Re: Proposed Hyatt Park additional parking." Email message to Brian Gray (26 September 2016) ("As discussed, the idea to take away part of Hyatt field and turn it into a fenced parking lot is not an acceptable solution to any parking issues that have been created by the new playground. Hyatt field is the backyard to this entire neighborhood of homes and we rely on this green space both functionally and aesthetically. This outfield area is a beautiful open space backed by trees where kids run around and play especially while the fields are being used. To turn any part of this field into a fenced in parking lot will destroy the beauty of this park.").

<sup>10</sup> Scarsdale Village Code, Chapter 310 Off-street parking. §310-70 J. Size of parking spaces. (1) Each standard size parking space shall be at least nine feet wide and 18 feet long.

estimated cost of \$35,000. Public funds in any amount should not be spent for such an unsuitable purpose on dedicated parkland when there is ample and available street parking. It's no wonder that so many members of the community have expressed such strong and united opposition to the parking lot proposal.

### **Conclusion and Solution**

The public's right to unencumbered use and enjoyment of Village designated parkland should not be abridged nor periodically challenged by the perceived need for vehicular parking. Neighborhood harmony over the unintended consequences of Hyatt Field Park's popularity should not be achieved at the expense of the parkland itself. Otherwise, there would be little left of the dozens of parks throughout the Village that were originally established with the goal of preserving open space.

At a time when new open space in Scarsdale is unlikely to be found for use as parkland, none of the numerous existing public parks, or any other open space suitable for designation as passive or other park use, should be deemed expendable for any other purpose. The reason, as has been sadly demonstrated across the globe, is that once lost open space is unlikely to be restored, at least not anytime soon.<sup>11</sup>

FOSP therefore respectfully recommends that all of Hyatt Field Park,<sup>12</sup> notable for its 2 baseball fields, resurfaced basketball court and new playground equipment, should be protected and preserved in perpetuity as public recreation and passive parkland, commensurate with its lawful use by the community and designation as parkland by the Village. Going forward, FOSP suggests that the Village should consider the formation of an ad hoc committee comprised of interested parties, including community representatives, to discuss practical ways to address these parking issues and community concerns.

Respectfully submitted by the members of the Board of Friends of the Scarsdale Parks:

Betsy Bush  
Kay Eisenman  
Madelaine Eppenstein  
Bart Hamlin  
Dan Hochvert  
Michelle Kaplan  
Dorothy Kroenlein  
Diane Morrison  
Helen Oja  
Rick Reuter  
Cynthia Roberts  
Loren Levine Schwartz  
Tara Smith Tyberg  
Todd Wolleman  
Julia Zimbalist

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<sup>11</sup> The often quoted lyric is apt: "Don't it always seem to go/That you don't know what you've got/Till it's gone/They paved paradise/And put up a parking lot. . . ." Mitchell, Joni. "BigYellow Taxi." Ladies of the Canyon (1970).

<sup>12</sup> The entire park was extensively restored by the Village in 2015-2016.

From: Scarsdale Forum Sustainability Committee  
To: Scarsdale Parks Recreation and Conservation Department, Village Management, Mayor and Village Board of Trustees  
Subject: Opposition to Hyatt Park Parking Lot  
Date: October 19, 2016

Dear Scarsdale Parks Recreation and Conservation Department, Village Management, Mayor and Village Board of Trustees,

The following statement is submitted on behalf of the Scarsdale Forum Sustainability Committee for your consideration.

“The Scarsdale Forum Sustainability Committee fully supports the Report in Opposition to the Creation of a Parking Lot in Hyatt Field Park, submitted by Friends of the Scarsdale Parks, Inc. on October 14, 2016. The Scarsdale Forum Sustainability Committee agrees with the recommendation that all of Hyatt Field Park should be protected and always preserved as public recreation and passive parkland, commensurate with its lawful use by the community and designation as parkland by the Village. We further agree with the Friends of the Scarsdale Parks that creating a parking lot not only would destroy open space, but would entail impervious paving in the parkland, on a sensitive Village-mapped wetland area. We believe this action would be environmentally irresponsible. As such, we agree with the Friends of the Scarsdale Parks and request that the proposal for a parking facility at Hyatt Field be withdrawn.”

Respectfully submitted,

Scarsdale Forum Sustainability Committee

Darlene LeFrancois Haber, Co-Chair  
Michelle Sterling, Co-Chair

Robert Berg

Melissa Chepuru

Susan Douglass

Katherine Eisenman  
Madelaine Eppenstein  
Maggie Favretti  
David Fenigstein  
Robert Harrison  
Dan Hochvert  
Midori Im  
Anil Lalwani  
Renu Lalwani  
Carolyn Mehta  
Mary Louise Perlman  
Richard Reuter  
Mayra K. Rodriguez  
Stephen Rogowsky  
Ronald Schulhof  
Kelly Sperling

HI,

I cannot attend your meeting tomorrow night, but want to go on record as being in favor of a parking lot at Hyatt field. I have gone by many times and not been able to find parking. I live in a different section of town & believe that I, and residents of other neighborhoods, should have equal access. As it is now, it's a private park for local residents, only.

Yours,

Carol Silverman

**From:** BettyBlume <[bettyblume@gmail.com](mailto:bettyblume@gmail.com)>

**Sent:** Thursday, November 3, 2016 10:48 AM

**Subject:** Fire department upgrades and budget cuts

It sounds sexist to me to need a woman's dorm. A unisex dorm seems appropriate in this day and age. I suggest some private dressing rooms and some private showers be available for all to chose to use instead of men or women. Who knows how many cots would be needed for each sex in the future. Can't think of any good reason not to be unisex. All snore. What is going on that they can't share a dorm to sleep?

Oh and my husband as a volunteer fireman for years.

**From:** Bal1998 <[bal1998@aol.com](mailto:bal1998@aol.com)>

**Sent:** Monday, October 31, 2016 1:26 PM

**To:** Mayor

**Subject:** To the Mayor ..The Board of Trustees...and the Village Manager....About Communication

To the Mayor and the Board of Trustees...

Please do keep in mind while deliberating and listening to recommendations about the 17.9 Million Dollar Library Renovation Project that only 1/3 of Scarsdale Residents read The Scarsdale Inquirer.

That means that there is a Large Part of the Scarsdale Village population that knows Little or Nothing about the Library Renovation and Relocation Proposal..

the cost...the affect on taxes for 15 years...and they will continue Not To Know About It for the foreseeable future.

They do Not watch Board Meetings on Cable Television..nor do they read Scarsdale10583 on line in meaningful numbers. They remain largely UNINFORMED.

Half the Residents on my Block knew Nothing about the Second Reval..about its proposal..its execution..and its results..until they received their New Assessments. Just an example of the level of unawareness in this Village.

I have said this before..but I cannot emphasize it enough.

If we have a Referendum on the Library issue...the Proponents will get out the Vote for their side...and those who remain mostly unaware will not even know that there is a Vote happening.. or why.

Reinstating "The Village Report" on a regular basis would be helpful in providing some communication from the Village to Residents in an ongoing basis.

Jane Veron's Ad Hoc committee on Communication may not be able to do better than that..but we can always be hopeful.

Sadly..my idea of The Scarsdale Inquirer going to every family in the Village

as part of our Village Taxes is not possible.  
I wish it were otherwise.

Thanks very much for listening.

Susan Levine  
Ardmore Road

## TOWN BOARD MEETING

Rutherford Hall  
Village of Scarsdale  
October 13, 2016

A Meeting of the Town Board of Scarsdale was held in Rutherford Hall of Village Hall on Tuesday, October 13, 2016 at 9:18 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 September 13, 2016 and the Special Town Board Meeting of September 27, 2016 were approved on a motion entered by Ms. Veron, seconded by Mr. Samwick, and carried unanimously.

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### Report of the Custodian of Taxes

Custodian of Taxes McClure stated that the members of the Board have received the Town financial reports for September 2016.

As of September 30, 2016, 99.51% of the County tax levy for 2016 has been received. The comparable percentage for 2015 was 99.26. The final 40% of the levy will be remitted to the County on October 17, 2016.

The penalty free period for School taxes ended on September 30, 2016. School tax collections through September 30th were 95.78% of the levy which is slightly lower than the 95.32% at the end of September 2015.

Reminder notes for the 2016 Village, County and School taxes were mailed last week. Taxpayers who have any questions may call the Treasury Department at 722-1170.

The five year summary of the Town's tax collection experience is included with the September results. The County tax collection rate of 99.51% is slightly better than the five year average of 99.22% and the School collection rate of 95.78% is also slightly better than the five year average of 95.43%.

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Resolutions

Upon motion by Mr. Samwick, seconded by Ms. Pekarek, the following resolution regarding Real Property Tax Law (RPTL 556), Application for Refund and Credit of Certain Real Property Taxes for the Property at 173 Johnson Road, Scarsdale, New York was adopted the vote indicated below:

**WHEREAS,** Petitioner Anthony Pusateri, owner of property located at 173 Johnson Road, which is identified as Section 10, Block.23, Lot 35 on the official tax map of the Town of Scarsdale, filed Applications for Refund and Credit of Real Property Taxes on August 29, 2016, for certain years at issue; and

**WHEREAS,** as a result of the remittance of a certified survey of the property by the owner to the assessor, it was shown that various prior assessment rolls reflected an error of land size for the property, .17 acre rather than .11 acre, which error went unnoticed by the property owner, resulting in taxes paid above fair value; and

**WHEREAS,** in accordance with the applicable three-year statute of limitations for refunds resulting from a clerical error, refunds for taxes paid for the following tax periods are owing:

- 2016 County taxes, 2016 Village taxes and 2016 School taxes;
- 2015 County taxes, 2015 Village taxes and 2015 School taxes;
- 2014 County taxes, 2014 Village taxes and 2014 School taxes; and

**WHEREAS,** in a September 7, 2016, letter from the Executive Director of the Westchester County Tax Commission, as attached hereto, the Executive Director determined that a clerical error occurred, as defined in RPTL §550.3(c), and recommended that the applications for refunds representing the excess 2014, 2015 and 2016 taxes described above, as paid by the property owner and as further detailed in the attached worksheet, 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 Westchester County Tax Commission that the Petitioner's Applications for Refund and Credit of Real Property Taxes for the tax years 2014, 2015, and 2016 constitute a correctible error necessitating the refund of applicable County, Village, and School taxes; and be it further

**RESOLVED,** that Petitioner's Applications for Refund and Credit of Real Property Taxes for the years 2014, 2015, and 2016 are herein approved and that the Town Manager is directed to communicate the Town Board's determination to the Petitioner and effectuate the refund of said taxes set forth and described herein.

AYES

Mr. Callaghan

NAYS

None

ABSENT

None

Mr. Finger  
 Ms. Pekarek  
 Mr. Samwick  
 Mr. Stern  
 Ms. Veron  
 Mr. Mark

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### Future Meetings

Mr. Mark announced the following future meeting schedule:

- *Tuesday, October 25, 2016* – Municipal Services Committee Meeting – 6:00 P.M. – Trustees' Room
- *Tuesday, October 25, 2016* – Agenda Meeting – Trustees' Room – 7:30 P.M.
- *Tuesday, October 25, 2016* – Village Board Meeting – Rutherford Hall – 8:00 P.M.
- *Tuesday, October 25, 2016* – Special Town Board Meeting – Rutherford Hall
- *Wednesday, November 9, 2016* – Board of Trustees sitting as Board of Appeals – Rutherford Hall – 6:30 P.M.
- *Tuesday, November 29, 2016* – Committee of the Whole – Rutherford Hall – 6:55 P.M.

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### Village Hall Schedule

- *Tuesday, November 8, 2016* – Election Day – Village Hall Closed
- *Friday, November 11, 2016* – Veterans Day – Village Hall Closed

Trustee Finger noted that there is voter registration available this Saturday, October 15<sup>th</sup>, from 12 Noon to 9:00 P.M. in the Lobby of Village Hall if there is anyone that has not yet registered to vote.

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There being no further business to come before the Board, the Town Board meeting adjourned at 9:25 A.M. on a motion by Mr. Samwick, seconded by Mr. Finger and carried unanimously

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Donna M. Conkling  
 Town Clerk

**SPECIAL TOWN BOARD MEETING**

Rutherford Hall  
Village of Scarsdale  
October 25, 2016

A Meeting of the Town Board of Scarsdale was held in Rutherford Hall of Village Hall on Tuesday, October 25, 2016 at 9:50 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, and Assistant to the Village Manager Ringel.

Mr. Mark presided.

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Mr. Mark stated that this is a single purpose meeting to continue the discussion that started at the Special Town Board meeting of September 27, 2016 on a resolution that would request the New York State Legislature to authorize the Town Board to phase in certain 2016 residential real property assessment increases.

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**Resolution**

Before the vote was taken on the resolution before the Town Board regarding a Request of the New York State Legislature to Authorize the Scarsdale Town Board to Phase-In Certain 2016 Residential Real Property Assessment Increases, the following discussion ensued:

Mr. Finger stated that he felt this is a well meant concept appropriate in some situations and he is certainly sensitive to the impact of the increase of taxes on a number of residents in the community. This is a very specifically targeted resolution which would presumably help those who most need the assistance. All of that is favorable. However, he stated that he has not heard from one person from the public favorably disposed towards this resolution. None of those people that would benefit from this have come forward to indicate any interest in it. He stated that he finds it difficult to adopt a resolution that is not supported by the community at hand and for which the Board has received definitive opposition from those who spoke on it. At this point, he did not see any cause to continue with this effort and even that is putting aside the practicalities of getting it done. Without any support from the community, the certainty of not engaging in this is the direction he would prefer to go.

Ms. Pekarek agreed with Mr. Finger. While it is humane and would provide some relief for the people that are most affected because of significant increases in their assessed value, she noted that, as Mr. Finger stated, the Board did not really hear from anyone, or very few people, that were seriously affected by this potential remedy. The Board also knows it will take quite a bit of effort both on their part, the Village's part, and also on the Legislators' part. Ms. Paulin would have to work quite hard, and Ms. Pekarek stated that she would rather have her efforts be

directed toward reforming some of the assessment concerns and taxes that have to do with how properties are assessed.

Mr. Samwick stated that the 2016 reval was intended to improve equity and fairness in the Village tax roll. That did not occur. Many of the most detrimentally impacted have been residents for an extended period of time. This legislation is based on legislation that appears to be successfully easing the burden of recent revals in Ossining and in Tarrytown and has reportedly enabled certain residents of those towns to remain in their homes in face of material increases in their assessments and resulting tax burdens. Earlier in the summer, the Board had heard from a number of Scarsdale residents, stories of the 2016 reval creating similar hardships – particularly to long standing residents, many of whom are retired and trying to manage on fixed incomes. This legislation is not a panacea but was designed to ease the burden for certain residents. As the Mayor and others have indicated, there has not been support from the community in favor of this legislation to date. Based on the lack of community interest in this legislation, he intends to vote against it. Speaking only for himself, he would be open to reconsidering this legislation if sufficient public interest is expressed.

Ms. Veron stated that when she first learned that neighboring communities pursued and adopted phase in legislation, she was eager to explore the possibility for Scarsdale. She was concerned about residents who face significant economic hardship, particularly given the frequent mention by the public that some homeowners felt forced to leave Scarsdale given the sudden increase in their tax burden after the revaluation. However, since the introduction of this topic here, she has heard nothing but tepid to negative community response even after the facts were provided. Deputy Village Manager Rob Cole expertly presented the details at the Committee of the Whole Town Board meeting earlier this month. He sized the potential impact of the proposed legislation, citing the eligibility criteria and provided the maximum number of households who could qualify. Residents, however, seemed overwhelmingly not in favor. The Board did not hear anything substantially positive, not even from the aggrieved population. Given the lack of community support, she did not feel comfortable asking homeowners to carry the additional tax burden, nor does she wish for the Village to expend any additional resources on this matter. She will not vote to proceed with this legislation.

Mr. Callaghan stated that he is going to vote ‘nay’ on this resolution for five reasons:

1. There are 128 homes versus 5,700 homes – that is an inequity. We have seen that before too many times in this community.
2. We are already increasing taxes on folks who have already had their taxes increased already.
3. There will be a number of homes in the lower level that will go up if this increases.
4. On this reval most homes went up.
5. Prices will rise in the next couple of years.

Mr. Callaghan added that when the Roman Empire ruled the world they had a saying: “Roma locuta; causa finite est” which meant “Rome has spoken”. Twenty-one centuries forward, he doesn’t buy that from New York State. We should move on and get it invalidated.

Mr. Stern stated that he agreed with everything his fellow Trustees have said; he just pointed that you can pay your taxes with a credit card.

Custodian of Taxes McClure agreed that taxes in other municipalities may be paid by credit card; however, Scarsdale have been unable to agree on a contract with a credit card processing company because they transfer all liability for their errors to the Village.

Mr. Stern stated that if a homeowner can eventually use a credit card to pay his taxes, he can then pay it off over time. He stated that he was not in favor of adopting the phase in resolution for all the reasons that were mentioned.

Mayor Mark stated that this was something the Board should have and properly did consider; it is something that neighboring towns considered, but for all the reasons that he has heard eloquently expressed by his fellow Board members at this juncture he would not be in favor of this.

Upon motion by Mr. Stern, seconded by Ms. Pekarek, the following resolution regarding a Request of the New York State Legislature to Authorize the Scarsdale Town Board to Phase-In Certain 2016 Residential Real Property Assessment Increases was **not** adopted by the vote indicated below:

- WHEREAS,** the Town Board awarded a contract to J.F. Ryan and Associates on January 29, 2015, a continuation date for the January 27, 2015, Board meeting, for professional real property revaluation services in connection with a Town-wide reassessment in an effort to maintain assessments at one hundred percent (100%) market value in accordance with the 2014 reassessment project, while also providing equity and fairness for property owners in the valuation of properties for tax purposes; and
- WHEREAS,** the tentative assessment role filed pursuant to the work completed by J.F. Ryan and Associates is expected to result in substantial property tax increases, with such escalations most significantly impacting those individual property owners least prepared to adjust to the added financial burden over a single tax year; and
- WHEREAS,** in recognition of the financial hardship associated with the unanticipated burden of sharply increased property taxes resulting from the 2016 reassessment, the Town Board is desirous of phasing-in the reassessment's financial impact over a three-year period for qualifying residential property owners; and
- WHEREAS,** the Town of Scarsdale, home to 17,885 persons as of the 2015 Census and 5,356 single-family residential properties, recognizes that tax relief legislation has been previously authorized by the New York State Legislature during 2016 for the Towns of Ossining and Greenburgh, which were faced with similar property tax increases pursuant to Town-wide revaluation projects; and
- WHEREAS,** the pursuit of such New York State legislation requires a request via resolution of the local legislative body of its NYS legislative representatives followed by the adoption and filing of a Home-Rule

Message subsequent to the introduction of legislative bills in both the Senate and Assembly; now, therefore, be it

**RESOLVED,** that the Scarsdale Town Board hereby requests that the New York State Legislature authorize special legislation enabling the Town to phase-in, over a three-year period, significant property tax increases resulting from the 2016 Town-wide reassessment, thereby spreading the impact of such increases over a reasonable transition period for certain residential property owners meeting the eligibility requirements incorporated in New York State Real Property Tax Law Chapter 91, Section 485-s, as amended July 5, 2016 (attached); and be it further

**RESOLVED,** that the three-year phase-in exemption shall also apply in the same manner and to the same extent to School, County, and any other applicable taxing districts in the Town of Scarsdale.

AYES

None

NAYS

Mr. Callaghan  
Mr. Finger  
Ms. Pekarek  
Mr. Samwick  
Mr. Stern  
Ms. Veron  
Mr. Mark

ABSENT

None

Mr. Mark stated that the Town Board will not proceed with the above proposal and thanked everyone for their input.

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Future Meetings

Mr. Mark announced the following future meeting schedule:

- *Saturday, October 29, 2016* – Village Board Tour of Mamaroneck, NY and Darien, CT Libraries – 12:00 P.M.
- *Wednesday, November 2, 2016* – Advisory Council on Parks & Recreation – 3<sup>rd</sup> Floor Meeting Room – 8:00 P.M.
- *Wednesday, November 9, 2016* – Board of Trustees sitting as Board of Appeals – Rutherford Hall – 6:30 P.M.
- *Wednesday, November 9, 2016* – Agenda Committee Meeting – Trustees’ Room – 7:30 P.M.
- *Wednesday, November 9, 2016* – Village Board Meeting – Rutherford Hall – 8:00 P.M.
- *Tuesday, November 22, 2016* – Personnel Committee Meeting – Trustees’ Room – 6:55 P.M.
- *Tuesday, November 22, 2016* – Agenda Committee Meeting – Trustees’ Room – 7:30 P.M.
- *Tuesday, November 22, 2016* – Village Board Meeting – Rutherford Hall – 8:00 P.M.
- *Tuesday, November 29, 2016* – Committee of the Whole – Rutherford Hall – 6:55 P.M.
- *Tuesday, December 13, 2016* – Joint Meeting of Land Use/Sustainability Mtg. – 3<sup>rd</sup> Floor Meeting Room – 6:30 P.M.

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Village Hall Schedule

- *Tuesday, November 8, 2016* – Election Day – Village Hall Closed
- *Friday, November 11, 2016* – Veterans Day – Village Hall Closed

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There being no further business to come before the Board, the Town Board meeting adjourned at 10:05 P.M. on a motion by Mr. Finger, seconded by Mr. Stern and carried unanimously

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Donna M. Conkling  
Town Clerk