

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.

Post Office Box 1161

Scarsdale, New York 10583

MINUTES OF THE MEETING OF THE BOARD OF DIRECTORS OF THE EDGEMONT COMMUNITY COUNCIL

February 2, 2009

A meeting of the Board of Directors of the Edgemont Community Council, Inc. was held at the Edgemont High School February 2, 2009. The following officers and directors were present: Bob Bernstein, Michelle McNally, Lisa Wexler, David Stern, John Sganga, Larry Rusoff, Karen Kelly.

Officers and Directors not in attendance: David Younger, Chris Klerer, John Blakely, Todd Gravelink, Madelon O'Shea

Civic Associations represented: Longview (Jim Lasser), Fort Hill (Robin Schaffer), Cotswold (Charlie McNally), Greenridge (), Old Edgemont (Frank Kaiman), Northern Greenville (), Southern Greenville (), Central Park Avenue ().

Residents – Robert Klerer

Robert Bernstein presided over the meeting and Karen Kelly took minutes. The meeting was called to order at 8:10 PM.

Minutes – The minutes of January 9 were approved.

Treasurer's Report: Total assets as of 2/2/09 were \$6,620.22. The major expenditure this month was the mailing relating to the SBNC (School Board Nominating Committee).. Membership continues to increase.

SBNC: There are three nominees for 2 positions; Alan Pepper, George Rho and Lisa Wexler. .

Zoning and Planning.

Fulton Park - We have not received any response to our earlier resolution regarding the lack of notice of the Fulton Park rezoning and requesting a response within 30 days (February 17). In addition, as the site is within 1000 feet of a State Highway, notice should have been provided to the Westchester County planning department.

Frank Kaiman stated that Paul Feiner met with the Edgemont Association and acknowledged that people might view the procedure of adopting the change as faulty, but he did not want to redo it, as that might give the residents false hope that the substance of the zoning might be changed.

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Charles McNally suggested we send a letter to the State Attorney General and Office of the Comptroller. A motion was approved unanimously to send such letter after the 17th of February if the change in law was not rescinded.

Funding for Comprehensive Plan – The Comprehensive Plan was originally to be funded by the amounts received for the Tennis Bubble, which is now on hold. The Town is now proposing legislation to require businesses to obtain a permit at \$100 per business. This is essentially a business tax. The fees generated will be use to fund the comprehensive plan.

New Walgreens – A new Walgreens is proposed for the present Central Park Café location (near the intersection of Ardsley and Central Park, with access to both streets). The location presently has one limited access on Ardsley, which will not accommodate trucks, and two on Central Avenue, one of which may be eliminated. Concerns were voiced regarding egress and ingress, particularly trucks leaving the Walgreens and heading south on Central. The group had concerns that trucks not use local streets to turn around. Frank Kaiman indicated that the Edgemont Association will be sending a letter to the Planning Board. Michelle will represent ECC at the hearing. She said she would read the Edgemont Association’s letter into the record.

Town Affairs

Garbage -- The Town has instituted curb side only garbage pick-up, and has announced that it will charge residents an annual fee of \$300 for residents who need side yard pick-up. An Edgemont resident has looked into the cost for residents to have side yard garbage pick up with an outside vendor – CRP. The cost would be \$35/month for pick up twice per week Bob Bernstein has asked the Town Comptroller if the Town is actually realizing any savings, and has not received a definitive answer. He said there is no sentiment to change this decision at the Town.

Fund Balance – The Town has used up the budget for snow removal as of today; any additional snow removal will not be covered by the budget, but will come out of the Fund Balance. There will be a bond sale next month, and the impact of the Town’s budgetary policies will be seen. Bob indicated that Mr. Feiner will be handling the discussions with the rating agencies, in contrast to prior years where the Town Comptroller handled this.

Police – the Police are short 6 men for 2009. It is not clear when they can be rehired.

TDYCC - TDYCC has historically not charged fees for its camp, and does allow village residents to use the camp. The new TDYCC Commissioner, Bill Carter, is concerned that if fees are charged, people will not come, and there will be no ability to hire counselors. The Town has indicated that fees will be charged in the future, but those who say that they can not pay will not be charged. No mechanism for determining eligibility has been proposed. No projection of revenue has been included in Town budget.

The investigation of theft of services relating to jobs at TDYCC is with the DA.

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Status of Parks/Recreation Litigation - The Court of Appeals decided that the Taxter Ridge appeal did not raise substantial constitutional issues and dismissed the appeal. Accordingly, the lower court appellate ruling finding that the Finneran Law was constitutional remains in effect. Bernstein said this means that the Town is required to tax only unincorporated residents for the Town's costs of parks and rec facilities, but that such facilities must be restricted in use to residents of unincorporated Greenburgh. A second suit, now before the state supreme court, will address the following related issues:

1. Whether TDYCC which provides social services, which include a recreational component, to all economically disadvantaged residents of the entire town, including the villages, is subject to the Finneran Law, and if it is, whether use of TDYCC must be restricted in use to residents only of unincorporated Greenburgh. The Town and villages argue that because the indoor pool at TDYCC was built with federal funds requiring open access, the entire TDYCC facility must be open as well.
2. Whether the pool and tennis courts at AF Veteran Park, which have been open to certain residents of the villages, must now, in accordance with the Finneran Law, be restricted in use to residents of unincorporated Greenburgh; and
3. Whether the Tennis Bubble Contract, which contained a penalty provision whereby, if use of the tennis courts under the Finneran Law were restricted to unincorporated Greenburgh, the unincorporated portion of the Town would have to finance for Sportime up to \$3 million in capital improvements, plus make to Sportime certain annual payments, is illegal and unenforceable.

Frank Kaiman, who is on the Town Finneran Committee, spoke about the options the Town is considering. The Town wants to see Finneran amended to allow use of town parks and rec facilities by persons not residing in the unincorporated part of the Town. Frank and Bob discussed whether residents of the unincorporated area should be given a right to consent to any such changes in use, whether such consent should be by way of a "permissive referendum," which would require those wanting a referendum to petition for such with a certain number of signatures, or by way of a mandatory referendum. If permissive, there was a discussion regarding how many signatures on a petition should be required. Frank indicated that the Finneran committee would not have public hearings, but would take written comments. There will be a Finneran committee meeting at Town Hall on February 9, 2009. Frank suggested that mandatory referendums may discourage the acquisition of park land. The Town also believes that village officials have to agree to any proposed Finneran changes.

Valhalla/Westhab money - Valhalla has indicated its wants \$1,800,000 from the Town, representing its supposed share of the Westhab money. The State Comptroller has previously said that the Town cannot give money to a school district, unless the money is being spent for Town purposes. Valhalla is proposing that \$1.2 of the money be spent on a Center for Excellence school building, to be located outside of the Town of Greenburgh, and the remainder on vouchers for SAT programs (some of which might be available to Greenburgh residents not in Valhalla), teaching programs, \$100,000 for administrative costs, and other uses. The Village Officials Committee is against this. The following resolution was adopted unanimously:

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Resolved, that the Edgemont Community Council is opposed to the Town providing any funds to the Valhalla School District or the Fairview Fire District, and if the Valhalla School District asks for additional funds, that the Town request return of previously provided amounts.

Crane Pond – The Town is no longer providing the service of checking Crane Pond to see that it is safe for skating on weekends. The Edgemont Association is paying part, and a Town employee is doing some, without pay. Bob asked Frank to determine how much this is costing, see if the Town is paying these costs for other facilities, and then come back next month and the ECC will consider how much could be contributed.

The meeting was adjourned at 10PM.

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