

THREE THOUSAND THREE HUNDRED FIRST

REGULAR MEETING

Rutherford Hall
Village Hall
April 24, 2018

A Regular Meeting of the Board of Trustees of the Village of Scarsdale was held in Rutherford Hall in Village Hall on Tuesday, April 24, 2018 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, Assistant Village Manager Richards, Village Attorney Esannason, Deputy Village Attorney Garrison, Village Treasurer McClure, Village Clerk Conkling, and Assistant to the Village Manager Ringel.

The minutes of the Board of Trustees Regular Meeting of Tuesday, April 10, 2018 were approved on a motion entered by Trustee Finger, seconded by Trustee Ross, and carried unanimously.

Bills & Payroll

Trustee Callaghan reported that he had audited the Abstract of Claims dated April 24, 2018 in the amount of \$586,756.12 which includes \$11,045.98 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 April 24, 2018 in the amount of \$586,756.12 is hereby approved.

Mayor's Comments

Mayor Hochvert requested that Ms. Laura Daniels, representing the Scarsdale Coalition on Family Violence, come forward to the podium where he joined her to read and present the following proclamation designating 'Denim Day' in the Village of Scarsdale:

PROCLAMATION

International Denim Day has been observed since April 1999 as a symbol of protest in response to an Italian High Court decision to overturn a rape conviction because the victim wore tight jeans, which the justices felt required her assistance removing, thereby implying consent. Every year since, community members, elected officials, businesses and students have organized to make a statement with their fashion by wearing jeans as a visible means of protest against the myths that surround sexual assault; and

Whereas, there are sexual assault prevention and education efforts underway throughout the Nation, New York, Westchester County, and the Village of Scarsdale to challenge the societal myths and behaviors that perpetuate rape as well as to engage communities and residents in a common goal of ending sexual assault; and

Whereas, the Centers for Disease Control and Prevention 2010 Summary Report on National Intimate Partner and Sexual Violence found that nearly 1 in 5 women and 1 in 71 men have been raped, with over 30% of both men and women having experienced some form of rape, physical violence and/or stalking in their life; and

Whereas, a life free from sexual violence is a basic human right that should be accorded to all members of our society, as there is no excuse for, and never an invitation to rape; and

Whereas, the Village of Scarsdale is dedicated to supporting Denim Day to make the community aware of the prevalence of sexual violence;

Now, therefore, I, Dan Hochvert, Mayor of the Village of Scarsdale, joined by the entire Village Board of Trustees, do hereby proclaim April 25, 2018, as

Denim Day

in the Village of Scarsdale and urge all residents to wear denim while learning about the impacts of sexual violence, challenging the myths and behaviors that perpetuate it, and taking steps to end sexual assault.

Ms. Daniels, on behalf of the Scarsdale Coalition on Family Violence, accepted the proclamation in support of their work, sexual assault awareness. She noted that she would be wearing denim at the Scarsdale Bowl tomorrow evening.

Mayor Hochvert noted that it has been busy since the last Village Board meeting; on April 11th, the Scarsdale Community Support Council met. It was found during the discussion at that meeting that much of the work that the Council was originally formed to accomplish, has been incorporated into the Scarsdale Edgemont Family Counseling as well as Neighborhood Associations. Therefore, they decided that they would not meet regularly but would be ready to meet at any time when it would be appropriate and/or needed.

Later that day, Mayor Hochvert stated that he attended a Zoning Board of Appeals farewell dinner with the Village Manager and Village Trustee Arest. He stated that it was very nice to hear what these volunteer members on the Board had contributed while sitting down with them in a casual atmosphere.

On April 12th, there was a Downtown Revitalization publicity occasion which Trustee Veron will speak more about. That evening, Mayor Hochvert stated that he attended a meeting of the Westchester Municipal Officials Association with the Village Manager. He stated that he sat between Chuck Strome, New Rochelle City Manager and Tim Idoni, Westchester County Clerk and it was a learning experience to hear them speak to each other regarding municipal matters.

On April 13th, he and Trustee Arest took a walk and ran into Library Director Bermel coming out of the Library Loft area. She informed them that they could take a tour of the facility. Mayor Hochvert stated that the Loft looks great and it will most likely be open shortly for use.

Mayor Hochvert noted that on April 14th he had the opportunity to say a few words at the Little League Opening Day. On April 15th, a group of volunteers from Westchester Reform Temple met at Harwood Park to set up for the planting, which Trustee Crandall will speak about. He stated that they had two large piles of woodchips to refresh the pathway and in two hours, the group had depleted both piles, spreading them down the entire path.

On April 17th, the Personnel Committee and the Law Committee met. On April 19th, there was a Drug and Alcohol Task Force meeting at the Middle School which Trustee Veron will address. On April 20th, there was a Rotary Fundraising event. On April 21st, he met with a Boy Scout/Eagle candidate who wants to work on the path between the Library and Dean Field. He stated that he met with a Girl Scout representative at Red Maple Swamp for a possible Gold Award project in that area.

On April 22nd, Mayor Hochvert stated that he had a couple of hours of vine cutting experience in the rear of Hitchcock Church. He noted that when he arrived at the site, the trees were absolutely covered with vines. When finished cutting the vines, the trees looked great.

Mayor Hochvert stated that bids arrived on the Library construction today. The Village Manager had informed him that the bids were in the expected range; however, staff will have to go over the bids carefully to make sure each bidder covered the work appropriately.

Mayor Hochvert then noted that over the weekend, while considering issues before the Board, he believed that this Board should be trusted by the people that elected them; they are ethical and hardworking; they delve. He then focused on the history of water in Scarsdale. When he first arrived on the Village Board as a Trustee in 2006, the Village was in negotiations with New York City. New York City controls a lot of what the Village can do with the water system in Scarsdale. The Village wanted to update the Reeves Newsome Pumping Station but needed the consent of New York City to do this work. At that time, the levels of the reservoirs that feed the water system were dropping. New York City negotiated with the Village and accepted the encouragement they believed a 3.5 times the basic rate would achieve. He stated that New York City created the basic rate based on usage in New York City. The basic rate for excess usage in New York City may be different from a basic rate in Scarsdale – there are very few large lawns or outdoor swimming pools in New York City. They established and had control of the 50 units that the Village is permitted to cover under base rate.

Mayor Hochvert stated that he gives credit to the Village staff because the cost of water is for all the water, including that which leaks into the ground. The staff has cut the leakage from over 20% down to approximately 11%; almost a 50% decrease. The rate of multiplication that New York City has insisted on has been dropping somewhat, but there is also a current New York City court case between the residents and the City. It is possible that the result of this court case would push the rate back up. Therefore, the Board held off until this year to meet the rate that New York City expects. The cost of water is somewhere plus or minus 35% of the total cost of running the Water Department. Over the last ten years, there has not been a noticeable change in the usage based on the 3.5x of the basic rate for excess usage; it seems very unlikely that this is the best way to conserve. He stated that he feels there is some great technology that should be able to conserve, and cited a device that could determine when the lawn is damp and acts similar to a weather forecaster to predict whether or not the lawn sprinklers should be turned on.

Mayor Hochvert continued, stating that if residents who pay 3 times the base rate reduced half of their usage, the base rate would need to double because they are subsidizing those who are using less water. Almost two-thirds of the cost of running the Water Department is not related to the purchase of water.

Mayor Hochvert next discussed the Village Board meetings. As some people have surely noticed, over the past few years and starting with the particularly difficult revaluation process, the time at the microphone for public comment has been growing. He stated that he hoped people would compress their addresses at the microphone to stay within five

minutes, which is more generous than the School Board allows speakers. Those who speak should also strive to stay on the subjects before the Board. There have been several instances where speakers had allowed their speech to drift into subject areas which aren't under Board control. He appealed to the public to make the time spent at the microphone worthwhile – the Board certainly wants the communication but when it is too lengthy, he stated that he felt it could be done better.

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Village Manager's Comments

Village Manager Pappalardo recognized Library Director Elizabeth Bermel and Dara Gruenberg, President of the Friends of the Scarsdale Library and Chairman of the Campaign Committee, who will give the Village Board an updated report on the fundraising efforts for the Library addition and renovation project.

Library Director Bermel gave a brief update on the Library Loft at Supply Field, which is almost done – there are only a few punch list items to complete. She stated that it looks fantastic. While there is not that much space there, they will serve the community as best they can. Some spaces are being secured in the community for programs.

As the Mayor mentioned, Ms. Bermel stated that the bid openings for the Library construction was held earlier today and the bids and numbers are now being reviewed. The low bidders will go through a qualification process shortly.

Library Director Bermel thanked everyone who has been involved in this project – the current and previous Village Board; the current and previous Library Board, the Building Committee, the Capital Campaign Committee, the Friends of the Scarsdale Library, the Village staff, the Library staff, and all community partners who have helped as well. She then turned the microphone over to Ms. Gruenberg.

On behalf of the Village Board, Mayor Hochvert thanked Ms. Bermel for all that she has done.

Ms. Gruenberg stated that as Co-Chair of the Library's Capital Campaign and President of the Friends of the Scarsdale Library, she would like to express her gratitude to the community for their support for the Library project. She also thanked the Village staff for their professionalism, support and guidance.

Ms. Gruenberg noted that when the Village Board approved the resolution to move forward with the Library renovation in December 2016, it was contingent upon the Library Capital Campaign Committee raising \$7.5 million. She reported that only 16 months later, she was thrilled and proud to inform the Village Board that they have not only met their

obligation to the Village, but have surpassed it. To date, they have raised \$7.8 million. However, she stated that they are not finished with the fundraising efforts; the matching challenge is still in place and they would like to see more residents give at whatever level they are able to. Unforeseen issues may arise during construction, and ongoing donations will help to defer any unknown additional costs during that process, but also fund technology, investments in the makerspace and accelerate delayed equipment purchases. She encouraged the community to contribute now because every dollar will be matched.

Ms. Gruenberg thanked the Village Board members past and present for believing in this project; past and present Library Board members for their leadership and vision; the Friends of the Scarsdale Library for 80 years of advocacy and financial support; to Beth Bermel for her leadership and dedication; and to the member of the Capital Campaign Committee for making this all possible.

Trustee Veron stated that this was an outstanding job and on behalf of the Village Board thanked Library Director Bermel, Ms. Gruenberg and everyone else involved for their tireless dedication.

Trustee Callaghan stated that the persistence and the performance of this group is remarkable. They are to be congratulated for achieving this goal. He thanked them on behalf of the Trustees and the community.

Village Manager Pappalardo offered his congratulations, noting it was a tremendous effort and accomplishment to raise the money. This fundraising effort is unprecedented during his years with the Village. He stated that he looks forward to moving forward with the project.

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Village Manager Pappalardo followed up the Mayor's discussion regarding water rates. He stated that the Village Board approved new water rates in February of this year effective with water use beginning in March. The new rates increased the entitlement, or base water rate charged to customers - for the first 50 units of water used quarterly from \$2.85 per unit to \$3.20 per unit; and with each unit of water exceeding 50 units in a quarter billed at 3 times the base rate from the previous multiplier of 3.5 times the base rate. A unit of water is equivalent to approximately 749 gallons.

There has been recent discussion in the community and inquires to the Village administration regarding these new rates. The primary concern being the reduction in the multiplier used to establish the excess rate coupled with the increase in the entitlement or base rate. The specific comment is that the fee structure is regressive and that the customer staying within the quarterly allotment are subsidizing those that are not and as such, the

excess water users should continue to pay the higher excess rate which may also serve as water conservation measure.

Village Manager Pappalardo continued, stating that Scarsdale receives its drinking water from the New York City water supply system. The Village purchases water wholesale from New York City and establishes annual water rates at a higher level to fully support the water utilities operating and capital expenses. The water fund has mitigated rate increases through the planned use of fund balance in the past decade as the Village completed major capital improvements and necessary upgrades to the two pumping stations as well as making a partial payment to the New York City Water Board over a long standing legal dispute regarding the methodology of determining the base and excess water rates which the Mayor spoke to. Village water customers benefited from the use of fund balance for these items by paying the lowest entitlement water rates in the County over this period, with Scarsdale's current rate remaining at or near the bottom of the list. By comparison, the excess rate has been one of the highest County-wide over the same period. The Scarsdale Village Board in 2006 established a policy that Scarsdale's excess rate multiplier should trail New York City's excess rate multiplier as charged to the Village on their wholesale rate. The Board wished to treat the New York City excess rate as a pass through to those Scarsdale water customers exceeding the quarterly units allowed at the entitlement rate while also acting as an appropriate disincentive to high water consumption. As such, Scarsdale's excess rate multiplier was established at 3.5 times the base rate to mirror the City's at that time and has continued until this year. New York City's excess water rate has declined over the past five years with no changes over the past two. Their current excess rate multiplier is roughly 2.94 times the base rate. The Village's adopted 2018 decrease in the excess rate multiplier from 3.5 times to 3 times the base rate is in response to New York City's reduced excess rate in order to maintain consistency with the Village Board's long standing policy. This 3 times multiplier is still one of the highest used by Westchester municipal water utilities.

Notwithstanding with Village Board policy, the revenues generated from the sale of water are disproportionately provided through the sale of excess water. Applying the new rate schedule to the actual usage over the last four billing periods indicates that excess water sales will account for over 70% of all water fund revenues received during this period. So effectively, Scarsdale water customers paying the excess water fee are funding over 70% of the water fund. In addition, not only is the increase in entitlement rates shared equally by the excess users themselves, but the savings in the excess multiplier does very little to overcome the significant rate subsidy that excess rate users have been providing, and as just stated, will continue to provide entitlement users for the time being. The Village must be careful not to become overly dependent on the sale of excess water to fund the water utility. Passing through the New York City excess charge is a significant penalty and adding additional profit against a back drop of the disproportionate revenue generation burden already imposed by the pass through excess rate, is not advisable. Also, long term it is fiscally imprudent to continue to rely on the excess rate revenue to maintain water fund solvency. Just as the excess rate generates revenue exponentially on a per unit basis, it

declines in the same fashion in response to aggressive water conservation efforts. New York City is currently funding a water demand and reduction study for Scarsdale, as the Village was identified as one of the top 10% water consumers in their system. The report will identify certain water conservation initiatives for the Village to reduce its water consumption for which New York City will seek implementation and the Village is hoping they will provide the associated funding. Additionally, Scarsdale is subject to periodic mandatory lawn watering restrictions which are instituted by Westchester County during emergency drought conditions when water levels in the reservoirs fall below certain levels. The Village has experienced significant reductions in water use during these periods which have impact the revenues that year. Similar revenue reductions occur during excessively wet spring and summer seasons when lawn watering is curtailed. For these reasons, the excess water rate is a volatile source of revenue for the water fund. As such water fund stability is a function of proper entitlement rate fees. Entitlement rate revenues are more stable and support reliable revenue forecasts. Care must be taken to collect adequate revenues through the entitlement rate rather than rely upon excess use charges to fund critical water department infrastructure needs that we know are coming over the next decade. Additionally, over the long term and in response to such variables as changing technology, public and private infrastructure improvements, and behavioral changes shifting towards less consumption and more conservation, one would reasonably expect excess use to continue to decline. Prudent fiscal planning provides that the Village continue to decrease reliance on excess water usage which translates into incremental entitlement rate increases over time at levels that water customers can absorb rather than larger ones undertaken in desperation and to solve revenue gaps.

Village Manager Pappalardo summarized that the proposed FY 18-19 water rates are appropriate for local context and environment, the structure is fiscally progressive, not at all regressive, and supports the Village Board's long standing policy of mirroring and passing through New York City's excess rate. Property owners should continue to expect these incremental increases to the entitlement rate to maintain water fund solvency as revenues associated with excess consumption decline and the Village's capital infrastructure needs continue.

Village Manager Pappalardo next stated that when the Governor adopted the State Budget, another law was adopted allowing municipalities the opportunity to establish by resolution through local law a charitable gifts reserve fund. The New York State Municipal Law was amended to allow for this. This would provide property tax credits for contributions to such a fund. Homeowners may contribute up to 95% of their annual tax bill through the fund (both Village and School). This current law will be reviewed by the IRS and there will be a ruling at some point as to whether the contributions to this gift reserve fund are actually going to be deductible on Federal Income Tax. He stated that they have some concerns about this law; implementation will be a little different. Currently the State law prohibits partial tax payments so they are a little concerned about how this will work. He noted that there is an upcoming workshop this month with New York State Officials coming down from Albany to help to explain to the Municipal Officials a little

more about the law and how it would be implemented at the local level. A number of the staff members plan to attend that and we will report back to the Board and the Community when more information is available about how this might all work

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Trustee Committee and Liaison Reports

Trustee Veron reported on the Healthy Teen Brain Day that occurred last Thursday at the Middle School. She stated that it was an overwhelming success. She thanked the Mayor for his proclamation and Village staff and other Trustees for attending. In terms of numbers, 285 students, 115 adults and the entire 7th grade of 370 students had the opportunity to experience the inflatable brain, to understand this important intervention tool and how substance abuse and other disease can impact the brain. Pictures of the event are posted on the Village's website.

Trustee Veron next reported that the Advisory Council on Parks and Recreation (PRC) had a very fabulous meeting with two guest speakers. The first speaker was a student from City 2.0 who discussed Chase Park and their dreams for building community. They presented proposals for revitalization including a possible sculptural playground and chess tables. The second speaker discussed the topic of pickle ball, which is of growing interest, particularly to the senior community, and encouraged the Village to pursue that offering.

Regarding the Village Center, Trustee Veron stated that Scarsdale had phenomenal press as the Journal News came to the Farmer's Market last Thursday, and the Scarsdale Farmer's market was on the front page of the Journal News. There was also a video clip included in the article online. All of the vendors were highlighted and featured Scarsdale as the place to be for a Farmer's Market.

Trustee Veron noted that as stated at the last Board meeting, the merchants are coalescing together to hold a sidewalk sale in July; however, before that there will be a very exciting event on April 26 & 27 – Shop and Share. A portion of spending will go to Family Services of Westchester or a donation will be made on your behalf by that particular merchant. Revitalization continues in the Village Center.

Trustee Veron again expressed her gratitude to those who worked so hard on the library campaign.

In regard to Healthy Teen Brain Day, Mayor Hochvert added that there four of the Board members there and at the very end they were talking to a high school senior, Jack Waxman, who is pursuing and trying to encourage legislators to adopt legislation in the County and State level to eliminate the sale of vape devices to kids. He stated that he was

very impressed with his interest, ability and knowledge – it is nice to have a 17 year old working for other young people.

Trustee Callaghan reported on the monthly meeting of the Advisory Council on Senior Citizens held last Friday. He spoke to the members about the progress at 2-4 Weaver Street and showed them the latest pictures and plans of the site. They also discussed the Village's recent bond rating received from Moody's. He also discussed with them several road resurfacing projects. He noted that the principal of the firm that evaluated the condition of Scarsdale roads is a very knowledgeable person – he has developed 10 patents which he sold to the National Transportation Agency that they use.

Trustee Callaghan next noted that he spoke to the Fire Department Chief who has been instrumental in creating a technical rescue squad. There are now four of those squads in Westchester County and they all responded to the recent incident on Central Avenue in Hartsdale. Fire Service is becoming a service. He noted that the Fire Chief sent several of his firefighters to be certified as instructors of the various courses that are offered by the State. This will cut down on the expenses of sending the firefighters away for these courses and will also provide for instructors who are familiar with Scarsdale – what is needed and what is not needed.

Trustee Callaghan then reported he received an update from David Raizen of the Scarsdale Volunteer Ambulance Corp (SVAC). Mr. Raizen informed him that everything is going well, and in regard to finances they are stable for the time being.

Trustee Crandall announced that at 10:30 a.m. tomorrow morning at the Girl Scout House on Wayside Lane, Scarsdale Edgemont Family Counseling Services presents 'Enterprising Women Senior Providers'. This program is offered by the Women's Enterprise Development Center. This is a free educational workshop on life enhancing resources including holistic nutrition, memoir recording, sensory activities and stimulation and balance training.

At 2 p.m. tomorrow, Trustee Crandall announced that the Scarsdale Woman's Club Community Affairs Committee is inviting the public to its Arbor Day lecture by Dr. Neil Hendrickson on 'Local Trees and the effects of Climate Change'. The event is free of charge and will take place at the Woman's Club Historic Rowsley Mansion, 37 Drake Road. There will be opportunity for a question and answer period.

Another Arbor Day event to be held on Arbor Day, Friday, April 27th, the Village of Scarsdale invites the community to attend its annual Arbor Day ceremony. The event will be held rain or shine at 2 pm at Davis Park which located at Lyons Road and Boulevard in Scarsdale. The Village will celebrate its 35th consecutive Tree City USA designation from the Arbor Day Foundation.

Trustee Crandall announced that the Community Planting Day Wetland Restoration, co-sponsored by the Parks, Conservation, and Recreation Department and the Friends of the Scarsdale Parks this Saturday, April 28th from 10 a.m. to 4 p.m.; the rain date is Sunday, April 29th from 10 am to 4 p.m. This will be a continuation of restoration of the Harwood Park wetland in conjunction with the New York State Department of Environmental Conservation Trees for Tribes Program.

Planting Day is part of a comprehensive riparian restoration project designed to preserve and protect Scarsdale's ecosystems, water quality, tree canopy and wildlife. All individuals, families, youth groups, civic groups and businesses are welcome to take part in this 4th Annual Community Planting event. She informed the public that they may register either in person at the Village of Scarsdale Recreation Department or on line at www.scarsdale.com/recreation.

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Mayor Hochvert stated that before the public hearing was opened on the amendment to the Tree Law, he wanted to share the subject of an email he received from Margaret Trimarchi. She sent him a poem that he had been required to learn when he was in 7th grade by Joyce Kilmer about trees. He stated that it brings back very nice memories.

Mayor Hochvert stated that the Village of Scarsdale has received a proclamation from Andrea Stewart-Cousins in recognition of the Village of Scarsdale regarding trees – he read the following excerpt from it:

WHEREAS, trees provide multiple benefits to a community when properly planted and maintained as they help to improve the visual appeal of a neighborhood, increase property values, reduce home cooling costs, remove air pollutants and provide wildlife habitat;

Mayor Hochvert stated that the proclamation goes on to state that ‘The Village of Scarsdale will celebrate its 35th Tree City USA designation at an Annual Arbor Day ceremony’ that Trustee Crandall just mentioned. He noted that it is nice that our legislators are focused on things that are happening here in our Village.

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Public Hearings

Trustee Crandall opened the public hearing the proposed amendment to Chapter 281 entitled “Trees, Grass, Brush and Weeds”. She requested any public comment at this time.

Ron Schulhof, Chair, Conservation Advisory Council, read from a memo from the CAC to the Village Board:

“Thank you for addressing the tree section of Scarsdale’s code.

As you know the Conservation Advisory Council (CAC) has been working with Village Management and several iterations of Boards of Trustees on this topic since 2013. Over these last 5 years, the CAC has examined Scarsdale’s current tree code, measured our tree canopy, listened to community feedback about the importance of trees in our Village, researched many municipal tree codes, drafted and discussed various proposals to update the tree code and worked with the Friends of Scarsdale Parks and Village Staff to propose certain updates to the Tree section of the Village code. We have sought to balance all of this data and the desire to conserve the community resource of our tree canopy with the rights of property owners to control what happens on their property.

The CAC has discussed the current draft of the proposed tree code and offers the following recommendations and comments.

Recommendations

- Move forward with the following code provision updates:
 - Replacement Tree Threshold: Move to a 24” diameter threshold from the current 36” diameter threshold
 - Replacement Trees: Replacement trees to be native
 - Permits: Addition of 3” diameter threshold for six small caliper trees
- NO CHANGE to the as of right provision that allows homeowners to remove two trees per 12- month period as of right. While the CAC continues to support permits for trees greater than 6” in diameter (not just a notification) to remove, we believe this section should be addressed in coordination and concurrently with a provision to address large scale tree removal (aka clear cutting)
- Incorporate provisions to address large scale tree removals as part of a comprehensive review of land use in Scarsdale.

Although the CAC supports making all of the proposed changes, the CAC is supportive of just making the above 3 simple and clear changes, with the understanding that the Board will otherwise address large scale tree removals in the very near future.

Comments

- The CAC, as previously expressed during committee meetings, urges the Board to incorporate provisions into the tree code to address large scale tree removals. Over the years of discussing this topic, the CAC has recommended various methodologies

to address large scale tree removal, most recently through an “Aggregate DBH¹” provision for calculating replacements. Although we understand that previous Boards have not agreed with these methodologies, we believe large scale tree removals must be addressed through the village code.

- To be very clear, the CAC’s view to only move forward in part at this time reflects our desire to see a more comprehensive addressing of tree removal, replacement and village plantings.

We do not believe that the current iteration of the code is perfect. By removing and not replacing the aggregate DBH provision, large scale tree removals are not addressed in the code. We do believe however that the current proposal is a positive step forward – a step that we need to make. Our tree canopy is a vital community asset. We must preserve it. Our current code does not do so. Allowing trees up to 36” diameter to be taken out without a replacement is not protecting our canopy. Going to a 24” threshold is a big improvement. Requiring native trees to be planted is also an improvement to the current code. So even though the revised code doesn’t provide everything needed for our canopy’s preservation, it at least moves us towards that goal.

As stated before, the CAC urges you to please deal with large scale tree removals this year. There is no more time to wait. Please make it a top priority. But please also move forward with this code change. Let’s walk away from all of our iterations and years of work with a positive amendment to the code. We urge you to make these few changes and address the other issues as soon as possible. I would also like to thank everyone who has reached out to the CAC to provide us feedback. I’d like to thank the Friends of the Scarsdale Parks and Village staff who we worked closely with as well as the Village Board for taking up this important task.”

Mayor Hochvert noted that one change he thought was asked was in 281-3D that 24 be changed to 12. He asked Mr. Schulhof if that was correct, to which he replied affirmatively.

Robert Selvaggio, Rochambeau Road, speaking as an unaffiliated Scarsdale citizen, read the following statement regarding the proposed tree legislation:

“I have to admit I am perplexed about this tree thing. There seems to have been a lot of heat generated by Scarsdale government in crafting a proposed new tree ordinance – drafts and re-drafts, and comments from unaffiliated members of the public during Village meetings that seemed to have been unanimously in opposition to it. I had to wonder, then, why is this proposal still alive and why do we citizens still need to spend our valuable time arguing against it? Where is the evidence of any significant support for this proposal

outside of a couple of vocal special interest organizations? On the contrary, my own perception is that there is a groundswell of opposition. Is there any reason to think this is anything more than a Village Hall solution in search of a problem?

Searching for an answer to that, this morning I read through the 15-page document entitled “A Local Law Amending Chapter 281 of the Scarsdale Village Code Entitled Trees, Grass, Brush and Weeds”, instead of focusing on billable hours for my company, and I was no less perplexed to say the least.

Here are the main takeaways from my reading:

- Currently, homeowners may remove up to two (>6” diameter) trees in a 12-month period with no permit.
- Under the current proposal, up to two trees can be removed within a 24-month period with a “notification” to the Village, rather than a permit.
- If DBH (Diameter at Breast Height) ≥ 24 ”, then tree must be replaced or a tribute must be paid to the Village.
- If DBH ≥ 36 inches then replacement is mandatory but the replacement requirement seems to be not well defined.
- Even the removal of a dead, dying, or diseased tree will require a permit.
- The removal of certain trees that are only 3” in diameter at breast height would require a permit. I have read elsewhere that the requirement of a permit means the Village Engineer can deny you the freedom to remove even one tree.

I am perplexed at how anyone would think our homeowners want to deal with more permits and the hassle and tributes associated with permits. Why would our homeowners want to deal with escrow deposits and the hassles of getting escrow returned? Why do our citizens want to deal with the employment of costly Village functionaries to make decisions about the granting of permits, to follow the lives of young replacement trees, and as some zealots desire, to serve as tree police investigating whether a tree might have been intentionally poisoned by its owner. This entails costly salaries, costly pension benefits and costly healthcare payments.

I am perplexed when I hear it said that this ordinance is really aimed at developers. If that’s the case, why not just aim it at developers? Why not simply enact some baseline controls to mitigate the impact of clear-cutting in anticipation of construction?

But more to the point I ask, “Who owns the trees on my private property? And what does it mean to own something?” What if a homeowner doesn’t want trees near his or her house for whatever reason? Is there any evidence at all that homeowners in Scarsdale are overall choosing to denude their properties of trees? Is there any empirical evidence whatsoever that a reduction in tree count is leading to soil erosion or worsened air quality or any other externality adversely affecting our neighbors aside from the fact that some neighbors might simply enjoy looking at other people’s trees? I think not. And if there is not, there is no justification to trample on our private property rights.

Let’s give this proposal a quiet and dignified death. Instead of annoying us over our trees, why not allow us beleaguered homeowners to concentrate on earning enough to pay our property taxes now that Uncle Sam isn’t footing 40% of the bill.

I’m perplexed that our Village government doesn’t recognize that there are far more important works to accomplish for Scarsdale homeowners. I might suggest clearing trees away from all our power lines would be an example of that important work.”

Robert Berg, 32 Tisdale Road, stated that the Village has been ‘fiddling around’ with the Tree Law and cannot get it right. He stated that he has been speaking out about this bad proposed law for 4 or 5 times now. He noted that he had explained his own family’s horror story when a large tree crashed into house about ten years ago, almost harming them and causing \$50,000 of damage to the house. That experience taught him that residents know best as to what they need for the safety of their families as it concerns trees on or near their property. This proposed laws disincentives people from cutting down trees that they reasonably fear may pose a threat to their house and their property. The tree that fell on their house was healthy, but was uprooted by a mini-tornado. Under the law, if they wanted to cut it down, they would have had to pay for that right. He also noted that there is no fee set in the law to remove trees. This law is an outrageous and unnecessary law and should not be passed. The danger that the Board should want to control is when developers clear cut land. This law does nothing to address that. He stated that this is bad government and bad legislation and he is strongly opposed to it. He stated that no one is really supporting this law other than the CAC and Friends of the Scarsdale Parks. None of 11 or 12 people who spoke at the last public hearing were in favor of the law. Most of the correspondence received is opposed to this law.

Michelle Lichtenberg, 91 Greenacres Avenue, stated that she had no affiliation with any of these organizations but she just wanted to mention a very bizarre thing that happened to a private resident in Lake Forest, outside of Chicago. Lake Forest is very similar to Scarsdale. The gentleman, named Mr. T, massacred a whole row of trees that were on his property and it really changed the nature of the community. Scarsdale residents are allowed to take down two trees a year and she respects that right. However, people need to take a look at the environment when taking trees down; let us look at the root system and what it does to our water and the water runoff.

Michelle Sterling, 6 Brayton Road, stated that she is a CAC member, but speaking as an individual. She supports the CAC statement and position as a CAC member, but wanted to speak personally and her feeling is that the proposed amendments to the Tree Law does not go far enough and she would have liked it to have gone further and feels that it is a compromise position. In one of the ways she would have liked the law to go further is advocating going from a 36” DBH to a 24” DBH for replacement. Personally, she would have liked to see that at 12” DBH or 18” DBH. She is supporting the position of 24” with her fellow council members, but she would have liked it to be stronger. There are other communities in Westchester County that do take a stronger position on DBH. This is a conservative position; a compromise position. There is a 50% tree canopy in this community, it is a community asset – people may think they own that asset but it is also a community asset that we all enjoy and value, in addition to the schools and the proximity to the city, and many other great things.

Ms. Sterling stated that the second way she would have made the proposed Tree Law stronger is that she would not have taken out the aggregate test. She feels that taking the aggregate test out of the Code really gutted the Code. One of the things that this Tree Law had an opportunity to address and didn’t is clear cutting. By having the aggregate test in there, it would have been one way to have addressed it. She explained the aggregate test and how it works to those present. She hopes that this is addressed either through the Land Use Committee or perhaps a revision to the Tree law. She noted while some people think the Village should do nothing about the Tree law, she feels they should do more. People are definitely concerned about what is going on and the answer is not to do nothing. She hoped the Board would move forward and adopt this legislation before them.

Jeewon Park, 13 Richbell Road, stated that she is a new CAC member and wanted to mention that in previous years, the Village has had massive issues with flooding and a number of homes have had water in their basements. Soil erosion, storm water runoff, and flooding issues are other issues that have to be dealt with. She said that a large tree can absorb 100 gallons of water in a day, so these natural resources which we have access to can help quite a bit in dealing with other issues that we have in the Village. She stated that Scarsdale is extremely fortunate in that we can have all of these trees. It would be a pity if we didn’t grab this opportunity to really try to add to that reserve of this precious resource within the Village.

Ms. Park commented on Article 3 in the Tree Law, which deals with infestations of harmful weeds. In particular, Section A deals with the fact that we are not permitted to have weeds or plants that can cause destruction of, or damage to trees or shrubs or create a potential hazard. The proposed amendment now includes a listing of what those species are. She mentioned from personal experience that this would be very helpful. Most homeowners are not aware of these different types of weeds or plants that can cause destruction. With a little bit of education and awareness, we can help landscapers and other neighbors

understand what those species are by taking a little preventative action early on and keeping it from becoming an infestation. She asked that the Board adopt this amendment to the Tree Law as it is for the collective good of the Village.

Madelaine Eppenstein, Fox Meadow Road, she stated that she was a participant on the working group and also an officer of the Friends of the Parks who support this amendment. She stated that the Tree chapter amendment balances in fundamentally reasonable manner private rights and responsibility of the Village to protect our environment. As a private citizen, she urged the Board to approve the amendments before them and urged them not to walk back what are modest improvements to the Tree chapter.

John Auerbacher, 14 Bradford Road, stated that he is a member of the CAC but would like to speak personally. He stated that he has been an environmental educator at Sheldrake Environmental Center and a real estate lawyer for over 30 years. He stated that he has taken some advance courses in environmental law at Pace University. He stated that he thought we should be proud that Scarsdale is leading in certain areas and people move here because of schools and recreation and other things. He stated he would like Scarsdale to step up and be an environmental leader, which, so far, if we compare ourselves to Japan or California or some other places in Europe, we're not quite there yet. He agreed with Ms. Sterling's comments; however, he did not want to minimize the fear people have of trees falling on their property. He stated that people don't really understand what tree might fall, and some of the tree companies don't do a very good job of understanding it. People need to be educated about the different species and to think about their trees more often. He further stated that people do think they have an absolute right on their property to do whatever they want, and how can the government take things away from us – but he stated that the rules that we do have, such as regarding lead paint or noise, DDT – as we continue to progress it is important that we think of ourselves as very temporary caretakers of our houses. Do we want people to do whatever they want because of absolute property rights, which he felt was not really valid. He thanked the Village Board and staff for their hard work.

Robert Harrison, 65 Fox Meadow Road, stated that he had some questions about the Tree law amendments, such as Section 281-3, activities as of right on non-public property – from reading this, he thought it sounded like you could remove a number of trees are 6" or less. He was informed by Trustee Finger that this was correct.

He then asked if a tree is greater than 6" DBH, do you have to submit a written notification to the Village Engineer? Trustee Finger stated that you do. Trustee Crandall stated that in Section 281-3A, 6"DBH or less trees may be removed as of right, unless or except for identified small caliper native trees (6 different species) that can only be removed without a permit provided that they are 3"DBH or less.

Mr. Harrison encouraged the Board to keep the 12 month period of the removal of two trees over the proposed 24 month period. Also, he did not agree with the written notification for trees greater than 6" DBH but less than 24"DBH – it is one more imposition on the residents.

As there were no further public comments, Trustee Crandall closed the public hearing.

Trustee Arest noted that in response to Mr. Berg's comments, there are some criticisms about the Code fundamentally overall; what about the specific changes that are being proposed are concerning versus what concerns there are with the overall code?

Trustee Finger moved that an amendment be made to the proposed legislation before them to Section 281-3(d) to read "two trees on each property greater than 6" and less than 24" DBH may be removed within a 12 month period", seconded by Trustee Veron and carried unanimously.

Trustee Finger noted that the CAC did a study comparing many municipal ordinances in Westchester County dealing with trees about 8 years ago and that was followed up with a proposal dealing with tree canopy as a way of requiring replacement about 2-3 years ago. He stated that he was on the CAC when they started that study and on the BAR for several years and received feedback about trees. In the course of this discussion, not only among the Board as a whole, but as the Sustainability Committee getting reports from the CAC and Friends of the Parks and the Task Force which Trustee Pekarek led, they were trying to meet some of the concerns that people had. As a result of trying to meet those concerns, one of the compromises that seemed to make it more palatable was to remove the aggregate but extend the period for removing two trees to 24 months which by the most recent amendment has been reduced back to 12 months. We compromised, a result of the Board trying to meet the feedback from the community. He stated that he was concerned that some of the people who made comments have not fully comprehended the meaning of what we are trying to do. However, the bulk of the comments that have been received are favorably disposed in that this is a modest change and is really not going to address the issue that would have been addressed by the aggregate. He stated that it is his intention to address this at the first Law Committee of the Board to resolve this. However, this legislation before them is a step in the right direction to be followed immediately by a further step to address the situations of removal of larger numbers of trees.

Trustee Arest stated that when he looks at this law on its own he is not really satisfied. He is concerned that it does not address the development land use tree removal concerns adequately. He felt that some of its language could have been cleaned up and while he is a proponent of preserving our community's aesthetic and that includes being a Village in a Park, we should also work to find ways to incentivize our residents to maintain their trees and potentially turn the tree stock over at a faster rate when safety is a concern. Safety

is of course, always our concern and by turning over our tree stock, we can also ensure the healthy and enjoyable tree canopy for generations to come. With that being said, when he looks at this proposed local law in comparison to the current Tree code, now just amended, none of my above concerns are really made worse. I believe there are sound reasons behind the changes that are present and the amendment. It does not mean that we all agree with that but I do not believe these changes on their own will cause an unjustifiable inconvenience or unfairness to our residents. But we are not and cannot be done. We have started discussing our priorities of the Board and I believe that addressing the development land use concerns relating to tree removal is going to get done. Additionally, I believe we can do better with this code and a vote in favor of these amendments tonight, in his opinion, does not mean their work is done here. He hoped they could do better in the coming months. It would be his preference not to vote on this code change on the same evening as a public hearing and he hoped to work with the Mayor and fellow Trustees to make that part of policy going forward. However, he is cognizant that this has been a process over four years and they have been fortunate to have received a great deal of public input on this matter and these proposed changes. As such, he will vote aye.

Trustee Veron stated that she has three primary objectives when she considers the Village and its trees. The first has to do with public safety. Trees have most certainly been on our resident's minds, particularly given the recently damaging storm. She is 100% committed to enabling residents to remove trees they view as potentially dangerous to their properties and family's wellbeing. Second, she wants to limit the clear cutting of trees that ultimately compromises our Village in a Park. As the data shows, the most significant impact to our tree canopy occurs during new house construction and other land use permitted activities. Third, she wants to ensure that they strike the right balance between individual property rights and our long term goal to recognize and preserve the benefits of the trees to the community. The proposed legislation tonight supports her first objective making very clear to residents that they may remove dead, dying, or hazardous trees without any fee, replacement requirement, or impact on their as of right privileges. Of particular note, I reached out to our Village Engineer to confirm that he has never denied any such request to take down such trees. While the legislation does not materially address my second objective, that being curbing the removal of wide swathes of trees during major construction and significant additions, this Board will push forward to address that issue. Tonight, in our prioritization meeting, we agreed to schedule our next land use committee meeting in concert with law. We will discuss changes needed to the land use board processes as well as create a solution that does not penalize individual homeowners who want to maintain their properties. As a newly appointed Land Use Chair, I already started to brainstorm ideas with staff, including our experienced Village Engineer, and will consider aggregate amongst other solutions and look forward to continuing the dialogue with land use boards and the community. The legislation does offer some advancement of her third goal. It makes incremental changes that do benefit the community – listing native trees, modifying requirements for those that are small caliper, requiring replacement of very large trees greater than 24" DBH and ensuring we capture data to monitor our canopy. She is also particularly

pleased that they are not making changes to the as of right section of the code. She hasn't yet seen information that shows that there is a problem with the current as of right practice so she would not be inclined to change it. The legislation before the Board is the result of five years of study, deliberations, work sessions, and public comment and reflects compromises amongst different constituent groups. The reason to affirm the legislation tonight is that it does clarify and enhance the tree legislation that has been on the Board's books for the past decade and they can then shift their attention to the issue of large scale removal of trees. She stated that she is eager to find solutions to that problem and want to get started right away. She would also like to continue the conversation that Trustee Arest suggested regarding processes with respect to public hearings and votes.

Trustee Crandall stated that the community often associates her with trees, as indeed years ago she was an advocate for tree legislation. Now, however, she sits as a Village Trustee. She has been listening closely and reading emails. She concurred with the comments made by her fellow Trustees this evening. She is also concerned about safety. As a child she did have a tree fall on her home; luckily it was an evergreen and it didn't do much damage although it did fall on the section of the house where she was sleeping. So safety is always a number one priority. The best thing this proposed ordinance does is it refers the community to the right type of tree expert. That is one who is certified by the International Society of Arboriculture, or ISA. So if someone is looking to remove a tree or plant a tree, if you are concerned about the health of any trees on our property, you can find an ISA Certified Arborist by going to their website, www.treesaregood.org. Not only can you find an ISA Certified Arborist, but you can also verify that your tree expert truly is someone with education and training. By all means also make sure they have insurance. She does concur with comments made by her fellow Trustees – she sees this as an incremental step in the right direction. There is more to do – they need to protect trees during construction; even from everyday practices. When you park under a tree to capture its shade, you are actually damaging the root system and potentially harming the tree. It make five to ten years to die, but it will succumb at some point if you continue to damage the roots which are in the top few inches of soil. We will have more opportunity for public education but she wanted to mention that website because you can find a lot of information which will help you take better care of the valuable investment that you have on your property. She stated that she was inclined to vote in favor of this legislation.

Trustee Finger entered a motion to approve the Local Law to Amend Chapter 281 of the Scarsdale Village Code entitled Trees, Grass, Brush and Weeds as amended, seconded by Trustee Ross and adopted by the vote indicated below:

INTRODUCTORY LOCAL LAW OF 2018
A LOCAL LAW AMENDING CHAPTER 281 OF THE SCARSDALE VILLAGE
CODE
ENTTTLED TREES, GRASS, BRUSH AND WEEDS

BE IT ENACTED by the Board of Trustees of the Village of Scarsdale as follows:

ARTICLE I
Trees

§ 281-1. Legislative findings and intent.

The Village of Scarsdale finds that trees within the Village provide an important contribution to the health, safety, aesthetics and general welfare of Scarsdale residents and the community at large. The preservation and maintenance of trees is necessary to protect the health, safety, environment, ecosystems and general welfare of the inhabitants of the Village of Scarsdale. Trees provide necessary shade, green space and aesthetic appeal, enhance green space, improve air quality, reduce energy use and atmospheric carbon dioxide, provide and promote habitat for wildlife, impede soil erosion, aid water absorption, inhibit excess runoff and flooding, provide screening, offer a natural barrier to noise, and provide other environmental benefits and generally enhance the quality of life within the Village. These social, economic, and ecological benefits often increase as trees mature and the Village community's investment in trees has accrued over many years. This investment can be rapidly lost and is not easily nor quickly replaced due to the long length of time for a tree to mature. The destruction of and damage to of trees and the indiscriminate and excessive cutting of trees can create cause barren and unsightly conditions, create as well as, surface drainage problems, increase municipal costs to control drainage, impair the value of real property and adversely affect the environment, health and the character of the community. This article seeks to address these conditions and promote the preservation of trees within the Village.

§ 281-2. Definitions.

Terms as used in this chapter shall have the meanings:

DBH - The diameter of a tree trunk measured at 54 inches above the ground on the uphill side.

DISEASED TREE – A tree not capable of being cured by a tree expert and capable of infestation of the disease to other trees and plant life.

DISTRIBUTION LINE - An electric line having a voltage of less than 69 kilovolts.

EMERGENCY - A serious situation or occurrence that happens unexpectedly and demands immediate action.

ENTITY - Any corporation, limited liability company, partnership, limited partnership or other ~~non-municipal~~ non-municipal enterprise recognized by the State of New York or its agents and contractors.

HERITAGE TREE - A tree designated by the Village with the consent of the owner upon a finding that the tree is unique and/or of importance to the community as set forth in § 281-67.

INJURY TO TREES - Any action, during the course of permitted or nonpermitted work, that causes significant damage to a tree that causes or is likely to cause death of the tree.

INVASIVE SPECIES - A nonnative species that adversely affects the habitats it invades economically, environmentally or ecologically and is listed as a prohibited species in the Prohibited and Regulated Invasive Species plant lists of the New York State Department of Environmental Conservation Invasive Plant Atlas of New England (IPANE), as amended.

LANDSCAPE ARCHITECT – A person who holds a license to practice landscape architecture.

LANDSCAPE PLAN - A design for the exterior landscape of a property that includes the size, type and location of trees, shrubs and other natural elements and may include grading, tree removal and tree preservation measures which is reviewed and approved by a land use board.

LAND USE BOARDS - Independent bodies that make decisions in regard to land use in the Village under the enabling authority given by the State of New York, county and/or local law. These include the Board of Architectural Review (BAR), the Zoning Board of Appeals (ZBA) and the Planning Board.

NONPUBLIC PROPERTY - Any lands not owned by the Village of Scarsdale or any other governmental entity.

PROTECTED TREE - A tree designated as protected in accordance with the Protected Tree List maintained by the Village, which shall include but is not limited to those trees listed in the Endangered Protected Native Plants list of the New York State Department of Environmental Conservation, as amended from time to time, and heritage trees. The Protected Tree List shall be maintained by the Engineering Department. ~~this article. The following trees are protected:~~

~~A. The American elm.~~

~~B. The American beech tree.~~

~~C. Heritage trees:~~

PUBLIC PROPERTY - Lands owned by the Village of Scarsdale, which includes rights-of-way (ROW), parks, open space and Village facilities.

REPLACEMENT TREE - Any tree planted under the provisions of this chapter or required by a decision of a land use board. Replacement trees must be native to the Northeast United States, excluding invasive species, and at least shall not be an invasive species or smaller than three inches in diameter DBH at the time of planting, unless specifically approved as part of a tree replacement plan.

RIGHT-OF-WAY (ROW) - Generally, the space owned by the Village extending approximately 13 feet from each curblin, but may include specific lands under an agreement or definition of law.

TREE - Any woody plant of a species which grows at maturity to an overall height of 10 feet or more, has a single trunk or multiple trunks which are, in combination, a sum of six inches DBH.

TREE EXPERT - An ISA-certified arborist or other professional certified by a recognized program of higher education or governmental agency as a tree expert.

TREE PRESERVATION FUND - A fund established by the Village of Scarsdale to receive payments pursuant to this chapter, as well as voluntary donations to be used in accordance with this chapter or to augment the planting of public trees.

TREE REMOVAL PERMIT – ~~A p~~Permit issued by the Village Engineer in conformance with an application submitted by an applicant and approved by the Village Engineer.

VILLAGE ENGINEER - A person employed by the Village of Scarsdale, certified and licensed by the State of New York as a professional engineer or licensed architect, or his or her designee, with responsibilities that include reviewing plans for various projects on public and private land within the jurisdiction of the Village of Scarsdale.

§ 281-3. Activities permitted as of right on nonpublic property.

A property owner may remove a tree(s) on nonpublic property as of right, provided any of the following:

- A. The tree(s) to be removed are six inches DBH or less, except the following small caliper native trees may only be removed without a permit provided that they are three inches DBH or less:

- (1) Hawthorn, *Crataegus* species and its cultivars
- (2) Crabapple, *Malus*
- (3) Redbud, *Cercis*
- (4) Mountain Ash, *Sorbus Americana*
- (5) Amelanchier (Serviceberry), *A. arborea* and *A. laevis* hybrid and cultivars
- (6) Birch, *Betula*

~~B.~~ Removal of up to two trees exceeding six inches DBH per lot per twelve-month period, excluding protected trees. A removed tree that is 36 inches DBH or greater must be replaced with a replacement tree.

~~BC.~~ The tree is removed under an actual or ongoing emergency when such tree removal is necessary for the protection and preservation of life or property, including adjoining parcels.

~~D.~~ The tree is dead, dying, hazardous, or diseased as determined by a tree expert.

~~CE.~~ The tree is an invasive species as defined herein.

D. Two trees on each property greater than 6 inches DBH and less than 24 inches DBH may be removed within a 12-month period. Prior to removal, a written notification of removal shall be delivered to the Village Engineer.

§ 281-4. Tree removal permit.

A. The following tree removal activity requires a tree removal permit:

- (1) Except for those trees removed pursuant to § 281-3(D), the removal of one tree or more trees greater than exceeding six inches DBH. per lot per 12 months, except as provided under § 281-3C, D and/or E.
- (2) The removal of one or more small caliper native trees as identified under § 281-3(A).
- (~~2~~3) Trees identified to be removed or protected as a result of a land use board determination.

- (34) Removal of replacement tree(s) six inches or less DBH that are planted as a result of a land use board determination or pursuant to § 281-101.
 - (45) Removal of tree(s) determined to be preserved by a land use board for at least two growing seasons after the issuance of a certificate of occupancy or land use board approval.
 - (6) Removal of one or more trees greater than six inches DBH that are dead, dying, hazardous or diseased as determined by a tree expert without a fee and shall not be subject to the replacement requirements under § 281-5.
- B. In making a determination to grant or grant with conditions a permit under this article for the removal of any tree, the Village Engineer's consideration shall include, but is not limited to, the following:
- (1) Whether the location of the tree endangers the health, safety or welfare of the general public, the property owner or an adjoining property owner.
 - (2) Whether the tree interferes with a permitted use of the property and/or is specifically identified for removal in a wetland permit, special use permit, subdivision plan, site plan or Board of Architectural Review approved landscape plan.
 - (3) Whether the location of the tree interferes with a proposed permitted construction or alteration on the property and the construction or alteration cannot be reasonably adjusted to accommodate such tree.
 - (4) Whether the location of the tree prevents compliance with state, county or local laws or regulations for visual obstructions, sight lines, driveways or intersections.
 - (5) Whether the tree, due to advanced age, disease, blight, infestation, storm damage, accident or other condition, causes undue hardship for the property owner to maintain such tree.
 - (6) Whether the tree is located within three feet of an existing sidewalk, driveway or private roadway or if the tree is located within 10 feet of any existing dry well or other subsurface improvement or within 10 feet of any existing permanent structure or improvement.
 - (7) The number of trees for which a tree removal permit is being sought.

- (8) The number of trees, if any, removed from the property during the preceding ~~five years~~ 24 months (other than trees removed pursuant to § 281-3A, B, or C,~~D or E~~).
- C. The determination of the Village Engineer denying the grant of a permit application shall be in writing and set forth the basis for such decision, as prescribed in § 281-4(E)(6), which decision may be appealed to the Planning Board.
- D. Notwithstanding any other provision of this chapter, any property owner, developer or person who has applied for and received a permit involving an approved subdivision, approved site plan, wetland permit, special permit, or any permit that requires the removal of tree(s) on any nonpublic property shall, in addition to strict compliance with any terms of such approved subdivision, approved site plan, wetland permit, special permits, or any permit that requires the removal of tree(s), make an application to the Village Engineer for a tree removal permit. There shall be no site disturbance, and the status quo shall be maintained until such time as a tree removal permit is granted or denied and the appeal process is completed. The Village Engineer may grant, grant with conditions, or deny such application for a tree removal permit on such terms and conditions as he or she may prescribe, it being understood that there must be full compliance with any approved subdivision, approved site plan, wetland permit, special permit or other development approval required by the land use boards. In no event shall a tree removal permit be issued for the removal of any tree specifically designated to be saved by the Planning Board, Board of Appeals or Board of Architectural Review, unless said tree is determined to be dead, dying, diseased or hazardous to life or property or as subsequently approved by a land use board.
- ~~E. The Village Engineer may require the planting of one or more replacement trees as a condition to the granting of any tree removal permit. In addition, the Village Engineer shall have the authority to require replacement trees in kind to be planted or where existing trees are so large and mature that it is not practical to replace such trees in kind, to order the planting of multiple trees and/or the payment to the Tree Preservation Fund. In the event that the existing conditions on a lot make the planting of replacement trees not feasible, the applicant may be required to make a payment to the Tree Preservation Fund in an amount that would reimburse the Village for the cost of purchasing and planting any such replacement tree or trees.~~
- EF. Applications.
- (1) All applications for permits shall be made in writing upon forms prescribed by the Village Engineer.
- (2) The Village Engineer may require the applicant to submit plans showing existing and proposed contours at two-foot intervals on a map or plan at a scale no

smaller than one inch equals 40 feet; existing trees, specifying types and sizes; trees to be removed and the reasons for removing said trees. The plans must detail all replacement trees and specify the planting location, size, species and type.

- (3) The Village Engineer may require additional information in plans that include the design for ~~of~~ all tree protection measures, including but not limited to protective fencing, tree wells and any other appurtenance that is deemed to be pertinent in reviewing an application.
- (4) ~~Where extensive tree removal is planned as part of a tree removal permit, The~~ Village Engineer may require the applicant to pay for the retention, by the Village, of a tree expert, as defined herein, to supervise and ensure that any tree removal is carried out in compliance with any permit of approved land use plan. ~~the orderly removals in a manner that assures compliance with any permit or approved plans.~~
- (5) An applicant may be required to furnish the Village with a performance bond or a cash deposit in an amount determined by the Village Engineer in a form to be approved by the Village Attorney sufficient to cover 100% of the planting and restoration work to be completed after the removal of any tree pursuant to plans that are required to accompany all applications. Cash shall be deposited in a trust account as established by the Village Treasurer. The performance bond or cash deposit shall remain in effect for a period of two growing seasons after the issuance of a certificate of occupancy (CO), or where a CO is not required after final inspection and approval by the Village Engineer.
- (6) The Village Engineer, within ~~390~~ days from the date an application is submitted in final form, shall issue a permit or deny the application, unless the parties agree to extend the time for the Village Engineer to render a determination.
- (7) The Village Engineer may issue a stop-work order against any approved tree removal permit if the work performed is not proceeding in accordance with the requirements of the permit or in an orderly and diligent manner.
- (8) An application fee shall be set by resolution of the Village Board in an amount that would cover Village costs for the administration and enforcement of this chapter. The Village Manager, as appropriate, shall recommend to the Village Board fees under this chapter.
- (9) The Village Engineer shall maintain a written record of all tree removal permits.

§ 281-5. Replacement trees.

- A. A tree removed pursuant to § 281-4, excluding § 281-4(A)(6), that is 24 inches DBH or greater shall be replaced with a replacement tree.
- B. The Village Engineer, as a condition to the granting of any tree removal permit, shall have the authority to require replacement trees of comparable size or species to be planted. Where existing trees are so large and mature that it is not practical to replace such trees of comparable size or where extensive tree removal is planned as part of a tree removal permit, the Village Engineer may order the planting of multiple trees and/or payment to the Tree Preservation Fund in an amount that would reimburse the Village for the cost of purchasing planting and maintaining any such replacement tree(s), the amount of which shall be determined by the Village Board in its annual fees and charges schedule. Where existing conditions on a lot make the planting of required replacement trees not feasible the applicant shall be required to make a payment to the Tree Preservation Fund in accordance with the annual fees and charges schedule.

§ 281-65. ~~Protected trees.~~

~~Protected Trees may not be removed unless the tree is dead, dying, hazardous or diseased, as determined by a tree expert and certified in writing. Notwithstanding this provision, where a protected tree, excluding protected trees located within any of the required setback areas, is determined by the Village Engineer to create a hardship, it may be removed subject to the requirements of § 281-4 and the provisions of § 281-5. the Village Engineer determines, because of their condition, that they are a danger to persons or property or that they are diseased and cannot be saved.~~

§ 281-76. ~~Heritage trees.~~

- ~~A. Upon the written request and consent by any property owner, the Board of Architectural Review may designate a tree as a "heritage tree."~~
- ~~B. A tree may be designated as a heritage tree upon a finding that it is unique and of importance to the community. The following factors may be considered by the Board of Architectural Review when considering designating a heritage tree:~~
- ~~(1) It is an outstanding specimen of a desirable species.~~
 - ~~(2) It is one of the largest or oldest trees in Scarsdale.~~
 - ~~(3) It possesses distinctive form, size, age, location, and/or historical significance.~~

- C. After Board of Architectural Review approval of a heritage tree designation, the Village Engineer shall notify the property owner(s) in writing. A listing of trees so designated, including the specific locations thereof, shall be kept by the Building Department.
- D. Once designated, a heritage tree shall be subject to the provisions of this article unless removed from the list of heritage trees by action of the Board of Architectural Review. At its discretion ~~The~~ Board of Architectural Review may remove a tree from the list upon written request by the property owner.

§ 281-87. Tree expert.

The Village may employ or retain a tree expert to advise the Village in regard to the planting, growing, pruning, removal or preservation of any tree on public and nonpublic property.

§ 281-98. Restoration and replacement.

- A. All persons who remove trees or cause trees to be removed with or without a tree removal permit shall restore the area by backfilling all holes and by creating an acceptable grade and covering. Any tree damaged for any reason during construction or development of a property, or removed in violation of an approved subdivision plan, site plan, special permit, wetland permit or landscape plan, shall forfeit all or a portion of any escrow deposit or bond in an amount determined by the Village Engineer. Minor tree damage shall be treated in accordance with accepted tree surgery and best practices.
- B. Tree stumps shall be removed except where trees are removed pursuant to § 281-3 or the Village Engineer determines that the stumps are to be left for aesthetic purposes, to prevent soil erosion, or for other reasons. After the replacement of any tree, removal of all debris in the disturbed area shall be made immediately. The property where such planting is done must be left in a neat and orderly condition in accordance with good and acceptable planting and tree surgery practice.
- C. All tree planting, tree dressing and associated restoration work must be substantially completed within one year from the date of issuance of any tree removal permit not associated with a building permit, except that the tree removal permit may be extended by the Village Engineer for a period not to exceed six months. Under all circumstances the performance bond or cash escrow held by the Village shall continue in full force and effect until there has been full compliance and approval by the Village Engineer of all restoration work. In the event that the planting and restoration work is not substantially completed within one year of the date of issuance of a permit, and no extension has been granted, the Village Engineer shall consider the work and permit to be abandoned and declare the performance bond and/or the escrow deposit in default,

and the proceeds from the bond and/or cash deposit shall be transferred to the Tree Preservation Fund.

- D. All trees planted pursuant to this article ~~newly planted trees~~ which fail to survive two growing seasons shall be replaced by the permit holder at the expense of the permit holder. Said replacement shall be within the longer of 60 days following written notice from the Village Engineer or the period of time as may be specified in such notice. Should the permit holder fail to timely replace the trees, the Village Engineer shall serve a court appearance ticket and/or declare the bond and/or escrow deposit in default and apply the proceeds to the Tree Preservation Fund.

§ 281-~~109~~. Certificate of occupancy.

A final certificate of occupancy shall ~~not~~ be issued by the Building Inspector ~~until~~ only after all tree planting, tree dressing and associated restoration is completed to the satisfaction of the Village Engineer, except that between October 31 and April 1, the permit holder may obtain a temporary certificate of occupancy. In the case where a temporary certificate of occupancy is issued, all planting and restoration work in this instance must be completed to the satisfaction of the Village Engineer on or before the first day of the following May. The escrow cash deposit and performance bond shall continue in full force and effect until the planting and restoration work has been completed and the planting has survived two full growing seasons. Should the permit holder fail to complete the restoration work on or before May 1, the Village Engineer shall declare said performance bond or escrow in default and apply the proceeds from the bond or escrow to the Tree Preservation Fund.

§ 281-~~110~~. Enforcement; penalties for offenses.

- A. The terms of this chapter shall be enforced by the Village Engineer and the Building Department, except where such enforcement may be vested in the laws of the State of New York.
- B. Any person violating any of the provisions of this article shall be guilty of a violation and shall be fined not less than \$250 or more than \$1,000 for the first two trees. Thereafter, not less than \$500 or more than \$2,500 for each additional tree. No building, demolition, or excavation permit may be issued, and if previously issued shall be revoked, until such violation is cured in accordance with § 281-~~89~~ herein.
- C. In addition thereto, any person violating any of the provisions of this article shall replace each tree injured, removed, killed or destroyed in accordance with the provisions of § 281-~~4E5~~.

ARTICLE II
Distribution Lines

§ 281-1241. Distribution lines, rights-of-way.

- A. Legislative findings and intent. The Village of Scarsdale wishes to promote the reliable delivery by public utilities of electric power to residents and businesses within the Village. The Village recognizes that tree limbs may interrupt such reliable delivery if they become entangled with electric lines and therefore public utilities must, from time to time, cut and/or remove trees. The Village also wishes to recognize and preserve the benefits of trees to the community, including, without limitation, shade and aesthetic appeal, enhancing green space, improving air quality, reducing energy use and atmospheric carbon dioxide, providing and promoting habitat for wildlife, impeding soil erosion, aiding water absorption, inhibiting excess runoff and flooding, providing screening, offering a natural barrier to noise, providing other environmental benefits and general enhancing the quality of life within the Village. ~~flood mitigation, water purification, reduced soil erosion, removal of carbon dioxide from the air, providing protection from the elements and reduced use of fossil fuels for heating and air conditioning and preservation of neighborhood character. Removal of trees may lead to soil erosion, stormwater runoff and related drainage problems, which, if not regulated locally, Removal of trees, if not regulated locally,~~ would be deleterious to the environment and adversely impact all property in the Village.
- B. Any tree work in the Village right-of-way by a public utility, or its agent, including trimming and/or removal of trees must comply with nationally recognized standards and, further, that when tree removal is necessary, reasonable efforts are to be made to mitigate the loss of trees and any resulting threat by such removal by replanting, or such other actions that are necessary to protect the public health, safety, environment and general welfare.
- C. Utilities or their agents responsible for maintaining ROWs in the Village shall follow the tree maintenance practices for utilities established by the National Arbor Day Foundation, as amended from time to time, unless otherwise authorized in writing by a tree expert under such terms and conditions as may be specified. Nothing in this article prevents a public utility from contracting with a private entity to perform tree maintenance, as long as such tree maintenance conforms to the standards established by the National Arbor Day Foundation and provisions of this Article II.
- D. Except for tree pruning and trimming permitted by Subsection B above, no utility or its agents or contractors shall cut, top or remove a tree on a Village ROW, unless such tree poses a danger to a distribution line. A certification by a tree expert that such tree(s) are diseased or dying or, with respect to a healthy tree, such tree is so entangled with a distribution line that pruning and maintenance practices cannot reasonably be expected to prevent such tree from falling on or otherwise interfering with the distribution line is to be filed with the Village Engineer before any work takes place.

Notwithstanding any provisions of this Article II, an entity may trim, top or remove a tree on a ROW if it has fallen on a distribution line or, in the judgment of the utility, is in imminent danger of doing so.

- E. Except for tree pruning and trimming maintenance practices permitted by this Article II, any public utility or other entity removing a tree on a ROW or trimming to such a degree that would constitute removal, including if done on an emergency basis, shall replant a replacement tree, as defined herein, for each such tree removed and take such action as shall be determined by the utility's consulting tree expert so that no adverse environmental effects, including, but not limited to, drainage and soil erosion, impact the Village or adjacent property owners. ~~All replacement trees shall be native trees for this region as designated either by the County of Westchester Department of Planning, or in the New York City Parks Department "Native Species Planting Guide for New York City and Vicinity," or in Cullina, "Native Trees, Shrubs and Vines."~~

§ 281-1312-Enforcement penalties: Utilities and ROWs.

- A. The Village Engineer may issue such regulations and forms as it deems appropriate for the administration of this Article II and may issue stop-work orders for violations.
- B. If any provision of this article is violated by any utility or its agent, the Village may, in any court of competent jurisdiction, seek injunctive relief restraining any violation of this article and/or compel the restoration described under the violation. Any violation of this article shall be punishable by a fine in the amounts set forth in § 281-101.

ARTICLE III

Infestations, Poisonous, Harmful Weeds and Plants

§ 281-1413: Unlawful to allow infestations.

- A. It shall be unlawful for the owner of any land in the Village to maintain or permit to remain thereon harmful flora or fauna which is likely to cause destruction of or damage to trees or shrubs or create a potential hazard or a public nuisance, including prohibited species listed on the Prohibited and Regulated Invasive Species plant lists of the New York State Department of Environmental Conservation.
- B. It shall also be unlawful for the owner of any land in the Village to maintain or permit to remain thereon any poisonous or harmful weed or plant that is likely to spread to other properties or become a public nuisance.

§ 281-1514-Duty of owners to correct.

It shall be the duty of the owner of any land in the Village containing harmful flora, fauna or poisonous or harmful weed or plant which violates § 281-143 to destroy or cause to be destroyed such harmful flora or fauna or poisonous or harmful weed or plant.

§ 281-1615. Action by Village.

In case any owner of land in the Village fails to comply with the provisions of this article, the Village Engineer shall issue a notice of correction by regular mail or in person, directing such owner(s) to comply with the provisions of this article.

§ 281-1746. Penalties for offenses.

Any person committing an offense against any provision of this Article III shall, upon conviction thereof, be guilty of a violation pursuant to the Penal Law of the State of New York, punishable by a fine not exceeding \$250. The continuation of an offense against the provisions of this article shall constitute, for each day the offense is continued, a separate and distinct offense hereunder.

ARTICLE IV

Planting and Protection of Trees, Shrubs and Plants in Public Places

~~§ 281-17. Findings and purpose.~~

~~The preservation and protection of trees, shrubs and plants is necessary to protect the health, safety and general welfare of the Village of Scarsdale. Trees, shrubs and plants provide necessary shade, green space and aesthetic appeal, impede soil erosion, and aid water absorption, provide other environmental benefits and generally enhance the quality of life within the Village.~~

§ 281-18. Planting in public places.

No person shall plant any tree, shrub or plant that may create a traffic hazard or other visual obstruction, pursuant to Chapter 294 of this Code,[1] within limits of any public ROW, park or other public place, without first securing a written permit from the Village Engineer or license agreement from the Village and complying with the following conditions and requirements: the permit or license shall be granted only upon a determination by the Village Engineer after consulting with the Director of Public Works that such planting does not interfere with the use of such public ROW, park or other public place and that such planting will enhance the beauty and appearance of the public ROW, park or other public place and the surrounding area.

- A. Trees planted within the limits of any public ROW, park or other public place shall be of a quality and species approved by the Village Engineer and shall be planted at least

30 feet apart unless otherwise authorized by the Village Engineer. Each such tree shall measure not less than three inches ~~DBH-measured at 4.5 feet from the ground.~~

- B. Should any tree, shrub or plant planted within the limits of any public ROW, park or other public place pursuant to any such permit, in the opinion of the Village Engineer, interfere at any time with the use of such public ROW, park or other public place by the public or detract from the beauty and appearance of the public ROW, park or other public place or the surrounding area, the Village Engineer shall mail a notice in writing to the permittee or his or her successor in ownership of the abutting premises to remove such tree, shrub or plant and to restore such public ROW, park or other public place to its original condition within 15 days of the mailing of the notice. If such permittee or owner shall fail to comply with such notice, the Village Engineer may cause the tree, shrub or plant to be removed, and the public ROW, park or other public place to be restored to its original condition at the expense of such permittee or owner. Any cost incurred by the Village in the performance of such work involving the removal of any such tree, plant or shrub in any public ROW, park or other public place shall be paid by such permittee or owner, upon notice from the Village of Scarsdale, in full within 30 days of the date of such notice. In the event of nonpayment by the owner of the property or building, such costs will be assessed as a lien on the property.
- C. Any tree, shrub or plant planted within the limits of any public ROW, park or other public place pursuant to such a permit or license agreement shall be maintained by the owner of the abutting premises, and the Village shall not be responsible for any damage caused to or by such tree, shrub or plant.

§ 281-19. Removal, cutting and trimming in public places.

No person shall remove, kill, cut, break or trim any tree or shrub in any public ROW, park or other public place in the Village or remove any device set for the protection of any such tree or shrub, without first securing a written permit from the Village Engineer and complying with such specifications as the Village Engineer may prescribe.

§ 281-20. Interference in public places.

No person shall, without first securing a written permit from the Village Engineer, cause any wire or insulator or any device for the holding of any electric wire to be attached to any tree in any public ROW, park or other public place or cause any wire or other conductor charged with electricity to come in contact with any such tree or place or maintain any pole or post in such a manner as to interfere with any tree or shrub in any public ROW, park or other public place.

§ 281-21. Fastening animals and signs in public places.

No person shall fasten or tie any animal to or attach any sign, bill, card, notice or advertisement to any tree or shrub in any public ROW, park or other public place or allow any animal under his or her control to injure any such tree or shrub.

§ 281-22. Obstructing nutrients to roots in public places.

No person shall place or maintain on the ground in any public ROW, park or other public place any stone, excess soil or other substance in such manner as may obstruct the free access of air or water to the roots of any tree therein without first securing a written permit from the Village Engineer.

§ 281-23. Deleterious substances about roots in public places.

No person shall cause any brine, oil, gas, gasoline, liquid dye or other substance deleterious to tree life to pass onto or into the soil about the roots of any tree in any public ROW, park or other public place.

§ 281-24. Penalties for offenses.

Any person, ~~or entity firm or corporation~~ violating any of the provisions of this Article IV shall, upon conviction thereof, be guilty of a violation pursuant to the Penal Law of the State of New York, punishable by a fine in amounts set forth in § 281-101 with respect to trees and as provided in § 281-176 for all other vegetation.

ARTICLE V
Land Use Boards

§ 281-25. When inventory, plans and bond agreements required.

- A. Applications for subdivision or site plan approval or for activities in a freshwater wetland controlled area before the Planning Board; for special permits for tennis courts, swimming pools and other buildings before the Board of Appeals; and for permit approval before the Board of Architectural Review shall be accompanied by:
- (1) ~~An tree inventory plan, prepared by a tree expert, licensed landscape architect or surveyor of all trees on the property having a DBH trunk diameter of four inches or more. at a point 54 inches above the ground, except that in applications for site plan approval, wetland permits or for preliminary approval for subdivision; The Planning Board may permit inventories showing only trees having a diameter of 10 inches or more or may defer the inventory requirement in lot~~

~~merger and~~ subdivision applications for which no development is proposed ~~or for which site plan approval is also required.~~

- (2) A tree preservation plan showing trees which are to be preserved. Methods for tree preservation in areas affected by construction activities shall meet standards set by Westchester County Best Management Practices Manual.
- (3) A tree removal and replacement plan prepared by a tree expert or landscape architect, if required.
- (4) An agreement by the applicant to post a performance bond, cash deposit or other surety where required under this article, in an amount to be determined by the Village Engineer and approved as to form by the Village Attorney, to assure replacement of trees shown on preservation or replacement plans which were not fully protected or properly planted as required under this article and which do not survive for two complete growing seasons after completion of construction and that it not be released until after the foliage is out at the start of the third growing season, at which time staff would be able to verify that the tree(s) had survived.

B. No certificate of occupancy shall be issued for new construction unless the applicant meets all conditions for providing a tree inventory, a tree preservation plan, a replacement plan and the posting of a bond and/or cash deposit, ~~where~~ when required.

EFFECTIVE DATE

This Local Law shall take effect immediately upon filing with the Secretary of State.

Underline means addition.

~~Strikethrough means delete.~~

<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		

Trustee Finger opened the public hearing on a proposed local law to amend Chapter 182 of the Scarsdale Village Code entitled 'Historic Preservation'. Trustee Finger explained that there were two changes that were proposed for this hearing. One is the idea of allowing a nonresident to sit on the Committee for Historic Preservation, but who has an interest in historic preservation and is a New York State registered architect. The Board wanted to expand the pool of qualified applicants and members that might be able to fill that particular criteria.

Trustee Finger stated that the other change is something that they have discussed back and forth and that is changing the word 'and' to 'or' in regards to whether a building to be preserved is the work of a master AND embodies the distinctive characteristics of a type, period, or method of construction that possesses high artistic value. The proposal is to change the AND by breaking it out into two separate criteria.

Trustee Finger requested any public comment at this time.

David Peck, Nelson Road, stated that he was one of the members of the Committee for Historic Preservation who quit/resigned/left the Committee a few months ago – he stated that they all quit because they felt very frustrated by both the Board of Trustees and by the statute they were operating under. They had spent hours and hours, weeks and years dealing with that statute. It was almost indecipherable and the determination of a master architect was difficult – they didn't know who the architect was on any building built more than 90 years ago unless it was someone very famous. They also struggled with what was a 'Master'. Adding the word 'or' in this proposed amendment is something they used to operate under and was a better system to work with. It helped them preserve homes that needed to be preserved. He also stated that it increases property values to preserve historic homes. He urged the Board to adopt the legislation before them this evening to help them preserve what people really love about Scarsdale.

Alan Steinfeld, 82 Carthage Road, stated that he has lived in the Village for 33 years. He stated that he was a colleague of Mr. Peck and he also resigned from the CHP after serving for 5 ½ years. He agreed with Mr. Peck's description about the problem they had with the 'and' versus 'or'. This change, which he strongly supports, should be a beginning for the Board in reevaluating the whole question of historic preservation. He stated that the school system can be brought in to both identify the history of the Village and augment the research that has been done and to benefit by what we have in our Village by the architecture – this can and should be preserved as a way to enhanced Village life. He asked the Board to consider that once this change is enacted and there is an opportunity to preserve important homes, to take the next step to consider appointing a Commission that would look at historic preservation in a much broader sense in addition to considering proactive identification of homes and by acknowledging the potential loss of resale value for the individual by way of some sort of tax break. He noted municipalities that recognize

historic homes through plaques and walking tours and stated that Scarsdale should move in that direction.

Barbara Jaffe, 28 Kingston Road, stated that she was part of the group of CHP members who resigned. Unfortunately Mr. Silverman could not be here this evening. She thanked the Board for listening to them. She hoped that this would be the beginning and hoped that it would go further. They would like that the homes they think are historic or areas that are historic are predetermined so they do not have to go through the process. Changing the ‘and’ to ‘or’ is an excellent change and asked the Board to continue along this path.

As there were no further comments, Trustee Finger closed the public hearing.

Trustee Finger entered a motion to approve the Local Law to Amend Chapter 182 of the Scarsdale Village Code, Entitled Historic Preservation, seconded by Trustee Arest and adopted by the vote indicated below:

INTRODUCTORY LOCAL LAW OF 2018
A LOCAL LAW AMENDING CHAPTER 182 OF THE SCARSDALE VILLAGE
CODE
ENTITLED HISTORIC PRESERVATION

BE IT ENACTED by the Board of Trustees of the Village of Scarsdale as follows:

§ 182-2_Definitions.

As used in this chapter, the following words shall have the meanings indicated:

BOARD OF TRUSTEES – The Board of Trustees of the Village.

BUILDING INSPECTOR – The Building Inspector of the Village.

CERTIFICATE – A certificate of appropriateness is issued where there is no evidence or insufficient evidence to support a finding of substantial historical importance or architectural significance to warrant a determination that the building be preserved.

CLERK – The Clerk of the Village.

COMMITTEE – The Committee for Historic Preservation.

DELAYED CERTIFICATE – A delayed certificate of appropriateness issued by the Board of Trustees pursuant to provisions of this chapter. Such certificate may prohibit demolition of an historic building for up to 10 months from the date of the application for a certificate to demolish.

HISTORIC BUILDING – A structure which has been determined to meet the criteria set forth herein pursuant to the provisions of this chapter.

MASTER – A figure of generally recognized greatness in a field, a known craftsman of consummate skill, or an anonymous craftsman whose work is distinguishable from others by its characteristic style and quality.

OWNER – The owner of the property in question or a person with a legal interest in such property, such as a contract vendee.

PERSON – Includes an individual, a corporation, an association, a partnership, a limited liability company, an unincorporated organization, a government or any agency or political subdivision thereof.

VILLAGE – The Village of Scarsdale.

§ 182-3. Committee for Historic Preservation.

A. There is hereby created a committee to be known as the "Committee for Historic Preservation" or the "Committee."

B. Composition. The Committee shall consist of seven members and one alternate member for purposes of substituting for a member in the event such member is unable to participate because of a conflict of interest or unavailability. All members and the alternate member shall serve without compensation. The Village Historian shall serve as an ex officio, non-voting member of the Committee. All members and the alternate member shall be residents of the Village and shall be qualified by reason of training or experience or by reason of civic interest and sound judgment to determine whether a building in the Village appears to be of substantial historical importance using the criteria set forth in § 182-5 hereof.

Notwithstanding this provision and SVC § 30-1, the Village Board may appoint a non-resident who has special interest in historic preservation and is a New York State registered architect.

C. Appointments; term of office.

(1) The Chairman, other members of the Committee, and the alternate member shall be appointed by the Board of Trustees. The Chairman shall be appointed for one year; however, this limitation does not prohibit the appointment of the same person to subsequent or consecutive one-year terms. The term of office for each member shall be three years, with a two-term maximum. The appointments shall be staggered in that, initially, three members shall be appointed for three years, three for two years and one for one year. The alternate member shall be appointed for three years.

(2) In the same manner, vacancies shall be filled for the unexpired term of any member whose place has become vacant.

D. The Committee shall keep or cause to be kept in the Village Hall a record of its meetings and of the action taken with respect to each and every matter referred to the Committee by the Building Inspector and shall prepare and file with the Board of Trustees on or before

July 1 of each year a complete report of its proceedings during the preceding fiscal year of the Village, ending on May 31.

E. Operation of the Committee.

(1) The Building Inspector shall advise the Committee, in writing, as soon as practical, of each and every application filed with the Building Department for a permit to demolish all or any substantial part of any building in the Village. A substantial part of any building shall be defined as more than 50% of the existing square footage consisting of any combination of the front, rear and side elevations and the interior structure, including inside walls and floors, but excluding the basement area.

(2) Within ~~30~~ 60 days after the submission of a completed application as determined by the Building Department ~~such application is made~~, the Committee shall conduct one or more meetings, where public input shall be taken in a form and manner as prescribed by the Committee, to consider and decide whether the applicant is entitled to a certificate to demolish the building or, based upon the criteria set forth in § 182-5, the building in question appears to be one of substantial historical importance, and, as such, should be preserved. If the Committee determines that the building appears to meet such criteria and should be preserved, the Committee shall promptly advise the Building Inspector to inform the applicant of its determination and the applicant's right to appeal the Committee's determination to the Board of Trustees and/or file a hardship application with the Board of Trustees.

§ 182-4 Certificate of appropriateness.

Notwithstanding any inconsistent provisions of the Code or of any rule or regulation concerning the issuance of building or other permits, no person shall carry out any demolition of a structure which the Building Inspector has referred to the Committee as a potential historic building without first obtaining a certificate from the Committee or Board of Trustees as provided in §§ 182-7 and 182-11 or a written statement from the Committee that the structure does not meet the criteria set forth in § 182-5 and is not an historic building. The certificate required by this section shall be in addition to and not in lieu of any building or other permit that may be required by the Code or any state law or regulation.

§ 182-5. Criteria to determine historical importance.

A. In making a determination whether to grant an application for a certificate or to deny such application and require that the building in question be preserved, the Committee shall consider the level of significance in American history, architecture, archeology, engineering and culture present in the building, as well as the integrity of location, design, setting, materials and workmanship, and

- (1) That the building is associated with events that have made a significant contribution to broad patterns of Village, regional, state or national history; or
- (2) That the building is associated with the life of a person or persons of historical significance; or
- (3) 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;~~ or
- (4) That the building embodies the distinctive characteristics of a type, period or method of construction that possess high artistic value; or
- (54) That the building has yielded or may be likely to yield information important in prehistory or history.

B. The Committee may consider if the building is listed on the National Register of Historic Places, New York State Register of Historic Places or Westchester County Inventory of Historic Places. A national, state or county listing alone is not sufficient to warrant preservation.

§ 182-6. Application procedure; issuance of certificate.

A. Each applicant for a certificate shall serve, personally or by mail, a written notice, setting forth the nature and substance of the application and the time and place of the hearing at which the application shall be heard by the Committee, upon all owners of property any part of which is located within 200 feet of the structure to which the application relates. Such notice shall be served by mail not less than 10 days or by personal service not less than seven days prior to the date of the hearing, and proof of proper service, in affidavit form, shall be submitted to the Committee by the applicant at or prior to the hearing. All notices sent to owners shall identify the owner by name.

B. If the Committee approves an application, it shall issue a certificate which shall specify the work to be done. In issuing such certificate, the Committee may prescribe any conditions that it deems necessary to carry out the intent and purposes of this chapter. A certificate shall relate solely to proposed plans accompanying the application or otherwise submitted to the Committee for consideration prior to issuance of its certificate.

C. All decisions of the Committee to approve a certificate shall be by a vote of at least a majority of the members of the Committee and shall be in writing. Said writing shall be made within 15 days of the close of the meeting(s) and shall include detailed findings explaining the reasons and rationale of the Committee to issue a certificate. A copy of the Committee's determination and findings shall be sent to the owner by certified mail and a copy filed with the Village Clerk's office for public inspection. If the Committee determines

that a certificate should not be granted or should be granted with conditions, the decision shall also be supported by detailed findings explaining the reasons and criteria underlying said decision and shall advise the owner of the right to commence a hardship application process in accordance with § 182-8 and/or appeal the determination to the Board of Trustees as provided in § 182-11.

D. If the Committee fails to issue a certificate or notify the owner of its determination not to issue a certificate within ~~60~~ 75 days after the application therefor is filed or within such additional time period as the Committee and owner may agree on, such application shall be deemed approved.

E. Nothing contained in this chapter shall be construed as authorizing the Committee, in acting with respect to an application for a certificate or in adopting regulations in relation thereto, to waive any provisions of Chapter 132, Building Construction and Fire Prevention, or Chapter 310, Zoning, of the Code. The Committee may, in exercising or performing its powers, duties or functions with respect to any historic building, apply or impose with respect to the demolition of such historic building determinations or conditions which are more restrictive than those contained in any other applicable provisions of the Code or other applicable provisions of law.

F. Anything herein to the contrary notwithstanding, in any cases where a duly authorized enforcement agency shall order or direct the demolition of any historic building for the purpose of remedying conditions determined to be dangerous to life, health or safety, a certificate shall be issued to permit compliance with such order or direction, modified, if feasible, to permit the work to proceed in a manner whereby the danger to life, health and safety may be abated.

G. Any certificate or permit to demolish a structure issued pursuant to this chapter shall expire 12 months from the date of issuance if the work authorized thereby is not commenced by the end of such twelve-month period. Any such certificate or permit shall expire if such authorized work is not completed or is abandoned within a period of 12 months after being commenced. Any period or periods of time during which the right to use any certificate or permit is stayed pursuant to this chapter or to any statutory or judicial authority or order shall be excluded from the computation of the 12 months.

H. The Building Inspector shall refuse to grant a demolition permit where a certificate has been denied or where the grant of such permit is not within the terms and conditions of such certificate as has been granted.

EFFECTIVE DATE

This Local Law shall take effect immediately upon filing with the Secretary of State.

Underline means addition.
~~Strikethrough means delete.~~

<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		

Finance Committee

Trustee Ross reported on the statements of expense and revenue for the various funds of the Village for the first ten months of fiscal year 2017-18.

General fund appropriations were 77.06% spent as of March 2018 as compared to 72.06% in 2016-2017.

General Fund Revenues other than property taxes are \$14,790,651 through March 2018. After adjusting for the sale of 32 Ferncliff (\$956,300) and Fire Ladder 28, the resulting total of \$13,634,851 represents an increase of \$52,745 from the 2016-2017 figure of \$13,582,106. The 2017-18 tax penalty revenue is down over \$190,000 from 2016-2017. Last year's revenue included over \$240,000 in tax penalties on a single property. Mortgage tax increased \$273,500. Building Permit revenue (included in License and Permit revenue) is down \$6,500 from last year. Parking revenue increased \$29,000 in 2017-2018. Court fines are down \$21,000. Recreation Department revenue decreased \$155,000 due to decreased enrollment in some summer camp and athletic programs. Cable TV and gross receipts taxes declined \$73,000. Investment income increased \$136,700 partially offsetting the drop in other revenue categories. Sales tax receipts rose \$46,600. Overall rental income increased \$36,600.

The actual collection of Village taxes through March 31, 2018 is at 99.58%. This is a decrease of 18 basis points from last year's collection rate.

Before beginning the Public Comment portion of the meeting, Mayor Hochvert asked Paul Zaicek, Project Manager, to come forward to the podium to speak about the progress on the Popham Road Firehouse renovations.

Mr. Zaicek stated that the Popham Road Firehouse project is 75% complete. The lower portion of the east façade (Post Road) was rebuilt; the lowering of the apparatus bay floor and driveway is complete; the lowering of the basement slab has been done. Within the next week or so, they will start framing out the interior walls of the building. Shortly after that the finishes will commence. The electrical, mechanical, and plumbing rough in has also commenced. They are shooting for a July finish date and are progressing towards that. They currently have \$270,000 remaining from the funds that were allotted for this project. If the change orders are approved this evening along with some miscellaneous change orders that the Village Manager will be seeing shortly, they will have a balance of \$169,000 to finish the project. Village facilities crews will be doing the finishes on the second floor and the basement of the building. \$125,000 has been set aside to buy the finish products for the crews to finish the work. That will leave \$45,000 to purchase furniture and finish up any miscellaneous work that we have moving forward.

Public Comment

Ron Schulhof, Springdale Road, as a member of the Food Scrap Recycling Committee, stated that they had their second annual compost give back day this past Saturday and it was a fantastic success. Hundreds of residents turned out to pick up compost made from the food scraps. He thanked Benny Salanitro, Superintendent of Public Works and his staff including Tyler Seifert who planned the event, Joe, the Assistant Sanitation Foreman who helped and set up, and Mike who was working in the yard. He also thanked the Board for supporting these events as well as the Village staff and the community that came out. All of the compost was gone by 3:00 p.m. He also announced that they will be moving to a curbside recycling pickup soon – details will be forthcoming.

As Chair of the LED Streetlight Committee, he stated that many of the LED streetlights are now going up. The first phase of the streetlight conversion project is underway on Post Road, Mamaroneck Road, Heathcote Road, Weaver Street and locations with Town and Country lights. We will send a formal update both to the Board and to the community once they are all up. He thanked the LED Streetlight Committee: Michelle Sterling, David Raizen, Farley Baker and Benny Salanitro, as well as Tyler Seifert. If anyone has any feedback about the lights or any questions, please contact the Committee at LED@scarsdale.com. The Committee is planning to do a pilot for the residential streets over the coming months and will come back to the Board and the public for an update on that.

Brice Kirkendall-Rodriguez, Fox Meadow Road, stated that he is a conservation minded resident. In regard to the water rates, he stated that the stock answer to residents' inquiries seem to be that the reason the excess rate was being cut was as a direct response to

a change in the New York City billing and Scarsdale was passing along an excess rate reduction to Scarsdale residents from New York City. Two weeks ago as he communicated, that actually wasn't true. New York City hasn't changed their rates in three years. You have to wonder why it is that it took some probing to finally acknowledge that this is true and now we are on our third or fourth reiteration of explanation of Village policy on water. He stated that close to 90% of Scarsdale residents are going to subsidize the remaining 10% in this shift of rates. The letter that was sent out was a message of shared sacrifice that we have these capital projects. The reality is that more than half of that 12% increase is actually used to pay for the decrease. If you take the last four billing periods (one year), it turns out that the amount raised by the base rate increases is about \$106,000. However, the amount given away in the form of an excess rate reduction is \$127,000. He stated that this is what is called bait and switch. We are told that this is for capital funds but yet more than half is going to a rate reduction. We want people to conserve water. Village Manager Pappalardo has stated that Scarsdale is in the top 10% of water consumers, and he stated that he mentioned at the last Board meeting that the rate of increase of suburban use relative to city use has been growing over the last two decades. He stated that there is a house in Scarsdale that consumes on average over 10,000 gallons of water every day. They paid a \$53,000 water bill. That is 30 times the median a Scarsdale resident consumes in terms of water. It will require 51 residents who are already conserving water to increase their rates to pay for the \$2,000 rate reduction they are going to get this year. It doesn't make sense to him. If you look at the top 100 consumers of water in Scarsdale, the total amount of water they consume could provide drinking water to the City of Flint Michigan for a year. He stated that he did not want to encourage people to consume water. Excess water usage is contrary to the long term interest of the community. Passing the budget this evening does not deny the Board the opportunity to fix this. Since there is a solution that does not change the revenue line for water rates, simply make the rates subject to review after the budget is passed.

Robert Berg, 32 Tisdale Road, stated that he spoke at the last meeting on behalf of the three then sitting members of the Town Board of Assessment Review. He reminded the Board that those member sent them an urgent letter regarding their disappointment that Ms. Curley was not reappointed to the Board and lauded her qualifications. The letter from the remaining BAR members also pointed out the importance of knowledge of real estate values and questioned the qualifications of the new appointments and whether or not they possess the skills to sit on the Town BAR. Those members opposed those appointments. He stated that these appointments do a great disservice to the residents who are seeking a fair determination of their property grievances, and a great disservice to the three sitting members of the Town BAR who now cannot rely on the opinions of the new appointees and now have to do the enormous work of the BAR entirely on their own. The letter ends by requesting that Ms. Curley be reappointed to the BAR immediately and asked the Board to respond to their concerns. The Village Board did not respond to this letter or to Ms. Curley. Other members of the public voiced their support for Jane's reappointment. He asked the Village Board again to respond to the Town Board of Assessment Review and to

the residents as to why Jane Curley was not reappointed as a member of the Town Board of Assessment Review.

Trustee Finger responded, stating that the Village Board does not discuss personnel matters in public. These matters are discussed in Executive Session.

Mr. Berg stated that this was terrible, the Village Board owes the Town Board of Assessment Review, Jane Curley and the residents an answer. He asked why the two new members were appointed as they are new residents of Scarsdale.

Trustee Finger responded again, stating that they do not discuss personnel issues in public and there are a lot of very good reasons for that.

Mr. Berg stated that his fellow resident, Mayra Kirkendall-Rodriguez has been repeatedly asking the Mayor a lot of questions regarding the process and procedure the Village follows concerning appointments to the Boards and Councils. The Mayor informed her that he was not at liberty to discuss personnel matters because it intrudes upon Executive Session privilege. He stated that the Village Attorney informed Ms. Kirkendall-Rodriguez that there were no written guidelines, no criteria or procedures that govern how the candidates are selected.

Village Attorney Esannason clarified Mr. Berg's statement, stating that he said there are no written records. There are no written guidelines, there are no written records.

Mr. Berg continued, stating that there is no written anti nepotism policy, noting that Susan Ross, wife of Trustee Seth Ross, was appointed to the Advisory Council on Technology; and Daniel Finger sitting on the Board of Architectural Review – Daniel is the younger brother of Trustee Carl Finger. Having spouses and siblings of sitting Trustees on important Boards and Councils smacks of nepotism. This is exacerbated by having no written procedures or guidelines.

Mayra Kirkendall-Rodriguez, Fox Meadow Road, made the following statement:

“Last year, around this time, the night that Seth Ross became Trustee, I approached Seth Ross to congratulate him. He smiled and said ‘the funny thing is, that I now work for you.’ So Trustee Ross, one year later, I ask you, whether indeed do you really work for me; in fact, do you really work for all residents in Scarsdale? How do we know? How many residents have any of you spoken to about our priorities? How often? Where? Do you have any data to show what Scarsdale residents’ priorities are? Two weeks ago, when I came here, I encouraged you to do a survey or find some methodology to quantify what people want. I also encouraged you to create a long-term financial model and plan, since Scarsdale does not have one.

Personally, for example, I have seen no data to show that spending three years amending and editing the proposed tree code is the top priority for residents. What I do see, however, on surveys that my husband and I designed, distributed and analyzed is that residents want better roads, fewer potholes, a decrease in aggressive drivers, and safer traffic conditions around our schools. The data also show that people in this town are very concerned about the very heavy tax burden. I have also seen data that residents want revitalized retail in Scarsdale. It would be very helpful if you tell residents at some point soon, what your plans and timeline are to reach these top resident priorities.

In addition to the aforementioned, I'd also like to hear from you sometime soon when you are going to have a property revaluation so that all residents are assessed fairly and all of us pay our fair share of taxes. There are hundreds of households adversely impacted by the Ryan reval, which as you know happened due to poor decision making in the Village Assessor's office and lack of Mayoral, Trustee and Village Manager oversight of that office. Those individuals that continue to bear a higher tax burden than they should have not forgotten about this.

Most importantly, I urge all of you to have transparency in this administration. What do I mean by transparency? For example, I do strongly encourage you to have a written policy and processes on how you choose volunteer residents for volunteer boards, councils, and committees and that the information is easily available on Scarsdale.com. Residents should not have to be digging around trying to find the information. A lot of your website has greatly improved, certainly due to Trustee Veron and I'm sure other people here. So, let's try to make it easy for people to find information that's relevant to all of us. And yes, I have been sending a lot questions and unfortunately, they haven't been answered.

This afternoon, thank you Village Attorney Esannason, you did kindly write and you did tell me that "Other than the online application for appointment to the Village's boards and councils, there are no Village records that govern the appointment process."

I am not in Village government, but in my field which is working with countless and countless different kinds of banks, every kind of size, it is imperative that organizations have policies and procedures so that then we all can see them and we can understand how you function. We can have transparency. Unfortunately, that is not what we have here. By not having written policies and procedures, unfortunately then you end up in a situation where this just lends to speculation as to who gets picked how, and why, so that's why written policies and procedures are important and it is clear and transparent to all of us. I'm not a lawyer; I have, however, started to research Open Meeting Law, and so far I believe that it is not prohibited for a board to discuss what transpired in Executive Session unless some other statute prohibits it, which is unlike the case here. The Board of Trustees are free to make public its deliberations. If there is a statute, obviously not tonight, but I'd like you to email me and let me know what that is.

Mr. Ross, you were in charge of personnel until two weeks ago, and I'm very concerned as a voter, as a resident, as a taxpayer, that you haven't explained to the public why a smart and talented volunteer was tossed aside. Why did you appoint your spouse to the Council on Technology? Why Mr. Finger's relative is on one of the boards? Is nepotism really the way that you want to run Scarsdale? This is a Town that has so many talented residents. There are 11,000 registered voters with lots of non-nationals, foreign born resident who are very talented and who would be able to serve on all of these different kinds of Boards. I have worked in over 30 emerging market countries. Nepotism is terrible for governance and fiscal stability.

Mr. Mayor, you have not addressed why a volunteer is being treated like she is. You have not explained why anyone else can provide more contributions to the BAR than she. Ms. Crandall and Mr. Arest, when you ran for office you claimed that you love Scarsdale and wanted to serve all Scarsdale residents. Going forward, I urge you to think about how volunteers are being treated. Is the way that Ms. Curley was treated - is that an example here of love and serving all Scarsdale residents? It doesn't look like that to many of us.

Ms. Crandall, you have often said 'that it is very difficult to find volunteers.' It would be very good, then, for you to stand up for a volunteer that is being badly treated.

The BAR is incredibly important and so it is really incredible that she wasn't reappointed and that there is no explanation whatsoever. Your statement, Mr. Ross, the innuendo leaves people wondering why was she not reappointed. It was really not a good way to treat someone who was willing to give her incredible quantitative services for free. How do I know that she's quantitative? This is what I do for a living. I work with people who validate models. I create the national models. This is what she does at an even high level than I have. With all due respect, you have never had whilst I have been living her in Scarsdale for seven years, you have never had anybody of that level of expertise giving us her services. I'm very concerned that you are sending a bit of a mixed message here. On one hand you tell us that you do vet residents for these different councils, yet, if there is no written policy or procedure, then I don't understand how you pick volunteers."

It would be very useful if all trustees and the mayor could show residents with numbers or other information how you pick residents to be on all of these boards, councils, and committees. Do you reach out to a wide variety of residents, including outside of your network of supporters?"

Ms. Kirkendall Rodriguez expressed her gratitude that Trustees Arest and Veron specified that they are going to propose that processes change in regard to Public Hearings. She also thanked Trustee Arest who suggested at the Organizational Meeting held earlier this evening that there should be some kind of survey to find out what residents want in terms of municipal services. She urged the Board to be more data driven.

Janice Starr, Co-President League of Women Voters, 65 Church Lane, presented the League's position statement on 2018-19 Tentative Village Budget as follows:

"The League of Women Voters of Scarsdale (the "League") held a membership meeting on Monday, March 26, 2018 to evaluate the 2018-2019 Tentative Village Budget (the "Budget"). We thank Village Manager Steve Pappalardo, Village Treasurer Mary Lou McClure, Mayor Dan Hochvert and Trustee and Liaison to the League Deb Pekarek for attending the meeting and addressing our questions relating to the budget, as well as potential issues going forward. The League supports the Budget of \$56,574,713, representing a year-to-year increase of 1.921% or \$754,921. We commend the Village staff, Mayor Dan Hochvert, the Board of Trustees (the "Board") and its Finance Committee for again conducting a budget development process that was accessible to all residents, fully transparent and clearly presented. We also commend them for their nimble and responsive actions in allowing Scarsdale taxpayers to prepay the Village portion of their property taxes in light of the uncertainty caused by recent changes to the federal tax law affecting the deductibility of local property taxes. Finally, the League commends the Village Board and Staff for continued careful planning and prudent financial practices that allows the Village to maintain -- and in some cases, improve -- the services that are important to the community while keeping tax increases well below the state-imposed tax cap, especially in light of recent federal tax law changes. That being said, the relatively low tax increase in the proposed budget is the result, in large part, of deferring spending on some projects. While we understand and appreciate the Board's sensitivity to keeping tax increases low, we encourage the Board to work with the community to develop a new comprehensive plan and begin to build up resources in order to invest in enhancements to the Village.

1. Property Tax Levy

The proposed property tax levy increase is 1.921%, or \$754,921, which corresponds to a tax rate increase of approximately \$128 for a Village homeowner with an average assessed property value of \$1,499,000. This homeowner would pay roughly \$6,773 in Village taxes in 2018-2019, representing approximately 18.19% of the homeowner's total property tax bill. We note that the proposed Budget is well below the New York State property tax levy cap, representing a year-to-year increase of only 0.25%. We commend you for not using the tax cap as a guiding principle for the Budget. We do appreciate the restrictive nature of the state's tax cap calculation for the Village. We understand that reforms to the current state property tax levy law are a "tough sell" in Albany. However, the League encourages the Village to continue to advocate for changes to the law that would benefit municipalities. Reasonable reforms to the current law would include: calculating the tax levy limit based on a fixed 2% cap, as opposed to a fluctuating measure of inflation, so that municipalities can budget and plan from year-to-year and into the future; allowing the same exemptions for debt service and capital expenditures as currently allowed for school districts; and including an exemption for any increases in employee health care and other mandated costs in excess of 2%. The League also recommends that the Village engage the community in Village

advocacy by giving residents relevant information and specific action items for lobbying to the State government.

2. General Fund Balance

The League supports the rationale provided for the proposed budget's \$190,000 increase in the use of fund balance. Specifically, the following factors were considered in determining next year's fund balance: maintenance of adequate reserves to deal with unplanned emergencies; maintenance of fund balance within 10-15% of prior year's budget; and mitigation of tax increases. We commend the Village for its successful strategy that has maintained our Aaa bond rating, specifically by using some of our surplus for capital improvements. However, this tight budgeting may be at the expense of longer range investments in Village services and facilities desired by the community. We would encourage the village to allocate some of the surplus or increase borrowing for this purpose before borrowing rates go up. This also suggests a need for an updated comprehensive plan that incorporates a longer range view of needs and goals of the community in order to ascertain community priorities from a more holistic perspective, recognizing that the comprehensive plan has not been updated since 1994.

3. Capital Projects

The League supports the funding of capital projects in the amount of \$11,145,025, a 58% increase in capital expenditures compared to last year's budget. We commend the Village for addressing many capital projects that have been deferred in the past. However, we are concerned that some important projects continue to be deferred, most notably, improvements to Village Hall, as well as some infrastructure projects. Also, we note that the proposed capital budget includes many projects that will not be undertaken unless grants are obtained. The League supports the Village's ongoing efforts and effectiveness in obtaining grants as a source of funding. However we recognize that grants are not a reliable source of funding, and that available grants frequently do not align with our Village's capital project priorities. We also support the Village's approach to prioritization with those projects that must be addressed for safety reasons at the top of the list, followed by less pressing, but nonetheless needed projects, and then "wanted" projects at the bottom, including those that improve community aesthetics. We recognize that each year for the last decade the Village Board and Administration have made difficult decisions to strike a balance between responsibly addressing capital needs and keeping tax increases at manageable levels for Scarsdale taxpayers. We further recognize that in each budget year, the choice of projects is the result of many considerations, including state mandates, operational necessity to maintain core services, and operational efficiency. More importantly, we appreciate the Village's tactical management of capital spending but have some concern with the lack of a longer term comprehensive strategy and would encourage gathering community input into a long range vision for the Village, ideally, as stated previously, in the development of a new comprehensive plan.

The League notes that water rates have been increasing steadily for several years and will continue to rise in the near future, to cover capital projects associated with our water supply and litigation costs. While these capital projects are of paramount importance, we encourage the Village to undertake these increases with much thought and analysis, as they contribute materially to the cost of living in Scarsdale.

4. Road Repair

The League commends the Village for its ongoing efforts to hold Con Edison accountable for performing and paying for “curb-to-curb” road repairs following Con Edison’s gas line work and for effectively managing such efforts. The League also thanks the Village for continuing to apply pressure on NYS and for securing funding for the repaving of Post Road/Rte 22. The League encourages the Village to continue similar ongoing efforts relating to Weaver Street/Rte 125.

The League supports this year’s updating of the pavement management study and subsurface investigation as a means of prioritizing future road repair work.

The League stands by its previously expressed position, in agreement with the Village Board and Administration, that bonding is not a fiscally prudent or responsible manner of financing road repair. The League is pleased that the Village has continued to apply for grants and has continued to apply budget surplus to increase the Village’s annual expenditures on road repair expenditures.

5. Staffing

The proposed level of Village staffing has not changed since 2006, and is approximately 10 FTEs lower than the level 30 years ago. The League recognizes and commends the Village for maintaining the current level and quality of village services. However, we are concerned about the long-term viability of current levels of staffing, given the increasing need for individual staff members to perform multiple tasks and the increasing complexity of many of the Village staff responsibilities. Scarsdale, unlike many other municipalities, has a dedicated Capital Projects Manager, without whom the Village would be unable to efficiently and effectively address the annual list of capital projects. However, there are other areas for which the Village should but does not have designated managers, such as communications and environmental sustainability. In addition, the Village needs to hire staff to fairly, effectively and universally enforce our Village code. This will avoid selective enforcement, neighbor-to-neighbor enforcement, and may likely result in increased fee revenue to the Village, which should be able to justify the additional staffing cost. The League recommends that the Village consider and plan for additional managerial staff for these and other critical areas in the near future. We commend the Village on its continued commitment to quality professional development. We reiterate our previously expressed concern about the Village’s ability to continue to attract and retain quality staff and departmental leadership in a competitive environment. We are particularly concerned given the fact that many current department heads are approaching retirement age and that

younger hires are subject to higher state-mandated pension contribution rates that, together with rising health care contributions, negatively affect their overall compensation.

6. Village Center, Development, Historic Preservation, Recreation

We commend the Village's current and proposed studies, most notably, the studies of Freightway, the recreation department, and the assessor's office. We recognize the potential Village enhancements and revenues resulting from these initiatives. We are concerned, however, that a new Village Comprehensive Plan is long overdue. A comprehensive plan would give the community a formal opportunity to consider the full range of choices (historic preservation, commercial development, recreation, etc.) and articulate priorities in context. With fully assessed community priorities, Village leaders would have the guidelines to act with confidence in their budgeting decisions. Also, this process would promote the long-range thinking necessary to build resources to move beyond maintaining services at the current level and move our Village forward in providing excellent services for the 21st century.

7. Sanitation and Sustainability Initiatives

The League commends the Village for its emphasis on sustainability initiatives. Although the League supports the Village's use of advisory councils, focus groups and public forums to solicit community input, the Board ultimately can and should retain full authority and responsibility for properly vetting any proposals and for conducting its own full assessment, including a thorough cost-benefit analysis.

The League supports the proposal to install LED street lights in the high traffic roads as well as the plan to phase in additional street light replacement over the course of the following years. The League questions the Board's delay thus far in implementing the street light proposal, particularly in light of the electrical savings that could have accrued to this point had the proposal been acted on expeditiously.

The League thanks the Board for listening and responding to community feedback concerning the CAC's proposals for changes to the existing sanitation services, and for exercising independent judgment on whether to supplant rear yard with front curb collection of commingled recyclables. The League urges the Board to undertake its own thorough cost-benefit analysis of the forthcoming pilot for curbside collection of food waste, including its overall impact on the sanitation budget as a whole. As reported during the information session, the monetary costs associated with collecting segregated food waste and hauling them significant distances for recycling into compost is more than double the cost of commingling food waste with regular garbage. If participation in the food scrap recycling program increases as the result of curbside collection, the overall sanitation costs will likewise increase incrementally. Those monetary costs and the carbon footprint of hauling food scraps farther than regular waste need to be analyzed and the environmental benefits of such forms of disposal quantified. The League looks forward to seeing a detailed and impartial analysis by the Board itself as to whether the program itself increases or decreases

the Village's total carbon footprint, and whether the program serves to measurably reduce the total Village waste.

8. Budget Process

The League again commends the Village staff members for their transparent and clear explanations, their careful planning, and their accessibility to answer questions. The League also commends the Board for videotaping two of the six budget meetings and encourages the Board to record more of its public deliberations for the benefit of residents unable to attend such meetings in person.

In conclusion, we thank you for the invaluable assistance and cooperation that was extended to us in our study of the proposed budget. We applaud the professionalism and dedication with which the Village Manager, Deputy Village Manager, Village Treasurer, Mayor and Trustees developed the 2018 - 2019 Tentative Budget. Thank you for considering our comments.”

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

Finance Committee, cont'd:

Upon motion entered by Trustee Ross, and seconded by Trustee Veron, the following resolution regarding Acceptance of the 2018-2019 Budget was approved by the vote indicated below:

WHEREAS, pursuant to Section 5-508 (3) of the Village Law, a public hearing on the 2018-19 Tentative Budget was held on April 10, 2018; and

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

RESOLVED, that the Tentative Budget filed on March 20, 2018, is hereby adopted as the Budget of the Village of Scarsdale for the fiscal year June 1, 2018, to May 31, 2019, and the several amounts stated in the columns entitled “2018-19 Proposed” in the Appropriations Schedules, including the total amounts listed in the Position Summary Schedules for salaries and wages, are hereby appropriated for the objects and purposes specified; and be it further

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

RESOLVED, that the sums enumerated in the columns entitled “2018-19 Proposed” in the Revenue Schedules, including estimated revenues and appropriated fund balances, are hereby made available for the purpose of financing such appropriations.

<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 casting his vote, Trustee Callaghan stated that it is remarkable what the Village staff has done this year with the budget, and to top it off with a 20% decrease in debt. He said that this is truly remarkable in these days and thanked the staff.

Law Committee

Upon motion entered by Trustee Finger, and seconded by Trustee Ross, the following resolution Authorizing the Execution of an Amendment with Westchester County for 2 Drake Road was approved by the vote indicated below:

WHEREAS, the Village of Scarsdale (“Village”) owns certain real property known as 2 Drake Road (“Premises”), which is improved by a one-family home and identified on the Village of Scarsdale Tax Map as Section 11, Block 12, Lot 2; and

- WHEREAS,** the Village and the County of Westchester (“County”) are currently parties to a lease agreement originally executed in 1987, renewed in 1994, 1999, 2004, 2009, 2014, and again in 2017, under which the Village leases the premises to the County; and
- WHEREAS,** pursuant to the terms of the latest agreement (attached), the County uses the property to provide transitional housing for homeless families or for longer-term housing, as approved by the Village Manager; and
- WHEREAS,** the proposed lease agreement requires that the County pay to the Village a sum equal to the monthly shelter allowance approved by the New York State Office of Temporary and Disability Assistance for Westchester County, currently estimated at \$5,112; and
- WHEREAS,** the family residing at 2 Drake Road does not meet the eligibility requirements for federal and state assistance due to their residency status, and therefore the County is unable to collect the New York State shelter allowance; and
- WHEREAS,** previous requests from the County Department of Social Services to waive the rental fee have been approved by Village Boards via resolutions dated September 13, 2005, January 8, 2008, September 22, 2009, June 28, 2011, May 22, 2012, May 14, 2013, April 8, 2014, and October 24, 2017, coinciding with the residency tenure of the current family; and
- WHEREAS,** the County is again asking the Village to waive the rental payments provided for in the proposed successor agreement, as they continue to work with the family to establish a self-sufficiency plan and transition them out of 2 Drake Rd; and
- WHEREAS,** the approximate \$5,112 in annual state assistance represents less than 1% of our Village’s budget revenue estimate for the rental of real property, with the waiver of such revenue having minimal impact on the overall budget; and
- WHEREAS,** staff recommends that the Village Board grant a rent waiver from May 1, 2018, through April 30, 2019, said waiver to be accomplished through an addendum to the proposed agreement in the form of a letter in substantially the same form attached hereto; now, therefore, be it

RESOLVED, that the Village Manager is hereby authorized to execute a lease agreement with the County of Westchester, in substantially the same form as attached hereto; and be it further

RESOLVED, that the annual rent payment equal to the monthly shelter allowance approved by the New York State Office of Temporary Disability Assistance for Westchester County, identified in paragraph two of the agreement, is herein waived for the period of May 1, 2018, through April 30, 2019; and be it further

RESOLVED, that the Village Manager shall take all administrative acts necessary in accordance with said lease agreement.

AYES

NAYS

ABSENT

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

None

None

Municipal Services Committee

Upon motion entered by Trustee Veron, and seconded by Trustee Finger, the following resolution Authorizing the Execution of an Extension of the 2018/19 New York State Department of Transportation Municipal Snow and Ice Agreement was approved by the vote indicated below:

WHEREAS, pursuant to Section 12 of the New York State Highway Law, the maintenance of State highways includes control over snow and ice removal authorized by the New York State Department of Transportation (NYSDOT); and

WHEREAS, snow and ice control on State highways, 15.7 miles of which are located within the Village of Scarsdale, may be performed by the host municipality pursuant to an agreement entered into by the municipality and the NYSDOT; and

WHEREAS, in the interest of public safety and plowing expediency, the Village of Scarsdale has historically provided such service on behalf of

NYS DOT since 1999 through successive amendments to the Municipal Snow and Ice Agreement, the latest of which was executed in August 8, 2017, thereby extending the original agreement through June 30, 2018, continuing in force until a successor agreement is proffered by the NYSDOT; and

WHEREAS, the NYSDOT recently delivered a one-year extension agreement for the 2018/19 season, effective July 01, 2018, through June 30, 2019; and

WHEREAS, the new estimated index lump sum expenditure is \$1,655.00 per lane mile for a total of \$25,983.50; now, therefore, be it

RESOLVED, that the Village Board of Trustees hereby authorizes the Village Manager to execute the New York State 2018-2019 Municipal Snow and Ice Agreement Extension between the Village of Scarsdale and the New York State Department of Transportation in substantially the same form as attached hereto; and be it further

RESOLVED, that the Village Manager is herein authorized to undertake all administrative acts required pursuant to the terms of the Agreement, including the execution of any subsequent amendment to the above cited extension.

AYES

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

NAYS

None

ABSENT

None

Upon motion entered by Trustee Veron, and seconded by Trustee Finger, the following resolution regarding Change Orders for Modifications to VM Contract #1209 – General Construction, Popham Road Firehouse Renovation Project was approved by the vote indicated below:

WHEREAS, on January 10, 2017, the Village Board of Trustees awarded VM Contract # 1209 – General Construction, Popham Road Firehouse Renovation project, to the lowest responsible bidder, Specialty

Construction Systems, Inc., Mount Vernon, NY for a total contract award of \$2,246,400 (resolution attached); and

WHEREAS, during the course of construction, certain modifications to the general construction portion of the Popham Road Firehouse project were necessary in response to field conditions encountered; and

WHEREAS, in accordance with Section 2.9 of the Village's Internal Control Policy, on July 15, 2017, the Village Manager authorized additions and modifications to VM Contract #1209 – General Construction, totaling \$174,005.13 (Change Orders# SCS-01 & SCS-02), which yielded a 7.7% contract increase and a revised contract amount of \$2,420,405.13; and

WHEREAS, during the past several months, additional field conditions have been encountered and additional items have been requested by the Village necessitating additional general construction work; and

WHEREAS, Change Order Requests #SCS-03 thru #SCS-08 totaling \$34,750.00, attached hereto and made a part hereof, have been reviewed and negotiated by Village staff and Grigg and Davis Engineers, the Village's project engineer and construction management firm, and are deemed reasonable for the scope of work proposed, requiring the approval of the Village Board pursuant to Section 2.9 of the Village's Internal Control Policy; and

WHEREAS, the combined total of \$208,755.13 for all change orders to-date, for VM Contract #1209, represents a 9.3% increase to the original contract, resulting in a revised contract sum of \$2,455,155.13; now, therefore, be it

RESOLVED, that in accordance with Section 2.9 of the Village of Scarsdale Internal Control Policy, Change Orders #SCS-03 thru #SCS-08, totaling \$34,750, attached hereto and made a part hereof, are herein authorized for VM Contract #1209 - General Construction, Popham Road Firehouse Renovation project; and be it further

RESOLVED, that the cost of said additions and modifications be charged to the Popham Road Firehouse Renovation Project Capital Budget Account #H-3497-962-2014-043B.

AYES
Trustee Arest

NAYS
None

ABSENT
None

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

Trustee Callaghan noted that when he sees change orders come in at the tune of 6 or 7 he gets a little nervous and then now at 9% over the budget which is within normal range. He stated that we are all in this together and he was sure it would work out.

Upon motion entered by Trustee Veron, and seconded by Trustee Ross, the following resolution regarding Additional Phase II Design Services with Grigg and Davis Engineers, PC for the Popham Road Firehouse Renovations was approved by the vote indicated below:

WHEREAS, the Popham Road Firehouse (Station 1), constructed in 1923, was in need of a major renovation due to structural deterioration and functional obsolescence, in that it is unable to accommodate larger generations of fire apparatus; and

WHEREAS, Grigg and Davis Engineers, P.C. (Grigg and Davis), was engaged for Phase II Design Services pursuant to an agreement authorized by the Village Board by resolution on November 12, 2013 (attached), with subsequent change orders of \$37,500 approved by the Village Manager on December 7, 2015, Village Board resolution for \$92,501 on March 08, 2016 (attached), Village Board resolution for \$8,900 on February 14, 2017 (attached), and \$6,300 approved by the Village Manager on July 15, 2017; and

WHEREAS, the Popham Road Firehouse Renovation Project commenced February 27, 2017, and was originally scheduled to be completed in February 2018, but unanticipated field conditions and associated construction-related change orders have extended the project timeline to an estimated completion target of July 03, 2018, necessitating four additional months of construction administration services; and

WHEREAS, pursuant to Section 2.2 of the 2013 Grigg and Davis Agreement, the Village is obligated to compensate additional construction administration services at the rate of \$9,000 per month, resulting in

an increase of \$36,000 based on the anticipated July completion date; now, therefore, be it

RESOLVED, that the 2013 Phase II Design and Construction Administration Services Agreement with Grigg & Davis Engineers, PC, 21 Crossway, Scarsdale, NY 10583, is herein increased by \$36,000 for four months of additional construction administration services, to be paid from Popham Road Firehouse Renovation project available funds; and be it further

RESOLVED, that the Village Manager is hereby authorized to execute an extension of the professional services agreement, in substantially the same form as attached hereto, for additional construction administration services with Grigg & Davis Engineers, and to undertake all associated administrative acts as required.

<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		

In response to Trustee Callaghan’s comment on the prior resolution, Trustee Veron stated that the reason the Board invited Mr. Zaicek here this evening to explain precisely that that they are nearly the conclusion and are managing costs very carefully.

Personnel Committee

Upon motion entered by Trustee Arest, and seconded by Trustee Finger, the following resolution regarding an Appointment to the Advisory Council on Technology was approved by a unanimous vote:

WHEREAS, the Village Board of Trustees created an Advisory Council on Technology (Council) in 1997 to assist and guide the Village in the adoption and integration of new technologies; and

WHEREAS, upon completion of this mission, the term of the Council expired in 2001 and the Village Board, via resolution of July 10, 2001, re-established the Council under a modified constitution with a purpose

to advise the Board on the use of technology to improve the quality of community life and the efficiency and effectiveness of Village government; and

WHEREAS, in accordance with the Council's constitution, the Village Board may appoint no fewer than five nor more than eleven members to serve on the Council for a two-year term; and

WHEREAS, currently there are nine members on the Council, providing opportunities for two additional interested and qualified residents to serve; and

WHEREAS, John Cotter, 107 Brite Avenue, recently submitted an application seeking appointment to the Council; and

WHEREAS, the Village Board's Personnel Committee met on April 17, 2018, to discuss potential candidates to fill the two vacancies on the Council and herein recommends to the Full Board that Mr. John Cotter be appointed to the Council; now, therefore, be it

RESOLVED, that John Cotter, 107 Brite Avenue, Scarsdale is hereby appointed to serve on the Advisory Council on Technology for a term ending on April 6, 2020.

* * * * *

Upon motion entered by Trustee Arest, and seconded by Trustee Crandall, the following resolution regarding an Appointment to the Library Board was approved by a unanimous vote:

WHEREAS, Trustees of the Scarsdale Public Library are appointed to a five-year term by the Village Board of Trustees; and

WHEREAS, John Harris was appointed by the Village Board of Trustees to serve as Library Trustee for a five-year term ending April 1, 2019, but has submitted a letter of resignation effective April 09, 2018; and

WHEREAS, Gary Katz, 18 Ogden Avenue, submitted an application expressing interest in Library Board appointment; and

WHEREAS, the Village Board's Personnel Committee met on April 17, 2018, to discuss potential candidates to fill the Library Board vacancy and herein recommends to the Full Board that Mr. Katz be appointed to

the Library Board to serve the unexpired term of John Harris; now, therefore, be it

RESOLVED, that the Village Board of Trustees hereby appoints Gary Katz, 18 Ogden Road, Scarsdale, to the Library Board to fill the unexpired term of Mr. Harris, ending April 1, 2019, or until such time as a successor is appointed.

* * * * *

Upon motion entered by Trustee Arest, and seconded by Trustee Veron, the following resolution regarding an Appointment to the Advisory Council on Youth was approved by a unanimous vote:

WHEREAS, the Village Board's Personnel Committee, at their April 17, 2018 meeting, reviewed and discussed the vacancy and appointment of a Chair to the Advisory Council on Youth; and

WHEREAS, Jordan Copeland, 45 Woods Lane, previously appointed to the Advisory Council on Youth for a two-year term on April, 03, 2017, has expressed in interest in serving as Chair of said Committee for a one-year term ending April 01, 2019, and the Personnel Committee herein recommends to the full Village Board to appoint Jordan Copeland to this position; now, therefore, be it

RESOLVED, that Jordan Copeland, 45 Woods Lane, is herein appointed as Chair to the Advisory Council on Youth effective immediately for a term to expire on April 01, 2019, or until such time as a successor is appointed.

* * * * *

Written Communications

The Village Clerk reported that Nineteen (19) communications have been received since the last regular Board of Trustees meeting:

- Four (4) emails regarding the proposed amendments to the Tree Ordinance from:
 - Melissa Pecullan
 - Martie Hambas
 - Margaret Trimarchi
 - Dan Shefter

- Seven (7) emails regarding the appointments to the Town Board of Assessment Review from:
 - Susan Levine
 - Two emails from Michele Braun
 - Mayra Kirkendall-Rodriguez
 - Mary Beth Gose
 - Barry Kula; a response from the Mayor is included
 - Email from: Robert Berg, Patrick Wynne & Thomas Giordano
- Five (5) emails concerning water rates from:
 - Mike Otten; responses from Mayor Hochvert & Village Manager are included
 - Melissa Chepuru; a response from the Mayor is included
 - Dorothy Levin
 - Brice Kirkendall-Rodriguez; responses from the Mayor & Village Manager are included
 - Anne Schager
 - Nat Litman
- An email was received from Mayra Kirkendall-Rodriguez regarding the need for a long-term financial model and plan.
- A report of the Scarsdale Forum Fiscal Affairs Scarsdale Committee on the Village 2018-19 Budget.

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Future Meeting Schedule

- *Tuesday, May 8, 2018* – Agenda Committee Meeting – 7:30 P.M. – Trustees’ Room
- *Tuesday, May 8, 2018* – Village Board Meeting – 8:00 P.M. – Rutherford Hall

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There being no further business to come before the Board, the meeting was adjourned at 10:59 P.M. on a motion entered by Trustee Finger, seconded by Trustee Arest and carried unanimously.

Donna M. Conkling
Village Clerk