

The Edgemont Community Council, Inc.

Founded in 1947 to determine community opinion on civic matters and coordinate community action thereon and to plan and promote the general welfare of the community embraced within Union Free School District #6.

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January 9, 2012

Recommendations of ECC Committee to Review Issue of Village Incorporation

Summary of Points:

- 1. Brief Recap of Committee work: why we were formed, and what we have done**
- 2. Description of what we learned on our “listening tour”**
- 3. Our recommendations**

1) Recap

- a) At the ECC meeting of October 3, the ECC asked four of us -- Marc Ackerman, Aubrey Graf-Daniels and Greg Adams, all ECC directors, as well as Peter Mellis, a community member in attendance -- to volunteer to serve on a Committee to examine the question of whether incorporation as a village of Edgemont is something that should be considered
- b) We were told to take a fresh look at EVEC; not to do an EVEC 2; not to go back and re-visit everything that happened during EVEC; but to take a fresh look at the report in view of events that have occurred since 2005 when the report was issued, and recommend to ECC whether incorporation is even something Edgemont should be thinking about at this juncture
- c) After reviewing EVEC in depth, we returned in November and provided our initial recommendation to the ECC that incorporation should be considered, given:
 - i) the great advantages of self-government
 - ii) the financial benefits an Edgemont Village would gain by (1) having the ability to make independent decisions regarding the type and level of services it would provide itself; and (2) having taxing and spending decisions made by Edgemont residents, who would be far more sensitive to Edgemont’s desire to control taxes than the Town of Greenburgh.

- d) We also reported that we were surprised to find that EVEC's conclusion that taxes in a Village of Edgemont could rise by as much as 30% was based on the assumption that such a Village would incur costs to buy land and build a municipal complex for village administration, court, a police department, club-sized and kiddie pools and a community center, all within the first two years of incorporation; given that such costs comprised over 22% of the 30% projected tax increase, as well as other questionable assumptions concerning revenues and expenses of a hypothetical Village, we questioned whether taxes would rise nearly as much as EVEC predicted, if at all, under a more realistic scenario.
- e) We also provided initial conceptual thoughts on the process of how incorporation should be considered, including that:
 - i) we do not think the EVEC should be completely redone; rather, the good work already done by that Committee should be used and updated; no need to re-invent the wheel
 - ii) any process must be open and inclusive, and provide Edgemont residents an outlet to voice concerns and have questions answered
 - iii) all views should be considered, disagreement must be permitted, but debate must be civil
- f) At the conclusion of the November meeting, the ECC then sent us back to give more thought to as to the best process by which incorporation might be considered, and to report our findings back to ECC. That is what we have been hard at work doing for the past two months, and this constitutes our report. In December, the ECC expressed its desire that the issue of incorporation not dominate our agenda for too long, and instructed us to complete our work in a timely manner, by February at the latest. Mindful of that concern and directive, this report, therefore, constitutes the final report of our committee, and the completion of our work.

2) **Lessons Learned from the Listening Tour**

- a) In turning to process, we thought it would be useful to talk to folks who were involved with EVEC to understand how that process worked and how that might inform any consideration of incorporation going forward
- b) We also thought it would be helpful to speak to Civic Associations, many of whom had members that were involved, formally or informally, with EVEC and to gather their input and thoughts on the issue, and we did that as well
- c) Spoke to several key EVEC members (Chair Mark Rosenblatt, Arnie Laubach, Bob Bernstein, Charlie McNally, Frank Kaiman, Sue Newman and John Sganga), several civic associations (Edgemont and Cotswald), and many other Edgemont residents throughout the community
- d) What we learned about EVEC was quite interesting;

- i) we learned that although EVEC was an extremely valuable exercise, it intentionally never directly addressed the question of whether Edgemont should incorporate:
 - ii) while EVEC may have started with members who were in favor of incorporation, as ultimately constituted, EVEC saw its role as “neutral”--to gather a neutral set of data that any future group formed to promote or argue against incorporation could use to support its case
 - iii) in its efforts to remain neutral, EVEC posited a hypothetical village of Edgemont that would mirror exactly how the Town government was set up
 - iv) That resulted, among other things, in the assumption that Edgemont would buy land and construct administrative buildings, recreational facilities and police facilities within 2 years of incorporation
 - v) And that resulted in the conclusion that taxes would go up 30%
 - vi) Unfortunately, although EVEC contains a substantial amount of valuable information, the only thing the vast majority of Edgemont residents seem to remember about EVEC is that 30% number
 - vii) So although EVEC was created to provide a neutral set of data in case a group wanted to advocate in favor or against incorporation, given that 30% number, it’s not surprising to us that the issue of incorporation went dormant with the issuance of the EVEC report.
- e) What else did we learn on our listening tour? In discussing the issue of incorporation with a wide swatch of Edgemonters, we certainly saw that there is a certain amount of disagreement; however, we were surprised to find that there was a tremendous amount of agreement on many of the key underlying issues. We found these points of agreement very valuable to us in informing our recommendations about process.
- i) Everyone agrees that Edgemont is an exceptional community
 - (1) The school district is our crown jewel
 - (2) We have an extremely well-run Fire District
 - (3) There is a spirit of community involvement, volunteerism and charity that pervades Edgemont, and we see manifestations of that every day
 - (4) Edgemont is filled with highly intelligent and highly accomplished people who devote time and energy to the betterment of Edgemont, and all of whom have the best interests of Edgemont at heart
 - ii) People agree that the highest priority must be given to protecting and preserving the exceptional nature of the Edgemont community

- iii) People also agree that today Edgemont faces perhaps the greatest threats that it has ever seen, threats that have been brought on by the actions or inaction of the government of the Town of Greenburgh:
- (1) the Town of Greenburgh, having for so many years engaged in wasteful spending, having had a lack of financial controls and proper financial planning, now faces dire fiscal circumstances
 - (a) In order to present a budget that is below the 2% tax levy, the Town has not addressed its wasteful spending practices, but instead has drawn down its reserves to a precarious level;
 - (b) The Town controller has declared that if nothing is done, the Town of Greenburgh will default on its obligations by 2015
 - (c) Taxes continue to rise in Greenburgh at a rate exceeding many of our neighboring villages
 - (2) The Town's actions resulted in significant legal exposure
 - (a) We will face millions of dollars in damages from the Town's violation of the civil rights of the Fortress Bible Church
 - (b) The Town continues to fight in favor of its arrangement to give the school district of Valhalla millions of dollars, despite a court finding that the arrangement was illegal and that the improperly spent funds must be returned to us, the Town's taxpayers
 - (c) The Town's mismanagement of the Town courts has resulted not only in the loss of millions of dollars of revenue from traffic fines, but the legal exposure resulting from the failure to maintain confidential sealed criminal records
 - (3) At the same time, Edgemont's needs are being consistently and systematically ignored;
 - (a) there is no money allocated to address our aging infrastructure;
 - (b) we were recently told that the Water District has been under-billing us for years, which is why we are now receiving water bills that have skyrocketed, and by the way, the water towers and a pumping station require repair work and 10,000 water meters need to be replaced
 - (c) undesirable things -- such as the "flying saucer" reservoir cover and cell phone antennas -- appear in our community without adequate notice
 - (4) Perhaps most disturbingly, the Town has set its sights on those aspects of Edgemont that we hold most dear such as our fire district, seeking to consolidate fire services even though by the Town's own forecasts doing so would result in a

lowering of the quality of fire service to Edgemont and a considerable tax increase to our residents

f) Although there is widespread agreement on these threats facing Edgemont and that they must be addressed, there is disagreement on how best to address them. At bottom, there are two primary philosophies regarding what to do:

i) One view is to work to effectuate change at the Town level

(1) If you don't like the Town Supervisor and/or other Town Board members, work to replace them

(2) If you don't like what the Town is doing, try to work with Town officials; we have very smart, persuasive people in Edgemont with very good ideas, and we can bring these talents to bear by participating in Town government and working to persuade Town officials to adopt our ideas

(3) Become active in Town government; assume positions where Edgemont's voice can be heard

ii) Another view is to incorporate, which would take the bulk of the decision-making power out of the hands of the Town, and place it squarely in the hands of Edgemont residents

(1) Edgemont residents are better equipped to understand and address Edgemont's needs

(2) Edgemont residents would be more fiscally responsible

(3) Edgemont residents would not expose our community to the type of legal liability to which we are now exposed

(4) Edgemont residents would never let anything detrimental happen to our prized school and fire districts, which we could not say about the Town

3) **Our Recommendations:** So that's the fundamental divide as we see it, and these are our recommendations:

a) In our view, the role of the ECC is to address and execute on Option A: effectuating change at the Town level

i) the ECC is the voice of Edgemont in Town affairs

ii) the ECC is charged with coming up with the best strategy and approach to influence Town government in a way that will best protect Edgemont's interests

iii) That is what ECC does best, and that is what ECC should continue to do

- iv) Given the massive frustration experienced when dealing with the Town, it is understandable that ECC and its members, officers and directors would turn to incorporation as a viable alternative to the continuous banging of heads against walls
 - v) BUT, inevitably a discussion of incorporation in the context of ECC becomes divisive
 - vi) And in order for ECC to be effective in its constant and continuing efforts to influence Town affairs, it should present as united a front as possible in its approaches to the Town
 - vii) That is why, in our view, ECC is ill-suited to driving the issue of incorporation, if indeed incorporation is to be driven
- b) So, if not ECC, then who?
- i) It's been very interesting to us to consider that question, particularly in view of the reaction of many to our formation of this Committee
 - ii) When people heard that the issue of incorporation was being considered, people were very interested in who, what body, what group--for two distinct reasons:
 - (1) one camp wanted to know who to sign up with--people who are in favor of incorporation and wanted to know how they can help out and contribute to the effort
 - (2) the other camp wanted to know who to shoot at--people against incorporation who just wanted to know on whom to vent their concerns, anger and frustration
 - iii) To be clear again, the four of us are not that group: you can't sign up with us, and you can't defeat incorporation by attacking us
- c) BUT, if incorporation is to be properly considered, an independent group needs to be formed:
- i) As we said, that group needs to be formed outside of the auspices of ECC
 - ii) Indeed, it needs to be completely independent of any existing group within Edgemont
 - iii) We believe it should be a group devoted to determining how best to accomplish incorporation; this does not mean it ultimately will decide that incorporation is the best and only option, but that it should have as its working hypothesis going in that Edgemont would benefit from incorporation
 - (1) difficult question: should it be like-minded individuals seeking incorporation, risking having a built-in bias; or should it be something more like EVEEC, composed of people representing all ends of the pro- and anti-incorporation spectrum, risking gridlock?

- (2) In our view, there is too much risk that if this group does not at least start out with the hypothesis that incorporation should be accomplished, the risk of deadlock is too great
- iv) The independent group will have to do its homework:
 - (1) update EVEC, both financial and governance issues
 - (2) provide a blueprint for what a village would look like and how it would operate
 - (3) lay out the uncertainties; some things will be unknown
 - (4) be prepared to answer questions and concerns of the community
- v) If, ultimately, this group concludes that it has proven its initial hypothesis -- that incorporation should happen -- it can then make its case to the community
- vi) It will have to answer the community's questions and concerns
- vii) It can then, if it so chooses, take the issue of incorporation to a vote: the community will either be sold or it will not be sold, and that will be that.
- d) To reiterate our conclusion from the November meeting, we feel strongly that the issue of incorporation should be considered;
- e) One thing that is befuddling to us -- that we don't quite understand -- is the irrational aversion of a vocal minority even to looking at the question of incorporation. We understand that at the end of the day, the answer might be that incorporation doesn't make sense, but why not ask the question? Given the threats facing our community, we believe it is not only appropriate to ask whether incorporation is something that would benefit Edgemont, but indeed it is irresponsible not to ask that question and to seriously explore the issue.
- f) Some say that we lived through this nightmare before with EVEC, why do it again and invest another year or more of our lives?
 - i) We have identified the threats to Edgemont and why they are greater now than ever. That's the main reason.
 - ii) In addition, as we described earlier, we did not live through this with EVEC because EVEC never answered the ultimate question of whether Edgemont should incorporate; it merely provided certain relevant data; a serious look at incorporation now would take that next step and make a recommendation one way or the other;
- g) Coming back to the ECC, where the ECC and local civic associations might play a valuable role is providing an appropriate forum for this debate to take place in a civil manner

- i) as we have said many times, there is great room for disagreement on the issue of incorporation, but any debate must remain civil
 - ii) we could foresee ECC and local civic associations playing the role of neutral mediator of a debate so that any disagreements do not devolve into hostility
- 4) We recognize that a final recommendation by our committee that someone should do this, but it should not be the ECC, without more specifics, may leave some unsatisfied; we respond as follows:
- a) we've provided the outlines of what this group should look like and how it should approach the issue
 - b) we have no doubt that it will not be difficult to constitute such a group;
 - i) the level of excitement of a large swath of our community to the prospect of incorporation is palpable;
 - ii) an extremely large number of Edgemonters have expressed their realization that something beyond the status quo needs to be done to address the very real financial and political strains our community now faces;
 - iii) the interest is there, the energy is there, and a diverse range of capabilities are ready and eager to participate.

Closing Note: While we were initially shocked at being attacked so soon out of the box on this issue, we were ultimately heartened by the process. We spoke to many people, both for and against incorporation, and once we were able to speak in a calm, controlled setting, it was clear that people on all sides of this issue have very well-reasoned, intelligent thoughts and opinions. We look forward to a continued lively, intelligent and civil discussion of what is best for the future of Edgemont.