

JUSTIN K. AREST

MAYOR

SAMEER AHUJA

KAREN L. BREW

JEREMY A. GANS

DARA B. GRUENBERG

KENNETH L. MAZER

RANDALL B. WHITESTONE

TRUSTEES



ROBERT A. COLE

VILLAGE MANAGER

**OFFICE OF THE
VILLAGE MANAGER**

VILLAGE HALL

1001 POST ROAD

SCARSDALE, NY 10583

914.722.1110

WWW.SCARSDALE.COM

Village Board Agenda

July 11, 2023

Agenda Committee 7:30 PM

Village Board Meeting – 8:00 PM

The Village Board will meet in Rutherford Hall at 8:00 PM to conduct the Village Board meeting. All interested members of the public have the option to attend in-person or virtually through Zoom. To participate via Zoom, attend online at <https://zoom.us/j/93183703358>, or call into the meeting by dialing 1-929-436-2866 and entering the Meeting ID 931 8370 3358. To participate in public comment online, click “Raise Hand,” or dial *9 if commenting by telephone.

For a brief tutorial or to troubleshoot a problem, see here: <https://support.zoom.us/hc/en-us/articles/205566129-Raise-Hand-In-Webinar>. For other user questions, please visit the Zoom Help Center: <https://support.zoom.us/hc/en-us>.

Roll Call

Pledge of Allegiance

Mayor’s Comments

Manager’s Comments

Public Comment

Trustee Liaison Reports

Bills

➤ Trustee Mazer

Approval of Minutes from June 27, 2023 Village Board Meeting

Agenda Items

Deputy Mayor Whitestone

- Resolution re: Adoption of a Local Law to Repeal and Replace Chapter 205 of the Village Code Concerning Noise

Town Board Agenda

July 11, 2023
Town Board Meeting

Roll Call

Minutes

- Town Board Meeting of June 13, 2023

Reports

- Report of the Custodian of Taxes as of June 30, 2023

Public Comment (contingent on commencing no later than 10:00 PM)

Future Meeting Schedule

July 25, 2023

- 8:30 AM Village Board Limited Agenda

Motion to Adjourn

THREE THOUSAND FOUR HUNDRED TWENTY-FIFTH

REGULAR MEETING

Rutherford Hall &
Video Conference
Via Zoom
June 27, 2023

A Regular Meeting of the Board of Trustees of the Village of Scarsdale was held on Tuesday, June 27, 2023, at Rutherford Hall and via video conference at 8:03 p.m.

Present in person were Mayor Arest, and Trustees Brew, Gans, Mazer, and Whitestone. Trustees Ahuja and Gruenberg were absent. Also present were Village Manager Cole, Deputy Village Manager Marshall, Village Treasurer Scaglione, Village Counsel Ward-Willis, and Village Clerk Emanuel.

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Mayors Comments

Mayor Arest commented that he will be addressing public safety updates and reminders about the Village 4th of July fireworks at the pool complex and the Sunday farmer's market.

Public Safety Updates:

1. David Raizen, President of SVAC, informed the public that with help of Amy Paulin and her chief of staff Michelle Sterling, the senate and state assembly approved legislation to allow community medicine to continue in the roughly 50 organizations that started it during the COVID-19 pandemic. The governor signed it last week and we know have a two-year pilot program to continue.
2. Deputy Mayor Whitestone commented that a quarterly public safety meeting was held last week at Public Safety headquarters. The Mayor, Village Manager, Trustee Mazer, and himself attended and received updates from the Police Department (Chief Matturro, and lieutenants Del Bene, Carroll and Kellaher) and Fire Department (Chief Mytych, Captain Gallucci. They reviewed activity statistics, including incident and arrest figures and trends, staffing, equipment, training, process, and a heads up on an upcoming summer "rescue task force" drill involving Police, Fire and SVAC. They also discussed jointness with the School District including the fact that we now have much better two-way information flow and institutionalized cooperation in place. Through these regular, continuing meetings, our Public Safety officials and their dedicated teams are keeping the board apprised of their approaches to keeping us safe and making sure have a robust

understanding of their budgeting and other support needs that we as a village board can provide them.

3. Regarding emergency communications, the Village Manager executed an agreement with Everbridge to increase public safety outreach in emergencies and updates from the Village. Mayor Arest thanked Trustee Gruenberg and Diane Greenwald for assisting in implementing these changes in emergency communications.

The Scarsdale annual firework spectacular will be open to the public at the Scarsdale Pool Complex on Thursday, June 29, 2023, at 9:15 pm. There will be a performance by the Westchester Band starting at 7:30 pm. Admission for non-pool members is \$5 and admission is \$5 for all individuals entering after 8 pm.

Mayor Arest reminded the community to support the Sunday farmer's market returning this Sunday.

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Manager's Comments

Village Manager Cole echoed Mayor Arest's thanks to Trustee Gruenberg and Diane Greenwald for assisting with the emergency notification system.

Village Manager Cole commented that lithium-ion batteries have gained regional and national attention due to fires caused by defective batteries. Fire Chief Mytych reminded residents of the following safety tips:

1. Purchase and use devices that are listed by a qualified testing laboratory.
2. Always follow the manufacturer's instructions.
3. Only use the battery that is designed for that specific device.
4. Put batteries in the device right away upon purchase.
5. Only use the charge cord that came with the device - not a second market charge cord.
6. Only charge a battery in a flat, dry area, away from children, direct sunlight, liquids, tripping hazards, and do not put it in a location where the E bike or other device is at risk of falling.
7. Do not keep charging the device or device battery, after it is fully charged.
8. Keep batteries at room temperature when possible.
9. Do not charge them at temperatures below 32 or above 105.
10. Store batteries away from anything that can catch fire.

Regarding battery recycling and disposal, the Westchester County Household Material Recovery Facility, also known as H-MRF, located at 15 Woods Road, Valhalla, NY, accepts undamaged lithium-ion batteries by appointment only. They are open Tuesday through Sunday, from 10 am to 3 pm. For more information regarding fees, appointments, and what materials are accepted above and beyond lithium-ion batteries, please call the recycling helpline at (914) 813-5425.

Village Manager Cole provided an update on animal control services and announced that SPCA Westchester Inc., a no kill 501(c)(3), has agreed to contract with village to provide support to our animal control operations. The agreement will save taxpayers about \$15,000 while providing

services required under former agreement with the Humane Society of Westchester. Village Manager Cole encourages residents to support non-profits focused on protecting and enhancing the lives of animals and anyone in the market for a new pet should consider adopting one from an area shelter.

Finally, Village Manager Cole highlighted that Treasurer Scaglione is implementing QR codes to access water and tax bills to enhance participation in online bill payment.

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Public Hearings

Deputy Mayor Whitestone introduced a public hearing scheduled for this evening on a proposed local law to amend Chapter 205 of the Scarsdale Village Code, concerning noise.

The public hearing was opened on a motion entered by Trustee Brew; seconded by Trustee Gans and approved by a unanimous vote.

The following members of the public provided comment during the public hearing:

Carol Silverman; 110 Spier Road

Jordan Black; 44 Bradford Road

Bob Harrison; 65 Fox Meadow Road

As there were no further public comments offered, Trustee Gans moved that the public hearing be closed; seconded by Trustee Brew and approved by a unanimous vote.

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Public Comment

Joe Guarino; 146 Bell Road, mentions that his daughter plays softball and has learned about the complex dynamics between village and district regarding field upkeep and the inequity in how baseball and softball are treated. Mr. Guarino mentions that the three most competitive softball programs in the Village all utilize Supply Field as their primary field and the field is inadequate for playing – no scoreboard, no dugouts, lacks safety fencing, cannot survive heavy rain. There are nearly 20 baseball fields, some already have dugouts, and Dean Field had significant renovations in 2021 to meet needs of the varsity baseball team. Mr. Guarino thanked Maroon and White for the donated scoreboard and hopes that there will be more long-term changes to the Supply Field for a more equitable experience for female athletes in Scarsdale.

Carol Silverman; 110 Spier Road, enquired about a pool complex update. Ms. Silverman is also curious on the status of connectivity issues in the Fox Meadow neighborhood. Ms. Silverman mentioned that the Railroad elevator is still not working and also enquired about a closed/unfinished trail off Gedney Way that ends as soon as it gets to Scarsdale.

Amy Frank; 9 Burgess Road, President of Maroon and White, the booster club for Scarsdale High School and Middle School. They support athletes by filling gaps that can't be covered by the school district and are pleased to be able to present the gift of a scoreboard to Supply Field.

Jordan Black; 44 Bradford Road, questions what is considered normal regarding groundskeeping operations and expresses that the proposed amended noise ordinance should be more specific on what normal is – possibly a decibel level.

Michelle Sterling; 6 Brayton Road, thanks Maroon and White for the gifted scoreboard and the Village Board for accepting the gift. Ms. Sterling has been a Scarsdale resident for 18 years and over those approximately two decades, there has been no improvement in Supply Field. They are the only team in their league without a scoreboard and now we are realizing the inequities amongst genders in sports.

Ella Hayes and Sammy Fenigstein, co-captains of the girls' varsity softball team thank Maroon and White and the Village for prioritizing upgrades needs at Supply Field.

Bob Harrision; 65 Fox Meadow Road, is concerned about the investment of Village funds. The village invested. Recent treasury bill investments should enhance the interest rate return for tax payer funds. Mr. Harrison questions what is happening with the rest of the unassigned fund balance – how much is it and where is it invested. Mr. Harrison mentions that the summer youth tennis league is beginning its 39th summer on July 12 into early August for children ages 6 to 18. Mr. Harrison follows up on pickleball discussion from previous meetings and mentions that adjacent to the Boulder Brook Riding Stable there is a village owned parking lot that isn't heavily used and is away from residential homes and may be an attractive place for the courts.

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Trustee Liaison Reports

Trustee Mazer

Trustee Mazer reported that the Scarsdale Edgemont Family Counseling Service will be hosting a program on Thursday, June 29th at the Girl Scout House, from 11 am to 1 pm on health and exercise.

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Deputy Mayor Whitestone

Deputy Mayor Whitestone reported that he had the pleasure last week of attending annual meeting of Scarsdale Edgemont Family Counseling Service. The meeting, held in the Scott Room of Scarsdale Public Library and online, was well attended by volunteers, and community members. At the meeting, new directors and officers were elected and outgoing board chair David Lee and executive director Jay Genova provided reviews of the past year and updates on

the agency’s future plans. The village works closely with the agency – which truly is, in David Lee’s words, “the vital protective and wellness cornerstone of the community,” in particular, the village partners with SFCS on the Aging in Place and Youth Services Partnership programs, and the village appreciates the work done by Scarsdale Action for Youth, formerly the Drug and Alcohol Task Force, and the SAFE Coalition which combats and raises awareness of domestic violence. Jay Genova let us know that the agency, which has had some personnel transitions, is now fully staffed and delivers mental health services in eight languages other than English, Deputy Mayor Whitestone is excited to see what the agency will do next, including potentially expanding its efforts to include elementary school-aged children.

Deputy Mayor Whitestone also reported that Arthur Manor will hold it’s 95th annual Fourth of July parade, ceremony, and picnic in Davis Park. Parade participants should assemble at the corner of Sprague and Bell roads starting at 9:15 am on Tuesday, July 4th. Judging of the parade participants, (e.g., marchers, bicycles, floats, and pets) will take place starting at 9:15 am. The parade to Davis Park will then start at 9:45 am. It’s a great event, and a wonderful tradition, so join if you can.

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Trustee Brew

Trustee Brew reported that the Advisory Council on Youth wishes to collaborate with high school and middle school students to participate through student government and provide feedback to advisory council. As a follow up, Mark Mathias, Chair of the Advisory Council on Youth, School District Superintendent Drew Patrick, and Assistant Superintendent Eric Rauschenbach, and Trustee Brew as liaison to the council, plan to meet at the end of July. Trustee Brew thinks it is a great addition to have youth speak up and give feedback.

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Trustee Gans

Trustee Gans reported that Greenacres Neighborhood Association will be hosting a 4th of July celebration from 9 am to noon at the Greenacres field behind Greenacres School.

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Bills

Deputy Mayor Whitestone reported that he had audited the Abstract of Claims dated June 27, 2023, in the amount of \$1,551,228.57 which included \$11,346.20 in Library Claims previously audited by a Trustee of the Library Board.

Upon motion duly made by Deputy Mayor Whitestone and seconded by Trustee Brew, the following resolution was adopted unanimously:

RESOLVED, that the Abstract of Claims dated June 27, 2023, in the amount of \$1,551,228.57 is hereby approved.

Consent Agenda – Deputy Mayor Whitestone

Upon motion entered by Deputy Mayor Whitestone, and seconded by Trustee Mazer, the following consent agenda items; were approved unanimously:

1. Approval of the minutes of the Board of Trustees Regular Meeting of Tuesday, June 13, 2023
2. Resolution regarding an Intermunicipal Agreement with Westchester County to Provide a Youth Sports Program
3. Resolution regarding Adoption of a Videoconferencing Policy

Trustee Gans

Upon motion entered by Trustee Gans, and seconded by Deputy Mayor Whitestone, the following resolution Adopting a Proposed Local Law to Amend Chapter 306 of the Scarsdale Village Code Concerning Wireless Telecommunications Facilities.; was approved by the vote indicated below:

WHEREAS, the Village Board has considered a proposed local law to amend Chapter 306 of the Village Code concerning wireless telecommunications facilities; and

WHEREAS, a duly noticed public hearing was held on this proposed local law on June 13, 2023; now, therefore, be it

RESOLVED, that the Village Board hereby adopts the proposed local law to amend Chapter 306 of the Village Code concerning wireless telecommunications facilities.

AYES

NAYS

ABSENT

Trustee Brew	none	Trustee Ahuja
Trustee Gans		Trustee Gruenberg
Trustee Mazer		
Deputy Mayor Whitestone		
Mayor Arest		

Trustee Mazer

Upon motion entered by Trustee Mazer, and seconded by Deputy Mayor Whitestone, the following resolution Accepting a Scoreboard and Safety Netting for Supply Field #2 Gifted from Scarsdale Travel Softball and Maroon and White; was approved unanimously:

WHEREAS, Scarsdale Travel Softball and Maroon and White wish to gift the Village a wireless scoreboard and safety netting to be installed at Supply Field #2; and

WHEREAS, the Department of Parks, Recreation and Conservation received a formal proposal from Scarsdale Travel Softball and Maroon and White detailing the gift proposal at an estimated cost of \$31,933.50, including delivery for both items and scoreboard installation costs; and

WHEREAS, the Advisory Council on Parks, Recreation and Conservation (PRC), at their April 26, 2023, monthly meeting, voted unanimously in support of the proposal submitted by Scarsdale Travel Softball and Maroon and White; and

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

RESOLVED, that the Board of Trustees hereby accepts Scarsdale Travel Softball and Maroon and White’s gracious gift of a scoreboard and safety netting to be installed at Supply Field #2; and be it further

RESOLVED, that the Village Board of Trustees hereby extends its gratitude to both Scarsdale Travel Softball and Maroon and White for their generosity to the community.

Upon motion entered by Trustee Mazer, and seconded by Trustee Brew, the following resolution regarding an Appointment to the Council on Disabilities; was approved unanimously:

WHEREAS, members of the Council on People with Disabilities are appointed to a two-year term by the Village Board of Trustees unless appointed to fill the unexpired term of a vacant seat; and

WHEREAS, Norma Litman was appointed by the Village Board of Trustees to serve as member of the Council on People with Disabilities for a two-year term ending April 07, 2025, but no longer resides in the Village of Scarsdale; and

WHEREAS, the Village Board met to discuss potential candidates, having considered Anne Moretti’s application to fill the remainder of the unexpired term of Norma Litman, ending April 07, 2025; and

WHEREAS, the Village Board desires to amend the Constitution of the Council on People with Disabilities to reaffirm its purpose and existence permanently; now, therefore, be it

RESOLVED, that the Village Board of Trustees hereby appoints Anne Moretti, 10 Pinecrest Road, to the Council on People with Disabilities for the remainder of the unexpired term ending April 07, 2025, or until such time as a successor is appointed; and be it further

RESOLVED, that the Village Board amends the Constitution of the Council on People with Disabilities to affirm its purpose and existence in perpetuity, or until otherwise amended by the Village Board.

Deputy Mayor Whitestone

Upon motion entered by Deputy Mayor Whitestone, and seconded by Trustee Gans, the following resolution regarding Year End Modifications for the 2022-2023 Operating Budget; was approved unanimously:

WHEREAS, to close the financial records for the fiscal year ending May 31, 2023, budget adjustments, transfers, and amendments may be required; and

WHEREAS, the Village Board wishes to provide the Village Treasurer with the authorization to perform all necessary budget transfers, amendments, and fund balance adjustments in order to produce a balanced budget for the fiscal year ending May 31, 2023; now, therefore, be it

RESOLVED, that the Village Treasurer is hereby authorized to make the following adjustments, transfers, and amendments to the FY 2022-2023 operating budget revenue and expenditure accounts:

General Fund - Revenue

GL Account	Account Description	Increase	Decrease
A-1000-022-2798-0	Police O/T Reimb	820,000	
A-1000-002-1050-0	Reserve for Delinquent Taxes	430,050	
A-1000-014 2401-0	Interest Earnings	1,500,000	
A-1000-004 1090-0	Int/Pen on Taxes - Town	250,000	

General Fund - Expenditures

GL Account	Account Description	Increase	Decrease
A-1110-ADMIN-JUDIC-400 499	Contractual Expense	39,000	
A-1110-ADMIN-ADMIN-100 13	Personal Services P/T	25,000	
A-1110-ADMIN-ADMIN-100 12	Personal Services O/T	8,050	
A-1325-ADMIN-ADMIN-400 499	Contractual Expense	16,000	
A-1325-ADMIN-A/P-100 1	Personal Services	14,000	
A-1420-ADMIN-ADMIN-400 458	Supplemental Services	150,000	
A-1680-MIS-SFTSP-400 499	Contractual Expense	50,000	
A-1490-FAC-SPRTF-100 1	Personal Services	128,000	
A-3120-PTRL-PTRL-100 14	Personal Services Reimbursable Overtime	820,000	

General Fund - Transfers

GL Account	Account Description	Increase	Decrease
A-9990-TRNFR-TRNFR-950 9550	Trans to Capital Fund for Paving Catch Up	1,750,000	

Water Fund - Revenue

GL Account	Account Description	Increase	Decrease
EWS-1000-030-2810-03	Trans From EWE#1	700,000	

Upon motion entered by Deputy Mayor Whitestone, and seconded by Trustee Gans, the following resolution Authorizing the Execution of a Memorandum of Agreement with Scarsdale

Union Free School District and Scarsdale-Edgemont Family Counseling Services for the 2023-2024 Youth Services Project; was approved unanimously:

WHEREAS, recognizing the need for a safety net for youth and emotional support for their parents, the Village of Scarsdale, Scarsdale Union Free School District, and Scarsdale-Edgemont Family Counseling Service (SFCS) partnered in 1984 to create the Scarsdale Youth Services Project, which provides many services, including such examples as youth confidence and character-building programs, support groups for parents, and other activities critical for the physical and mental well-being of youth; and

WHEREAS, the current agreement expires August 31, 2023, and a one-year successor agreement has been proposed for a total of \$579,964, with 50% (\$289,982) funded by the Village of Scarsdale and the remaining 50% (\$289,892) funded by the Scarsdale Union Free School District, with each proportion reflecting a \$6,941 credit for reduced program costs in connection with an unfilled staff position; and

WHEREAS, the Village Board affirms that the SFCS Youth Services Project provides vital community services supporting goals embedded within our organizational mission, and is desirous of ensuring the continuity of such services through the existing funding partnership with Scarsdale Schools; now, therefore, be it

RESOLVED, that the Mayor and Village Manager are herein authorized to execute the Memorandum of Agreement between the Village of Scarsdale, Scarsdale Union Free School District, and Scarsdale/Edgemont Family Counseling Service; and be it further

RESOLVED, that all costs associated with this agreement be charged to the FY 2023-24 General Fund Budget Account # A-9990-HUMSV-YOUTH-400-499.

Public Comment

Michelle Sterling; 6 Brayton Road, mentions that the netting proposal needs amending because it was put in 12x65 ft net but that’s more suited for lacrosse and won’t block out things it is meant to prevent. The field needs a netting and fencing combo.

Bob Harrison; 65 Fox Meadow Road, notices in the year end modifications of the 22-23 budget that there is 1.5% increase in interest earnings and enquires what the total earnings for 22-23 budget year are. Mr. Harrison also asks what the budget for snow plowing was and what we actually spent being that it was a relatively mild winter. With the year end numbers, what is the actual total budget surplus versus the \$2.7 million surplus that was projected.

Future Meeting Schedule

- Tuesday, July 11, 2023 – 6:00 PM – Village Board Work Session
- Tuesday, July 11, 2023 – 7:30 PM – Agenda Committee
- Tuesday, July 11, 2023 – 8:00 PM – Village Board Regular Meeting

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Village Hall Schedule

- Tuesday, July 4, 2023 – 4th of July – Village Hall Closed

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There being no further business to come before the Board, the meeting was adjourned at 9:18 p.m. on a motion entered by Deputy Mayor Whitestone, seconded by Trustee Brew, and carried unanimously.

Respectfully submitted,

Taylor C. Emanuel
Village Clerk

**RESOLUTION RE: ADOPTION OF A LOCAL LAW TO REPEAL AND
REPLACE CHAPTER 205 OF THE VILLAGE
CODE CONCERNING NOISE**

WHEREAS, the Village Board has considered a proposed local law to repeal and replace Chapter 205 of the Village Code concerning noise; and

WHEREAS, a duly noticed public hearing was held on this proposed local law on June 27, 2023; now, therefore, be it

RESOLVED, that the Village Board hereby adopts the proposed local law to repeal and replace Chapter 205 of the Village Code concerning noise.

Date: July 11, 2023

DRAFT LOCAL LAW NO. ____ OF 2023

**VILLAGE OF SCARSDALE
BOARD OF TRUSTEES**

**PROPOSED LOCAL LAW TO
AMEND CHAPTER 205 OF THE CODE OF THE VILLAGE OF SCARSDALE**

A LOCAL LAW to repeal and replace Chapter 205 of the Code of Village of Scarsdale concerning noise.

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

Section 1. Chapter 205 of the Code of the Village of Scarsdale entitled “Noise” is hereby REPEALED in its entirety.

Section 2. Chapter 205 of the Code of the Village of Scarsdale entitled “Noise” is hereby ADOPTED as follows:

§ 205-1 Findings and declarations.

It is hereby found and declared that:

- A. The making, creation or maintenance of loud, unnatural or unusual noises, which are prolonged and unnatural in their time, place and use, affect and are a detriment to the public health, comfort, convenience, safety and welfare of the residents of the Village of Scarsdale.
- B. The necessity in the public interest for the provisions and prohibitions hereinafter contained and enacted is declared as a matter of legislative determination and public policy, and it is further declared that the provisions and prohibitions hereinafter contained and enacted are for the purpose of securing and promoting the public health, comfort, convenience, safety and welfare, and the peace and quiet of the Village of Scarsdale and its inhabitants.

§ 205-2 Definitions.

As used in this Chapter, the following terms shall have the meanings as indicated:

AFFECTED PERSON

Any person who has lodged a noise complaint with the Building Department or Police Department that he or she is the receptor of Noise on property within the Village, and said Affected Person has an interest in the property as an owner, tenant, or employee. A noise complaint must be made in writing or verbally to an authorized Noise Control Officer.

AMBIENT SOUND

The sound level at a given location that exists as a result of the combined contribution in that location of all sound sources, excluding the contribution of the source or sources under investigation for potential violation of this Chapter and excluding the contribution of extraneous sound sources. Ambient sounds are differentiated from extraneous sounds by the fact that ambient sounds are being emitted the majority of the time although they may not be continuous. Examples of ambient sounds may include steady traffic of properly muffled vehicles, summer

insects in the distance, pedestrians talking, and adjacent commercial/industrial operations or mechanical equipment.

COMMON WALL BUILDING

Any building wherein there are two or more dwelling units.

COMMERCIAL ESTABLISHMENT

Any premises, property or facility involving traffic in goods or furnishing of services for sale or profit, including but not limited to:

- A. Banking or other financial institutions.
- B. Dining establishments.
- C. Establishments providing retail services.
- D. Establishments providing wholesale services.
- E. Establishments for recreation and entertainment, including the serving of alcohol.
- F. Golf course and membership clubs.
- F. Office buildings.
- G. Transportation.

CONSTRUCTION

Any site preparation, assembly, erection, repair, alteration, blasting or similar action, but excluding demolition of buildings or structures.

CONTINUOUS SOUND

Sound with a duration of one second or longer measured by the slow response of a sound level meter. Impulsive sounds that are rapidly repetitive and occur over a period of time with a duration of one second or longer shall be measured as continuous sound.

ELECTRIC OR BATTERY POWERED BLOWER

Any stand-on, mounted, walk-behind, portable, handheld, or backpack style device that is powered by electricity or battery which is used to produce a stream of air for the purpose of blowing, moving or distributing leaves, grass clippings, dust, dirt trimmings from trees or shrubs and/or any other litter or debris.

~~**DAYTIME HOURS**~~

~~The hours between 8:00 a.m. and 7:00 p.m. Sunday through Thursday, and the hours between 10:00 a.m. and 8:00 p.m. Friday through Saturday and legal holidays.~~

DEMOLITION

Any dismantling, intentional destruction or removal of buildings or structures.

EMERGENCY WORK

Any work or action necessary to deliver essential services, including but not limited to repairing water, gas, electricity, telephone or sewer facilities or public transportation facilities, removing fallen trees on public rights-of-way or abating life-threatening conditions.

EXTRANEOUS SOUND

Any sound that is intense and intermittent and is neither ambient sound nor sound attributable to a source or sources under investigation for a potential violation of this chapter. Such sound includes but is not limited to sirens of emergency vehicles, unusually loud motor vehicle exhaust or braking, people shouting or talking next to the sound level meter, animal vocalizations, aircraft or trains passing, car door slams, etc. When conducting compliance measurements, such extraneous sound sources may be noted but their sound levels are excluded.

GASOLINE POWERED BLOWER

Any stand-on, mounted, walk-behind, portable, handheld, or backpack style device that is powered by a gasoline, diesel or similar fuel engine which is used to produce a stream of air for the purpose of blowing, moving or distributing leaves, grass clippings, dust, dirt, trimmings from trees and/or shrubs, or any other litter or debris.

IMPULSIVE SOUND

Any sound with a rapid onset and rapid decay having a duration of less than one second.

LEGAL HOLIDAYS

A public holiday established by State or Federal Law.

MOTORIZED EQUIPMENT

Any power equipment utilizing an electric or internal-combustion engine.

MOTOR VEHICLE

Any vehicle that is propelled or drawn on land by an engine or motor.

MUFFLER

A sound-dissipative device or system for abating the sounds of escaping gasses of an internal-combustion engine.

MULTI-USE PROPERTY

A building which is both commercial (usually on the ground floor) and residential property located above, behind, below or adjacent thereto.

~~**NIGHTTIME HOURS**~~

~~The hours between 7:00 p.m. and 8:00 a.m. Sunday through Thursday, and the hours between 8:00 p.m. and 10:00 a.m. on Friday through Saturday and legal holidays.~~

NOISE CONTROL ADMINISTRATOR

The Code Enforcement Officer, the Building Inspector of the Village of Scarsdale and/or the Village of Scarsdale Police Department.

NOISE DISTURBANCE

Any sound that:

- A. Endangers the safety or health of any person.
- B. Disturbs a reasonable person of normal sensitivities, or
- C. Endangers personal or real property.

OUTDOOR SOUND

Sound or noise originating or emanating from outside a building or structure.

PERSON

Any individual, corporation, company, association, society, firm, partnership or joint-stock company.

PLAINLY AUDIBLE

Any sound that can be detected by a Noise Control Administrator using his or her unaided hearing faculties of normal acuity. As an example, if the sound source under investigation is a sound production device, the detection of the rhythmic bass component of the music is sufficient to verify Plainly Audible sound. The investigator need not determine the title, specific words, or the artist performing the song.

PUBLIC RIGHT-OF-WAY

Any street, avenue, boulevard, road, highway, sidewalk, alley or parking lot used by members of the general public.

PUBLIC SPACE

Any real property or structures therein that are either owned, leased or controlled by a governmental entity. Public space includes but is not limited to parks, sports fields or lots.

REAL PROPERTY LINE

Either:

- A. the vertical boundary that separates one parcel of property (i.e., lot and block) from another residential or commercial property or establishment;
- B. the vertical and horizontal boundaries of a dwelling unit that is part of a common wall building; or
- C. on a multi-use property as defined herein, the vertical or horizontal boundaries between the two portions of the property on which different categories of activity are being performed (e.g., if the multi-use property is a building which is residential upstairs and commercial downstairs, then the real property line would be the interface between the residential area and the commercial area, or if there is an outdoor sound source such as an HVAC unit on the same parcel of property, the boundary line is the exterior wall of the receiving unit).

SIGNIFICANT STORM EVENT

Includes, but is not limited to: hurricanes, rain fall greater than 0.5 inches of rain within a 24 hour period, average sustained wind speeds exceeding 20 miles per hour over a 24 hour period, declaration of a state of emergency due to inclement weather from the Federal Government, State of New York, County of Westchester, or Village of Scarsdale, and any other reasonable circumstances in which the Superintendent of Public Works determines.

SOUND PRODUCTION DEVICE

Any device whose primary function is the production of sound, including, but not limited to any musical instrument, loudspeaker, radio, television, digital or analog music player, public address system or sound-amplifying equipment.

§ 205-3 Noise disturbance prohibited.

It shall be unlawful for any person to make, continue, cause or allow any excessive or unusually loud sound or any sound which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of a reasonable person of normal sensibilities, or which causes injury to animal life or damage to property or business.

The general standards to be considered in determining whether such Noise Disturbance exists include, but are not limited to, the following:

- A. The intensity of the noise under investigation for violation of this Chapter.
- B. Whether the nature of the noise is usual or unusual.
- C. Whether the origin of the noise is natural or unnatural.
- D. The volume and intensity of the ambient noise, if any.
- E. The proximity of the noise to parks or other public places, hospitals, nursing homes, day-care centers or schools, and houses of worship.
- F. The nature and the zoning district of the area within which the noise emanates.
- G. Whether the noise trespasses into a residential dwelling and infringes on the ability of an Affected Person to repose or sleep, or trespasses into a commercial establishment and infringes on the ability of an Affected Person to conduct normal business activities.
- H. The time of day or night the noise occurs.
- I. The duration of the noise.
- J. Whether the sound source is temporary.
- K. Whether the noise is Continuous or Impulsive.
- L. The presence of discrete tones.
- M. Whether the emission of the noise is purposeful or unnecessary and serves no legitimate purpose.

§ 205-4 Specific prohibited acts, restricted uses and activities

In addition to the general prohibitions set forth in § 205-3 the following specific acts are hereby ~~declared to be in violation of this Chapter~~ regulated as follows:-

- A. Sound production devices, commercial or residential: Operating, playing or permitting the operation or playing of any sound production device, in such a manner as to create a Noise Disturbance at or within the real property line of the parcel of land in which the Affected Person is located is prohibited. Prima facie evidence of a violation of this Subsection and the creation of a Noise Disturbance shall include, but not be limited to, the operation of such a device, in such a manner that it is Plainly Audible inside the dwelling of an Affected Person, with all windows and doors closed.

- B. Loudspeakers and public-address systems mounted or placed outdoors: Using or operating any loudspeaker, public-address system or similar device at any Commercial Establishment or industrial facility in such a manner that it is Plainly Audible inside the dwelling of an Affected Person, with all windows and doors closed is prohibited during Nighttime Hours, unless it is for the purposes of safety.
- C. Self-contained, portable, non-vehicular music or sound production devices: Using or operating any self-contained, portable, non-vehicular music or sound production device is prohibited in any public space or public right-of-way in such a manner as to be Plainly Audible at a distance of 25 feet in any direction from the operator is prohibited.
- D. Animals: It shall be unlawful for any property owner or tenant to allow any domesticated or caged animal to create a sound across a real property line which creates a Noise Disturbance or interferes with the peace, comfort, and repose of any resident, or to refuse or intentionally fail to cease the Noise Disturbance when ordered to do so by a Noise Control Administrator. Prima facie evidence of a violation of this section shall include but not be limited to:
- (1) Vocalizing (howling, yelping, barking, squawking, etc.) for five (5) minutes without interruption, defined as an average of four or more vocalizations per minute in that period; or,
 - (2) Vocalizing for ten (10) minutes intermittently, defined as an average of two vocalizations or more per minute in that period.
 - (3) It is an affirmative defense under this subsection that the animal was intentionally provoked to bark or make any other noise.
- E. Motor vehicles: The registered owner of the vehicle shall be in violation of this Section if present when the violation occurs. If the owner of the vehicle is not present, the violation will be served upon the person in charge or control of the vehicle, or anyone who assists in the production of the sound that is found to be in violation.
- (1) Operating or permitting the operation of any motor vehicle, or any auxiliary equipment attached to such a vehicle out of repair or in such a condition as to create a Noise Disturbance.
 - (2) No motor vehicle may be operated without a properly functioning muffler on a public right-of-way. The operation of a vehicle which is unmuffled or is equipped with straight pipes is a violation of this Chapter.
 - (3) Personal or commercial vehicular music amplification or reproduction equipment shall not be operated in such a manner that it is plainly audible at a distance of 25 feet in any direction from the operator.
 - (4) The horn or signaling device on any motor vehicle may not be operated, except when used as a danger or traffic warning signal, and such operation must terminate when the danger has passed.
 - (5) An exterior alarm of a motor vehicle must not audibly sound for more than five minutes continuously or 10 minutes intermittently.
 - (6) It shall be unlawful to operate a motor vehicle in such a manner as to cause excessive

squealing or other excessive noise of the tires.

- F. Construction, repair and demolition: Operating or permitting the operation of any tool or equipment used in construction, repair, demolition or excavation including, but not limited to, hammering, ditch digging, rock removal, scraping, unloading and vehicle backup signaling, ~~excluding the operation of any tool or equipment used for emergency work~~, shall only not be permitted between the hours of 8 a.m. and 6 p.m., Monday through Friday and between the hours of 10:00 a.m. and 5 p.m. on Saturday but shall not be permitted during Nighttime Hours ~~or~~ at any time on Sundays or legal holidays unless such operation of any tool or equipment is used for emergency work. This section shall not apply to road maintenance/improvement on preexisting roads or preventative maintenance on the sewer mains and pipes, on which daytime construction would prove disruptive to traffic flow. All motorized equipment used in construction and demolition activity shall be operated with a muffler.
- G. Stone and Tile cutting: Operating or permitting the operation of any tool or equipment used in stone and/or tile cutting operations, shall only not be permitted between the hours of 8 a.m. and 6 p.m., Monday through Friday and between the hours of 10:00 a.m. and 5 p.m. on Saturday but shall not be permitted during Nighttime Hours at any time on Sundays or legal holidays. All stone and tile cutting must cease for a 1-hour period within every three hours of operation to provide respite to the surrounding community. The Building Department may impose appropriate conditions designed to mitigate any potential impacts, including but not limited to, the installation of sound barriers, sound walls, portable sound screens, or sound curtains.
- H. Blasting: Blasting is prohibited between the hours of 4:00 p.m. and 8:00 a.m. Monday through Friday or at any time on ~~weekends Saturdays, Sundays, and~~ legal holidays and is further regulated by Chapter 163 of the Village Code, Fireworks and Explosives.
- I. Gasoline Powered Blowers: It shall be unlawful for any person, firm, corporation, or other entity to operate a gasoline-powered blower in the Village during the period from January 1 through September 30.
- (1) The use of gasoline powered blowers shall be permitted in the Village from October 1 through December 31, Tuesday through Friday during the hours of 8 a.m. and 6 p.m. Daytime Hours, which includes the Village Fall Leaf Collection Program season. The use of gasoline powered blowers shall not be permitted on legal holidays at any time of year.
 - (2) The Superintendent of Public Work, in his or her discretion, may permit the use of gasoline powered blowers during the period from January 1 through September 30 for a period of time not to exceed seven (7) days after Significant Storm Events or during other emergency circumstances. The permitting of gasoline powered blowers, as described herein, shall be announced on the Village website. The Superintendent of Public Works may extend the seven-day period by issuing an official notification if, in his or her sole discretion, such additional time is deemed necessary.
 - (3) Electric or battery powered blowers are not subject to the restrictions set forth in this Subsection I. The use of all electric or battery powered blowers shall be permitted pursuant to Subsection J of this Section.
 - (4) This Subsection I shall not apply to golf courses conducting their normal groundskeeping operations or utility companies performing emergency repairs, nor shall

this Subsection I apply to municipal or school operations.

- J. Power tools: Unless exempted under another provisions of this Chapter, oOperating power tools used for landscaping and yard maintenance, excluding the operation of power tools necessary for emergency work, shall not be permitted during Nighttime Hours before 8 a.m. or after 6 p.m., Monday through Friday and before 10 a.m. or after 5 p.m. on Saturdays, Sundays, and legal holidays. All motorized equipment used in these activities shall be operated with a muffler.
- K. Standby or portable generators: The operation of a standby or portable generator is exempt from the limits in this Chapter when there is a power outage. The regular testing/exercising of a generator must be conducted on weekdays (Monday-Friday) during Daytime Hours between the hours of 8:00 a.m. and 6:00 p.m. and for the minimum duration suggested by the manufacturer. Such testing/exercising of a generator shall not be conducted on any Legal Holiday. During such testing, the sound level limit shall be 70 dBA measured at the real property line of the parcel of land in which the Affected Person is located. No person shall at any time operate a generator before 8 a.m. or after 6 p.m., Monday through Friday and before 10 a.m. or after 5 p.m. on Saturdays or at any time on Sundays and legal holidays during Nighttime Hours unless there is a power outage. Generators used on a permitted construction site may not exceed 65 dBA measured at the real property line of the parcel of land in which the Affected Person is located.
- L. Mechanical equipment: It shall be unlawful for any person in the operation of any air-conditioning equipment or part thereof or any other type of mechanical equipment or apparatus installed on or connected to a structure, to make, continue or cause to be made any Noise Disturbance. The sound level limit for all mechanical equipment shall be 60 dBA measured at the real property line of the parcel of land in which the Affected Person is located.
- M. Repairing, rebuilding, modifying or testing any motor vehicle, motorcycle or motorboat in such a manner as to cause a frequent, repetitive or continuous Noise Disturbance across the real property line of the parcel of land in which the Affected Person is located is prohibited and/or during Nighttime Hours is also prohibited before 8 a.m. or after 6 p.m., Monday through Friday and before 10 a.m. or after 5 p.m. on Saturdays or at any time on Sundays and legal holidays.

§ 205-5 Exemptions.

The following sounds are exempt from the regulations of this Chapter:

- A. Sounds from power tools used for landscaping, lawn mowers and garden equipment, excluding gasoline blowers, when operated during Daytime Hours between the hours of 8:00 a.m. and 6 p.m., Monday through Friday and between the hours of 10:00 a.m. and 5:00 p.m. on Saturdays, Sundays, and legal holidays. All motorized equipment used in these activities shall be operated with a muffler.
- B. Sounds produced in conjunction with any military or civic parade.
- C. Sound from a snow blower, snow thrower, electric snow shovel or snowplow used for the purpose of snow removal during Daytime Hours.
- D. Sound from an exterior burglar alarm of any building, provided that such alarm shall

terminate within 15 minutes after it has been activated.

- E. Sound used for the purposes of alerting a person of an emergency.
- F. Sound from the performance of emergency work.
- G. Sound from a municipally sponsored event.
- H. National warning system (NAWAS); systems used to warn the community of attack or imminent public danger such as flooding, explosion or hurricane.
- I. Sounds from municipal-sponsored projects, work or repairs as ordered by the Village Manager, or his or her designee, including public or private garbage pickup.
- J. Motor vehicles on public roadways otherwise in compliance with § 205-5E.
- K. The unamplified human voice is exempt from the sound level limits of this Chapter; however, it may be determined that an individual is creating a Noise Disturbance pursuant to § 205-3.
- L. Surface carriers engaged in commerce by railroad.
- M. Noise of aircraft flight operations.
- N. Sounds generated by, or associated with, organized sporting events of any public or private school or generated by, or associated with, any sport or recreational activity sponsored or permitted by the Village.
- O. Golf courses when conducting normal groundskeeping operations, except that all other noise which is Plainly Audible shall be subject to the provisions of this Chapter.

§ 205-6 Enforcement

The Code Enforcement Officer, the Building Inspector of the Village of Scarsdale and/or the Village Police Department is hereby empowered and authorized to exercise such powers as may be necessary or convenient to carry out and effectuate the purposes and provisions of this Chapter.

§ 205-7 Penalties for offenses.

Violation of this chapter shall be punishable as follows:

- A. By a fine no less than \$250 for the first violation.
- B. For a second offense occurring within one year of the first offense, a fine no less than \$500.
- C. For a third or further offense occurring within one year of the first offense, a fine no less than \$1,000.
- D. Each day that a violation of this chapter exists may constitute a separate violation. If the sound source found to be in violation is a sound production device, each separate hour in which a violation of this chapter exists may constitute a separate violation. The owner of the property and/or the owner of the commercial establishment from which sound is emitted and the person causing the generation of the sound may be separately liable for a violation of this Chapter.

Section 3. Numbering for Codification

It is the intention of the Village of Scarsdale and it is hereby enacted that the provisions of this Local Law shall be included in the Code of the Village of Scarsdale; that the sections and subsections of this Local Law may be re-numbered or re-lettered by the Codifier to accomplish such intention; that the Codifier shall make no substantive changes to this Local Law; that the word “ Local Law” shall be changed to “ Chapter,” “ Section” or other appropriate word as required for codification; and that any such rearranging of the numbering and editing shall not affect the validity of this Local Law or the provisions of the Code affected thereby.

Section 4. Severability

The provisions of this Local Law are separable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid or unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this Local Law or their petition to other persons or circumstances. It is hereby declared to be the legislative intent that this Local law would have been adopted if such illegal, invalid or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and if such person or circumstance to which the Local Law or part hereof is held inapplicable had been specifically exempt there from.

Section 5. Effective Date

This local law shall take effect immediately upon filing with the Office of the Secretary of State.

DRAFT

TOWN BOARD MEETING

Rutherford Hall & Video Conference
Town of Scarsdale
June 13, 2023

A Meeting of the Town Board of Scarsdale was held in Rutherford Hall and via video conference on Tuesday, June 13, 2023, at 9:54 p.m.

Present were Mesdames Brew and Gruenberg, and Messrs. Ahuja, Arest, Gans, Mazer and Whitestone. Also present were Village Manager Cole, Deputy Village Manager Marshall, Town Clerk Emanuel, Custodian of Taxes Scaglione, and Town Counsel Ward-Willis.

Mr. Arest presided.

* * * * *

Minutes

The minutes of the Town Board Meeting of May 9, 2023, were approved on a motion entered by Mr. Whitestone, seconded by Ms. Gruenberg, and carried by a unanimous vote.

* * * * *

Mr. Ahuja

Upon motion entered by Mr. Ahuja, and seconded by Mr. Mazer, the following resolution Appointing a Deputy Town Clerk; was approved unanimously:

WHEREAS, former Deputy Town Clerk Veronica Regazzi, whose most recent two-year term commenced on January 1, 2022, and would otherwise have expired December 31, 2023, retired from her full-time position on July 29, 2022; now therefore be it

RESOLVED, that pursuant to Town Law, Article 3, §30(10b), the Town Board hereby appoints Charles Hessler to serve as Deputy Town Clerk at no additional compensation for a term commencing on June 13, 2023, and ending December 31, 2024.

* * * * *

Mr. Whitestone

Upon motion entered by Mr. Whitestone, and seconded by Ms. Gruenberg, the following resolution regarding an Appointment to the Town Board of Assessment Review; was approved unanimously:

Town Board Meeting Minutes 06/13/2023

- WHEREAS,** the Town Board of Assessment Review presently consists of five members appointed by the Scarsdale Town Board for five-year terms beginning October 01 and ending September 30; and
- WHEREAS,** Lynne Clark was appointed by the Town Board to serve as a member of the Town Board of Assessment Review for a term ending September 30, 2024, but has submitted a letter of resignation effective June 02, 2023; and
- WHEREAS,** at the Scarsdale Village Board and Town Board's Work Session held on June 06, 2023, the Town Board reviewed and discussed the application of Ryad Vachha to fill said vacancy and herein recommends that Ryad Vachha be appointed to fill the vacant seat for a term ending on September 30, 2024; now, therefore, be it
- RESOLVED,** that Ryad Vachha, 6 Drake Road, is hereby appointed by the Town Board as a member of the Town Board of Assessment Review for the remainder of the vacant seat's term ending on September 30, 2024, or until such time a successor is appointed.

* * * * *

Report of the Custodian of Taxes

- As of May 31, 2023, 96.7% of the County tax levy for 2023 has been received.
- Delinquent notices for the 2023 County taxes have been mailed.
- As of May 31, 2023, school tax collections were 99.28%.
- The Overdue Tax Receivable increased from April to May as uncollected County and School taxes are recorded as Tax Liens on May 1, 2023.
- Village Tax Bills will be mailed for July 1, 2023.

* * * * *

There being no further business to come before the Town Board, the meeting adjourned at 10:01 P.M. on a motion entered by Ms. Gruenberg, seconded by Ms. Brew, and carried by a unanimous vote.

Respectfully submitted,

Taylor C. Emanuel
Town Clerk