

THREE THOUSAND THREE HUNDRED THIRTY-FOURTH
REGULAR MEETING

Rutherford Hall
Village Hall
September 10, 2019

A Regular Meeting of the Board of Trustees of the Village of Scarsdale was held in Rutherford Hall in Village Hall on Tuesday, September 10, 2019 at 8:00 P.M.

Present were Mayor Samwick, Trustees Arest, Crandall, Lewis, Ross, Veron, and Waldman. Also present were Village Manager Pappalardo, Deputy Village Manager Cole, Village Treasurer McClure, Village Attorney Sapienza-Martin, Deputy Village Attorney Garrison, Assistant Village Manager Richards, and Deputy Village Clerk Regazzi.

The minutes of the Board of Trustees Limited Agenda Meeting of Tuesday, August 27, 2019 were approved on a motion entered by Trustee Veron, seconded by Trustee Crandall and carried unanimously.

Bills & Payroll

Trustee Veron reported that she had audited the Abstract of Claims dated September 10, 2019 in the amount of \$831,086.41 which includes \$10,108.94 in Library Claims previously audited by a Trustee of the Library Board which were found to be in order and she moved that such payment be ratified.

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

RESOLVED, that the Abstract of Claims dated September 10, 2019 in the amount of \$831,086.41 is hereby approved.

Trustee Veron then reported that she had examined the payment of bills made in advance of a Board of Trustees audit totaling \$1,522,088.61 which were found to be in order and she moved that such payments be ratified.

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

RESOLVED, that payment of claims made in advance of a Board of Trustees audit totaling \$1,522,088.61 is hereby ratified.

* * * * *

Mayor's Comments

Mayor Samwick gave the following comments:

“As we plan for our fall calendar of Board items, please be reminded that the Village will be accepting development proposals for the Freightway Project this coming Monday, September 16th. Once the proposals are delivered, they will be distributed to the Board members, staff and consultants. AKRF, our planning consultant, will begin its review of the proposals, evaluating the development and financial plans, including: the pro forma, fiscal impact statement, economic impact statement, and more. AKRF will develop summary sheets identifying the significant information from each of the proposals and presenting the information in a uniform format.

At that point a selection committee will convene to vet all of the developers with the goal of selecting two finalists. The selection committee will include: 3 Board members – Trustees Veron and Arest and me, 3 staff members and representatives from AKRF. The finalists will be required to 1) make a public presentation at an open community meeting and 2) interview with the entire Board in executive session. Once the two requirements have been met, the Board will deliberate and select a preferred developer for the Freightway Redevelopment Project. Once a preferred developer is selected, the Village negotiating team will commence discussions with the developer. The negotiation team will include the Village Manager, Special Counsel, an AKRF representative and me.

The public will be involved in the process, receiving the public presentations of the two finalists and providing comments and questions at these presentation meetings. Once a developer is selected and a development agreement is signed, the Full Environmental (SEQRA) and Planning review process will commence. This process provides for multiple points of public participation. This process is consistent with the Flow Chart presented by AKRF to the Board and public at a Village Board work session meeting on May 15, 2019 providing a project status update. The flow chart and other relevant information is available at the Village's website – www.scarsdale.com - where there is a dedicated section of our website with a link on the homepage.

The Board of Assessment Review (BAR) met for the last time last week to review the grievances filed against the 2019 Tentative Assessment Roll. The breakdown of the settled grievances are as follows:

118 APPROVED (REDUCED AV) (18.55% of total Grievances filed)
 503 DENIED
 15 WITHDRAWN

 636

The total taxable assessed value (AV) of the 118 grievance reductions for 2019 is \$26,089,590.

By comparison, in 2018, there were 552 grievance claims against the 2018 Tentative Assessment Roll of which 136 or 24.6% were reduced by the BAR decreasing the total taxable assessed value by \$39,552,726.

Below please find a comparison of the grievance results for the 2018 and 2019 Rolls:

	<u>2019 Roll @ 6/1/19</u>	<u>2018 Roll @ 6/1/18</u>
Total AV	\$8,994,341,793	\$8,989,823,964
Grievances settled to date	26,089,590	39,552,726
% of Roll	0.29%	0.44%

There has been discussion in Scarsdale and other places about the impact of the SALT deduction limitations that were implemented last year as part of the Tax Cuts and Jobs Act. Much of that discussion focuses on the harm to Scarsdale’s residential real estate values – particularly at the high end of the market – caused by the newly imposed SALT deduction limits. While we see some impact from these limits in this year’s grievance data, we expect to see continued impact next year and perhaps into future years.

We may start hearing calls for a revaluation as early as this evening. I might offer that it may be prudent to wait until three things are in place: (i) we hire a new Assessor, (ii) we have the appropriate software to perform and implement a revaluation, and (iii) there is stability in the real estate market after the adjustment resulting from the implementation of the SALT deduction limits. I will address the status of each of those three items. First, we are working to complete the Assessor search and hope to be in a position to make an announcement shortly. Second, we are waiting on the issuance of new assessment software in the coming year or two before investigating a potential change in our software package. Third, based on discussions with market professionals, the market appears to be in the midst of resetting and establishing equilibrium following the implementation of the SALT deduction limits. To conduct a revaluation in the midst of this valuation resetting process would almost insure that another revaluation would have to follow soon thereafter. Waiting for the market to reach its new equilibrium is prudent given the time and money required to perform a revaluation.

The last item I would like to cover this evening is the announcement of the next coffee with the Mayor – this time with the Deputy Mayor as well. We will be at the café in Balducci's this coming Monday, September 16th from 6-7:30pm. Trustee Veron and I look forward to seeing you on Monday evening at Balducci's."

Manager's Comments

None .

Public Hearing

Trustee Ross stated that he would like to open the public hearing scheduled this evening regarding a proposed local law to amend Chapter 37 of the Scarsdale Village Code entitled "Ethics". This change involves the filing of annual disclosure forms by Village officials involving both staff and volunteer positions.

At this time, Trustee Ross requested any public comment on this matter. He replied affirmatively to a question from a resident, Mr. Chen inquiring if Scarsdale has a current Code of Ethics. The resident spoke in favor of the amendment, noting that the requirement for disclosure forms should also be extended to the employee level.

As no further comments were offered, the public hearing was closed on a motion entered by Trustee Ross, seconded by Trustee Crandall, and carried unanimously.

Trustee Arest noted that this vote was to close the public hearing and at the next meeting the proposed local law will be on the agenda for a vote by the Board.

Public Comments

Mayor Samwick opened public comment at this time, with a reminder that there will be a chime after four minutes that indicates that the speaker has one minute remaining.

Students Sophia Franco, Oliver Krohn, Tom Reynolds, Sophie Carroll, Coby Rozenwald, Chris Saenger, and Oliver Krohn and residents Kate Conlan, Claire Paquin, Steven Nicholas, Rippy Philipps, and Matt Conlan; they expressed their support regarding the Butler Field Lights.

Mr. Chen, an Attorney, asked if Scarsdale has an Ethics Code and spoke again at length on this subject.

Bob Harrison, 65 Fox Meadow Road, speaking as the 35 year volunteer Director of the Scarsdale Summer Youth Tennis League, announced the winners and finalists for three youth tennis tournaments held at the Middle School Tennis Courts in early August for 35th season as follows:

Preston Kriro won the intermediate/advanced tournament besting Alex Booth in the finals by 11 to 5 , winning three matches . Trevor Hamill won the novice division over Abdul Zwein by 11 to 7 and Hannah Morris won the beginner division over Lily Harrison in a round robin tournament for 6 to 8 year old players.

Several residents, whose names were inaudible, spoke supporting lights on Butler Field and how it benefits the Community and School.

Kate Conlan, 3 Madison Road,, Co President of Maroon and White, spoke of support for Lights. The BOE and the School Administration vetted this proposal. They found that Permanent Lights on Butler Field was a benefit to all. LED lights provides better light and less glare. Also the plan is to replace antiquated lighting and speakers and govern use of amplified sound.It has been a long and well thought-out process with ample community for commentary. It will deliver profound benefits to the Scarsdale Community.

Mr. Chen asked a question regarding Con Ed and wireless meters pertaining to as privacy issues.

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

Trustee Liaison Reports

Trustee Veron attended Library Board Meeting and was happy to report that construction is on track. The Library has a strategic planning process to gather input from the community so residents should look for an upcoming survey. The Spelling Bee is back by popular demand, scheduled for January 31 and the snow date is February 7th.

Trustee Veron added that there is a Music Festival this Saturday from 12 noon to 6 pm at Boniface Circle; rain or shine. There will be a wine tasting event. For more information go to www.ScarsdaleMusicFestival.com.

Trustee Crandall spoke regarding coffee with the Mayor and Deputy Mayor. She then stated that she will be available at the Scarsdale Music Festival on September 14th to speak about volunteering with the Village's Conservation Advisory Council regarding minimizing trash and will answer questions.

Trustee Arest stated that he was working on a new Resident Packet with Deputy Village Manager Rob Cole and IT Director Chris O'Brien.

Trustee Arest

Upon motion entered by Trustee Arest, and seconded by Trustee Veron, the following resolution regarding Acknowledgement of the Justice Court Audit for Fiscal Year Ending May 31, 2019 approved by a unanimous vote:

RESOLVED, that the Village Board herein acknowledges completion and receipt of the independent audited financial statements for the Scarsdale Village Court accounts for the year ending 5/31/19, consistent with Section 219-a of the Uniformed Justice Court Act.

Trustee Lewis

Upon motion entered by Trustee Lewis, and seconded by Trustee Cramdall, the following resolution regarding Calling for a Public Hearing on the Number of Taxicabs to be licensed in 2020 was approved by the vote indicated below:

RESOLVED, that a Public Hearing is hereby called by the Board of Trustees of the Village of Scarsdale to be held at 8:00 pm in Rutherford Hall at Village Hall on Tuesday, September 24, 2019, to determine the number of taxicabs to be licensed in Scarsdale in 2020, pursuant to Section 272-3 of the Village Code; and be it further.

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

AYES

Trustee Arest
Trustee Crandall

NAYS

None

ABSENT

None

Trustee Lewis
Trustee Ross
Trustee Veron
Trustee Waldman
Mayor Samwick

Trustee Ross

By a unanimous vote on a motion entered by Trustee Ross, and adopted unanimously, the following resolution regarding Authorization of a Public Storm Water Line Easement Agreement – 4 Bethel Road - was tabled.

- WHEREAS,** Joshua and Cara Lamberg are the owners (hereinafter “Owners”) of certain real property located at 4 Bethel Road (hereinafter “Property”), as shown on the official tax map of the Village of Scarsdale as Section 14, Block 05, Lot 21; and
- WHEREAS,** during the site plan review for a proposed new single family home at 4 Bethel Road, staff identified an existing 10-foot drainage line easement previously dedicated to the Village of Scarsdale, as described in the attached easement dated March 24, 1977, and conditioned the permit upon protection of the drainage system and the prohibition of any encroachments within the easement; and
- WHEREAS,** upon submission of an as-built survey, several encroachments into the easement area were identified, including an asphalt driveway extension, cobblestone curbing, permanent mounted basketball hoop, stone retaining wall, and soil fill of approximate depth ranging between two and four feet; and
- WHEREAS,** staff have determined that remedying the encroachments would not be cost-justified and an amendment to the existing easement would be satisfactory; and
- WHEREAS,** in the event of interference with any future Village access to the storm drain, the Owners are obligated under the terms of the easement to bear the costs associated with removal and restoration of any encroachments to facilitate such access, as well as any additional cost(s) the Village may incur as a result of interference with its otherwise unhindered access to the storm drain; now, therefore, be it

RESOLVED, that the Village Manager is herein authorized to execute an easement agreement, in substantially the same form as attached hereto, with Joshua and Cara Lamberg, Owners of 4 Bethel Road, to maintain and accept liability for the existing encroachments over the public storm drain; and be it further

RESOLVED, that the Owners of 4 Bethel Road, Joshua and Cara Lamberg, or their representative, shall record the Easement Agreement in the Office of the Clerk of the County of Westchester, Division of Land Records.

Trustee Veron

Upon motion entered by Trustee Veron, and seconded by Trustee Crandall, the following resolution regarding a Subdivision Recreation Fee for 256 Boulevard; Section 9, Block 17, Lot 5.8 was approved by the vote indicated below:

WHEREAS, Section 7-730-4 of New York State Village law authorizes planning boards to reserve land in a subdivision for park, playground or other recreational purposes, and take money in lieu of land in cases where suitable park lands of adequate size cannot be properly located on a subdivision plat, the amount of said money to be established by the Village Board of Trustees; and

WHEREAS, on June 26, 2019, the Planning Board approved the two lot subdivision of 256 Boulevard, creating one new lot, after finding the proposed subdivision would not have a significant negative environmental impact pursuant to the State Environmental Quality Review Act (SEQRA) and Chapter 152 of the Village Code SEQRA; and

WHEREAS, on July 31, 2019 the Planning Board recommended a payment in lieu of contribution of land after finding that the dedication of land for park, playground or recreation purposes is not feasible in view of the small amount of land available in this two lot subdivision; and

WHEREAS, the Village initiated a study of Village athletic facilities in 2000, conducted by Ward Associates, for an inventory of existing facilities and an analysis of existing and future needs which identified improvements to existing Village and School facilities for increased use and a plan for increasing the inventory to meet the community needs; and

WHEREAS, the Village Department of Parks, Recreation and Conservation provides a variety of facilities to meet the interests and needs of the community which includes parks, playgrounds, ball fields and an outdoor pool; and

WHEREAS, the Village Department of Parks, Recreation and Conservation develops a Five Year Capital Plan that calls for the replacement of facilities and equipment as well as additional facilities that will be needed in the future; and

WHEREAS, the Village Board, in May 2018, adopted the Guidelines and Fee Schedule for monetary payment in lieu of land for new building lots and determined the Recreation Fee for new lots is a range from 4% to 6% of the 2018 lot value as estimated by the Village Assessor and verified by an independent analysis; and

WHEREAS, the fee charged to the applicant in lieu of land being conveyed for recreational purposes bears a substantial relationship to the cost of providing recreational facilities and the acquisition of land for recreational purposes; now therefore be it

RESOLVED: that the Village Board of Trustees hereby accepts the recommendation of the Planning Board that the applicant, JAF Builders Corp., pay to the Village an amount equal to 5.0% of the Guideline Value of a lot in the A-5 zoning district, pursuant to the 2018 Subdivision Recreation Fee Schedule, or \$32,500 in lieu of a contribution of land for park, playground or other recreational purposes for the one new buildable lot resulting from the subdivision of property at 256 Boulevard, identified on the Village tax map as Section 9 Block 17, Lot 5.8.

AYES

Trustee Arest
 Trustee Crandall
 Trustee Lewis
 Trustee Ross
 Trustee Veron
 Trustee Waldman
 Mayor Samwick

NAYS

None

ABSENT

None

Upon motion entered by Trustee Veron, and seconded by Trustee the following resolution regarding a Subdivision Recreation Fee at 937 Post Road, Section 8 Block 2 Lot 1D was approved by the vote indicated below:

- WHEREAS,** Section 7-730-4 of New York State Village law authorizes planning boards to reserve land in a subdivision for park, playground or other recreational purposes, and take money in lieu of land in cases where suitable park lands of adequate size cannot be properly located on a subdivision plat, the amount of said money to be established by the Village Board of Trustees; and
- WHEREAS,** on June 26, 2019, the Planning Board approved the three lot subdivision of 937 Post Road, creating two new lots, after finding the proposed subdivision would not have a significant negative environmental impact pursuant to the State Environmental Quality Review Act (SEQRA) and Chapter 152 of the Village Code SEQRA; and
- WHEREAS,** on July 31, 2019, the Planning Board recommended a payment in lieu of contribution of land after finding that the dedication of land for park, playground or recreation purposes is not feasible in view of the small amount of land available in this three lot subdivision; and
- WHEREAS,** the Village initiated a study of Village athletic facilities in 2000, conducted by Ward Associates, for an inventory of existing facilities and an analysis of existing and future needs which identified improvements to existing Village and School facilities for increased use and a plan for increasing the inventory to meet the community needs; and
- WHEREAS,** the Village Department of Parks, Recreation and Conservation provides a variety of facilities to meet the interests and needs of the community which includes parks, playgrounds, ball fields and an outdoor pool; and
- WHEREAS,** the Village Department of Parks, Recreation and Conservation develops a Five Year Capital Plan that calls for the replacement of facilities and equipment as well as additional facilities that will be needed in the future; and
- WHEREAS,** the Village Board, in May 2018, adopted the Guidelines and Fee Schedule for monetary payment in lieu of land for new building lots and determined the Recreation Fee for new lots is a range from 4%

to 6% of the 2018 lot value as estimated by the Village Assessor and verified by an independent analysis; and

WHEREAS, the fee charged to the applicant in lieu of land being conveyed for recreational purposes bears a substantial relationship to the cost of providing recreational facilities and the acquisition of land for recreational purposes; now therefore be it

RESOLVED: the Board of Trustees hereby accepts the recommendation of the Planning Board that the applicant, BNB Tech LLC , pay to the Village an amount equal to 5.0% of the Guideline Value of a lot in the A-5 zoning district, pursuant to the 2018 Subdivision Recreation Fee Schedule, or \$32,500 in lieu of a contribution of land for park, playground or other recreational purposes, for each of the two new lots resulting from the subdivision of property at 937 Post Road, identified on the Village tax map as Section 8 Block 2, Lot 1D.

AYES

Trustee Arest
Trustee Crandall
Trustee Lewis
Trustee Ross
Trustee Veron
Trustee Waldman
Mayor Samwick

NAYS

None

ABSENT

None

Written Communications

Deputy Village Clerk Regazzi reported that four (4) communications have been received since the last regular Board of Trustees meeting. She noted that all written communications may be viewed on the Village’s website at www.scarsdale.com.

- An email from John Gliedman regarding traffic conditions at the intersection of Lyons and Sprague Roads.
- An email from Erin Rescoe and John Gliedman in support of the previous email with petition regarding the intersection of Lyons and Sprague Roads.
- An email from Robyn Segal regarding the deployment of 5G technology.
- An email from Ira Genin regarding Sanitation services and schedule with response from Mayor.

There being no further business to come before the Board the meeting adjourned at 9:10 P.M.

Veronica Regazzi
Deputy Village Clerk