

# Village of Scarsdale



Dan Hochwert, Mayor

Stephen M. Pappalardo,  
Village Manager

Justin K. Arést

Matthew J. Callaghan

Lena Crandall

Carl L. Finger

Seth Ross

Jane E. Veron

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## Limited Agenda

August 28, 2018

Village Board Meeting - 8:30 AM – Trustees Room

### Roll Call

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### Minutes

- Village Board Meeting of August 14, 2018

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### Bills

- Trustee Crandall

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## Future Meeting Schedule

### Wednesday, September 12, 2018

- 6:00 PM – Joint Law and Sustainability Committees – 3<sup>rd</sup> Floor Meeting Room

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1. Proposed Amendments to Village code – Chapter 281 – Trees

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- 7:30 PM Agenda Committee Meeting

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- 8:00 PM Village Board Meeting

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### Thursday, September 13, 2018

- 6:00 PM - Finance Committee – Trustees Room

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1. Review of FY 2017/2018 Financial Statements with Interdependent Auditors

2. FY 2019/2020 Budget Preparation

- 7:00 PM – Personnel Committee – Trustees Room (approximate start time, meeting will commence immediately following Finance Committee Meeting)
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1. Personnel Matters; Including Boards, Councils and Committee Positions/Vacancies

(It is anticipated that a motion will be offered to move into Executive Session to discuss personnel matters)

Tuesday, September 25, 2018

- 6:00 PM - Law Committee – Trustees Room
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1. Zoning Changes – Retail Gun and Vape Store Siting

- 7:30 PM Agenda Committee Meeting
  - 8:00 PM Village Board Meeting
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Tuesday, October 9, 2018

- 6:00 PM - Municipal Services Committee – 3<sup>rd</sup> Floor Meeting Room
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1. Road Resurfacing Program

- 7:30 PM Agenda Committee Meeting
  - 8:00 PM Village Board Meeting
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Tuesday, October 23, 2018

- 6:00 PM - Land Use Committee – 3<sup>rd</sup> Floor Meeting Room
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1. Priority Land Use Items

- 7:30 PM Agenda Committee Meeting
  - 8:00 PM Village Board Meeting
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Village Hall Closure Schedule

September 3, 2018 – Village Hall Closed – Labor Day

**THREE THOUSAND THREE HUNDRED EIGHTH**  
**REGULAR MEETING**

Rutherford Hall  
Village Hall  
August 14, 2018

A Regular Meeting of the Board of Trustees of the Village of Scarsdale was held in the Trustees' Room in Village Hall on Tuesday, August 14, 2018 at 8:00 P.M.

Present were Mayor Hochvert, Trustees Arest, Callaghan, Finger, Ross, and Veron. Also present were Village Manager Pappalardo, Village Attorney Martin, Assistant Village Manager Richards, Deputy Village Attorney Garrison, Village Treasurer McClure, Village Clerk Conkling, and Assistant to the Village Manager Ringel.

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Mayor Hochvert requested a moment of silence for the former Village Justice John H. Galloway III, who passed away recently.

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The minutes of the Board of Trustees Limited Agenda Meeting of Tuesday, July 24, 2018 were approved on a motion entered by Trustee Finger, seconded by Trustee Ross and carried unanimously.

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**Bills & Payroll**

Trustee Finger reported that he had audited the Abstract of Claims dated August 14, 2018 in the amount of \$1,274,182.53 which includes \$5,886.39 in Library Claims previously audited by a Trustee of the Library Board which were found to be in order and he moved that such payment be ratified.

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

**RESOLVED**, that the Abstract of Claims dated August 14, 2018 in the amount of \$1,274,182.53 is hereby approved.

Trustee Finger further reported that he had examined the payment of bills made in advance of a Board of Trustees audit totaling \$303,827.31 which were found to be in order and he moved that such payments be ratified.

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

**RESOLVED**, that payment of claims made in advance of a Board of Trustees audit totaling \$303,827.31 is hereby ratified.

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#### Mayor's Comments

Mayor Hochvert reported that on July 12<sup>th</sup>, he and Trustee Arest met with the Mayor of the City of Rye, Josh Cohn. He stated that the City of Rye is in litigation regarding DAS antennas and thought it would be prudent to see where they stand in respect to the location of antennas in that municipality. Mayor Cohn will keep Scarsdale apprised of any developments in the Court.

On July 13<sup>th</sup>, the Mayor reported that he attended a County meeting on "Bridge Strike", which concerns the ongoing problems with large trucks driving into overpasses on both the Hutchinson River Parkway and the Sprain Parkway. A breakdown of the details will be forthcoming. When a truck hits one of the overpasses in the vicinity of the Village such as on the Hutchinson River Parkway near Mamaroneck Avenue, morning traffic becomes very congested for hours. The County is working on improvements that can be made to alert truck drivers that they are not permitted to operate their vehicles on the parkway.

Mayor Hochvert stated that on July 19<sup>th</sup>, he stated that he presided over a wedding ceremony on a very nice summer day. On July 22<sup>nd</sup>, he stated that he went to a memorial service for a long term volunteer, Jane Bedichek, held at the Hitchcock Presbyterian Church. Everyone enjoyed hearing about the many things she accomplished throughout her life.

On July 24<sup>th</sup>, the Village Board sat as an Appeals Board and heard the application of 6 Fenimore Road regarding their application for demolition approval (certificate of appropriateness). The Board's determined the property to be historic; therefore, the certificate of appropriateness was denied.

On August 2<sup>nd</sup>, Mayor Hochvert attended a County committee meeting on wetlands. While listening to what other municipalities are experiencing recently in terms of flooding, the work that the Village has done on the various flood prone areas has improved the situation a great deal.

A last concert of the season was held on August 9<sup>th</sup> in Chase Park. Mayor Hochvert stated that there were approximately 125 musicians that performed that evening. There were 500 or more people attending the event. He noted that he had the pleasure of presenting a proclamation to the leader of the Westchester Band, Alan Hollander. He also recognized Joan Weiss, who runs the day to day business of the band. This band has performed in Chase Park for 49 years – next year there will be a 50 year celebration.

On August 14<sup>th</sup>, there was a meeting with Westchester County Sustainability Committee's proposal concerning elimination of plastic bags. There is promise that this will move forward; however, the question is how they will work with the eight municipalities that have already banned plastic bags. He added that a Chappaqua High School junior attended the County meeting who has suggested a 'take a bag, leave a bag' program, which will alleviate the need for plastic bags.

Mayor Hochvert reported that tomorrow, the United Westchester Executive Board, a group that was formed by New York State Assemblyman David Buchwald, will meet to discuss the power outages experienced last March by Con Edison and NYSGE. He noted that representatives of the local municipalities had a meeting approximately a month ago with Con Edison officials and asked for several improvements in the relationship of the Con Edison dispatchers and the local officials.

Mayor Hochvert stated that he received an email concerning two 'lime bikes' parked on Popham Road near the railroad station creating problems for pedestrians. He stated that these bikes are associated with Uber; you can ride them for an hourly charge to your destination and leave them at that point.

Mayor Hochvert stated that one of the nicest emails he has received came from Elaine Yellen. He read the email to the audience, which concerned the food waste pickup program that she was initially opposed to. In her email she informs the Mayor that now that she is participating, she finds it a wonderful convenience.

Mayor Hochvert then corrected a statement he made at the last regular Board meeting concerning the use of the word 'aggressive' while speaking about the appointment of the new Village Attorney. He noted that he should have used the word 'diligent' because it could have been misinterpreted as pushing against a group of people. He apologized for using the wrong word; he did not mean to use it in that context.

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Manager's Comments:

Village Manager Pappalardo reported that the resurfacing of the entire section of New York State Route 22, or Post Road in Scarsdale, from the Eastchester line to the White Plains City line began last week. Prior to the actual resurfacing taking place, there will be approximately two weeks of preparation before the paving operation. Work started on August 6<sup>th</sup>. The prep work will consist of replacement of sidewalk, ADA ramps, adjustment of manhole and road drain castings, along with the milling and removal of the existing top layer of asphalt to profile the road. The State is doing the right job by doing all the additional work. As the milling operation takes place, the resurfacing crew will follow behind with the new hot asphalt mix. The work is expected to start at the Town of Eastchester limits and progress towards White Plains, moving south to north. The project is estimated to take approximately four weeks, placing a completion date sometime in early September. The work is scheduled to take place a night for traffic reasons – they can work much faster at night and the Village will not have to worry about traffic issues or detours through private roads. They are working Sunday through Thursday between the hours of 7 PM and 6 AM. There will be lane closures and periodic restrictions to traffic during the overnight hours, including travel in and out of driveways. Village staff visited the residences on Post Road with a notification of the paving work and gave them the contact information for the Village Engineer office if they have any concerns or questions. There will be a NYS DOT engineer on site who should be approachable and able to answer questions. If anyone wants to reach out to the Village Engineer's Department, their contact number is 914-722-1106.

Village Manager Pappalardo reported on another project that is underway this summer which is a Con Edison gas main replacement. This will take place on Scarsdale Avenue in the Village Center. The work will begin tomorrow and the project will take approximately four weeks to complete. This work involves replacement of the old compromised steel gas main with a new upgraded high pressure larger capacity main. Phase I construction is scheduled from August 15<sup>th</sup> through August 18<sup>th</sup>, from 9 AM to 5 PM. They will be digging isolated test pits to verify some subsurface conditions, as well as to begin saw cutting the roadway which has to be done in segments. The old main will be abandoned in place and the new main will be placed alongside of it. The saw cutting work is very noisy so in deference to the adjacent property owners, the Village asked that this work be done during the day. This project will impact some traffic; however, Con Edison is hoping to have two lanes of traffic during the three days they are saw cutting and will have police officers on hand as well. Phase II construction activities are scheduled to begin on Monday, August 20<sup>th</sup> and will occur at night between the hours of 8 PM and 6 AM. The work will entail excavating the roadway to install the new gas main. During the hours of construction the roadway will remain open in both directions but using one reversible lane. The overnight work will include construction so there will be some adverse impacts to our residents in that area. The Scarsdale Police Department will be directing traffic and a Village inspector will be on site to monitor the work. The cost for both the Village inspector and the police will be reimbursed by Con Edison. There will be electronic display boards out in at least four different locations alerting the traveling public of construction activity. Scarsdale

business owners will be impacted by this construction. They were notified directly by Con Edison and Con Edison is working with them during construction to provide temporary limited gas service which is important for the restaurants. The Staff also notified the local Neighborhood Association via email of the planned work. In regard to the permit parking on that street for the Scarsdale Avenue Meter Lot, all permit holders were notified via email and cautioned of the upcoming work. Between August 14<sup>th</sup> and August 18<sup>th</sup>, parking will be permitted on the track side only, not at the street facing spaces. Intermittent delays may be experienced entering or exiting the parking area. For the overnight work for 8 PM to 6PM, from August 20<sup>th</sup> forward until the job is completed, parking will be permitted on both the track side and the street facing spaces until 7 PM. Vehicles must be moved from the street facing spaces no later than 7 PM. If anyone has any questions, they should contact Assistant to the Village Manager Josh Ringel at 722-1110. Additional information is available on the Village website; periodic updates will be provided during construction.

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#### Trustee Committee and Liaison Reports

Trustee Veron recognized Detective Sergeant James Newman in her role as Police Commissioner and behalf of the entire Board. She stated that they wanted to thank him for his incredible service to the Village. Detective Sergeant Newman is retiring from the Scarsdale Police Department. He stated his work with Scarsdale in 1997, a graduate of SUNY Cortland with a degree in Sociology and a Master's degree from John Jay College of Criminal Justice. Detective Sergeant James Newman has been instrumental in the department's successful maintenance of the National and State Accreditation Programs. He has been involved in many aspects of training – truly a jack of all trades. She stated that she had the pleasure of conferring upon him an award at the most recent Police Department service awards ceremony in June. She quoted the Police Chief who stated “I’ve known Jim since 1997 and I don’t believe I ever heard the word no come out of his mouth when it came to anything he was asked to do that benefited this department.” Trustee Veron stated that she has had the pleasure of working with him and that he is truly extraordinary and incredibly dedicated to the community. In addition to being the department accreditation manager, he was responsible for overseeing the department's core of instructors training program and scheduling of special duty. Detective Sergeant James Newman will be starting a new chapter by working on the faculty of Archbishop Stepinac High School where he will be teaching Criminal Justice. The Board extends their very best to him.

On behalf of the Chamber, Trustee Veron stated that it has been a very busy summer; the new Scarsdale Business Association is a vital organization and launched a successful sidewalk sale. Planning for ‘Light the Dale’ has already begun. She announced that the former Wuji space has a new tenant, it will be the Saponi restaurant. At the end of August, the Farmer's Market will be closed and prepare for launch in the fall. There will continue to be a mix of vendors that appeal to the community.

Trustee Veron gave an update on communications, stating that the communications team continues to work throughout the summer. The subgroup is working on a volunteer portal on the Village website with descriptions of Boards and Councils positions. They are also beginning the process of developing a FAQ's; a template will be started for that. The committee had an opportunity to view videos from other municipalities which provide information insight into their Village government. We are scripting our very own which we will review in September.

Mayor Hochvert noted that there is a resolution on the agenda this evening regarding another restaurant in town that many people don't know about.

Trustee Veron stated that Via Forno, a new brick oven pizza restaurant will open at 2-20 Garth Road, the former 7-11 space. This evening there is an application submitted by Via Forno for outdoor dining space.

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Public Comments:

**Bjoern Kuhn**, Architect for Via Forno, briefly presented the site plan for the proposed outdoor dining space at Via Forno, 2-20 Garth Road.

Trustee Veron inquired as to the intended hours of operation of the restaurant. Mr. Kuhn responded that the hours would be 11 AM until 10 PM weekdays, 11 AM until 11:30 weekends.

**Zoe Berg**, 32 Tisdale Road, stated that in her opinion, this administration does not initiate organized efforts to solicit input about what matters most to us here in Scarsdale. She further stated that Village board meetings do not create an inclusive atmosphere that encourages dialogue with the imposition of time limits, not responding to questions until the end of the speaking period, and refusing to engage in back and forth fosters apathy among our community. She asked why the Village has not distributed any surveys to gain a better sense of residents' needs, and why no focus groups been created, or a town hall. She stated that the Board needs to make an effort to engage with the community.

**Robert Berg**, 32 Tisdale Road, stated that he is currently Chair of the Scarsdale Town Board of Assessment Review and Co-Chair of the Scarsdale Forum Assessment Revaluation Committee. However, he is speaking this evening in his personal capacity and stated that last month the Forum's Assessment Revaluation Committee published a 'brilliant, objective and highly informative study on how to do a proper town-wide property assessment.' He stated that the credit goes mostly to Michael Levine, who has been able to translate a very complex and challenging topic into a comprehensible and readable report.



He stated that the report uses examples of both the Tyler and Ryan revaluations to point out flaws and shortcomings that must be avoided in any future revaluations and points out positive aspects, largely from the Tyler reval, that should be repeated. Mr. Berg stated that the real estate sales in the first half of 2018 were poor compared to last year and that has unsurprisingly followed the new federal tax law changes. He stated that Scarsdale will need to do another revaluation within the next two to three years and that the process should be started soon. We should be talking with the leading mass appraisal firms now. He also stated that the Village Assessor's term expires soon and they need to start searching for a replacement with extensive knowledge and experience in revaluations.

Mayor Hochvert agreed that Mr. Levine did a masterful job on the property assessment study.

**Robert Harrison**, 65 Fox Meadow Road, spoke as the Director of the Scarsdale Youth Tennis League, which has just completed its 34th season. There were over 45 children between the ages of 6 and 18 years old participating in over 335 matches. The matches were played from 6 PM to 8 PM, Monday through Thursday at the Middle School Tennis Courts. The program concluded with tennis matches and the annual pizza and ice cream party and the presentation of participation trophies to all players. He thanked Bob Kaczmarek and Brian Gray of the Recreation Department for their cooperation with their program. He also thanked his two league directors, both Scarsdale High School students, Lauren Jacoby and Liz Sinyaven who were actually doubles partners for the Scarsdale High School Girl's Tennis team last year.

Mr. Harrison stated that he noted that on the agenda this evening there is a discussion concerning the closeout surpluses and asked that either the Village Manager or the Village Treasurer explain to him what the closeout surplus was for the year ending May 31, 2018. He then asked the trustees how many property tax grievances were filed this past June. Village Manager Pappalardo responded the number was approximately 550; last year approximately 750 were filed.

**Matthew Miller**, 8 Roosevelt Place, discussed his concerns about dialogue during the public comment portion of the meetings. He expressed his dismay that he and others have been cut off during public comment due to the 5 minute limit. He also noted that speakers have been rudely interrupted by the Board. He stated that this is a great community and that he will continue to attend the Board meetings and all the Board members are wonderful people.

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Finance Committee

Upon motion entered by Trustee Ross, and seconded by Trustee Veron, the following resolution regarding the Fiscal Year 2017-18 Closeout Transfers to Capital Budget was approved by the vote indicated below:

**WHEREAS,** Pursuant to the provisions of Section 5-520 of the New York State Village Law, the Board of Trustees, by resolution, may transfer funds from existing and unexpended balances; from a contingent account; from available cash surplus or unanticipated revenues within a fund; or by borrowing; and

**WHEREAS,** the Village Board’s Finance Committee is scheduled to meet with the independent auditors on September 13, 2018, to review and discuss the final 2017-2018 independent audit, however, the preliminary 2017-2018 audit has been completed and sufficient unexpended balances in various accounts, excess revenues, or unreserved fund balances are expected to be available; and

**WHEREAS,** the Village Board’s Finance Committee had previously approved the re-appropriation of \$1,500,000 in funds previously assigned for the rehabilitation of the Heathcote Road Bridge, to the purchase of Public Works Equipment and transferred to the appropriate Capital Project accounts, said accounts with a current balance of \$1,162,439, after the Board’s previous appropriations of May 8, 2018 (resolution attached); and

**WHEREAS,** based on the preliminary 2017-2018 audit results, sufficient funding exists for certain 2018-2019 capital projects which, due to budget constraints and tax increase concerns during budget adoption, were either unfunded, partially funded or planned for financing through debt; now, therefore, be it

**RESOLVED,** that a sum of up to \$2,669,000 from the audited 2017-2018 General Fund Balance, be preliminarily appropriated to the 2018-2019 Capital Fund accounts, as specified below, regarding road resurfacing, fire apparatus, highway equipment, and certain other weather-dependent projects included in the 2018-2019 Capital Budget with no or partial funding, or planned for financing through debt, as follows:

FROM:		
	A-9999-9999-9999 Use of Fund Balance	\$2,669,000
TO:	A-9990-TRNFR-TRNFR-950-9550-.0	
	General Fund Transfer to Capital:	\$2,669,000

TO:	H-1000-030-5031-01 Transfer from General Fund	\$2,669,000
TO:	H-5197-963-2019-055 Road Resurfacing, Curbing	\$1,000,000
	H-3497-961 2018-046 Fire Quint	\$ 450,025
	H-5197-963-2019-059 Bikepaths & Walkways	\$ 56,536
	H-5197-963 2019-052 Highway Equipment	\$1,112,439
	H-5197-963 2019-050 Garage Pool Vehicles	\$ 50,000;

and be it further

**RESOLVED,** that pursuant to Village Law Section 5-520, the Board of Trustees hereby authorizes and directs the proper Village officers to modify the 2018-2019 Budget by making said transfers so resolved.

<u>AYES</u>	<u>NAYS</u>	<u>ABSENT</u>
Trustee Arest	None	Trustee Crandall
Trustee Callaghan		
Trustee Finger		
Trustee Ross		
Trustee Veron		
Mayor Hochvert		

Village Treasurer McClure responded to Mr. Harrison’s question during public comment regarding the 2017-18 closeout transfers and fund balance. She stated that there is a preliminary financial reports from the auditors which indicate that the usable fund balance that would be available to the Village for further appropriation to Capital, which is the Village’s practice, would be \$4,990,000. This assumes that the Village continues to stay within the policy that requires the Village to maintain unassigned fund balances between 10-15% of the preceding year’s budget. The \$4,990,000 is a number does include carry forwards from the previous year, so it’s not all surplus. It does include \$956,000 from the sale of 32 Ferncliff – that was the biggest impact on the current year operating funds. There is a combination of that plus control of expenses by departments, because the revenue was very much in line with the expectations. The surplus does include at least \$2 ½ million that has been carried forward from the previous year, including \$1 ½ million that was re-appropriated from the partial funding for the bridge rehabilitation, is now being used for the purchase of Public Works equipment. Additionally, the Village has drainage projects that are moving along and have seen the benefit of the drainage projects very recently with the heavy storms. These are projects for which the Village has grants – there is \$800,000 there; there is an additional \$175,000 that we anticipate will be used very soon for the removal of the oil tank by the Fire Department prior to paving. There is a listing that is available to the community on the Village website.

Trustee Veron stated that she wanted to underscore that this Board has listened to residents' priorities and with respect to the concern on the conditions of roads and has decided to make the \$1 million allocation on road resurfacing in response to feedback from the community.

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Upon motion entered by Trustee Ross, and seconded by Trustee Veron, the following resolution regarding Acceptance of a Gift for the Scarsdale Public library Addition and Renovation Project was approved by a unanimous vote:

- WHEREAS,** the Scarsdale Library Board completed a Master Plan dated June 10, 2013, which identifies a number of building renovations and additions that will increase the capacity of the library to provide a broader range of rapidly evolving library services while maintaining popular traditional collections and programs by offering a more balanced utilization of the building space within a safe, attractive and inviting comfortable environment, said master plan supported by the Scarsdale Village Board of Trustees via resolution dated April 8, 2014 (attached); and
- WHEREAS,** the improvements identified in the Master Plan will transform the Library into a multi-purpose community asset for future generations, maintain its preeminent status among free public libraries in the County and State, enhance its technological capacity to further library services and create a physical environment that will be a welcoming and versatile learning center; and
- WHEREAS,** the Scarsdale Public Library Board, at their October 21, 2013 meeting, authorized the retention of the fund raising consulting firm of Plan A Advisors, P.O. Box 165, Thornwood, NY 10594, to design and conduct a capital campaign to implement such a project, subsequently identified in the July 20, 2015, Schematic Design Report prepared by Dattner Architects, at an estimated construction cost of \$16,500,000 and total project cost of approximately \$19,500,000; and
- WHEREAS,** in accordance with a Village Board request at a March 07, 2016, Committee of the Whole meeting, the Library Board and Architect value engineered the schematic design plans, reducing the total project cost to \$17,900,000, as identified in Option A-1 (attached), which the Architect presented at the July 19, 2016, Committee of the Whole meeting; and

- WHEREAS,** on December 13, 2016, the Village Board of Trustees authorized a \$9,900,000 bond to pay part of the \$17,900,000 addition and renovation of the existing Scarsdale Public Library Building, with the remainder of the \$17,900,000 to be paid by private donations and grants; and
- WHEREAS,** on January 09, 2017, and with thanks to Assemblywoman Amy Paulin, the New York State Dormitory Authority awarded the Village of Scarsdale a \$500,000 State and Municipal Facilities Program grant in support of the project, with the execution of a grant agreement pending upon completion of various program review requirements; and
- WHEREAS,** on February 13, 2018, the Village Board amended the December 2016 Bond Resolution (attached) to provide for an increased total library addition and renovation construction cost of \$18,400,000, to be funded by a \$9,900,000 bond combined with \$500,000 from funds previously appropriated from the Village and the Library unassigned fund balances for the Supply Field temporary library and professional service contracts, respectively, and \$7,500,000 to be paid from private donations and grants, including the aforementioned \$500,000 State and Municipal Facilities Program grant; and
- WHEREAS,** on June 26, 2018, the Village Board awarded library construction contracts which contributed to an increase in the overall project cost, now totaling an estimated \$20,176,755, inclusive of a 5% construction cost contingency, with total available funding of \$20,275,501, reflecting new Library General Fund and Trust Fund transfers and an additional \$500,000 in donations through the Library Capital Campaign, which brings the fundraising total to \$8,000,000; and
- WHEREAS,** the following donation has been offered to the Scarsdale Public Library Addition and Renovation Capital Improvement Project: Friends of the Scarsdale Library - \$108,496.49.
- WHEREAS,** pursuant to Policy #106: “*Gifts to the Village of Scarsdale*” of the Village of Scarsdale Administrative Policies & Procedures Manual, 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 Village Board hereby accepts the following gift toward the Scarsdale Public Library Master Plan Improvement Project:

\$108,496.49 from the Friends of the Scarsdale Library; and be it further

**RESOLVED,** that the Village Treasurer take the necessary steps to complete the transaction and accept the financial gift totaling \$108,496.49 and deposit said funds into the Library Capital Campaign Account; and be it further

**RESOLVED,** that the Board of Trustees hereby extends their heartfelt thanks and great appreciation to the Friends of the Scarsdale Library for their generosity and commitment to the Scarsdale Public Library and the community it serves.

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Law Committee

Upon motion entered by Trustee Finger and seconded by Trustee Veron, the following resolution regarding a License Agreement – 2-20 Garth Road Easement Encroachment was approved by the vote indicated below:

**WHEREAS,** RBR Scarsdale, LLC as represented by Corey Rabin, (hereinafter “Licensee”) is the owner of a certain property known as 2-20 Garth Road, identified on the Village of Scarsdale Tax Map as Section 01, Block 06, Lot 02; and

**WHEREAS,** in accordance with the Village Board of Architectural Review approval for a non-residential building consisting of an interior commercial restaurant build out and façade improvement renovation at 2-20 Garth Road, the owners of the proposed restaurant, First Generation Scarsdale, LLC, have proposed a new design for the abutting exterior premises to include new landscape, a landscape bed, plantings, 18” high decorative stone wall and outdoor customer seating area to be located at the intersection of Popham and Garth Roads, and

**WHEREAS,** the Village was granted a permanent easement, of which the Licensee is the grantor, over a portion of the premises located at 2-20 Garth Road, by Permanent Easement Agreement dated December 19, 2006 and recorded February 6, 2007 as Control Number 470110106 in the Office of the Westchester County Clerk, and

- WHEREAS,** the proposed landscaping and customer seating area improvements encroach upon the Village’s permanent easement requiring a license agreement, and
- WHEREAS,** the Village Building Inspector and Village Engineer, have inspected the proposed encroachments and report via memorandum dated June 22, 2018, (attached) that the proposed improvements do not present any visual obstructions or unsafe conditions; and
- WHEREAS,** the Village may accommodate the Licensee by granting a revocable license agreement to permit the Licensee to make such improvements to enhance the restaurant experience within the Village easement area, in accordance with the plans, prepared by K Group Architecture and attached as Exhibit “A” of the License Agreement, attached hereto and made a part hereof, said plans reviewed and approved by the Village Engineer; and
- WHEREAS,** the Licensee is responsible for all maintenance and repairs of said encroachment in the Village easement area and the payment of all fees associated with any construction and inspection of work; and
- WHEREAS,** Licensee will indemnify and hold harmless the Village in all actions, claims, judgments, costs or expenses arising from said maintenance of the encroachments and provide the Village with a certificate of liability insurance naming the Village as an additional insured, at limits approved by the Village Attorney; and
- WHEREAS,** the granting of said revocable license agreement will not interfere with the Village’s present and future use and maintenance of said Village easement; now therefore be it
- RESOLVED,** that the Village Manger is herein authorized to execute a revocable non-transferable license agreement, in substantially the same form as attached hereto, with the building owner, RBR Scarsdale, LLC, as represented by Corey Rabin, 44 Church Street, White Plains, NY 10601 , to install and maintain a landscape bed, plantings, 18” high decorative stone wall and outdoor seating area located within the Village easement area located at 2-20 Garth Road in accordance with the June 5, 2018, plans and specifications reviewed and approved by the Village Engineer and attached to the license agreement as Exhibit “A”; said authorization conditioned on Licensee’s submission to the Village of a certificate of liability insurance naming the Village of

Scarsdale as an additional insured, at limits approved by the Village Attorney; and be it further

**RESOLVED,** that Licensee herein agrees to indemnify and hold the Village of Scarsdale harmless in all actions, claims, judgments, costs or expenses arising from said installation and maintenance of said encroachments; and be it further

**RESOLVED,** that pursuant to the Fiscal Year 2018/19 Village-Wide Fees and Charges Schedule, Licensee shall pay the Village the sum of \$1,250.00 as an administrative fee associated with the preparation and execution of said license agreement, and the annual maintenance fee of \$150.00 moving forward.

AYES

Trustee Arest  
Trustee Callaghan  
Trustee Finger  
Trustee Ross  
Trustee Veron  
Mayor Hochvert

NAYS

None

ABSENT

Trustee Crandall

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Municipal Services Committee

Upon motion entered by Trustee Veron and seconded by Trustee Finger, the following resolution regarding Authorization to Execute a Memorandum of Agreement with Scarsdale-Edgemont Family Counseling Service for the FY 2018/19 Aging in Place Initiative was approved by the vote indicated below:

**WHEREAS,** Scarsdale-Edgemont Family Counseling Service (SFCS) has provided a myriad of social services to the community for many years; and

**WHEREAS,** included among these services is the Aging In Place Initiative, a program jointly funded by the Village of Scarsdale (Village) and SFCS, which endeavors to meet the evolving challenges of Scarsdale’s active, healthy, and highly educated senior citizen community through the delivery of services, including outreach and engagement, emotional support, short-term counseling, in-home assessments, advocacy, education and information, and intergenerational programming; and



**WHEREAS,** SFCS has submitted its Fiscal Year 2018/19 Aging In Place program funding request of \$47,684, attached herewith, representing a year-to-year increase of \$884; and

**WHEREAS,** the adopted FY 2018/19 budget includes adequate funding for the Aging In Place program, as further described in the attached Memorandum of Agreement (MOA) and discussed by the Village Board during budget development; now, therefore, be it

**RESOLVED,** that the Village Manager and Mayor are hereby authorized to execute the attached Aging In Place MOA with Scarsdale-Edgemont Family Counseling Service in substantially the same form as attached hereto, with the Manager also authorized to undertake administrative acts as may be required under said agreement; and be it further

**RESOLVED,** that \$47,684 to support the Aging In Place program, as described in the attached MOA, be charged to the FY 2018/19 General Fund Budget Account # A-9990-HUMSV-ADULTS-400 499.

<u>AYES</u>	<u>NAYS</u>	<u>ABSENT</u>
Trustee Arest	None	Trustee Crandall
Trustee Callaghan		
Trustee Finger		
Trustee Ross		
Trustee Veron		
Mayor Hochvert		

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Upon motion entered by Trustee Veron and seconded by Trustee Finger, the following resolution regarding Authorization to Execute an Amendment to the 2017/18 New York State Indexed Lump Sum Municipal Snow and Ice Agreement was approved by the vote indicated below:

**WHEREAS,** pursuant to Section 12 of the New York State Highway Law, the New York State Department of Transportation (NYSDOT) is responsible for snow and ice removal on State routes and highways, but in the interest of public safety and operational efficiencies it may elect to have this work performed by a host municipality pursuant to an inter-municipal agreement; and

**WHEREAS,** in the interest of public safety and plowing expediency, NYSDOT has contracted with the Village of Scarsdale since 1999 to undertake

on its behalf snow and ice removal for the 15.7 lane miles of State-owned roads falling within village limits, with the last amendment to the Indexed Lump Sum Municipal Snow and Ice Agreement having occurred on April 24, 2018, thereby extending the agreement through June 30, 2019; and

**WHEREAS,** during severe winters requiring municipalities to perform snow and ice removal services in excess of the ten-year average, the NYSDOT amends the inter-municipal agreement to provide additional compensation for the added work burden; and

**WHEREAS,** due to the severity of the winter storms during the 2017/18 season, the NYSDOT has proffered Amendment “B”, which increases the 2017/18 Snow and Ice Season reimbursement by \$27,834.65 to a new total of \$53,394.25; and

**WHEREAS,** in order for the Village to obtain these additional funds, the Village Board must authorize execution of the proposed Amendment “B” to the 2017/18 Snow and Ice Agreement; now, therefore, be it

**RESOLVED,** that the Village Board of Trustees hereby authorizes the Village Manager to execute Amendment “B” to the 2017/18 Snow and Ice Agreement between the Village of Scarsdale and the New York State Department of Transportation in substantially the same form as attached hereto and to undertake all administrative acts necessary pursuant to the amendment.

AYES

Trustee Arest  
Trustee Callaghan  
Trustee Finger  
Trustee Ross  
Trustee Veron  
Mayor Hochvert

NAYS

None

ABSENT

Trustee Crandall

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Recreation Committee

Before reading the next resolution, Trustee Callaghan stated that the Scarsdale Little League, Scarsdale Football, Scarsdale Lacrosse Association, Scarsdale Youth Soccer Association, Scarsdale Raiders Youth Softball Association, all looked over the need for the purchase of automated external defibrillators. Trustee Callaghan stated that statistics show

that a young athlete dies one time every three days in this country on the playing field. 383,000 every year die because they do not have access to an automatic defibrillation device. This particular proposal was drafted in coordination with the Law Department and the Parks and Recreation Department. He commended Kevin Howey, a member of that group that brought this item to the Parks and Recreation Council as well as Louis Vetrone, Chair of the Council.

Upon motion entered by Trustee Callaghan and seconded by Trustee Finger, the following resolution regarding Acceptance of Gifts from Independent Sports Organizations for Purchase of Automated External Defibrillators was approved by the vote indicated below:

**WHEREAS,** Independent Sports Organizations (ISOs) are comprised of community volunteers that provide youth sports programs in the community in coordination with the Parks, Recreation and Conservation Department; and

**WHEREAS,** the Scarsdale Little League, Scarsdale Youth Football, Scarsdale Youth Lacrosse Association, Scarsdale Youth Soccer Association, Scarsdale Raiders Youth Softball Association, locally recognized ISOs, have donated \$1,500.00 each (\$7,500.00 total) to be applied to the purchase of five Automated External Defibrillators (AED's), which will be deployed at the following athletic fields: Crossway Tennis House, Hyatt Park, Winston/Boulder Brook Field, Supply Field, and Scout Field; and

**WHEREAS,** in coordination with the Law Department, Department of Parks, Recreation and Conservation staff developed a mandatory Public Access Defibrillation Program (attached) based upon guidelines established by the Westchester Regional Emergency Medical Advisory Committee; and

**WHEREAS,** the purchase of the five AEDs, a two-year service contract for each one, pediatric pads, and weatherproof cases totals approximately \$13,000, with \$7,500 derived from the ISO gifts and the balance charged to the Recreation Department operating budget where sufficient funds are available; and

**WHEREAS,** pursuant to Policy #106: "*Gifts to the Village of Scarsdale*" of the Village of Scarsdale Administrative Policies & Procedures Manual, 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 Village Board hereby accepts a \$1,500 gift from each of the following ISOs, totaling \$7,500, to be used for AED purchases: Scarsdale Little League, Scarsdale Youth Football, Scarsdale Youth Lacrosse Association, Scarsdale Youth Soccer Association, and Scarsdale Raiders Youth Softball; and be it further

**RESOLVED,** that the Village Treasurer take the necessary steps to accept and deposit the \$7,500 in gifts into the appropriate account, with the balance necessary to purchase the defibrillators charged to Recreation Acct. #A.7020.Rec.Athl.400.499, and be it further

**RESOLVED,** that the Village Board hereby extends its gratitude to the Scarsdale Little League, Scarsdale Youth Football, Scarsdale Youth Lacrosse Association, Scarsdale Youth Soccer Association, and Scarsdale Raiders Youth Softball Association for their generosity and commitment to health, safety, and welfare of Scarsdale youth and the other persons that visit our athletic fields.

AYES

Trustee Arest  
Trustee Callaghan  
Trustee Finger  
Trustee Ross  
Trustee Veron  
Mayor Hochvert

NAYS

None

ABSENT

Trustee Crandall

Trustee Veron stated that all members of the Parks and Recreation Advisory Council were active in the conversation and provided important insight. Parks and Recreation Superintendent Brian Gray did a tremendous job as well. This is a very important initiative.

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Written Communications

The Village Clerk reported that three (3) communications have been received since the last regular Board of Trustees meeting:

- An email from Mayra Kirkendall Rodriguez recommending that the Village implement a long term financial plan.
- An email from Roger Neustadt regarding Scarsdale's school security.
- An email from Steven Greenberg regarding bike share issues.

Mayor commented on the email from Roger Neustadt regarding Scarsdale school security, stating that there is a meeting scheduled on August 28<sup>th</sup> with the Village Manager and Trustee Veron will join him and meet with the School Board President, the School Superintendent and one of the other members administration to go over some issues that will include the security of the school buildings.

\* \* \* \* \*

There being no further business to come before the Board, on a motion entered by Trustee Ross, seconded by Trustee Finger and carried unanimously, the meeting adjourned at 9:14 P.M.

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Donna M. Conkling  
Village Clerk