

THREE THOUSAND THREE HUNDRED NINETEENTH
REGULAR AGENDA MEETING

Rutherford Hall
Village Hall
January 22, 2019

A Regular Meeting of the Board of Trustees of the Village of Scarsdale was held in Rutherford Hall in Village Hall on Tuesday, January 22, 2019 at 8:00 P.M.

Present were Mayor Hochvert, Trustees Arest, Callaghan, Crandall, Finger, Ross, and Veron. Also present were Village Manager Pappalardo, Deputy Village Manager Cole, Village Attorney Sapienza-Martin, Assistant Village Manager Richards, Deputy Village Attorney Garrison, Village Treasurer McClure, Deputy Village Clerk Regazzi, and Assistant to the Village Manager Ringel.

The minutes of the Board of Trustees Regular Meeting of Tuesday, January 8, 2019 were approved on a motion entered by Trustee Crandall, seconded by Trustee Ross and carried unanimously.

Bills & Payroll

Trustee Callaghan reported that he had audited the Abstract of Claims dated January 22, 2019 in the amount of \$2,234,003.01 which includes \$54,790.73 in Library Claims previously audited by a Trustee of the Library Board which were found to be in order and he moved that such payment be ratified.

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

RESOLVED, that the Abstract of Claims dated January 8, 2019 in the amount of \$471,223.27 is hereby approved.

Mayor's Comments

Mayor Hochvert stated that on January 10th, he attended the Joint Meeting of the Scarsdale Forum and the League of Women Voters. Representatives from the Village staff

explained how the Village's money is spent for services. The reviews that he saw were very positive. This practice will probably go on for years.

On January 11th there was a meeting with the Overhill Neighborhood Association on a series of issues, most of which have been addressed with a few issues pending. On January 14th, Mayor Hochvert reported that he performed a wedding ceremony; a Freightway Executive Session was held; and then he attended a Scarsdale Neighborhood Association Presidents Meeting. Some of the things that were discussed at the SNAP meeting were the Freightway Project, and the budget – the two biggest items that the Board will be working on over the next month or so.

On January 17th a budget meeting was held which will be discussed further by Trustee Ross. Mayor Hochvert noted that he performed another wedding ceremony on January 18th, which was interesting. He asked the couple why they were married in Scarsdale and they responded that it is where Beyoncé got her marriage license!

Mayor Hochvert stated that yesterday, he went to his 2nd Annual Westchester Reform Temple meeting of the J Teens which are a large volunteer group from parts of Connecticut, Westchester County, Rockland County – their primary job was to prepare medical and other supplies for people in Puerto Rico who are still suffering and cannot get these supplies. There were approximately 150 teens packing boxes to be shipped to Puerto Rico to help the needy people.

Mayor Hochvert stated that there are a series of meetings that were held earlier today that will be covered. This was a 'six' meeting evening, starting at 5:00 pm. Tomorrow there will be Community Forum meeting on Safety and Security at 7:00 pm at the Scarsdale High School auditorium. He noted that after having a discussion with the President of the School Board, Scott Silberfein, they recognized that safety and security aren't limited to schools but encompass far more than that. There will be an array of people covering most aspects of life in Scarsdale – if more people are involved, a better analysis and better planning will be accomplished. Scarsdale will be made as safe and secure as possible.

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Scarsdale Concours Car Show

At this time, Mayor Hochvert introduced the representatives present for the Scarsdale Concours car show. Ken Schneider, speaking on behalf of the Board of the Scarsdale Concours thanked the Mayor and the Board for inviting them to the meeting this evening. He stated that he is happy to report that this year the Concours had a terrific show and raised more money than they have in previous years which they will be donating to three beneficiaries. Mr. Schneider thanked the Board and the Village, the departments they

worked with and their partners that cooperated throughout the year in setting up and arranging everything – it is a big effort and very much appreciated. He thanked his fellow board members who work so hard throughout the year to put on the car show, as well as their sponsors and advertisers, the people who bring out their cars out, and all of the people who attend the car show. This evening, money will be presented to their beneficiaries.

Representatives from each of the charitable beneficiaries are here this evening; \$10,000 will be given to each of the organizations. He then called on the Police Benevolent Association and a representative of the PBA accepted the check on behalf of President Grgas, Vice President DelBene, the Board of Directors and the membership. He thanked the Scarsdale Concours for their generosity.

Mr. Schneider next called a representative of the Scarsdale Edgemont Family Counseling Services, President Susan Greenberg to approach the podium. Ms. Greenberg thanked the Scarsdale Concours on behalf of their Board; they are extremely grateful and feel very privileged to receive this generous gift. She noted that the Scarsdale Edgemont Family Counseling Services has been in service for 99 years and that demand for these services has increased steeply in recent years. Gifts such as these help to keep the services available.

The third and final beneficiary, the Scarsdale Volunteer Ambulance Corps (SVAC) was next called to the podium by Mr. Schneider. David Raizen, President of SVAC accepted the check and thanked the Scarsdale Concours for their very generous donation.

Mayor Hochvert thanked the Scarsdale Concours, adults and teens who helped to raise \$30,000 which will benefit Scarsdale residents.

Trustee Veron stated that she had the opportunity to attend the event and saw how delighted the community was with the car show. She thanked the group for all the fundraising that was done and how they really brought the community together.

Manager's Comments

Village Manager Pappalardo recognized Assistant to the Village Manager Josh Ringel to discuss some parking changes that have been made in the Village Center.

Assistant to the Village Manager Ringel announced that there is new 8 hour parking located between the Scarsdale Police Substation and the current Merchant Parking Lot on East Parkway. A meter permit is required Monday through Friday, 8:00 am to 11:00 am; however, please note that payment is required Monday through Saturday, 8:00 am to 6:00 pm. The meters open to the general public after 11:00 am, Monday through Friday and 8:00

am on Saturdays. Permits are available for purchase from the Scarsdale Village Clerk for \$85.00; permit holders are not guaranteed a space. This permit can also be used on Scarsdale Avenue. Parkers, including permit holders, must pay at the Pay-Station. Please note that these machines do not give change. Lastly, the meter will be a trial of a new meter company, Flowbird. Any feedback regarding the meters will be appreciated as the Village reviews this new product. Feedback, questions, comments or concerns regarding this change should be directed to parking@scarsdale.com.

Trustee Veron commended the Village staff for working so tirelessly to find the solutions to varied, difficult parking problems. There is a limited amount of space and the Village is trying to discourage the merchants from parking in the consumer parking spaces. This new parking area will provide more spaces for the merchants. She thanked Assistant Village Manager Richards and Assistant to the Village Manager Ringel for their hard work on parking solutions.

Trustee Arest stated that he has some serious concerns about the process and exactly who these spaces are serving in the broader community, and whether residents will be happy or discontented with this change. He reiterated what Mr. Ringel stated; whether the community is using these newly designated parking spaces or not, please contact parking@scarsdale.com or himself at Justinarest.scarsdaletrustee@gmail.com, Village staff, or the Mayor at mayor@scarsdale.com to offer thoughts on this, positive or negative.

Village Manager Pappalardo noted that this is a continuing effort by the Village to provide some parking options for the merchants and free up some of the short term parking spaces on the street. This is the number one parking concern for parking management and has been for many years.

Village Manager Pappalardo next reported on the house fire that occurred in the Village yesterday at 72 Mamaroneck Road. At approximately 1:00 am on Monday, January 21st, the Scarsdale Fire Department was dispatched to a residential structure fire at 72 Mamaroneck Road. When the Fire Department arrived, residents of the property had already exited the home and were being treated and sheltered by Scarsdale Volunteer Ambulance Corps members, 8 of whom also responded to the scene with an ambulance. A mutual aid response was activated with 11 departments having responded, consisting of roughly 80 Fire and EMS personnel including over 20 Scarsdale Volunteer firefighters. The firefighters valiantly battled the blaze in extreme weather conditions. The severe weather complicated the response and suppression efforts with wind, cold and ice influencing the performance of the equipment and fire personnel safety on scene. The Westchester County Beeline Transit bus was deployed to provide warming for the firefighters as did the SVAC ambulance while on site. In addition, SVAC members treated firefighters on duty and had to transport a handful to White Plains Hospital who needed additional medical attention.

Village Manager Pappalardo stated that the fire continued to smolder into the afternoon yesterday with continuing Scarsdale Fire Department fire suppression occurring until the threat of an additional flare up was deemed unlikely as evening approached. The location was actively monitored throughout the night. The Building Inspector met with the homeowner yesterday relative to securing the site with some perimeter fencing and plans for demolition, contacting the insurance company, etc. Westchester County has a Cause and Origin Team when there are situations such as this. Their expert fire inspectors are sent out to try to determine the cause of origin of the fire. They arrived on site yesterday late in the afternoon; however, due to the limited safe access to the home, they have yet to make a determination as to the cause; only that the fire was accidental and may have been related to a wood fire in the fire place.

Village Manager Pappalardo thanked the members of the Scarsdale Fire Department, both career and volunteer, the Police Department for traffic control, the Scarsdale Volunteer Ambulance Corps member, Mutual Aid communities responding and members of the Public Works and Water Departments who provided assistance throughout the day in keeping fire hydrants and fire hoses functional. DPW was running gasoline out to the site in portable containers to continue to operate the fire apparatus and other ancillary functions while the firefighters extinguished the fire. It was truly a team effort under extreme severe conditions. He recognized a terrific job done by the emergency personnel and volunteers.

Mayor Hochvert noted that they agree with the Village Manager's statements. He stated that he could not think of people working in a more extreme environment on a terrible situation such as this.

Village Manager Pappalardo next discussed the recruitment and replacement for Benny Salanitro, the Superintendent of Public Works who has retired from the Village's employment. His last day on the job was this past Friday, January 18th. Over the past number of months, he and Human Resources Director Adil Tahir, and Benny Salanitro have been actively recruiting and interviewing for his replacement. This title, Superintendent of Public Works is a Westchester County Civil Service position with an active list of candidates from which the Village may consider. Many of the candidates on the list are local DPW professionals known to them, and their preference was to hire one with a professional engineering license in civil engineering such as our predecessor. Staff interviewed four qualified candidates twice each, scored, and called references independently and ranked each. Based on that effort the unanimous choice for the position was Jeffrey Coleman, who is currently serving as the DPW Director for the Town of Cortlandt. Jeff is known to both he and Benny having worked in New Rochelle for a number of years as the Commissioner of Public Works. He holds a Master in Public Administration, is a New York State licensed professional engineer, a certified traffic operations engineer, and holds a Westchester County

Class D potable water distribution license. Jeff is more than qualified for the position having the requisite responsibility and experience in union management and personnel matters; public works operations including sanitation and highway, central garage, emergency management and water, budget experience, experience with public presentations, and constituency services. Jeff's references were stellar. Jeff was offered the position and accepted on January 16th. He is scheduled to join the Village staff on February 11th subject to the Village Board's consideration this evening.

Village Manager Pappalardo asked the Mayor to request a motion from the Board this evening to appoint Jeffrey Coleman of Crompond, New York as Scarsdale Superintendent of Public Works effective Monday, February 11, 2019.

Mayor Hochvert requested a motion to approve the Village Manager's selection, so moved by Trustee Callaghan, seconded by Trustee Finger and carried by a unanimous vote.

Trustee Committee and Liaison Reports

Trustee Arest stated that the League of Women Voters is announcing a film screening they are hosting with the Scarsdale Forum and the Scarsdale Public Library at the Scarsdale Woman's Club on Sunday, February 10th at 3:00 pm. The movie will be "JFK – The Last Speech" and more information can be found on the League's website, www.lwvs.org, as well as the movie's website, www.JFKthelastspeech.com.

Trustee Veron reported on the Advisory Council on Parks and Recreation, stating that they meet with all sports organizations to make sure they are meeting the needs of the community. In addition, there was discussion regarding a proposal to install lights at the Scarsdale High School field and outreach being done to garner community opinion. There was also a discussion regarding the recreation fee schedule that is in the Board packets this evening. There was also a discussion representing residents' views about the value of having recreation services provided to residents as taxpayers at a cost well below market.

Trustee Veron next reported as liaison to the Scarsdale Library Board. She stated that there is a lot of discussion about the building efforts. The Committee continues to work super hard overseeing the construction. During budget meetings next week, she noted that there will be additions to the budget to enable a proper transition to reopen the library at conclusion of construction. A tremendous effort to continue to raise money for the library continues. Casino night will be held on Friday, March 8th at Fenway Golf Club at 7:30 pm; Trustee Veron encouraged community members to participate.

Finally, Trustee Veron gave an update on the Freightway conversations. There was a public comment meeting earlier this evening at 6:30 pm where the Board heard from community members giving input into all aspects of the Freightway project. The Board appreciates the input and insight shared by the community this evening. There will be ample opportunity to continue to submit information to the Board. This can be done through www.mayor@scarsdale.com or any of the Trustees – she asked that the community please share their thoughts and ideas with the Board.

Trustee Callaghan reported on the last meeting of the Board of Appeals; only four cases were heard and of these one, for a swimming pool, was approved. The others were held over to their next meeting.

Trustee Callaghan gave an update on the Fire Department, stating that they have added three firefighters as State Certified Fire Instructors. This means the savings of the time and expense of sending a firefighter away for his training – it is all done here in the area. In addition, all the State training that is required can be done right in the firehouse.

On Friday, Trustee Callaghan stated that he will be attending a Senior Citizens Speak Out Breakfast sponsored by Westchester County. At this time all the senior organizations get together to speak about current events for seniors. Additionally, in February he stated he will be attending the legislative luncheon of the PTA at Quaker Ridge. This is an annual meeting to update the Board on current pending legislation concerning the world of education.

Trustee Finger expressed his appreciation to the volunteers and staff for their efforts during deplorable conditions at the fire at 72 Mamaroneck Road.

Trustee Finger stated that he attended the most recent meeting of the Conservation Advisory Council (CAC). The CAC has a lot of items under discussion regarding conservation and sustainability. The Board will continue to see the results of their efforts, including the scheduling of a Public Hearing on amendments to the Tree Law this evening. This was discussed at a meeting earlier this evening at which time the Board reviewed a number of revisions to the proposed legislation. The Village Attorney put these revisions in place to be consistent with other Village laws.

Lastly, Trustee Finger reported that he attended the Greenacres Neighborhood Association holiday party. He noted that Lynne and Merrill Clark indicated that they intended to donate an original survey of Scarsdale from the early 20th Century. They have been very involved volunteers for many years.

Trustee Ross reported that last Thursday evening, January 17th, there was a meeting of the Village Finance Committee. This was the first of a series of public meetings leading up to the adoption of the Fiscal Year 2019-2020 Village Budget in April. The meeting began with a discussion of Recreation fees and charges and then moved on to a broader discussion of the budget. A high point of the meeting was a very informative discussion of the Village Recreational programs, which are not only an important feature of Scarsdale life, especially to the young people, but on the whole are self-supporting. There will be further meetings of the Finance Committee on January 29th and 31st, February 14th and March 12th. Briefing sessions will be held on the Preliminary Operating and Capital Budgets, which are planned for February 28th and March 6th, respectively. Specifics as to time and place of meetings can be found on the Village's website, www.scarsdale.com/documentcenter/view/4012. To be informed of any changes in the schedule, or to access budget related documents as they become available, interested parties may go to the Village's website at www.scarsdale.com and use the "Notify Me" tool to sign up for official news and meeting notifications.

Trustee Crandall gave the following report:

"When was the last time you visited Weinberg Nature Center? Did you know that it's a starting point for a couple of local hiking trails? What else would you like to see at our nature center? Come share your thoughts at the Open House this Friday, January 25th from 5:00 pm to 7:30 pm. Weinberg Nature Center is located at 455 Mamaroneck Road. Also, if you can't attend this Friday, please send any thoughts you might have to www.mayor@scarsdale.com; if you copy our Village Clerk, Donna Conkling, they will become part of the public record together with our minutes for the meetings and other notes. It is a great resource, let's make the most of it. There is some new staff; I think there is some potential.

On January 11th, I attended the Scarsdale Drug & Alcohol Task Force Board meeting. Co-director Margaret Smith is stepping down, because she is starting a new, full time career. Margaret did quite a bit to energize DATF and she will certainly be missed. Wendy Gendel will serve as the acting Co-Chair together with Emily Vallario, LCSW, from Scarsdale Edgemont Family Counseling Service.

DATF's other big news is that they agreed to take the following position on the potential Legalization of Marijuana for Recreational Use in New York State:

"The Scarsdale Drug and Alcohol Task Force Board opposes the legalization of marijuana in New York State for recreational purposes at this time. We are deeply concerned that the rush to legalize is being driven by political and corporate interests

as opposed to a thorough understanding of the implications legalization will have upon public health, especially with regards to our youth.” For more information, you can look at the Scarsdale Edgemont Family Counseling website, there is a DATF tab.

On January 14th, I also attended the Conservation Advisory Council meeting with Trustee Finger. We discussed changes to the Tree Ordinance, which are on the agenda for a Public Hearing in a couple of weeks, provided, of course that there is a vote in favor of the public hearing. We also spoke about the Freightway project. The CAC read a statement during the listening session on Freightway held earlier this evening. I hope that all residents will take the opportunity to provide feedback and provide their own suggestions for the Freightway project. Once again, email the mayor at www.mayor@scarsdale.com, talk to us, especially Trustee Veron, who is Chair of the Land Use Committee. It's an important opportunity and the more we hear from all of you, hopefully the better the end result will be.

On January 15th, I attended the New York State Turf & Landscape Association Conference. Guest lecturers spoke about the importance of building your soil to help your grass and landscape withstand the extreme weather conditions brought about by climate change. They specifically noted the benefits of mulching grass clippings and fall leaves into lawns to fortify the soil. Please remember to speak to your landscape professional before the season starts about organic management, including grass and leaf mulching. The Cornell Cooperative Extension has a lot of information. You can call them with any questions you might have.

The Scarsdale Edgemont Family Counseling Service Community meeting took place on January 16th. Village and School representatives were given a preview of budget needs for the upcoming year. The most significant proposal is the proposed addition of a part time coordinator for the Drug & Alcohol Task Force. Director Jay Genova will be presenting this and other budget requests for both the Youth Services Program and the Senior Citizen Program at the Village Board's Finance Committee meeting on January 29th.

In closing, I hope to see many of you at the Safety Forum tomorrow night. It's as the Mayor noted, it is at Scarsdale High School at 7:00 pm.”

Public Hearing

Trustee Finger opened the Public Hearing to consider a proposed local law to amend Sections 310-2, 310-12, 310-67, 310-70, and 310-89 of Chapter 310 of the Scarsdale Village Code, entitled “Zoning”. He explained that this is the proposed law that would amend the zoning code to restrict the sale of both guns and under a slightly different restriction to restrict the sale of electronic nicotine delivery services or vape products. Essentially, this law will limit where any of those items could be sold in the Village, especially away from schools,

religious institutions, things of that nature. He stated that there have been a lot of written submissions into the record on the impact of these types of devices. If anyone is interested, there is a very good summary of findings that was prepared by Angela Martin, the Village Attorney, with the findings related to both of these proposed statutory amendments.

Jordan Copeland, 45 Woods Lane, stated on behalf of the Advisory Council on Youth as Chair, they are unanimously and enthusiastically in favor of this zoning change. Teenagers are not ready to calculate long term decisions. The zoning change is taking the candy away from by the cash register. We don't want teenagers to make impulsive decisions. He stated that he has a friend who smoked cigarettes her whole life and recently turned over to e-cigarettes and it has actually been very good for her as an improvement to her health. However, that is a different sort of thing. He stated that he was previously more in favor of e-cigarette products but it seems as though they have become a Trojan horse. Rather than being an alternative for people to move from tobacco smoking they become a way for people who would never have otherwise done it to start taking up the habit that leads to nicotine addiction.

Trustee Finger thanked Mr. Copeland and the Advisory Council on Youth for their thoughtful correspondence.

Barry Kramer, President, Garth Road Cooperative Council, thanked the Board for having the meeting earlier this evening regarding the Freightway site redevelopment project which is very important to those on Garth Road. Of course, they want to stay apprised on this project. The residents of Garth Road are closer to that area than most of the Scarsdale residents. He asked that the Village please keep them informed regarding the status of this project.

In regard to the proposed zoning amendment for which the public hearing is being held, Mr. Kramer stated that he would like some clarification on how this would affect Garth Road. Some initial proposals that he read would have moved the gun and vape shops to Garth Road, but it seems that this was scrapped in favor of a different type of restriction which is now the 250 feet limit. He stated that there is a Chabad on Garth Road in Scarsdale, and there is also a Cornerstone Children's Daycare Center which is on Garth Road. With the current proposed zoning, he asked if the gun and vape shops be not allowed on Garth Road.

Village Attorney Martin stated that there is no longer a 250 foot limit, it is now 1,000 feet from sensitive uses, which would include schools, playgrounds, libraries, arcades, nursery schools, daycare centers, houses of worship and centers, etc. These sales cannot occur within 1,000 feet of those uses. And it is those uses regardless of whether they be located in Eastchester or Scarsdale or any other municipality that Scarsdale is adjacent to. At this juncture, it would not be possible to have those sales in those locations.

Mr. Kramer then stated that based on the proposed amendments to the zoning code this evening, it would seem unlikely that a gun or vape shop would be located on Garth Road.

Village Attorney Martin stated that there are two different restrictions for gun sales and vaping product (ENDS) sales. She stated that she was speaking specifically regarding the ENDS product sales. The gun sales are a different restriction; that is where there is an actual zone and 250 feet. Those sales cannot occur within 250 feet of the sensitive uses. The Village has no control over the leases or who is occupying the facilities. It really depends on who are the tenants and what are they utilizing the spaces for. She highlighted that the gun sales activates a different radius and there is an actual zone with guns. For ENDS product sales, the radius is 1,000 feet without a zone.

Mr. Kramer asked Village Attorney Martin if she sees a gun or vape shop being permissible on Garth Road.

Village Attorney Martin stated that the potential exists.

Trustee Finger informed Mr. Kramer that he should be able to calculate whether or not such gun or vape sales could occur on Garth Road. He felt that it was not likely.

Mr. Kramer stated that now that he understands the restrictions he will be able to explore the possibilities of whether or not this could be a possibility.

Trustee Finger stated that the difference is as to whether or not a current use, such as the house of worship, changes.

Mr. Kramer stated that he speaks for the residents of Garth Road in stating that they are not interested in having gun or vape shops on Garth Road.

Elissa Ruback, 50 Carthage Road, speaking as the PTC Legislative Advocacy Co-Chair read a resolution on electronic cigarettes and electronic nicotine delivery systems (ENDS). She submitted a copy of this document which will be made part of the record.

Karen Ceske, 165 Brewster Road, President, Scarsdale High School PTA, read a statement from the Scarsdale High School PTA Executive Committee strongly supporting the Village's proposal to amend certain sections of Chapter 310 of the Village Code to limit the sales of Electronic Nicotine Delivery Systems. Ms. Ceske also a copy of this document which will be made part of the record.

Michelle Sterling, Brayton Road, noted that she happened to have driven by the Scarsdale High School around noon one day and the school was evacuated. The fire alarm went off; this has happened several other times when she was near the school. She did some

research to find out what was going on. She found out that there is e-cigarette use in the schools and this sets off fire alarms, most of the time in the bathrooms. She was told that it is a weekly occurrence and some times more than once in a week. There is no blame to go around, but the question is what do we do about this? It is really serious. One of the things that is being done is that a lot of serious education is given to the younger children about this. The high school kids, however, have not been educated on the use of these products.

Ms. Sterling stated that she thinks it's great that the Village is doing something about this. We cannot wait for the companies to do the right thing; we need to do the right thing, and we are.

Noah Kroloff, 36 Butler Road, stated he was happy to hear all the comments regarding this and appreciates what has been said – excellent points were made. He stated that the vaping products are extremely addictive and it is very easy for kids or anyone to become addicted to vaping. The delivery mechanism is very efficient in delivering nicotine and may be even more difficult to stop use than cigarettes. Vaping products deliver a higher quantity of nicotine and long term use can be extremely harmful. He stated that he was very happy that the Board was doing something about this issue and wished that more could be done. He stated that he has spoken to other parents who feel the same way.

In regard to the limiting of gun sales, to the extent that something can be done locally, he thinks it is necessary and admirable and thanked the Board for that.

Mr. Kroloff noted that there is also a crisis regarding suicide in this country, with one of the many reasons being easy access to guns. He stated that he supports the Board's efforts.

Trustee Finger went over the process regarding this legislation with those present. He stated that there are some time constraints that must be complied with. This evening the public hearing will be closed; there is a resolution regarding SEQRA later on in the agenda. That motion is going to be tabled and a vote on the legislation itself will be on the agenda in two weeks.

Trustee Finger moved to close the public hearing at this time, seconded by Trustee Ross.

Mayor Hochvert added that he noticed only the Advisory Council on Youth's letter is on the list of written communications. Apparently a significant number of people waited until just before this evening's meeting and there was well over a dozen emails supporting the limitation of vaping sales. A lot of people couldn't be here this evening and there are a lot of people in support of this effort.

Trustee Arest stated that the Board is not infringing on anyone's legal right to use electronic nicotine delivery systems, or ENDS products, or to bear arms. If you are currently an ENDS user, or might become one in the future, or if you own firearms at your home or business or if you carry such firearms on you, assuming they are legal, nothing should change should the Board adopt these changes. The Board, as a local body is limited in what it can do when the power over many issues that directly affect us at the local level is held at the State and Federal levels of government. He stated that he has spoken in the past about such limitations put on local governments and the frustrations that some of such limits can cause. But that does not mean that we should sit idly when we still have tools at our disposal. One such tool is to restrict the location of various uses through zoning. And that is exactly what these changes are. This is our community doing what we can on a local level for the safety and welfare of our families and most importantly our children. He thanked Trustee Finger for his leadership on this.

Specifically speaking to guns, Trustee Arest stated that it is already against Federal law to carry a loaded firearm on public property within 1,000 feet of a school zone. Public, private, or parochial. He stated that he believes it is therefore logical that the sale of such weapons should also be prohibited inside these areas. We do not have gun stores in Scarsdale currently, but that is not a reason not to act. We are expected to have foresight. As it relates to ENDS products, the results of the 2018 National Youth Tobacco Survey which was mentioned, released by the FDA and CDC was alarming. There was an increase of 78% of usage of e-cigarettes by high school students and an increase of 48% among middle school students. The FDA Commissioner issued a statement on October 31st on meetings with industry related to the agencies ongoing policy commitment to firmly addressing rising epidemic rates in youth e-cigarette use. In this statement, the Commissioner refers to this issue as a public health crisis. Locally last spring, a Scarsdale High School senior and his classmates created a documentary on the topic and our community received national attention, not the kind of national attention we look for in Scarsdale, but we did on this issue including a segment on *Good Morning America*. I think we all realize that the actions we may take will not be a panacea but I do believe that these are consistent with the values of our community and are what we can do at a local level to make our children safer.

At this time, the motion to close the public hearing which was moved by Trustee Finger and seconded by Trustee Ross was approved by a unanimous vote.

Public Comment

Robert Harrison, 65 Fox Meadow Road, spoke regarding the Scarsdale Youth Tennis program that he has been involved with for more than 34 years as a volunteer. Recreation fees and charges will be voted on this evening and he had expressed some

concern last year when these fees were increased, particularly for seniors and youth. Totaling up the number of permits sold this past year, 895, he stated that this number is down substantially from 1,000 sold the previous year before the price of the permits increased this past summer. In the 1990's the Village sold over 2,700 tennis permits – adults, seniors and youths. He stated that he is concerned that there is more to look at rather than raising prices on a regular basis.

Regarding the short court tennis program (for youth 8-10 years old) which the Recreation Department is proposing an increase from \$185.00 to \$275.00. That is almost a 50% increase. It had taken place at the Crossway tennis courts before moving it to Harbor Island. There were 180 participants several years ago. At Harbor Island, the number of participants last year was 41. This really concerns him as a strong advocate of youth tennis. There has to be another vendor other than Sport Time to provide this service. Mr. Harrison stated that he felt it was shameful that a great program that had 180 youths enrolled at one time is now driven down to 41 participants. With the increase in fees, even that number will most likely be reduced. He urged the Board to not adopt this increase and look for another vendor.

Mr. Harrison then stated that the Advisory Council on Parks and Recreation meetings are still not publicized. There is no communication between this Council and the community. The Recreation budget approaches \$3 million a year, 65% supported by fees. Something needs to be done about this.

Mr. Harrison noted that he started the Scarsdale Taxpayer Alert back in 1989 speaking on issues regarding taxes in Scarsdale. He stated that he attended the first budget meeting last Thursday. As of now there is a tentative 3.53% tax increase which he is sure will be reduced; however, he strongly urged the Board to get that number as low as possible. Average property values in Scarsdale are approximately \$1,500,000 with over a \$30,000 annual tax and unfortunately, homeowners can only deduct \$10,000 of that on their tax returns. This has put our real estate values in jeopardy. The Board has to work as hard as they can to have increase reduced.

Mayor Hochvert asked Mr. Harrison if he has tried to sign up for these meetings through 'Notify Me' on the Village website. Mr. Harrison responded that he did sign up but he doesn't seem to be getting anything. Mayor Hochvert stated that he will find out about this and get back to him.

As no further comments were offered, the Mayor closed the Public Comment portion of the meeting.

Finance Committee

Trustee Ross reported on the statements of expense and revenue for the various funds of the Village for the first seven months of fiscal year 2018-2019.

General fund appropriations were 59.60% spent as of December 2018 as compared to 58.58% in 2017-2018.

General Fund Revenues other than property taxes are \$10,550,263 through December 2018. After adjusting for the sale of 32 Ferncliff (\$956,300) in the first quarter of last year, the resulting total represents a decrease of \$53,583 from the 2017-2018 figure of \$10,603,846. The 2018-2019 tax penalty revenue is up \$11,400 from 2017-2018. Building Permit revenue (included in License and Permit revenue) is down \$65,500 from last year, largely offset by an increase in sales tax revenue of \$66,100. Parking revenue and departmental fees are up a combined \$107,600. The increase in investment earnings of \$144,600 and in court fines of \$12,200 offset the drop in Mortgage Tax of \$146,300. Cable TV and gross receipts taxes increased \$17,500. Unrestricted State Aid was reduced \$16,500 while special assessments and delinquent tax receipts declined \$26,600.

The actual collection of Village taxes through December 31, 2018 is at 99.40%. This is an increase of 28 basis points from last year's collection rate.

Upon motion entered by Trustee Ross, and seconded by Trustee Crandall, the following resolution regarding Transfer of Principal from Library Children's Room Endowment to Library Capital Campaign Account was approved by a unanimous vote:

WHEREAS, the Library has a non-expendable trust account entitled, "Children's Room Endowment," TN-96-.10, with a remaining principal of \$328,050; and

WHEREAS, the memorandum of agreement for the Children's Room Endowment states that "Up to 10% of the principal may be used annually, as authorized by the Library Board of Trustees, to enhance resources and services to the children"; and

WHEREAS the Library Board, at their meeting on January 14, 2019, approved a transfer before the end of 2019 from the Children's Room Endowment to the Library's Capital Campaign account of \$32,805 to be applied to "resources and services [for] children in connection with the building renovation project"; now, therefore, be it

RESOLVED, that the Village Board concurs with the Library Board and approves transfer of \$32,805 from the Children's Room Endowment to the Library Capital Campaign Account prior to the end of 2019.

* * * * *

Upon motion entered by Trustee Ross, and seconded by Trustee Crandall, the following resolution regarding Establishing Fiscal Year 2019-2020 Recreation Fees and Charges was approved by the vote indicated below:

WHEREAS, the Village annually reviews its Recreation Fees and Charges with input from the Advisory Council on Parks and Recreation (PRC) and the Board of Trustees' Finance Committee; and

WHEREAS, the PRC reviewed and approved the proposed Fiscal Year 2019-20 Recreation Fees and Charges Schedule at its December 13, 2018 meeting and the Village Board's Finance Committee reviewed the proposed Schedule at its January 17, 2019, voting to recommend to the Full Board that the Schedule be adopted as presented; and

WHEREAS, the Fiscal Year 2019-20 increases are proposed for the following new and existing programs, as detailed in the December 14, 2018, memorandum attached hereto:

- Tennis Lessons
- Day Camp
- Soccer Camp
- Sports Camp
- Teen Travel Camp
- Platform Tennis Clinics
- Platform Tennis Lessons
- July 4th Fireworks
- Baseball Summer League
- Basketball K-2 Sunday Clinic
- Cheerleading Fall Program 1st & 2nd Grade
- Cheerleading Fall Program 3rd – 8th Grade
- Cheerleading Fall/Winter/Spring Kindergarten Program
- Cheerleading Winter/Spring 1st & 2nd Grade
- Cheerleading Winter/Spring 3rd – 8th Grade
- Football K-8th Grade Flag

- Football 3rd – 6th Grade Tackle
- Football 7th & 8th Grade
- Independent Sports Organizations – League Play/Clinics
- Multi-Sport Programs offered by US Sports Institute
- Soccer Little Dribblers
- Soccer Fundamental League
- Soccer Supplementary Training
- Youth Sports Fee – Basketball, Soccer, Softball Leagues
- Chess Camp
- Fifth Grade Pool Party
- Pool Permits
- Early Morning Swim;

now, therefore, be it

RESOLVED, that the fees and charges for recreation programs identified in the Recreation Fees and Charges Schedule, dated January 18, 2019, attached hereto and made a part hereof, are herein adopted and shall remain in effect unless amended by resolution of the Village Board of Trustees.

<u>AYES</u>	<u>NAYS</u>	<u>ABSENT</u>
Trustee Arest	None	None
Trustee Callaghan		
Trustee Crandall		
Trustee Finger		
Trustee Ross		
Trustee Veron		
Mayor Hochvert		

Before the above vote, Trustee Finger responded to Mr. Harrison’s point made during public comment. The increase, for those that may not be aware, for the short court program and some of the other things is that there is a difference in the program that is being provided. It’s not just an increase for the same thing; it is small groups with more professional instructors and that is the relationship to the cost. However, he stated that he would like the Board to make a note to keep an eye on this for next year as he feels there is value to looking into whether they can find someone to provide the services on Scarsdale’s court. As much as the rate might be a factor, the travel distance may also be a factor.

Mayor Hochvert stated that the Board would need to communicate this to the Superintendent of Parks and Recreation. Trustee Finger stated that he would speak to him.

Village Manager Pappalardo stated that the Board should keep in mind that the courts in Mamaroneck are indoors.

Trustee Veron stated that she wants the public to know the Superintendent of Parks and Recreation, Brian Gray, did a very thorough analysis of all the fees and benchmarked Scarsdale against other municipalities. These were the fee recommendations based on a lot of extra research and he did a tremendous job.

Law Committee

Upon motion entered by Trustee Finger, and seconded by Trustee Crandall, the following resolution regarding Calling for a Public Hearing on a Local Law to Amend Chapter 281 of the Scarsdale Village Code Entitled Trees, Grass, Brush and Weeds and Relevant Sections of Chapter 18 Board of Architectural Review, Chapter 77 Planning Board, Chapter A317 Architectural Review Board Rules and Regulations, and Chapter A319 Subdivision of Land; Planning Board Regulations of the Scarsdale Village Code was adopted by the vote indicated below:

RESOLVED, that a Public Hearing is hereby scheduled by the Board of Trustees of the Village of Scarsdale to be held in Rutherford Hall in Village Hall on Wednesday, February 13, 2019, at 8:00 p.m. to consider a proposed local law to amend Chapter 281 of the Scarsdale Village Code, entitled Trees, Grass, Brush and Weeds, and relevant sections of Chapter 18 Board of Architectural Review, Chapter 77 Planning Board, Chapter A317 Architectural Review Board Rules and Regulations, and Chapter A319 Subdivision of Land; Planning Board Regulations of the Scarsdale Village Code; and be it further

RESOLVED, that the Village Clerk is hereby directed to publish notice of said hearing pursuant to Village Law.

AYES

Trustee Callaghan
 Trustee Crandall
 Trustee Finger
 Trustee Ross
 Trustee Veron
 Mayor Hochvert

NAYS

Trustee Arest

ABSENT

None

Before voting on the above resolution, Trustee Arest stated that he is very much in favor of the changes to Chapter 281, Section 4C to Chapter 281, Section 5B and Chapter 77,

Section 1. U having to do with an appeal process or discretion of the Engineer, which didn't exist before. He stated that he has been an advocate of this and he is very appreciative of it. Otherwise, except for some of the cleaning up of the Code, notwithstanding the importance he places on Scarsdale being a Village in the park, consistent with the comments he has made at the Committee meeting, and he will have more to say at the public hearing or just after it in two weeks, he votes nay.

Trustee Veron stated that although she will vote aye, however, that vote does not reflect whether she is in support or not in support of the legislation. She stated that she wants to hear what the public has to say.

Land Use Committee

Upon motion entered by Trustee Veron, and seconded by Trustee Finger, the following resolution regarding SEQRA Review and Determination Relating to the Proposed Amendment of Chapters 310-2, 310-12, 310-67, 310-70 and 310-89 of the Village Code to Regulate the Commercial Sale of Guns and Electronic Nicotine Delivery Systems was tabled by a unanimous vote due to a timing process that must be adhered to in regard to notifications to adjacent municipalities:

- WHEREAS,** the Village Board has considered the proposed amendment of the zoning code to regulate the commercial sale of guns and electronic nicotine delivery systems (ENDS) by requiring businesses selling these items obtain a Special Use Permit from the Planning Board and meet certain conditions regarding location and storage; and
- WHEREAS,** the proposed amendment would permit the commercial sale, storage, possession and display of firearms, ammunitions and explosives in the VCR-1.0 zoning district but not closer than 250 ft. from any public or private school, nursery school, day care center, playground or house of worship, nor within 250 ft. of any other such establishment engaged in the commercial sale, storage, possession and display of firearms, ammunitions and explosives; and
- WHEREAS,** the proposed amendment would permit the sale of ENDS products in all of the Village business zoning districts, but not closer than 1000 ft. of any public or private school, nursery school, day care center, house of worship, youth center, playground, park, library, arcade nor within 1000 ft. of any other such establishment engaged in the commercial sale, delivery and/or transfer of ENDS and/or ENDS components and parts; and

WHEREAS, the proposed amendment is intended to protect the public health, safety and welfare of the persons in the Village of Scarsdale by regulating the commercial sale of firearms and ENDS products; and

WHEREAS, the proposed amendment will not adversely impact environmental conditions in the Village including traffic, energy usage, water supply, archeological resources, natural resources, stormwater runoff or flooding; now, therefore, be it

RESOLVED, that after careful examination of the proposed law and evaluation of the information included in the Short Environmental Assessment Form, the Village Board determined that the amendment of the zoning code to regulate the commercial sale of guns and ENDS products is an Unlisted action pursuant to Chapter 152 of the Village Code and 6 NYCRR 617.2(ak); and further determined the proposed action will not have a significant adverse impact on the environment.

Municipal Services Committee

Upon motion entered by Trustee Veron, and seconded by Trustee Ross, the following resolution regarding an Emergency Purchase – Water Main Repair was approved by the vote indicated below:

WHEREAS, on December 10, 2018, Water Department personnel responded to an emergency regarding water bubbling up in the street in front of 14 Crossway; and

WHEREAS, staff determined that a water main break was the source of the problem and endeavored to stop the water flow by closing the valves on both sides of the damaged main in order to effectuate the repair, but were unable to do so as the valves which were worn with age, necessitating the emergency use of a specialized contractor to install certain line stops; and

WHEREAS, Specialty Pipe Services, one of only a few qualified firms in the tristate region, as well as one that has satisfactorily completed such emergency work for the Village of Scarsdale in the past, responded to the scene and installed the needed line stops, to stem the water flow

enabling the Water Department staff to complete all necessary emergency repairs; and

WHEREAS, pursuant to New York State General Municipal Law (GML) 103-4, “in case of a public emergency arising out of an accident or other unforeseen occurrence or condition whereby circumstances affecting public buildings, public property or the life, health and safety... require immediate action which cannot await competitive bidding,” a purchase may be made by the appropriate officer; and

WHEREAS, pursuant to Section 3.5 of the Village Internal Control Policy, if an emergency purchase is made that exceeds statutory bid limits, a resolution declaring the emergency and authorizing the purchase must be prepared for approval by the Village Board; and

WHEREAS, based on the emergency nature of the water main break and associated need to protect the public health, safety, and welfare of Scarsdale residents, the Village Manager declares billing from Specialty Pipe Services in the amount \$17,500 for work performed on December 10, 2018, an eligible emergency expense pursuant to GML 103-4; now, therefore, be it

RESOLVED, that pursuant to New York State GML 103-4 and Section 3.5 of the Village Internal Control Policy, the Village Board herein declares the \$17,500 billing from Specialty Pipe Services, 30 Scenic Hills Drive, Poughkeepsie, New York 12603, an eligible emergency expense and hereby directs the amount be charged to Ardsley Road Tank Roof Replacement Account EWS-8310-DSTRB-CAPTL-500 51 and remitted to the vendor, accordingly.

AYES

- Trustee Arest
- Trustee Callaghan
- Trustee Crandall
- Trustee Finger
- Trustee Ross
- Trustee Veron
- Mayor Hochvert

NAYS

None

ABSENT

None

Written Communications

Village Clerk Conkling reported that five (5) communications have been received since the last regular Board of Trustees meeting. Please note that all written communications may be viewed on the Village's website at www.scarsdale.com.

- An email from Carol Stix regarding the Freightway Redevelopment Project with her opinion and commending the Board for its excellent research and community outreach.
- An email from the Jon Hill regarding the Freightway Redevelopment Site and his request that the Board not decrease the number of commuter spots available and possibly add more spaces.
- A communication from Michael Levine with a Scarsdale School tax analysis and his observations regarding the reasons behind the high cost of these taxes.
- A letter from the Advisory Council on Youth in support of the adoption of the proposed local law to restrict the sale of ENDS (electronic nicotine delivery systems).
- An email from Christian Callaghan regarding his opinions on the recent RFEI on the Freightway Site Redevelopment Project.

* * * * *

Future Meeting Schedule

- *Wednesday, February 13, 2019* – 5:30 PM – Committee of the Whole – Trustees' Room
- *Wednesday, February 13, 2019* - 7:30 PM - Agenda Committee Meeting – Trustees' Room
- *Wednesday, February 13, 2019* - 8:00 PM - Village Board Meeting – Rutherford Hall

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FY 2019/20 Budget Discussions**Finance Committee Meetings**

Tuesday, January 29, 2019 - 10:30 A.M. – Trustees' Room

Thursday, January 31, 2019 – 6:00 P.M. – Trustees' Room

Thursday, February 14, 2019 - 6:00 P.M. – Trustees' Room

Tuesday, March 12, 2019 – 6:30 P.M. – 3rd Floor Meeting Room

Briefing Sessions – 3rd Floor Meeting Room

Thursday, February 28, 2019 – 7:00 P.M. – Operating Budget

Wednesday, March 6, 2019 – 7:00 P.M. – Capital Budget

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There being no further business to come before the Board, on a motion entered by Trustee Finger, seconded by Trustee Crandall and carried unanimously, the meeting adjourned at 9:35 P.M.

Donna M. Conkling
Village Clerk