

THREE THOUSAND TWO HUNDRED SEVENTY-THIRD**REGULAR MEETING**

Rutherford Hall
 Village Hall
 January 24, 2016

A Regular Meeting of the Board of Trustees of the Village of Scarsdale was held in Rutherford Hall in Village Hall on Tuesday, January 24, 2017 at 8:00 P.M.

Present were Mayor Mark, Trustees Callaghan, Finger, Pekarek, Samwick, Stern and Veron. Also present were Village Manager Pappalardo, Deputy Village Manager Cole, Assistant Village Manager Richards, Village Attorney Esannason, Deputy Village Attorney Garrison, Village Treasurer McClure, 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, January 10, 2017 were approved on a motion entered by Trustee Finger, seconded by Trustee Pekarek, and carried unanimously.

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Bills & Payroll

Trustee Finger reported that he had audited the Abstract of Claims dated January 24, 2017 in the amount of \$2,013,004.89 which includes \$114,068.10 in Library Claims previously audited by a Trustee of the Library Board which were found to be in order and he moved that such payment be ratified.

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

RESOLVED, that the Abstract of Claims dated January 24, 2017 in the amount of \$2,013,004.89 is hereby approved.

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Mayor's Comments

Mayor Mark made the following comments:

“Article 78 Proceeding relating to the 2016 Village-wide revaluation: The Board and Village staff are reviewing, with counsel, the Article 78 petition that was recently filed. Since the matter is a pending litigation, we do not plan to comment on it further at Village Board meetings. For the present, we will confine our responses to those made in the context of that litigation. We will update residents on the matter as it progresses and as may seem to be appropriate.

Honoring Emily Hirsch: Tonight we honor Emily Hirsch for her 50 years as the proprietor of the store Candy ‘n Cards in the Village center. The store will be closing next week and it seemed fitting to prepare a proclamation honoring Mrs. Hirsch for her contribution to life in the Village. I will now read the proclamation:

Whereas, Born in 1917, Mrs. Emily Hirsch is an Ossining High School graduate who has lived in Westchester most of her life; and

Whereas, Mrs. Emily Hirsch and her late husband Morris opened a convenience store in Scarsdale called Candy ‘n Cards in the mid-1960’s, and after 50 years of providing for the various and sundry items desired by her patrons, has decided to close the store for good on January 31, 2017; and

Whereas, Candy ‘n Cards began as a greeting card shop, but transformed over the years, adding candy and other gifts and wares to the inventory in order to remain competitive; and

Whereas, through Mrs. Hirsch’s caring and personal proprietorship, Candy ‘n Cards maintained its hometown feel over the years, remaining a fixture in the community, even with the advent of the internet and the various big box stores that have adversely impacted many other small retail business owners; and

Whereas, Mrs. Hirsch’s kind, attentive approach to interacting and assisting her customers has touched the lives of generations of Scarsdalians frequenting her store, creating a loyal customer base that returned time and time again; and

Whereas, it is fitting to recognize Emily Hirsch for her long standing tenure as a local Scarsdale Merchant and her worthy accomplishments in providing quality service to generations of Scarsdalians while solidifying Candy ‘n Cards as an integral part of the fabric of Scarsdale’s Village Center;

Now, Therefore, Jonathan I. Mark, Mayor of the Village of Scarsdale, along with the entire Village Board of Trustees, does hereby proclaim January 31, 2017 as

Emily Hirsch Day

in the Village of Scarsdale, and herein recognizes and celebrates Mrs. Hirsch's 50 years of ownership of Candy 'n Cards, and her contributions to and impact on the Scarsdale Business Community and the Village as a whole.

Given under my hand and seal this 24th Day of January, 2017, signed by Jonathan I. Mark.”

Mrs. Hirsch was given the proclamation to the applause of those present.

Mayor Mark then asked Trustee Samwick to read the following resolution regarding Acceptance of a Gift – Bench on the agenda this evening under the Finance Committee. Upon motion entered by Trustee Samwick, and seconded by Trustee Pekarek, the following resolution 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, Dr. Miriam Levitt-Flisser, former Village of Scarsdale Mayor, is desirous of gifting a bench to the Village of Scarsdale in honor of Mrs. Emily Hirsch, 99 year-old Scarsdale resident and proprietor of Candy 'n Cards, a Scarsdale business located at 25 Spencer Place for 50 years; and

WHEREAS, upon review by the Superintendent of Public Works and Village Planner, it was determined that there is currently a sufficient amount of public right-of-way nearby 25 Spencer Place to accommodate the placement of a bench, and further that said bench would complement an existing bench on the opposite side of the crosswalk in this area; and

WHEREAS, in recognition of the lasting commitment Mrs. Hirsch has demonstrated to the Scarsdale Town Center, and in recognition of each of the lives she has thoughtfully touched through her daily interactions with generations of Scarsdale residents at Candy 'n Cards, a plaque will be placed on the new bench with the inscription, “In Honor of Mrs. Emily Hirsch – Proprietor – Candy 'n Cards – 50 years – Village of Scarsdale – 2017”; and

WHEREAS, the estimated value of the bench and plaque is \$1,600; now, therefore, be it

RESOLVED, that the Board of Trustees hereby accepts the gift of a bench and plaque to be placed on the public right of way near 25 Spencer, present location of Candy 'n Cards, in honor of Mrs. Emily Hirsch, proprietor; and be it further

RESOLVED, that the Board of Trustees hereby extends their thanks and appreciation to Dr. Miriam Levitt-Flisser for this generous gift to the community.

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Ms. Hirsch made the following comments following the presentation: "Thank you so very much for this wonderful presentation. I have given 50 years of my life to accommodating my customers and have enjoyed all the friends I've made. I've seen many changes, people moving in and out, as well as stores opening and closing, unfortunately. I attribute my longevity to good genes, to being honest, fair and kind, so once again I thank you for recognizing my devotion to Scarsdale. Thank you all."

Mayor Mark continued with his comments - Improving Village Communications: "Scarsdale Village has launched a new version of its website, scarsdale.com, to provide the public with improved functionality when conducting village business online.

To introduce residents to the site's new features, Scarsdale's recently formed the Ad Hoc Communications Committee, Cable Commission and Scarsdale Public TV have released a six minute tutorial to provide non-tech savvy visitors to the web site with very basic instructions on how to navigate scarsdale.com. Residents are urged to visit the scarsdale.com web site to view the tutorial.

The redesign of scarsdale.com represents the desire of the Village Board and Staff to embrace technology in serving the public. The Ad Hoc Communications Committee is assisting us in gaining insight into how residents want to interact with government. The Board and Staff look forward to hearing residents' recommendations during the coming year.

The Scarsdale Ad Hoc Communications Committee, formed in October 2016, is comprised of Scarsdale residents with expertise in a variety of areas, ranging from legal and IT to communications and marketing. Led by Village Trustee Jane Veron, the Committee was charged with supporting the functionality of the new scarsdale.com, and developing a plan to introduce it to residents and encourage participation. Over the next year, the Committee will continue work on website promotion and engagement, and develop a formal communications plan to assist Village management in future messaging efforts.

The members of the Ad Hoc Committee are: Justin Arest, Lee Fischman, Dara Gruenberg, Justin Hamill, Laura Halligan, Barry Meiselman ML Perlman, Scott Rompala, Andrew Sereysky and Carol Silverman. Thanks also to Cable Coordinator Kelvin Guevara, Deputy Village Manager Rob Cole and Trustee Pekarek who served as Board liaison to the Committee.”

Trustee Veron invited the members of the Ad Hoc Committee on Communications who are present this evening to come forward and introduced them to the community. She stated that they are so excited to unveil the new website, www.scarsdale.com, and encouraged residents to view the website tutorial which was developed by this committee. She recognized ML Perlman who was the producer of the video. Deb Pekarek and Carol Silverman were on the subcommittee that worked on it. Trustee Veron introduced those members of the committee present: ML Perlman, Deb Pekarek, Scott Rompala, and Rob Cole, Deputy Village Manager, who has been instrumental in integrating all of the recommendations, Andrew Sereysky, Laura Halligan, Lee Fischman, and myself. There are others who are not here tonight and she stated that she thanked them as well. She asked that residents get to know these members, ask them questions and give them feedback.

Trustee Veron stated that on the Village’s website, there is a very powerful search functionality. All one needs to do is type in ‘welcome’, and there will be a link to the video which is a tutorial for the new website. The new video can also be viewed on the cable channel for the next several days. The members of the Ad Hoc Committee have been working very hard on behalf of the residents to improve communications. She asked those present to applaud the committee; they have done an amazing job.

Mayor Mark thanked the Ad Hoc Committee, Trustee Veron, and Trustee Pekarek.

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Manager’s Comments

None.

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Public Comment

Dr. Miriam Flisser, ex-Mayor, thanked the Board for their service; especially Mayor Mark for his proclamation honoring Mrs. Emily Hirsch. She is a Village resident and has had 50 years of contribution to the Village. To commemorate Mrs. Hirsch’s historical career as the owner of Candy and Cards, she has arranged to donate a street bench to be

located directly in front of the store on Spencer Place complete with a bronze plaque. She thanked the Village staff, Mr. Cole and Mr. Salanitro who are helping her to make this a reality as quickly as possible. Also, if there are any other friends, residents, or merchants who would like to be included in this beautiful project, she asked that they call her or her husband, Harvey, at home.

Dr. Flisser stated that Mrs. Hirsch's store was the first place in which she allowed her own children to shop unaccompanied by her. They are grateful for her gracious presence in the Village for 50 years and personal impact on their lives in Scarsdale.

Mayor Mark thanked Dr. Flisser for her generosity.

Lena Crandall, 227 Fox Meadow Road, on behalf of the Scarsdale Forum, stated that there is a public forum this Thursday at 7:30 p.m. at the Scarsdale Public Library where they will be showing the video on how to use the Scarsdale Village website. It is only 6 minutes long and then there will be an opportunity to hear an update from Ben Boykin, Scarsdale's Westchester County legislator on the State of the County. Mary Jane Shimsky, a legislator from the neighboring communities will also be there together with a journalist, David Wilson, from the Journal News who writes a tax watch column. Mayor Jonathan Mark and former Mayor Carolyn Stevens will also be there. Questions will be answered about the budget, including a trail that is in the works for in between the Scarsdale train station and the Hartsdale train station. There is a lot to learn and she encouraged everyone to join them for this free, informative evening.

Greg Soldatenko, Lenox Place, stated that he has been a resident of Scarsdale for 17 years and he is the Co-Chair on the Scarsdale Committee for Fair Assessments. He thanked all of the residents of Scarsdale who have supported the Scarsdale Committee for Fair Assessments in their work to correct the injustice done by the Ryan revaluation. He stated that many people have contributed their energy and money into this effort. Many have reached out to express their appreciation for their efforts to resolve this problem and to bring increased transparency to Village government. The FOILED emails that the Committee examined, some of which that are described in the Article 78 revealed that Ryan and Albanese cooked the books to arrive at the final assessment roll in June 2016. The methodology was defective, the data inputs were not verified, the sales data in the model were cherry-picked to feed the model, and Ryan himself categorically refused to provide any back up for his calculations. In addition, the emails revealed that Albanese appeared to take good care of some former and presently elected officials. She did not raise assessments of their properties too much, or substantially lowered their assessed values.

Mr. Soldatenko stated that the remaining unreleased emails would shed additional light on how this reval occurred. The public deserves to know how the unfair reval came about only two years after the Tyler reval, and given what appears to be fraudulent behavior on the part of Albanese and Ryan why there was such resistance to invalidate the results. Steps must now be taken to restore the lost faith of the residents. The best thing the Mayor

and Board of Trustees can do now is to release all of the remaining FOILED emails. The largest problem the Ryan revaluation uncovered is the lack of transparency in the Village's decision making process. All of the problems came about because of the lack of transparency and lack of doing basic checks and balances. On January 11, 2017, Scarsdale10583 reported that there are 2,403 FOILED emails that have not been released. There may be more. He stated that the Committee is calling for the Mayor and Board of Trustees and Village Attorney to release all FOILED emails that Mayra Kirkendall-Rodriguez requested seven months ago.

Mayra Kirkendall-Rodriguez, Fox Meadow Road, thanked the Scarsdale residents that joined the Article 78 and to those who did not join but selflessly gave countless hours of quantitative and legal assistance. Thanks to them they have raised the funds to make the Article 78 a reality. In the petition are their legal theories and evidence.

Ms. Kirkendall-Rodriguez implored the Board of Trustees not to waste taxpayers' dollars fighting their own constituents. She encouraged them to sit down with their lawyer, Robert Bernstein, and resolve this amicably.

She noted that over 2,000 emails are still missing from her FOIL request. However, even with those emails she received, everyone can see how poorly the Assessor and the Assessor's office and J. F. Ryan ran the revaluation and unsupervised by the Village Manager. In the last few weeks, more emails have been uncovered that Assessor Albanese wrote, directing changes in property assessments to favor certain residents and selected officials.

Ms. Kirkendall-Rodriguez stated that the Mayor and Board of Trustees fiduciary duty is to serve all Scarsdalian. She stated that her team will not give up trying to insure that the Scarsdale residents' State and Constitutional rights are not trampled upon.

Phil Maresco, stated that he has been a resident for 9 years. He seconded the requests of his friends here this evening, and asked that in light of all the revelations that have appeared in the local newspaper, embarrassing as they are, and those that still have not appeared that the Board not waste a penny of their hard earned tax dollars in defense of what the Board has admitted in public meetings – is not what was expected and does meet the terms of the contract that was entered into with Mr. Ryan. He stated that he was shocked by what has come out. The Article 78 is an action to undo a wrong.

Susan Gross, 65 Carthage Road, stated that she has lived in this community for 44 years and have loved it; however, she stated that she is disheartened. She stated that she lives on less than ¼ acre with no backyard, two side yards, a one car garage, no bathroom on the first floor and an unfinished basement and her assessment has been raised 10%. She is a retired teacher and senior high school principal and assistant principal. She has worked at several area high schools. One of the things she felt passionately about was not only about

raising educated students but raising educated and caring student, caring for everyone. She hoped the Board would take the comments today and not contest the Article 78 because people's assessments have been unfair.

Billy Jacobs, 41 Drake Road, stated that he has lived in the Village since 1987. He stated that he has questions to ask the Board and asked that the Board offer answers tonight. The residents were told that the 2016 revaluation was conducted to be fair, but they all know it made no financial difference whatsoever to the Village. The Village will collect the same total amount in taxes no matter how individual homes are assessed. What the Village Board and the Officers of the Village tried to do was be fair to correct perceived injustices. That is the standard that is expected from the government in Scarsdale, and he supports the fact that the Village tried to do the right thing, and tried to be fair. That is not what happened. What happened is not fair. The Village was exploited and misled and has been harmed. It is now a scandal, the likes of which he has never seen since he moved to Scarsdale. He stated he was not here to place blame or point fingers, but to urge the Board to solve the problem and to express his extreme disappointment that as far as he knows, nothing has been done to solve the problem.

Mr. Jacobs stated that many residents have now taken the regrettable step of bringing an action against the Village, and he is one of them. Since everyone in the room knows that material wrongs were committed and material harm has been suffered by individuals in Scarsdale and the Town and Village of Scarsdale. It is time for the government to admit this in a legal form and solve the problem. He asked the Board not to waste the resources of this Village contesting the lawsuit. It is time for the Board to solve the problem now. He wanted the Board to tell the residents tonight when they will decide and what they will do to correct these grievous wrongs.

Brice Kirkendall-Rodriguez, 19 Fox Meadow Road, stated that he has worked in software development for 19 years. He noted that even though the Ryan revaluation cost was only 20% of that which was paid for the Tyler revaluation, the Ryan revaluation was given equal weight because of the investment of time in the project by the current Village staff and Board of Trustees. There was dissatisfaction in the Village after the Tyler revaluation; however, it was the first mass appraisal in over 40 years and no one in Village Hall had any benchmark by which to compare the level of media coverage, scrutiny or outrage by those most impacted residents. John Ryan offered a solution to fix the problems of the first revaluation without disrupting what had worked with Tyler, described as a 'tweak'. The Board of Trustees and the Village Manager invested themselves in this endeavor.

Mr. Kirkendall-Rodriguez stated that he has met some homeowners that had \$1 million removed from their home valuations. They told him privately that they know the number is wrong but they consider it a random perk of life. Others were hurt by the Ryan reval but felt they couldn't contest it legally because they are public figures or they have a

relationship with the Village that might create a conflict of interest. The point is that the support for the Article 78 action to invalidate the Ryan revaluation extends well beyond the official list of litigants. He stated that he doubts anyone in the Village believes that Ryan acted in the best interests of Scarsdale. The Board of Trustees and Village management are so invested, so hooked on the outcome of Ryan that they have become blind to reality. There is no available mathematical evidence to support the valuations allegedly created by Ryan. The Article 78 filing provides ample exhibits documenting arbitrary changes made to component multipliers to alter home values when they did not suit the objectives of Ryan's model.

Mr. Kirkendall-Rodriguez stated that he believed in the promise of Scarsdale and believed that we have it within ourselves to model good governance and transparency. He urged the Board of Trustees to break the habit of support for Ryan and find an amicable settlement for the Article 78 such so they can move on and build confidence in our government and Village.

Robert Berg, 32 Tisdale Road, stated that he is not involved in the Article 78 lawsuit; in fact, the Ryan revaluation actually lowered his property value, so he benefited. However, he objected to the Ryan revaluation from the very beginning. He urged the Board to not go through with it for two years to no avail. Now, as a taxpayer he is very concerned about how the Village will respond to this lawsuit. He is worried that the Village will spend tens of thousands of tax payers' dollars defending the indefensible. He would rather the Village spend the tax dollars fixing the roads. What is the game plan for the Village with respect to this lawsuit? The residents deserve an answer tonight.

Avner Reggev, 25 Woodland Place, stated that he is a party to the Article 78 proceeding. He stated that he was shocked to see the allegations of favoritism, preferential treatment of public officials. If the Board accepts the Ryan revaluation as it is, a cloud will be above this Board and the previous Board. It will be an issue of morality and fairness. People will remember who is associated with this kind of decision.

Woody Crouch, 1 Rodney Road, stated he was very proud to be part of this Village and brought his grandson with him this evening, who is working on his merit badge for citizenship in action. He appealed to the Board, stating that everyone here are neighbors, and he would like the Board to think about how their neighbors are reacting. Your neighbors are appealing to you as neighbors to take this Ryan revaluation, rip it up and start all over again and do the right thing.

Gil Perrone, 13 Ridgecrest East, stated that the Ryan revaluation is a travesty and an insult. He stated that the president of Tyler Technology had evaluated his house and he felt that whatever the assessment was would be fair. With the Ryan revaluation he received a 22% increase and didn't think anyone even drove by his house. He added nothing to his

2,000 sq. ft. home. He has not grieved yet. The Ryan revaluation was a disaster; the Board should just revoke it and do the right thing.

Lika Levi, 21 Lockwood Road, stated that the Ryan revaluation is just one problem among many. She then read a letter she had sent in as written correspondence, posted to the Village's website regarding a development moratorium. She asked what was going to happen with 12 Dolma Road this evening concerning the Board's decision on an appeal for a demolition permit.

Mayor Mark informed Ms. Levi that when public comment is over, the Board will get to it.

Ms. Levi stated that she really didn't want to hear about another demolition. It hurts her heart. She stated that she has a website, www.savescarsdale.org. She stated that she is an immigrant from Turkey and did not come to this country to talk about rights. She requested that the Board issue a development moratorium.

Robert Harrison, 65 Fox Meadow Road, stated that he has lived in Scarsdale for 38 years. He noted that the Finance Committee meeting held last week was an excellent meeting; however, his only regret is that the meeting was not videotaped. He stated his philosophy is 'tax when needed' not 'tax in advance'. When the Village holds onto a large fund balance, in effect they are keeping taxpayer money and getting very little return because interest rates are so low. He stated that the Board strives to keep the tax increase low. He also noted that there was an item in the budget to add a position in the Manager's office for a Communications Officer for \$65,000. There is not a strong case to spend the money on that position. He stated that the Ad Hoc Committee on Communications is doing a very good job. In regard to the Assessor's office, it is projected to increase approximately \$51,000, which he does not like.

Mr. Harrison agreed with the other speakers that the Village should not spend tax dollars to fight the Article 78. Village representatives should sit down with Mr. Bernstein and come to a settlement to help the residents. He stated that he submitted a FOIL request to look at the Article 78 filing and was told that the Village Attorney's copy was being used. He urged Village Attorney Esannason to get another copy for the residents to look at.

Village Attorney Esannason stated that a hard copy is available in the Westchester County Clerk's office and he is still in the process of looking at his copy.

Mayor Mark stated that a copy of the Article 78 will be available in the Village Clerk's office.

Mr. Harrison stated that the Assessor should be removed from her position immediately. He stated that the residents would like to have some answers as to how the Village is going to proceed with the Article 78.

Regarding the upcoming Village Election, Mr. Harrison stated that the League of Women Voters should hold a meeting with the candidates for office to find out where they stand on issues such as the budget and the revaluation in Scarsdale.

Chris Polos, 4 Obry Drive, noted that Emily Hirsch said this evening that the key to her life has been honesty, fairness and kindness. He stated that we need to be honest with ourselves regarding the tax situation and need to throw out the Ryan revaluation. We need to be fair and find a fair way to assess taxes. We also need to be kind to our tax dollars and not waste them any further. Let's sit at the table and find the right solution.

Barry Kula, 300 Boulevard, stated that although he has not been adversely affected by the Ryan revaluation, he joined the Article 78 and supports the eloquent words of those who preceded him. He stated that it is very clear that there were plenty of irregularities and no method that made any sense. It is completely unfair and hurts the Town and many people here. He asked the Mayor and Trustees to negotiate with the attorney and don't use the Village's resources to fight this.

Michael Levine, Walworth Avenue, stated that he has not yet seen the petition. He stated that he did a lot of analysis, starting with Tyler. He ultimately concluded that Ryan didn't know what he was doing and certainly couldn't reproduce or explain what he was doing. In the course of the past two years, before the Ryan revaluation was released, numerous people spoke to him and asked him if they should grieve their taxes. When the Ryan revaluation came out, some of these properties went down and those people did not grieve. What he is saying, and pointed out that he is not adverse to making a deal and settling things amicably, but there are people out there who if the Ryan revaluation is strictly rolled back without getting an opportunity to grieve will have been deprived of their opportunity to grieve. There may be 10, 50 or 100 of them out there. There are a lot of people who he thinks were over assessed by Tyler, and like his mother, was too busy and though she sold her house, and it didn't matter. There were people who were over assessed and didn't grieve and there is a potentially a group of people that would be affected by a rollback. He did not think a settlement should take place in a circumstance which deprives people who will be affected by a rollback of the right to grieve. Something should be done to reopen the grievance, or keep them at the Ryan level, or something like that.

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

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Mayor

Before reading the following resolution regarding the Findings of the Village Board of Trustees in Connection with 12 Dolma Road., Scarsdale, New York, Mayor Mark stated that three Trustees recused themselves from all matters pertaining to this appeal: Trustees Veron, Callaghan, and Finger. They did not attend any hearings on this because they had either a prior relationship with the owners of the property or with one of the architects involved with the property. The remaining four Board members heard this appeal and will be voting on this resolution.

Upon motion entered by Mayor Mark, and seconded by Trustee Pekarek, the following resolution was approved by the vote indicated below:

- WHEREAS,** The Murray Hill/ Middle Heathcote section residence at 12 Dolma Road, Scarsdale, New York is a two story “English Cottage” style house with a “Tudor Revival” rear elevation. The single family home (“the building”) was designed by architect Lewis Bowman, and constructed by Walter Collet in 1929; and
- WHEREAS,** an application was submitted to the Committee for Historic Preservation (CHP) to demolish the above described building pursuant to Scarsdale Village Code (SVC) §§182-5 and 182-6; and
- WHEREAS,** After the Committee for Historic Preservation held public hearings on September 20, 2016 and October 18, 2016, five of the six members present voted, finding the subject property to be of historical importance to the community. Based on that finding, the CHP denied the issuance of a Certificate of Appropriateness to demolish. That determination requires preservation of the building; and
- WHEREAS,** SVC §182-11 provides that any applicant aggrieved by a determination of the CHP may appeal to the Village’s Board of Trustees. An appeal was filed by the applicant; and
- WHEREAS,** Not bound by the record before the CHP, on December 13, 2016 the Board of Trustees held a de novo hearing to determine whether the Building meets the criteria stated under SVC §182-5 requiring its preservation; and
- WHEREAS,** the Village Board reviewed the record, including expert reports, and listened to testimony and argument, as well as reviewed briefs

submitted by the applicant's counsel and counsel for the CHP, and having visited the site; now therefore be it

RESOLVED, that applying the criteria under SVC §182-5 the Village Board makes the following findings of fact:

A. Whether the building is associated with events that have made a significant contribution to broad patterns of Village, regional, state, or national history;

1. This question is designed to determine whether 12 Dolma Road is associated with events that have made a significant contribution to broad patterns of Village, regional, state or national history. While there is no evidence in the record from the CHP or otherwise that supports a finding that 12 Dolma Road is associated with specific events that would contribute to broad patterns of regional, state or national history, the Village Board is persuaded by Professor Dolkart's argument that one of the most significant historical developments in Scarsdale's history is its transformation into an upper middle-class suburb in the 1920's and 1930's. This transformation is evidenced by the proliferation and construction of Tudor and Revival Tudor and English Cottage homes built by Walter Collet and other builders during this period. To that end, the Village Board finds that 12 Dolma Road is reflective of a significant development period and community transformation which is a hallmark in the Village's history. Accordingly, the building is associated with and embodies a transformation period that contributes to broad patterns of Village History.
2. The Village Board finds that the record in regard to 12 Dolma Road is distinguishable from prior decisions of this Board. Determinations in regard to 11 Carstensen Road and 1023 Post Road were based on records that did not include expert testimony and reports from an architectural historian and professor of historic preservation at Columbia University. Here, the testimony of Professor Dolkart and documentary evidence submitted makes it clear that 12 Dolma Road, which combines elements of two popular forms of traditional English architecture, the English Cottage and Neo-Tudor styles, is a sophisticated complex building which represents distinct elements of the Village's historic, architectural and cultural heritage.

3. The Village Board notes that the building is not individually identified in the Reconnaissance Level Cultural Resource Survey Report (2012), and that we have stated in the past that the Reconnaissance Level Cultural Resource Survey is a snapshot of the Village's architectural fabric and a preliminary effort to identify buildings and areas with potential architectural or historical significance. The mere mention of a property in the survey is not dispositive on the question of a property's historical significance. Therefore, even though 12 Dolma Road has not been identified as one of the sixty-nine individual properties listed in the survey, it is identified in one of the potential historical districts. The survey report suggests such properties be individually reviewed and studied.

B. That the building is associated with the life of a person or persons of historical significance.

1. The record including the testimony of Professor Dolkart regarding the significance of Louis Bowman, the architect of 12 Dolma Road, has persuaded the Village Board that the building is associated with the life of a person of historical significance. The record supports the finding that Louis Bowman was a prominent architect in this region. Mr. Bowman maintained an office in Bronxville. He designed 53 homes in that village. He also was responsible for designed houses throughout Westchester, New Jersey and Pennsylvania. In the 1930's his work was cited in more than thirty professional architectural journals including Architectural Record, Architect Architecture, and American Architecture. Mr. Bowman's work was also detailed in popular design journals such as House and Garden, House Beautiful, Arts and Decorations, and County Life. The widespread recognition of his work in the above publications is proof of his prominent standing in regard to English architectural forms – the same English architectural forms evident in 12 Dolma Road. As a result of the above, the Village Board finds that 12 Dolma Road is associated with the life of a person of historical significance.

C. That the building is the work of a master and embodies the distinctive characteristics of a type, period, or method of construction that possess high artistic values.

1. Based on the views of the National Register of Historic Places, a master is a person recognized for greatness in their field and is considered a craftsman of consummate skill whose work rises above

and is distinguishable from others. Webster defines the term master as “one who has attained a great skill in the use and application of anything.” Using either definition, a master need not be recognized on a national or international level. Rather, a master can be someone who has exhibited prominent work that has distinguished him/her. Louis Bowman was known for his work throughout Westchester, including Bronxville and Scarsdale, and also New Jersey and Pennsylvania. He was a prominent architect whose work favored English-inspired design. He created many sophisticated examples of English inspired architecture which were recognized in the architectural literature of his day. After considering the above, the Village Board finds that Mr. Bowman was a master whose unique work in the region embodied great skill and represented the highest architectural quality.

2. The Village Board is further persuaded by Professor Dolkart that 12 Dolma Road represents a striking work of architecture that combines two popular forms of English architecture in a single building, the front façade representing an English Cottage with the rear elevation being Neo-Tudor style. English Cottage features, which are also present in 12 Dolma Road, are picturesque and are characterized by irregular massing, steep sloping roofs, gables, dormers, leaded casement windows, tall chimneys, modest entrance and wide unornamented stucco. Also, the wide expanse of stucco is a key element and appropriate to this style of house. Those style elements contribute to the house’s distinctive English architectural characteristics, and high artistic value. It should be noted that under the National Register Bulletin, a property is eligible for its high artistic value if it fully articulates a particular concept of design that expresses an aesthetic ideal. Such quality is clearly evident in 12 Dolma Road.

3. An addition to the west or rear of the house and the winterization of the south end of the house with replacement windows raises a question of the house’s historical integrity. While the applicant’s expert, Alisberg Parker, contends that the window change and addition to the west or rear of the property compromised the historical integrity of the building, the Village Board rejects that claim and agrees with Professor Dolkart that the major features of the house are intact and the alteration of a few windows could easily be reversed. The Village Board further finds that the small addition does not impact the quality or integrity of the main structure and sections of the house. The wall surfaces, massing, roof slopes, main

entrances, as well as other features also remain intact. Accordingly, the Village Board finds that the overall architectural and historical integrity of 12 Dolma Road have not been compromised under the Village’s preservation statute.

D. That the building has yielded or may be likely to yield information important in prehistory or history.

As previously discussed, the record supports the Village Board’s finding that 12 Dolma Road was constructed in the late 1920’s at a time when Scarsdale underwent a transformation into an upper middle class community. The Village Board finds the house was constructed during a distinctive and notable period in Scarsdale’s history and its preservation is likely to yield important information; and be it further

RESOLVED, for all of the foregoing reasons, the Village Board denies the applicant’s request for a Certificate of Appropriateness for the demolition of the existing structure located at 12 Dolma Road.

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

* * * * *

Finance Committee

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

General fund appropriations were 58.49% spent as of December 2016 as compared to 59.14% in 2015-2016. The Village refunded the balance of the 2009 debt issue which added a book expense of \$7,094,558 to expenditures and \$6,295,000 to revenue.

General Fund Revenues other than property taxes are \$10,236,271 through December 2016, excluding the revenue of \$6,295,000 related to the bond refunding. This is a decrease of \$194,884 from the 2015-2016 figure of \$11,031,156. Building Permit revenue (included in License and Permit revenue) is \$57,600 less than last year although overall License and Permit revenue is up \$82,400. Parking revenue is improved almost \$62,000.

Recreation Department revenue decreased \$153,700 due to decreased enrollment in some programs. Rental income decreased \$23,600 and Departmental Fees are effectively flat. Tax penalties and delinquent tax collections increased \$240,900 and Gross Receipts tax increases of \$99,000 largely offsetting the decrease of \$279,200 in Mortgage Tax and \$133,300 in State aid. The increase in delinquent tax collections is non-recurring as revenue from tax penalties will decline as the balance of delinquent taxes are reduced.

The actual collection of Village taxes through December 31, 2016 is at 99.54%. This is an increase of 36 basis points from last year's collection rate.

Upon motion entered by Trustee Samwick, and seconded by Trustee Pekarek, the following resolution regarding a Public Hearing on Local Law Authorizing a Real Property Tax Levy in excess of the New York State Tax Cap was approved 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 Tuesday, February 14, 2017, at 8:00 p.m. to review a local law authorizing the Board of Trustees to adopt a budget for the 2017-2018 Fiscal Year that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c, as attached hereto and made a part hereof; and be it further

RESOLVED, that the Village Clerk is directed to advertise said Public Hearing.

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

Upon motion entered by Trustee Samwick, and seconded by Trustee Pekarek, the following resolution regarding Transfer of Principal from Library Children's Room Endowment to Library Capital Campaign Account was adopted by the vote indicated below:

WHEREAS, the Library has a restricted trust account entitled, “Children’s Room Endowment,” TN-96-.10, with a current principal balance of \$405,000; and

WHEREAS, the purpose of the endowment is to continue the development of children’s interest in reading and learning through books, audio-visual materials, and informational technology, thus promoting early reading and an early love for reading, factors that contribute to successful childhood education; 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 previously approved, with concurrence of the Village Board of Trustees via resolution dated December 22, 2015 (attached), a \$50,000 transfer for 2015 and a \$45,000 transfer for 2016; and

WHEREAS the Library Board, at their meeting on January 9, 2017, approved a 2017 transfer from the Children’s Room Endowment to the Library’s Capital Campaign account of \$40,500, all to be expended in accordance with the terms and conditions of the endowment (attached); now, therefore, be it

RESOLVED, that the Village Board concurs with the Library Board’s 2017 transfer of \$40,500 from the Children’s Room Endowment to the Library Capital Campaign Account in a separate, restricted-use Children’s Room Endowment Proceeds Sub-Account, said funds to be expended in accordance with the terms and conditions of the endowment.

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

Upon motion entered by Trustee Samwick, and seconded by Trustee Veron, the following resolution regarding Acceptance of a Gift for the Scarsdale Public Library Addition and Renovation Project was adopted by a unanimous vote:

- WHEREAS,** the Scarsdale Library Board completed a Master Plan dated June 10, 2013, which identifies a number of building renovations and additions that will increase the capacity of the library to provide a broader range of rapidly evolving library services while maintaining popular traditional collections and programs by offering a more balanced utilization of the building space within a safe, attractive and inviting comfortable environment, said master plan supported by the Scarsdale Village Board of Trustees via resolution dated April 8, 2014 (attached); and
- WHEREAS,** the improvements identified in the Master Plan will transform the Library into a multi-purpose community asset for future generations, maintain its preeminent status among free public libraries in the County and State, enhance its technological capacity to further library services and create a physical environment that will be a welcoming and versatile learning center; and
- WHEREAS,** the Scarsdale Public Library Board, at their October 21, 2013 meeting, authorized the retention of the fund raising consulting firm of Plan A Advisors, P.O. Box 165, Thornwood, NY 10594, to design and conduct a capital campaign to implement such a project, subsequently identified in the July 20, 2015, Schematic Design Report prepared by Dattner Architects, at an estimated construction cost of \$16,500,000 and total project cost of approximately \$19,500,000; and
- WHEREAS,** in accordance with a Village Board request at a March 07, 2016, Committee of the Whole meeting, the Library Board and Architect value engineered the schematic design plans, reducing the total project cost to \$17,900,000, as identified in Option A-1 (attached), which the Architect presented at the July 19, 2016, Committee of the Whole meeting; and
- WHEREAS,** on December 13, 2016, the Village Board of Trustees authorized a \$9,900,000 bond to pay part of the \$17,900,000 addition and renovation of the existing Scarsdale Public Library Building, with the remainder of the \$17,900,000 to be paid by private donations and grants; and

WHEREAS, on January 09, 2017, and with thanks to Assemblywoman Amy Paulin, the New York State Dormitory Authority awarded the Village of Scarsdale a \$500,000 State and Municipal Facilities Program grant in support of the project, with the execution of a grant agreement pending upon completion of various program review requirements; and

WHEREAS, the following donations have been offered to the Scarsdale Public Library Addition and Renovation Capital Improvement Project: Marjorie T. Coleman and William R. Coleman, \$10,000 in memory of Elyse G. Maas; Gail Horwood - \$500; Xiaowen Zhang and Yan Dai - \$500; an anonymous donor - \$500; Xiofang Wei - \$500; Caroline Huang and Larry Zhang - \$1,000; and, Yuan Hong Zhou and Nicholas G. Zendejas - \$500; and

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

RESOLVED, that the Village Board hereby accepts the following gifts toward the Scarsdale Public Library Master Plan Improvement Project: \$10,000 from Marjorie T. Coleman and William R. Coleman in memory of Elyse G. Maas; \$500 from Gail Horwood; \$500 from Xiaowen Zhang and Yan Dai; \$500 from an anonymous donor; \$500 from Xiofang Wei; \$1,000 from Caroline Huang and Larry Zhang; and, \$500 from Yuan Hong Zhou and Nicholas G. Zendejas; and be it further

RESOLVED, that the Village Treasurer take the necessary steps to complete the transaction and accept these financial gifts totaling \$13,500 and deposit said funds into the Library Capital Campaign Account; and be it further

RESOLVED, that the Board of Trustees hereby extends their heartfelt thanks and great appreciation to the above donors for their generosity and commitment to the Scarsdale Public Library and the community it serves.

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Land Use Committee

Upon motion entered by Trustee Samwick, and seconded by Trustee Finger, the following resolution regarding Approval of a New Schedule for Subdivision Recreation Fees was tabled to be taken up by a future date, by a unanimous vote:

- WHEREAS,** Section 7-730-4 of New York State Village Law authorizes planning boards to reserve land in a subdivision for park, playground or other recreational purposes, and substitute money in lieu of land in cases where suitable park lands of adequate size cannot be properly located on a subdivision plat, the amount of said money to be established by the Village Board of Trustees; and
- WHEREAS,** in accordance with the State law, the Scarsdale Village Board of Trustees, by resolution dated February 4, 2007, approved a Subdivision Recreation Fee Schedule informed by vacant property value estimates of November 20, 2006, as determined by the Village Assessor; and
- WHEREAS,** the 2007 Village Board resolution approving the Subdivision Recreation Fee Schedule included a clause that the schedule be reviewed at a minimum of every five years to assure its continued suitability, however, as the Village Board was considering conducting a village-wide reassessment in 2012, this timetable was adjusted; and
- WHEREAS,** Village staff has now completed a review of the current Subdivision Recreation Fee Schedule by analyzing recent property sales in each of the seven zoning districts and updating the influence of these updated values to the current fee schedule, having also surveyed other Westchester County municipalities to compare fees and calculation methodologies; and
- WHEREAS,** based on this analysis, Village staff recommends that the Village Board amend the current Subdivision Recreation Fee Schedule to incorporate the influence of current property values; now, therefore, be it
- RESOLVED,** that in accordance with Section 7-730-4 of New York State Village Law, the Subdivision Recreation Fee Schedule dated January 10, 2017, attached hereto and made a part hereof, is herein adopted and shall be used to determine payments in lieu of the reservation of land for park, playground or other recreational purposes whenever property located within the Village is subdivided; and be it further

RESOLVED, that this Schedule be reexamined by the Village Board at a minimum of every five years to maintain its continued suitability; and be it further

RESOLVED, that this Schedule shall become effective for any new subdivision applications decided by the Planning Board after January 24, 2017.

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Recreation Committee

Upon motion entered by Trustee Callaghan, and seconded by Trustee Samwick, the following resolution regarding Authorization to Conduct the 4th Annual 15K, 4-Mile, and Kids Fun Run Road Races was adopted by a unanimous vote:

WHEREAS, for the past 47 years, the Village of Scarsdale Parks, Recreation, and Conservation Department has partnered with the Scarsdale Antiques Running Club to sponsor an annual 15K, 4-mile, and Kids Fun Run road races on the same day in the Fox Meadow and Greenacres neighborhoods; and

WHEREAS, this year's race is proposed for Sunday, April 2, 2017, from approximately 9:00 AM to 12:30 PM, as per the attached special event application and accompanying course map; and

WHEREAS, the Scarsdale Police Department and Village Manager recommend Village Board approval of the application, inclusive of necessary staff support activities, such as implementing traffic control activities and measures, event management, and public notification of race day detours; now, therefore, be it

RESOLVED, that the Board of Trustees of the Village of Scarsdale herein approves the Parks, Recreation, and Conservation Department application to conduct the 47th annual 15K, 4-mile, and Kids Fun Run road races on Sunday, April 2, 2017, in the Fox Meadow and Greenacres neighborhoods in accordance with the course map attached hereto and inclusive of necessary staff support functions, such as public notifications, traffic control, and event management.

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Other Committee Reports

None.

Liaison Reports

Trustee Callaghan reported on a recent meeting last Wednesday with the Advisory Council on Parks and Recreation concerning the approval of the independent sports organizations known as ISO. The Council meets regularly to approve their by laws and their coaching staff. We have reviewed the basketball and volley ball parts of that program and granted approval. There are quite a few to go and he will advise the Village Board as they are approved.

Trustee Pekarek reported on the Conservation Advisory Council. She stated that they would like to engage in a study of possible change in the frequency of solid waste and recycling pickup. There has been some decline in the past few years in the solid waste pickup. Currently solid waste is picked up twice per week and recycling once every two weeks. The CAC will work with DPW and get some data and also look at a variety of other municipalities for potential realization of savings and efficiencies.

Trustee Pekarek stated that the Friends of the Parks met with Brian Gray, Superintendent of Parks and Recreation. Brian Gray and his department have worked with the FOSP for a very long time and it's a great collaboration. They look at a variety of projects together. The FOSP also has funds to donate to improve the parks. They are looking at some projects at Chase Park, Hyatt Park, the Harwood Park, plantings at Village Hall, and a project to redo Boniface Circle.

Trustee Pekarek next reported on the Bronx River Alliance through the County met last week and they talked about a Bronx River pathway. There is currently a gap in the pathway from Fenimore Road in Greenacres to Crane Road in the downtown area in Scarsdale. They are proposing to build a pathway for bikers and walkers along the west side of the Bronx River Parkway. There is some County funding available; however, there are no dates on the project at this time. They will be meeting in February to review this with a variety of stakeholders in the County.

Trustee Veron stated that she would like to invite members of the community to consider applying for Boards and Councils. When you log into www.scarsdale.com and if you type volunteer in the search box you will be taken to the Boards and Councils page. Within the next couple of weeks the Board will announce where the vacancies will be occurring this year. She urged residents to familiarize themselves with the opportunities.

Written Communications

All communications received that are written to the Mayor and Board of Trustees can be viewed on the Village's website, www.scarsdale.com under the Board of Trustees or Village Clerk section.

A total of fifteen (15) communications have been received since the last regular Board of Trustees meeting held on January 10, 2017 from the following:

- William Ortner, Butler Road, regarding his concerns about funding for the library renovations.
- William Stern, Trustee and Chair of the Village Sustainability Committee regarding Solar Policy & Permitting Guidance.
- Jeffrey Watiker, President, East Heathcote Neighborhood Association, regarding window signage at the new nail salon on Palmer Road.
- Lika Levi, three communications concerning development moratoriums.
- Mayra Kirkendall Rodrigues, Fox Meadow Road, regarding the Greenacres attack and crime in Scarsdale.
- Nicholas Thompson, regarding the vacant storefronts downtown. A response from Assistant Village Manager Richards is attached.
- Caryn Marcus regarding the composting program and her suggestions. A response from the Mayor is attached.
- Cliff Seltzer, regarding concerns raised by the East Heathcote Neighborhood Association.
- Five communications regarding the 2016 Revaluation and Article 78 from the following:
 - Michael Yellen
 - Barbara Wabeck
 - John Mooney, 178 Bradley Road
 - Lou Mancini, 40 Carmen Road

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Future Meeting Schedule

- *Tuesday, February 14, 2017* – Agenda Committee Meeting – 7:30 P.M. – Trustees' Room
- *Tuesday, February 14, 2017* – Village Board Meeting – 8:00 P.M. – Rutherford Hall

Finance Committee – FY 2016/17 Budget Discussions – Trustees' Room

Tuesday, January 31, 2017 10:30 A.M.

Thursday, February 2, 2017 – 6:00 P.M.
Thursday, February 16, 2017 - 6:00 P.M.
Tuesday, March 14, 2017 – 6:30 P.M.

Public briefing sessions on the preliminary operating and capital budgets will be held in the Third Floor Meeting Room and have been scheduled for:

Thursday, March 2, 2017 – 7:00 P.M. – Operating Budget
Wednesday, March 8, 2017 – 7:00 P.M. – Capital Budget

Village Hall Schedule

- *Monday, February 13, 2017 – Lincoln’s Birthday – Village Hall Closed*

There being no further business to come before the Board, the meeting was adjourned at 10:02 P.M.

Donna M. Conkling
Village Clerk