

# 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 EDMONT COMMUNITY COUNCIL

January 4, 2010

A meeting of the Board of Directors of the Edgemont Community Council, Inc. was held at the Edgemont High School January 4, 2010. The meeting was held in the LGI as at the last minute Mr. Bernstein became aware that there would likely be greater attendance than usual because the media had announced that the Chief of Police would be at the meeting. The following officers and directors were present: Bob Bernstein, Michelle McNally, Karen Kelly, Madelon O'Shea, John Sganga, Jonathan Faust, Schuyler Kraus, Larry Rusoff, Robert Klerer, John Blakely Sr., Todd Garvelink, Marc Ackerman and Geoff Loftus,

Officers and Directors not in attendance: Andrea Weiss

Civic Associations represented: Longview (Jim Lasser), Fort Hill (Robin Schaffer), Cotswold (Stuart Seeley), Greenridge (), Old Edgemont (Lauren Ricci-Warren, Jon Guttenberg), Northern Greenville (), Southern Greenville (), Central Park Avenue ().

Robert Bernstein presided over the meeting. Karen Kelly took minutes. The meeting was called to order at 8:15 PM.

**Minutes** – The minutes of December 7, 2009 were approved, as amended

**Treasurer's Report** – The Treasurer's report was accepted. The ECC has \$ 5,911.92 in the bank account.

**Fire District** -- Mr. Bernstein reported that Walter Groden ran uncontested for reelection as Commissioner and was elected with 90 votes. Voter turnout was considerably greater this year. The Town's consolidation commission has submitted FOIL requests to Greenville and Fairview.

**SBNC Update** – There will be 3 open seats on the School Board in the coming election. Two incumbents, Tom McCormack and Gerry Stoughton, will run for a second term. Maggie Landau will be retiring. At present a letter nominating Caroline Tzelios has been submitted. Additional people who want to run are urged to contact the SBNC.

**Nominating Committee** – By unanimous vote, Marc Ackerman will chair the Nominating Committee and Robin Schaeffer will co-chair.

Zoning and Planning

### Member Associations

The Central Park Avenue Association  
Greenridge Association

The Cotswold Association  
Longview Civic Association

Edgemont Association  
Northern Greenville Association

Fort Hill Association  
Southern Greenville Association

1. Ms. McNally reported no additional news concerning the proposed multifamily development on Dromore Road.
2. Stop and Shop – Mr. Bernstein reported that the Town Board had approved the zoning code change required for this development off Route 119 near the Tarrytown border, but did so on condition that the developer contribute \$100,000 to a town recreation fund and an additional \$100,000 to help underwrite costs of the Town’s comprehensive plan. Mr. Bernstein noted that the resolution passed by the ECC last month opposing the Town’s practice of demanding cash from commercial developers in exchange for zoning code changes they may need, had been delivered and, evidently, ignored.

## Town Affairs

1. Final 2010 Budget – The town entire tax rate will increase in 2010 by 65% as a result of the Town’s failure to realize anticipated revenues from an auction of town-owned properties and because of a reduction in the amount of “unclaimed funds” – tax refunds owed to taxpayers that have not been paid – that the Town was planning to use as revenue in 2010. However, the total town tax increase for Edgemont residents will remain as previously announced because the 65% increase in A budget taxes is being offset with a drawdown of \$1.1 million in B-fund fund balance (reserves).
2. Mr. Bernstein reported that the Valhalla School District (“VSD”) had filed a complaint against the Town on July 29 seeking \$4.5 million for alleged breach of the Town’s promise to give the school district 55% of the Town revenue received from Westchester County as rent for the WestHELP homeless shelter on the campus of Westchester Community College. Mr. Bernstein reported that the Town had filed a motion to dismiss the suit based on an opinion from the state comptroller’s office that the Town’s gift of the money was illegal, but that the motion had been denied. He also reported having been approached by several village residents, including a village official, who were concerned that the Town may not be adequately representing the interests of Town taxpayers in this matter. He said that the school district had on two occasions submitted only part of the grant document at issue, omitting a page containing clauses critical to the Town’s defense of the matter, including an indemnification clause by which the Town would be entitled to be indemnified for any money wrongfully given to the school district – and that the Town never brought to the court’s attention that this important page was missing. The Town also admitted in its papers that the money was given not as an unlawful gift, as the state comptroller had found, but rather pursuant to a contract and that Valhalla is contending that it will be relying for its principal witness on the testimony of the Town Supervisor. Mr. Bernstein also reported that the Town Clerk who is responsible for maintaining Town Records, including those that relate to this dispute, is a member of the Valhalla School Board. Although the Town’s Ethics Code requires that town officials publicly disclose whenever they have a matter pending before the Town, the Town Clerk made no such disclosure. A number of people asked what options there would be for them as citizens to defend the suit.
3. The Town is suing the Hartsdale Public Parking District, as the district will not seat a person who is legally ineligible to serve. The state legislation creating the district requires that two of the three members must own property in the HPPD, all three within the Town, and that such ownership must be listed on the town’s assessment roll. The person that the Town

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wants to appoint, lawyer Barry Kessler, is not a record owner of property in the Town as of the most recent assessment roll (June 2009). Mr. Kessler's wife is the record owner of property, and Mr. Kessler has since purchased a 1% interest in the property which will appear on the next assesment roll. (However, the property is in the Orchard Hill section of Town which is not within the borders of the HPPD, which may make him ineligible even on the next assessment roll because there is already one member of the HPPD who owns property outside of the HPPD borders.) The property ownership requirement is significant because liabilities incurred by the district that are not paid from fees generated must be paid solely by property owners in the district. In Edgemont, the district includes the properties within the Greenridge Association.

4. Enforcement of town summons. Mr. Bernstein reported that the town is aggressively enforcing snow removal by homeowners, having issued a series of summonses to residents along Fort Hill Road. However, the Town is evidently not requiring builders to provide access to sidewalks

### **Public Safety Report by Chief Joseph DeCarlo**

Joseph DeCarlo, the recently appointed Chief of the Greenburgh Police Department, came to discuss public safety issues. There have been 17 burglaries, 4 armed robberies and one home invasion in the last year. The Chief has indicated that residents should be as careful as possible, locking doors and windows of homes and cars, using alarms, bringing in newspapers etc. Chief DeCarlo does not believe the home invasion is linked to the burglaries. The department will be using a new technology (which he cannot discuss in more detail), and will be putting more manpower, especially in the Fort Hill area. Jim Lasser complained about response time. There was also a comment about burglaries in other parts of Edgemont.

The Chief also indicated that the Town of Greenburgh is so large (18 square miles) that this exacerbates coverage issues. Greenburgh has 7 sectors for patrols, and the Seely side is in one sector (which goes north to East Hartsdale) and the Greenville side is in another sector which goes west to 9A, and north to Hartsdale Ave. In addition, the patrol force includes 4 officers stationed at Manhattan Ave and one community police officer, who is now being moved from Hartsdale to Edgemont. Crimes and emergencies frequently require resources from other parts of town. Public safety groups apparently recommend 2.9 officers per 1,000 of population, and we are now down to 2.7

Paul Feiner spoke and said the town is committed to public safety. Frank Kaiman said then why don't we have 2.9 officers per 1,000? The audience agreed. Sonya Brown and Kevin Morgan also said that the town is committed to safety.

Paul also said he would not interfere in the Town Attorney's defense of the VSD suit (but did not indicate he would vigorously defend), and indicated he had old case law supporting his contesting the HPPD decision.

Howard Hirsch and Helene Orce are also on the Greenburgh Police Advisory Committee and suggested anyone wanting information could contact them.

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