

THREE THOUSAND TWO HUNDRED FIFTY-FOURTH**REGULAR MEETING**

Rutherford Hall
 Village Hall
 April 26, 2016

A Regular Meeting of the Board of Trustees of the Village of Scarsdale was held in the Rutherford Hall in Village Hall on Tuesday, April 26, 2016 at 8:00 P.M.

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

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The minutes of the Board of Trustees Regular Meeting of Tuesday, April 12, 2016 were approved on a motion entered by Trustee Pekarek, seconded by Trustee Finger, and carried unanimously.

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Bills & Payroll

Trustee Finger reported that he had audited the Abstract of Claims dated April 26, 2016 in the amount of \$941,670.82 which includes \$66,179.79 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 Pekarek, the following resolution was adopted unanimously:

RESOLVED, that the Abstract of Claims dated April 26, 2016 in the amount of \$941,670.82 is hereby approved.

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Mayor's Comments

Mayor Mark stated that he has a few comments this evening

2016 Revaluation: I would like to start by providing highlights of the timeline for the 2016 Village-wide reassessment over the coming two months. The tentative assessment

roll will be filed on June 1st, as required, and notices of the 2016 assessments are expected to be mailed on June 2nd.

As is the case every year, residents are entitled to grieve their assessments. Pursuant to New York State law, grievances can be filed with the Village Assessor's office between June 1st and the third Tuesday in June, or June 21st for this year's statutory grievance deadline. The Village Board does not have the authority to modify the dates established in accordance with NYS law.

Some general notes about the revaluation process. Unlike what occurred in connection with the 2014 revaluation, this year more detailed information will be made available to residents directly and on the Village website soon after the filing of the 2016 tentative assessment roll. Among other things, I understand that the notices residents will receive will be approximately two pages in length and will contain sufficiently detailed information to allow residents to understand how the value of their property was calculated. For example, I am advised that the notice will set forth the physical attributes of the property that were taken into account in the modeling process and the corresponding coefficients applied to calculate the total property value estimated as of the revaluation assessment date which is July 1, 2015. That estimated value will become the 2016 total assessed value. In addition, the model used by the Village's project consultant, J.F. Ryan Associates, will be made available on the Village web site within a few days of the posting of the 2016 tentative assessment roll. Therefore, it should not be necessary to file numerous FOIL requests to obtain an understanding of how the 2016 revaluation was accomplished. This level of transparency should be an improvement over 2014.

Second, without getting into details of the technical or logistical aspects of the revaluation as to which I am not qualified to speak, it is noted that the process being utilized in 2016 has been simplified in a number of respects. For example, the neighborhood map that was used two years ago was simplified from 14 sub-neighborhoods to five neighborhoods that correspond to our five elementary school districts. Site adjustments, referred to as influence factors, will be made to specific parcels for the various factors that impact value (i.e., traffic, flood zones, etc.). The comparable sales data that transacted during the new sales base period in each of the respective five consolidated neighborhoods for the 2016 revaluation will similarly undergo a process of modeling; however, the 2016 modeling process will take into consideration all sales within each of the respective five neighborhoods. It is intended that the new neighborhood designations will ameliorate concerns that previously existed regarding the perceived inaccurate or inappropriate delineation of sub-neighborhoods. Similarly, the possible grades of construction quality assignable to each house were also simplified. The 43 grades that were used in 2014 have been mathematically consolidated into a more manageable grouping of 16 grade categories. These changes in approach, among others being employed, should result in a more robust valuation model relative to two years ago.

One other timing point: A comment has been made that the possible high demand for appraisers triggered by the revaluation will make it difficult for residents who wish to file

grievances to find a suitable appraiser that is available to assist them. It is understood that while an appraisal is usually part of the preferred and recommended documentation submitted to support a grievance, the practice before the Board of Assessment Review (“BOAR”) is to permit filers to supplement their grievance filing with additional supporting evidence of overvaluation, including an appraisal, after the initial filing of the grievance. It is not unusual for appraisals to be remitted for the BOAR’s consideration after the grievance day deadline through the last week of August each year. I am advised that based on the schedule this year, the BOAR would accept additional documentation through September 1, 2016 -- provided that the additional documentation is supplemental to a grievance that was filed no later than June 21, 2016. Note that the statutory date for the Village Assessor to file the final assessment roll is September 15, 2016. Therefore, residents should have substantially more than three weeks to engage a suitable appraiser to prepare an analysis that they believe would support their grievance filings.

The 2016-2017 Proposed Budget: On the agenda tonight is a vote on the proposed 2016-2017 budget. It is not my intention to review the proposed budget again this evening as an overview was provided at the prior Board meeting. However, since we continue to receive comments from some urging us to use more of the General Fund to provide some measure of tax relief, I will reiterate some of the prior comments Board members have made on this point.

The purpose of the General Fund is to provide the Village with a funding source to address unplanned or emergency situations such as unbudgeted infrastructure repairs or severe storm related activity and to provide an overall cushion for the Village’s finances.

The financial management policy of the Village is to maintain a strong General Fund balance. This policy is central to maintaining the Village’s Aaa bond rating, a policy that is at the core of Scarsdale’s fiscal strategy. When Moody’s last reaffirmed the Village’s Aaa bond rating, it specifically referenced the “Village’s formal policy of maintaining this balance at 10-15% of budgeted expenditures for the ensuing fiscal year.” Scarsdale’s fund balance target is below Moody’s standard 15-20% target as a result of our regular funding of capital items using cash within our annual budget. We understand that the General Fund balance is currently approximately \$8.7 million, or 15% of budgeted 2016-2017 expenditures.

However, the General Fund balance level fluctuates relative to budgeted expenditures. We expect the fund balance at the time of the Village’s fiscal year-end audit to be about \$800,000 below current levels, thereby placing the fund balance at approximately 14.25% of the proposed 2016-17 operating budget expenditures. It is fiscal year-end audited numbers that the rating agencies use when determining the Village’s credit rating. We do not expect to have audited numbers from which a relevant determination of fund balance can be made until August or September.

The question that has been put to us repeatedly this season is: where should the General Fund balance be relative to the targeted range of 10-15%? This is a matter of judgment over which people may – and in this case do – reasonably disagree. It is the view

of the Board that now is a time that we should be very prudent with our management of the General Fund balance. As an illustrative example prompting this approach, the fairly recent completion of the Popham Road bridge contained a nearly \$2 million cost overrun. The General Fund balance is maintained exactly for a capital project cost overrun of this nature and magnitude.

When looking forward a few years, we see a number of major capital improvement projects. In the 2016-17 budget, the Village plans to repair the Heathcote Road Bridge, perform storm water management with the Sheldrake River Basin Improvement Project and undertake the Hutchison River Flood Mitigation Project. The Village also plans to start work on Fire Station #1. Looking forward a little further we plan to perform a comprehensive analysis of, and rehabilitation work on, the Village storm and sanitary sewer systems, pipe lining and valve replacement associated with our potable water distribution system, among other things. In addition, material work on the Library is also anticipated although the scope of the work that may be performed is yet to be determined.

These capital projects are in keeping with the Village's long term capital planning and represent one of the critical functions performed by the Village to invest, maintain and improve on critical and aging infrastructure. With these specific major capital projects anticipated over the next five years or so, now is not the time to draw down the General Fund balance for a relatively small amount of one-time tax relief. Not only is the potential benefit relatively insignificant, 0.67% of the aggregate anticipated tax bill (municipal, school district, county) for 2016-2017, but engaging in such a practice has proved to be the first step on a slippery slope for other municipalities which have imprudently depleted their General Fund balances through multiple drawdowns in successive years.

One other note. In addition to the criticism of the approach being taken in the proposed Budget, there has also been some support for it as well. For example, in the League of Women Voters April 12, 2016 letter commenting on the 2016-2017 proposed budget, the League wrote:

“The League commends the Village for their prudent and strategic use of some surplus as a tax relief measure, while leaving fund balance at appropriate levels. The League understands that the proposed application of \$1,023,000 is deliberately somewhat lower than in the past. Last year's budget increased the use of fund balance in order to stay under the tax cap and then be eligible to obtain a one-time \$2.2M tax rebate to many homeowners from the Governor's Tax Freeze Program. This fund balance, restored to historical levels, should be adequate to maintain the Village's Aaa bond rating and to address any unplanned or emergency situations arising from storms, infrastructure failures, etc. The League recommends that the Village continue to employ this responsible strategy and to regularly communicate this information with the community at-large.”

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Manager's Comments

None.

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Public Comment

Robert Berg, 32 Tisdale Road, noted that “as someone who has made revaluation in Scarsdale a second calling, I am usually very cued in to what is going on in the process. That is why I was shocked to learn last Friday morning from reading an email I received from HamletHub that a meeting of the Committee of the Whole was held last Thursday evening at which John Ryan provided a 2016 Revaluation update.

Had I received timely notice, I would have appeared at this meeting and I would have participated in the very important public discourse. Yet this meeting took place with no obvious advance publicity. Indeed, the meeting probably would have occurred with no public participation at all had not resident Steve Rakoff serendipitously walked by Rutherford Hall on an unrelated matter, seen the microphones being set up, and asked what was about to take place. Mr. Rakoff immediately sprang to action and lassoed about a dozen of his Heathcote/Murray Hill neighbors and Robert Harrison to run down to Village Hall and join in on the discussion.

The 2016 Revaluation which I opposed is probably the most significant event in the Village this year. People are still traumatized by and recovering from the 2014 Revaluation. The 2016 Revaluation will directly affect the property tax burden each and every property owner in the Village must bear and so it is very important to everyone in the Village. Given the considerable public interest in this topic, I am at a loss to understand why the Village failed to publicize Mr. Ryan's Revaluation update in advance. Even if legal public notice of the meeting was issued, the effort was grossly deficient for such an important meeting. I am sure had the meeting been properly publicized, Rutherford Hall would have been packed with residents. I am sure that the Scarsdale Inquirer would have sent its reporter to the meeting. So after I finish my remarks, can someone please explain what went wrong here?

I spent the entire afternoon last Friday watching the meeting – it was about 3 ¼ hours long. While I strongly disagree with many of the comments made by the Heathcote/Murray Hill residents -- I do agree that they raised many very valid concerns about the conduct of the ongoing revaluation. When I hear the consultant John Ryan speak, it's like listening to Donald Trump. Mr. Ryan is simply not capable of giving a straight answer to a direct question. He talks about how great his model is, how transparent the revaluation process is, how intuitive his model is. How everyone will easily understand the model and the valuation of any property – how the model will account for any and all variables in any property.

Yet here we are, just a month before the tentative assessment roll must be filed by law and Mr. Ryan still won't let any member of the public see his model. He won't answer any specific questions about the model; he still plans on tweaking the model to the very last day, June 1st when he runs the model and then like Donald Trump's America, everything will be great again.

As I have told this Board before, John Ryan's continuing inability to provide specific answers to questions about his methodology does not inspire any confidence that this new revaluation will be an improvement over the Tyler Technology's revaluation two years ago. But what's really wrong here and is grossly unfair to Scarsdale property owners, is that the new tentative assessments won't be revealed until June 1, 2016, the very day that begins the annual three week period for property owners to file tax grievances. Because this is a town-wide revaluation, every single property owner of the 5,941 parcels in Scarsdale will be receiving a completely new property tax assessment, using an entirely new methodology. Property owners will then have a mere three weeks to file a property tax grievance if they disagree with the new assessment. What's especially wrong is that property owners will have no opportunity to discuss the new tentative assessment with the Assessor's Office beforehand. If in any doubt, a property owner will be obliged to file a tax grievance in order to protect his or her rights. Moreover, taxpayers who decide to challenge the new assessments will have to obtain independent appraisals from licensed appraisers if they have any realistic shot of winning their grievances. Having grieved my Scarsdale property taxes many times in the fourteen years I've lived here, I have incurred the considerable expense of obtaining an independent appraisal several times. An independent appraisal from a good appraiser costs about \$750 or more for a Scarsdale resident's property. I have also spent a lot of time negotiating and litigating with the Village, as Wayne and Nanette know, before I usually obtain a reduction in our property taxes. (Though Nanette did beat me once in trial a number of years ago and I still lose sleep over that.) How in the world will Scarsdale property owners be able to secure such appraisals from good appraisers who know the Scarsdale market in a three week period? It's simply not going to be possible! And that inability will likely doom those property owners' chances to succeed in their tax grievances.

The grievance process is both costly and time-consuming. Scarsdale property owners shouldn't be forced into this grievance process because John Ryan waits to the very last minute to finalize his model and there is no time for informal meetings to resolve any issues on the valuation with him or Nanette before the grievance filing deadline. Further, how in the world will Scarsdale property owners be able to secure independent appraisals from good appraisers who know the Scarsdale market in a three week period? At the beginning of June when many other properties in Westchester have already booked these appraisers and are filing their own tax grievances? It's simply not going to be possible. That inability will likely doom those property owners' chances to succeed in their tax grievances.

This evening the Mayor has stated that the Board of Assessment Review, which handles grievances in first instance will accept appraisals until September 1st. The Board of Assessment Review is an independent Town Board. I happen to be a member of that Board. We have not met and will not meet until Grievance Day, which is June 21st. We

normally finish our review of the grievances by mid-August. Even when we had the revaluation two years ago we were done by the end of August. As I anticipate, in a reval, we're going to get a load of grievances and then it's going to be dumped on the BOAR with all these appraisals later in the summer. It is not fair to the volunteers that sit on the Board of Assessment Review when the fault is with John Ryan for not expediting the process and allowing for an informal review in advance so this can all be avoided.

In my personal view, this entire revaluation project is a train wreck waiting to happen in just over one month's time. The Heathcote/Murray Hill residents who turned out for last night's meeting are rightly upset with the vacuous answers they were given by Mr. Ryan and they demonstrated a very real and appropriate lack of confidence in that presentation.

I strongly urge the Village Board to delay the property tax revaluation until next year (using a valuation date of July 1, 2016). Now that Mr. Ryan has developed what he believes to be a workable model, he can disclose the inner workings of the model publicly and receive educated feedback from the community to improve the model, if needed. He can run the model using this year's sales and release tentative assessments early next year. Then, the Village should allow an informal grievance process to occur in the Spring so that residents can receive a fair shake before having to incur the upset and expense of filing a tax grievance. Thank you."

Mayor Mark noted that Mr. Berg had asked for a response regarding the notice of the meeting of the Committee of the Whole, and stated that he had one other comment to make as well.

In terms of the notice, Mayor Mark stated that what the Board was faced with was a recognition of the clock ticking to that June 1st date as Mr. Berg observed, and looking at the calendar and seeing for example that this week is a school vacation week, a lot of people would be away. If the Board waited until that vacation week was over, they would be even closer to the June 1st date. It was not a set of very attractive choices so the Board sent out a notice which was legally proper in the way it was sent out. The Mayor stated that he recognizes that the way people found out about the meeting was not the way they would typically want people to find out in terms of a public notice. Fortunately, Mr. Rakoff and the others found out about the meeting and they attended. The Board listened to their views as noted by Mr. Berg.

Mayor Mark stated that he would like to respond to Mr. Berg's comments and noted that he had received Mr. Berg's comments in an email received earlier. In terms of delaying the 2016 reval until next year, Mayor Mark stated that he has discussed that with the staff and for a variety of reasons it doesn't seem to be a practical thing to do. The Assessor's Office has determined that the Assessment Roll for 2016 will be based on this reval and not the prior methodology. Otherwise, they would have to then scramble to do assessments under the existing methodology in order to get those in place by June 1, 2016, and that's not practical. However, even if they could do that, one of the comments that were made at the Thursday meeting is the uncertainty over the real estate market in Scarsdale and the

uncertainty for individual residents that having repeated revals done or knowing that there will be a reval in a short amount of time. In thinking about that comment, even if the current reval could be deferred, it would mean that there would be another year of uncertainty as to where those valuations would come out under the new process. This is certainly a point that was made at the meeting on Thursday, and the Mayor stated that he understood the validity of that. Taking that altogether, it is his own feeling that the 2016 Reval proceed. Mr. Ryan has done the work; it is his understanding that there will be more detail and transparency this time around. He apologized to Mr. Berg that the Town Board of Assessment Review will be burdened further into August than is customary.

Mayor Mark stated that the Board listened to the residents on Thursday and gave the comments a great deal of thought. The Board had also read Mr. Berg's letter with great interest. He thanked Mr. Berg for his input and for his service on the Town Board of Assessment Review.

Village Manager Pappalardo offered an additional comment concerning the meeting notification mentioned earlier. He stated that the meeting notice was prepared on April 13th, which was the day after the last Board meeting. Unfortunately, the Mayor did not have the opportunity to make a public notice at the meeting which seems to be a very popular way for individuals to find out about the future meeting schedule of the Board. As is done with all public notices, the meeting notice was sent immediately out to the Scarsdale Inquirer, Scarsdale10583, LoHud, HamletHub, and the Scarsdale Daily Voice. The meeting notice was out there at least a week before the meeting took place. It was obvious by the turnout at the meeting that not many people knew about it. It was certainly not the intent of the Board or the Administration for that to happen.

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

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Finance Committee

Trustee Finger reported on the statements of expense and revenue for the various funds of the Village for the first ten months of fiscal year 2015-2016.

General fund appropriations were 77.87% spent as of March 2016, which is a 0.19% increase from the 77.68% in 2014-2015.

General Fund Revenues other than property taxes are \$14,651,682 through March 2016, compared to \$13,659,311 through March 2015, an increase of \$992,371. The primary factor in the increase was the sale of 3 Edgewood Road which yielded revenue of \$628,300. The proceeds are expected to be appropriated to the Capital Fund as part of the year-end closeout. Building Permit revenue (included in License and Permit revenue) is \$289,000 less than last year's record pace. The Recreation Department increase of \$280,600 is attributable

to new programs and has offsetting expenses. Tax penalties and delinquent tax collections are down \$4,200. An increase of \$195,000 in Mortgage Tax, Departmental Fees of \$53,100 and \$142,000 in State Aid offsets declines in Licenses and Permits, Investment Earnings and Miscellaneous Revenue (exclusive of the property sale). Parking Permits and Meter Income, Court Fines, and Rental Income contribute to the improvement in revenues from 2015.

The actual collection of Village taxes through March 31, 2016 is at 99.42%. This is a drop of 26 basis points from last year's collection rate.

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Upon motion entered by Trustee Finger, and seconded by Trustee Pekarek, the following resolution regarding the Adoption of the 2016-17 Village Budget was approved by the vote indicated below:

WHEREAS, pursuant to Section 5-508 (3) of the Village Law, a public hearing on the 2016-17 Tentative Budget was held on April 12, 2016; and

WHEREAS, pursuant to Section 5-508 of the Village Law, the Board of Trustees must adopt the budget no later than the first day of May; now, therefore, be it

RESOLVED, that the Tentative Budget filed on March 18, 2016 is hereby adopted as the Budget of the Village of Scarsdale for the fiscal year June 1, 2016 to May 31, 2017, and the several amounts stated in the columns entitled "2016-17 Proposed" in the Appropriations Schedules, including the total amounts listed in the Position Summary Schedules for salaries and wages, are hereby appropriated for the objects and purposes specified, and be it further

RESOLVED, that the salaries, benefits and other terms and conditions of employment of employees represented by a bargaining unit be provided in accordance with contract terms; and, that salaries, benefits and other terms and conditions of employment of employees covered by written agreements be provided in accordance with such written agreements; and, that salaries and benefits for employees not provided for within the terms and conditions covered by written agreements, be paid in accordance with budgetary provisions as may be determined by the Village Manager and as provided by the adopted Fringe Benefit Policy for non-union employees; and be it further

RESOLVED, that the sums enumerated in the columns entitled "2016-17 Proposed" in the Revenue Schedules, including estimated revenues

and appropriated fund balances, are hereby made available for the purpose of financing such appropriations, and be it further

RESOLVED, that a sum of up to \$600,000 from the audited FY 2015-16 General Fund Balance, if available and prudent, be appropriated to the proper Capital Fund accounts as follows:

Road Resurfacing:	\$500,000
Highway Equipment and related work:	\$100,000.

<u>AYES</u>	<u>NAYS</u>	<u>ABSENT</u>
Trustee Callaghan	None	Trustee Samwick
Trustee Finger		
Trustee Pekarek		
Trustee Stern		
Trustee Veron		
Mayor Mark		

Before the vote on the above resolution approving the adoption of the 2016-17 Village Budget, Mayor Mark asked the Board members if they had any comments concerning the Budget.

Trustee Pekarek stated “I appreciate and would like to thank all those neighbors who have come before us to present their point of view both as individuals and organizations, notably the Scarsdale Forum and the League of Women Voters.

I fully support our 2016-2017 budget, recognizing the 3.7% increase is well over the tax cap this year.

Among other things our budget maintains current Village services, addresses many necessary and costly infrastructure projects in the coming year and to name a few – Heathcote Bridge repair, general road repairs, sanitary sewer and stormwater sewer repairs and improvements, potential Library projects- and maintains a focus on an appropriate Fund balance that is cognizant of our Aaa rating.

Many thanks goes to our Village Manager and all staff for many, many public meetings, responding to numerous requests and presenting a thoughtful, balanced and prudent budget.”

Trustee Veron stated “As the newest member of the Board of Trustees, I want to assure Village residents and community organizations that it is immensely helpful for you to provide comment. We listen carefully, read thoroughly and reflect deeply. I know that some of you will be disappointed with the outcome but you should know that our thought process

is greatly improved with your involvement. I have attended budget meetings since February, first as a Nominee and then as a sitting Trustee. Like you, I believe that the Village staff has done an extraordinary job reducing expenditures while continuing to deliver services that our residents have come to expect. I have been incredibly impressed with the detail provided by all of the departments of the Village and by their dedication to refine and revise the budget to reduce the funding gap.

I know that the use of the fund balance has been a topic hotly debated. I have been wrestling with this subject on my own from the beginning of the process. I have asked a lot of questions and considered the varied arguments of all of our stakeholders again reiterated at the most recent public hearing.

After weighing the possible outcomes, I believe it is prudent to allocate no more than the \$1,023,000 from the General Fund for taxpayer relief. While as a private citizen, I would prefer to keep my taxes as low as possible, as a Trustee I have a fiduciary duty to the entire Village. I feel it essential that we adhere to guidelines and reserve funds for unforeseen expenses. We are embarking on several significant capital improvement projects where we might need to cover unexpected costs. We have also experienced weather events that could wreak havoc. I want to make sure we have the reserves necessary to protect our Village and will vote to support the budget.”

Trustee Stern commented that the Trustees appreciate the work of the staff and all the comments that have been made. Often the comments will make you aware of things that you haven't thought of and it is very helpful. The Trustees spent a lot of time on the budget. He stated that the Village staff spent more time than the Trustees spent on it. There are a lot of things that were done that people are not aware of. A good example is that a lot of money was saved by slashing overtime in the Fire Department and that is an ongoing process. That is something no one talks about and is a direct benefit to the taxpayer. Scarsdale does not pay high salaries to its employees but it is a good place to work.

Trustee Stern stated that the budget is a serious issue and people need to realize that they are not running a private company; they have to be extremely fiscally conservative because we don't know what is going to happen. The future cannot be predicted and the Board has to make sure that this Village functions against all odds. That is why the fund balance must be maintained. What the Board has done here is fiscally conservative, fiscally sound and will ensure as has been said that the Board will preserve the Village of Scarsdale. That is the goal and that is why it is very important the Budget is as presented. The Board has tried to do everything they can to cut expenses and improve the situation for the taxpayer.

Trustee Stern continued, stating that he was not able to attend the recent meeting on the revaluation; however, he watched streaming video of the meeting. One of the complaints that was made at the meeting was that people are not buying houses because of the taxes. He stated that he did not think that was true at all. The houses are not being sold because there is an oversupply, in his opinion, and not the taxes. The Board is sensitive to

the concerns of the retired taxpayers and taxpayers that find it difficult to keep up with their tax burden. In response to the proposed budget, Trustee Stern stated that he will vote in support of the budget because he thinks that fiscally, it is the right thing to preserve this Village.

Trustee Finger gave his comments on the budget, stating “First, I think it’s appropriate even though it’s been said to thank all of the people that took the time to come to meetings, to comment at the Finance Committee meetings, Board meetings, by email, and in person. I agree that all of those comments, information, and perspectives really helps us to determine what the proper course of action is. I also want to acknowledge again the tremendous effort on the part of the Village Manager, Village Treasurer, and other Village Staff in working to keep the proposed tax increase at the lowest possible reasonable level. It should be noted that Village Staff in all departments have been asked to do more with less each year and to date they have all risen to the task. While it is by no means clear how long we can continue upon the course that the State has set us upon by eliminating or reducing a number of non-property tax revenue sources (AIM, Gross Receipts Tax, etc.), but at least for 2016-2017 we will be able to maintain all the services which contribute to our quality of life.

A few other general comments. First, the so called tax levy cap can only be noted to be as an attempt to direct municipalities into some type of consolidation or reduction in services. Any discussion of the tax cap in Scarsdale this year can quickly be dispensed with upon consideration of the gross dollar increase permitted (\$168,840.00) by the tax levy cap and understanding that such amount is actually lower than the General Fund appropriation increase for salaries for 2016-2017, many of which are pursuant to union contracts, of \$315,374.00, almost double the amount permitted under the so called tax levy cap. Thus the tax levy cap is actually a non-starter from the first moment one reviews this budget unless we work to consider substantially eliminating staff and services which as far as I am concerned, is not the direction the Village wants to go, and certainly is not the direction anybody who commented suggested we should be moving.

The goals of the budget were well put by the League of Women Voters; their comments wherein they referenced the following: controlling the growth of expenditures, replenishing the fund balance, utilizing cost effective methods to provide services and increasing productivity, obtaining revenues from non-property tax sources, and addressing future capital needs and debt obligations. The budget addresses each of these, to the greatest extent possible.

As to controlling the growth of expenditures, a review of the budget, in particular health insurance, insurance, pension, and similar expenses, it is readily apparent that the uncontrolled unfunded mandates from the State and similar requirements severely limit our ability to control the growth of those expenditures and expenditures in general. However, even taking those items into consideration, the staff has managed to project a limited increase in expenses which is almost equal to the increase in employee benefits which cannot be eliminated or substantially reduced.

As to obtaining revenues from non-property tax sources, I refer to my earlier comments as to non-property tax revenues being negatively impacted by the State. However, I would point to the success of the Village in obtaining grants for a variety of projects to an extent which is nothing short of exceedingly impressive.

As to capital needs and fund balance, several comments must be made. First, the staff has prepared and we have reviewed in a public session a projected capital plan for the next five years. The needs are substantial. The Village has in the past, and hopefully will in the future, be able to perform certain work without the necessity of borrowing to keep debt services at a manageable level. In order to do so we must continue the prudent budgeting that many speakers have noted and maintain a proper fund balance to comfortably facilitate projects as needed in addition to emergency situations. The capital requirements of the Village in the coming years promise to be substantial, regardless of whether the Library renovation project is undertaken and if it is, then the financial obligations of the Village will be stretched further. Some citizens have recommended bonding road repaving, but one estimate places the ultimate tax increase from bonding repaving of the roads at a rate of 20% of our roads per year at 10% (excluding interest). That seems to be the antithesis of what many people want which is a lower tax burden.

This past year the Board was able to reapportion fund balance to road repaving and as in the past to cost overruns on capital projects. By budgeting in a conservative and prudent fashion we hope to continue, if all goes well to be able to invest in road repaving and similar projects each year. We know that the budget is an estimate and our goal is a standard of prudence. With that standard in mind we also look at the estimates provided by staff. This year the fund balance is estimated to be at approximately 14.25%. While some have offered a "bet" that it will in fact be higher, and we certainly hope that it will be allowing us to continue as we have in the past, it is not, in my estimation, the Board's assignment to take any such bets but to rely on the best estimates and numbers available to us at this time on this date. The New York State Office of the Comptroller has quoted the Government Finance Officers Association's recommendation that two months of expenditures be maintained as unreserved fund balance. Under any circumstance we will be less than that amount and less than the Moody's recommended amount of 15%-20%. This is as low I think it would be prudent to go. However, careful, prudent budgeting such as reflected in the proposed budget has served us well in the past, been recognized by the rating agency, and I anticipate will again, so I am pleased to support the proposed 2016-2017 budget."

After the vote, Mayor Mark thanked the Trustees for their comments.

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Upon motion entered by Trustee Finger, and seconded by Trustee Pekarek, the following resolution regarding the Transfer of \$250,000 in Unassigned General Fund Balance to the Capital Fund for Procurement and Construction of a New Salt Shed was approved by the vote indicated below:

WHEREAS, the Village of Scarsdale salt shed, located within the Village’s Central Maintenance Garage at 25 Ramsey Rd. Scarsdale, is critical to seasonal snow and ice operations and has surpassed its useful life, having deteriorated to a condition requiring complete replacement prior to the 2016/17 season so as not to adversely impact ice removal operations; and

WHEREAS, deferring replacement, as contemplated in the draft FY 16/17 budget, is no longer feasible due to the unanticipated significant lead time necessary to engage a structural engineer to develop a foundation design and to conduct advance site work, including water main relocation, temporary relocation and storage of existing salt, demolition of existing shed roof and side walls, and to order and receive delivery of the new salt shed which may take up to 12 weeks, prior to its erection; and

WHEREAS, the new salt shed will increase salt storage capacity, including accommodating 500 tons of salt for which the Village of Scarsdale is obligated to accept delivery by August 31, 2016, while also improving salt handling and loading operations due to an improved configuration; now, therefore, be it

RESOLVED, that the Village Treasurer is herein authorized to transfer \$250,000 in unassigned General Fund Balance to the Capital Fund for the design and construction of a new salt shed and related work located at the Village’s 25 Ramsey Rd Central Maintenance Garage, as follows:

<u>From</u>	<u>Account</u>
General Fund	A-9999-9999-9999 - Use of Fund Balance

<u>To</u>	<u>Account</u>
Capital Fund Salt Shed	H-5197-963 2016-112 - Pub Bldgs. - DPW

<u>AYES</u>	<u>NAYS</u>	<u>ABSENT</u>
Trustee Callaghan	None	Trustee Samwick
Trustee Finger		
Trustee Pekarek		
Trustee Stern		
Trustee Veron		
Mayor Mark		

Fire Commissioner

Upon motion entered by Trustee Callaghan, and seconded by Trustee Finger, the following resolution regarding the Acceptance of a Gift from the Quaker Ridge Golf Club was approved by a unanimous vote:

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

WHEREAS, the Quaker Ridge Golf Club has offered to donate specialized furniture valued at \$3,144.31 to the Scarsdale Fire Department for use in the newly renovated Fire Training Building located at 110 Secor Road; and

WHEREAS, the specialized training facility furniture is non-combustible and highly durable helping the Scarsdale Fire Department’s training scenarios to be more realistic, thereby improving the effectiveness and safety of our first responders while also enhancing public safety; now, therefore, be it

RESOLVED, that the Village Board of Trustees hereby accepts a donation from the Quaker Ridge Golf Club of specialized furniture for the Fire Training Building valued at \$3,144.31; and be it further

RESOLVED, that the Village Board of Trustees hereby extends its gratitude to the members of the Quaker Ridge Golf Club for their generosity.

* * * * *

Trustee Callaghan stated that as a 35 year veteran of volunteer firefighting here in Scarsdale, this is sorely needed in the training of the paid and the volunteer services. He stated this will greatly enhance protection of the residents of Scarsdale and thanked the Quaker Ridge Golf Club for this gift.

* * * * *

Recreation Committee

Upon motion entered by Trustee Callaghan, and seconded by Trustee Veron, the following resolution regarding Acceptance of a Gift – Funding for Hyatt Park Butterfly Garden from the Friends of the Scarsdale Parks was approved by a unanimous vote:

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 conservation status of the Monarch butterfly, a once common species now marked by a population decline of over 90 percent in just 20 years, constitutes a “canary in the cornfield,” signaling the environmental consequences associated with excessive pesticide and herbicide use, significant habitat loss to agriculture and development, and proliferation of non-native landscaping in urban and suburban areas; and
- WHEREAS,** garden sites of any size or location can help to restore critical butterfly habitat in public parks and other governmental properties, home gardens, and commercial areas; and
- WHEREAS,** the purpose of the Hyatt Park Butterfly Garden is to showcase native plants and educate the public about the butterflies, humming birds, and other pollinators that rely upon them, as well as to demonstrate the importance of plant selection in supporting all stages of butterfly development; and
- WHEREAS,** the low maintenance garden will not only support butterflies and other pollinators and birds, but will also provide a colorful and dramatic Hyatt Park focal point throughout the growing season, featuring plants that vary in color, bloom time, and bloom duration, while supporting all stages of butterfly development; and
- WHEREAS,** the Friends of the Scarsdale Parks (FOSP) has taken a voluntary leadership role in thoughtfully planning the garden and laboring to construct the necessary raised planting beds as part of the Hyatt Park Renovation Project; and
- WHEREAS,** the FOSP has graciously agreed to donate \$1,500 toward the Hyatt Park Butterfly Garden project costs; now, therefore, be it
- RESOLVED,** that the Village Board of Trustees herein accepts the gift of \$1,500 from the Friends of the Scarsdale Parks to help fund the creation of the Hyatt Park Butterfly Garden; and be it further
- RESOLVED,** that the Village Board of Trustees hereby extends its gratitude to the Friends of the Scarsdale Parks for their generosity to the community.

* * * * *

Upon motion entered by Trustee Finger, and seconded by Trustee Pekarek, the resolution regarding Authorization to Execute an Amendment to the Lease Agreement with New York SMSA Limited Partnership d/b/a Verizon Wireless for the 110 Secor Road Site was tabled to a future meeting by a unanimous vote.

* * * * *

Upon motion entered by Trustee Finger, and seconded by Trustee Pekarek, the following resolution regarding Authorization to Execute a License Agreement to Maintain a Walkway in the Village Right-of-Way – 24 Rugby Road was approved by the vote indicated below:

- WHEREAS,** Huy Huynh (hereinafter “Licensee”) is the current owner of certain real property known as 24 Rugby Lane and identified on the official tax map of the Village of Scarsdale as Section 15, Block 01, Lot 14 (hereinafter “Property”), and
- WHEREAS,** the Licensee is desirous of relocating an existing walkway encroaching on the Village right-of-way on Rugby Lane in the grass area between the property line and the curb and on behalf of Licensee, Degraw and Dehaan Architects, wrote to the Village in April 2016 requesting permission to do so; and
- WHEREAS,** because this encroachment consists of the construction and maintenance of a private structure within the public right-of-way, a license agreement with the Village is required; and
- WHEREAS,** the proposed walkway measures approximately three (3) feet wide and eleven (11) feet long, and would be located on the north side of the property fronting Rugby Lane and run a straight path from the front door of the house to Rugby Lane, as opposed to the curved path of the existing walkway; and
- WHEREAS,** the Village Engineer visually inspected the area and recommended to the Village Attorney the granting of a revocable license agreement, as the walkway would not create a visual or other obstruction or hazard, said recommendation conditioned upon the Licensee complying with certain conditions and requirements set forth in the license agreement; and
- WHEREAS,** the Village is desirous of accommodating the Licensee by granting a revocable license agreement to permit the construction and maintenance, at the Licensee’s expense, of a paver walkway in the Village right-of-way in accordance with the associated plan prepared by Degraw and Dehaan Architects, dated March 28, 2016 and

included as "Exhibit A" of the License Agreement, attached hereto and made a part hereof; and

WHEREAS, the Licensee is responsible for all future maintenance and repairs of the walkway in the Village right-of-way; and

WHEREAS, Licensee will indemnify and hold harmless the Village in all actions, claims, judgments, costs or expenses arising from said maintenance and use of the walkway; and

WHEREAS, in addition, Licensee shall provide the Village with a certificate of liability insurance naming the Village as an additional insured, at limits approved by the Village Attorney; and

WHEREAS, the granting of said revocable license agreement will not interfere with the Village's present and future use and maintenance of said Village right-of-way; now therefore be it

RESOLVED, that the Village Manager is herein authorized to execute a revocable license agreement in substantially the same form as attached hereto, with Huy Huynh of 24 Rugby Lane, Scarsdale N.Y. 10583, to construct and maintain a paver walkway partially located in the Village right-of-way, in accordance with the associated plans prepared by Degraw and Dehann Architects, dated March 28, 2016 and attached as "Exhibit A" of said License Agreement; and be it further

RESOLVED, that Licensee herein agrees to indemnify and hold the Village of Scarsdale harmless in all actions, claims, judgments, costs or expenses arising from said installation, maintenance and use of the walkway; and be it further

RESOLVED, that Licensee shall pay the Village the sum of \$1,000.00 as an administrative fee associated with the preparation and execution of said license agreement, pursuant to the Fiscal Year 2015-2016 Village Wide Fees and Charges Schedule.

AYES

Trustee Callaghan
Trustee Finger
Trustee Pekarek
Trustee Stern
Trustee Veron
Mayor Mark

NAYS

None

ABSENT

Trustee Samwick

* * * * *

Upon motion entered by Trustee Pekarek, and seconded by Trustee Veron, the following resolution regarding a Heritage Tree Designation was approved by a unanimous vote:

WHEREAS, the Friends of the Scarsdale Parks (FOSP) has been active partners with the Village of Scarsdale in preserving and beautifying Scarsdale's open spaces assisting with the horticultural knowledge of their members, financial contributions and donated labor; and

WHEREAS, the FOSP recently submitted a letter, attached hereto, requesting a Heritage Tree designation in accordance with Village Code Chapter 281 for a Tulip Tree (*Liriodendron tulipifera*) located on Village property in the northwest corner of Hyatt Park; and

WHEREAS, pursuant to Village Code §281-6 - "Heritage Trees," a tree may be designated as a heritage tree if it is unique and of importance to the community, based on its species, size, age, location and historical significance, as determined by the Board of Architectural Review and upon the consent of the property owner; and

WHEREAS, the Board of Architectural Review determined at its April 18, 2016 meeting that based on the attached April 1, 2016 letter of request from the FOSP, the subject Tulip Tree meets the criteria established pursuant to Village Code §281-6 relative to designating the tree as a "Heritage Tree"; now, therefore, be it

RESOLVED, that the Village Board acknowledges the information presented by the FOSP in the attached letter of request dated April 01, 2016, with regard to the Tulip Tree located in the northwest corner of Hyatt Park and herein consents to its designation as a "Heritage Tree"; and be it further

RESOLVED, that pursuant to Village Code §281-6C, this Tulip Tree in Hyatt Park shall be added to the existing list of Heritage Trees and recorded and filed accordingly with the Scarsdale Building Department.

* * * * *

Trustee Pekarek noted that this is the fourth tree that has been so designated as a Heritage Tree. In 2013 it was a white oak at the Woman's Club; in 2014 a Dawn Redwood at the Library Pond; and in 2015 a Sugar Maple at Fox Meadow School.

* * * * *

Other Committee Reports

None.

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Liaison Reports

Trustee Stern reported on behalf of the Cable Television Commission, stating that they met and are planning their programs for this coming year. Some residents have taken advantage of the Netflix of Scarsdale which is the Scarsdale Public T.V. website where everything is on streaming video and searchable – it is an amazing site. They are giving an opportunity to all the organizations in Scarsdale to do a public service piece where they can describe their organization and what they do. It is a real opportunity to expose to the community the benefits of local organizations. The Commission is encouraging every organization and every group in Scarsdale to participate in this. Requests should be sent to the Cable Television Commission or to the Cable T.V. station. He added that any filming can be done by the Commission or the organization can do the filming themselves.

* * * * *

Trustee Callaghan reported on behalf of the Advisory Council on Parks and Recreation, stating that a meeting was held last Wednesday. The Council was introduced to the new Department of Recreation and Parks Superintendent Brian Gray, who seems quite capable of assuming the duties. He also noted that the Council is looking for more people to serve as there are a number of members whose terms will expire in the coming year.

On Friday, May 13th, from 6:00 P.M. to 8:00 P.M., Trustee Callaghan stated that there will be a Grand Opening of Hyatt Field. It will be a party in the park event.

Also discussed at the Council's meeting was the replacement of trash cans that are currently at the park. The Assistant Superintendent of Parks and Recreation advised the Council that this will be taken care of.

Lastly, the Council discussed dog walking in park. Currently Davis Park has three signs erected but people still walk their dogs through the park. Greenacres and Fox Meadow also has a problem with this issue. The Dog Warden has been there several times already and he will increase his presence.

* * * * *

Trustee Pekarek stated that on May 14th, between 10:00 A.M. and 4:00 P.M., the Friends of the Scarsdale Parks in conjunction with the Department of Parks and Recreation and DPW is once again receiving well over 250 trees from the New York State Department of Environmental Conservation and they will be planting with the help of community members at Harwood Park between the Library and the gravel lot at the High School.

Interested parties should go to the Department of Parks and Recreation website and register. Last year there were well over 100 people who participated. She noted that it has been quite beautifully manicured thanks to DPW and Friends of the Scarsdale Parks. Many of those trees are in very good shape; it was a very successful planting and they hope for another successful planting.

* * * * *

Written Communications

Village Clerk Conking reported that thirteen (13) communications have been received since the last meeting. All communications can be viewed on the Village's website, www.scarsdale.com under the Board of Trustees or Village Clerk section.

Four (4) communications were received in opposition to the proposed tax increase from the following residents:

- James Cammarata, 22 Forest Lane
- Linda Shapiro, 2 Cushman Road
- Nick Kaufman
- Nat Litman

Additional correspondence was received as follows:

- An email from Rona and Harry Shamoon in support of the proposed budget increase and the maintenance of a healthy fund balance.
- An email from Robert Berg, 32 Tisdale Road, stating his concerns about the 2016 Revaluation and urging the Board to delay it until next year.
- An email from Tom Agoston requesting that the Village address a growing pothole on Wayside Lane.
- An email from Sherry Berkowitz regarding the road conditions on Ross Road and a request that it be repaved. A response from Superintendent of Public Works Salanitro is included.
- An email from Vanessa Dias, 102 Greenacres Road, regarding dog owner issues.
- An email from James Allocco regarding the need to repair Ross Road and the unsightliness of the 'No Dumping' signs on the islands on Ross Road.
- An email from Mayor Mark to John Politi regarding Sustainable Westchester.
- A letter from Michael Levine, 54 Walworth Avenue, with questions regarding the 2016 Revaluation.
- An email from Robert Harrison, 65 Fox Meadow Road recommending the Village reduce the proposed tax increase by applying a portion of the fund balance.

Future Meetings

Mr. Mark announced the following future meeting schedule:

- *Tuesday, April 26, 2016* – Committee of the Whole – 6:30 P.M. – Trustees’ Room
- *Tuesday, May 10, 2016* – Sustainability Committee – 6:30 P.M. – 3rd Floor Meeting Room
- *Tuesday, May 10, 2016* – Agenda Meeting – 7:30 P.M. – Trustees’ Room
- *Tuesday, May 10, 2016* – Village Board Meeting – 8:00 P.M. – Rutherford Hall
- *Saturday, June 4, 2016* – Village Board Tour – 9:00 A.M. – 12:00 P.M.
- *Tuesday, June 14, 2016* – Municipal Services Committee – 6:00 P.M. – 3rd Floor Meeting Room

There being no further business to come before the Board, Mayor Mark moved to adjourn the meeting at 9:08 P.M. seconded by Trustee Pekarek and carried by a unanimous vote.

Donna M. Conkling
Village Clerk