

THREE THOUSAND TWO HUNDRED SIXTY-FOURTH

REGULAR MEETING

Rutherford Hall
Village Hall
October 13, 2016

A Regular Meeting of the Board of Trustees of the Village of Scarsdale was held in Rutherford Hall in Village Hall on Thursday, October 13, 2016, at 8:00 P.M.

Present were Mayor Mark, Trustees Callaghan, Finger, Pekarek, Samwick, Stern, and Veron. Also present were Village Manager Pappalardo, Deputy Village Manager Cole, Assistant Village Manager Richards, Village Attorney Esannason, Deputy Village Attorney Garrison, Village Treasurer McClure, Village Clerk Conkling, and Assistant to the Village Manager Ringel.

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The minutes of the Board of Trustees Regular Meeting of Tuesday, September 27, 2016 were approved on a motion entered by Trustee Pekarek, seconded by Trustee Stern, and carried unanimously.

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Bills & Payroll

Trustee Callaghan reported that he had audited the Abstract of Claims dated October 13, 2016 in the amount of \$681,778.95 which includes \$23,383.42 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 Callaghan and seconded by Trustee Samwick, the following resolution was adopted unanimously:

RESOLVED, that the Abstract of Claims dated October 13, 2016 in the amount of \$681,778.95 is hereby approved.

Trustee Callaghan further reported that he had examined the payment of bills made in advance of a Board of Trustees audit totaling \$68,733.27 which were found to be in order and he moved that such payments be ratified.

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

RESOLVED, that payment of claims made in advance of a Board of Trustees audit totaling \$68,733.27 is hereby ratified.

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Mayor's Comments

Mayor Mark stated "I provided an update on 2016 revaluation related matters as part of my State of the Village address at the Scarsdale Forum meeting last Thursday. What follows is an updated version of those comments.

- The possibility of seeking legislation to permit a three-year phase-in of increases in assessments experienced by certain residents on whom the impact of the revaluation was sufficiently harsh as to put them in jeopardy of leaving the Village was considered at a Committee of the Whole meeting held this evening just prior to this meeting. The pros and cons of pursuing that course of action were discussed, we listened to public comment on the proposal and the Board has taken the matter under advisement. To repeat comments made at prior meetings, any New York State legislation that would authorize the Village to adopt a phase-in Village Code provision would have to be approved by both houses of the State legislature and be signed into law by the Governor. If those events occurred, the matter would be back in the hands of the Village Board. At that stage, the Board would have to consider, at a public hearing, whether to adopt a Village Code provision that would put the phase-in into effect. Since the State legislature is not scheduled to re-convene until January 2017, it will be some months and several procedural steps before a phase-in Village Code provision is adopted, if it is adopted at all.
- The Village staff continues to collect and organize information that might support a claim against J.F. Ryan & Associates. In the meantime, the Village continues to withhold from J.F. Ryan approximately \$49,000 in fees he claims are due his firm.
- This week the Village received notice from the NYS Office of Real Property Tax Services (ORPTS) that a tentative state equalization rate for the Town of Scarsdale of 89.14 had been established. This rate is minimally higher than the preliminary equalization rate of 89.06 issued by ORPTS on September 7, 2016. Soon after receiving the preliminary rate, the Village staff explored the possibility of contesting the preliminary state equalization rate issued by ORPTS and retained a consultant to assist with that effort. The consultant completed his analysis and submitted to it to ORPTS for review. After consulting with ORPTS regarding his work, the parties agreed that the consultant failed to undertake certain statistical procedures used by ORPTS in its analysis to make an adjustment in the sales ratio analysis data. The consultant then reviewed his work further and concluded that based on the

parameters of ORPTS' approach, his calculation would be approximately the same as theirs. The Village Manager convinced the consultant to waive any payment for his work in light of this outcome.

Based on the review of the preliminary equalization rate through the Assessor and the consultant, and subsequent discussions with ORPTS, it is highly unlikely that any new information will be available to persuade ORPTS at an administrative hearing to increase the equalization rate substantially. It is therefore unlikely that further proceedings with regard to the equalization rate will be pursued. However, this may help to support our claim against J.F. Ryan relative to the quality of his work. The Village Attorney has incorporated this information into the bill of particulars he has drafted for this purpose and sent to J.F. Ryan's counsel.

- Regarding the question of whether the Village Board will take steps to void the 2016 revaluation, as has been stated at past meetings, the Village Board does not have statutory authority to take such an action on its own. We understand that should the Village wish to pursue this route, the earliest draft legislation could be submitted for initial consideration in Albany would be January 2017. Based on that timing, it is not likely we would learn whether or not the legislation passed for several months thereafter, close to the time the spring tax bills had to go out. Further, based on the report of the 2011 experience of the Town of Hamilton, New York when it sought legislation to simply extend the filing date of its assessment roll, it is possible that Westchester County might oppose any such legislative proposal as did Madison County in the case of Hamilton. That opposition proved persuasive in Hamilton's case and the Governor vetoed the legislation despite it having passed in both houses of the New York legislature. It is reasonably apparent that a request to entirely void an assessment roll – as contrasted with a request to simply extend a filing date which was Hamilton's request -- would be a more difficult issue for Albany to approve.
- We recognize residents' issues with the 2016 revaluation and the strong desire of some to reinstate the 2015 final assessment roll. However, it is less than clear that reinstating the 2015 final assessment roll, and it is not clear that that could be done, would be a prudent course to take since that roll too had its critics. One procedural issue that re-instatement might trigger is that those who may be grieved by the reinstatement of the 2015 roll would not have an opportunity file grievances. That inability must be seriously considered. It is my view that rather than reinstating a prior roll that also had its flaws and so could precipitate a host of additional issues, the Village as a whole would be better served by looking ahead and planning in a thoughtful way for the next Village-wide revaluation. If the Village were to adopt the phase-in approach just mentioned, those who felt the greatest burden of the 2016 revaluation and were in the least favorable position to bear that burden, would get some measure of relief (admittedly allocated to all other residents). In the case of the Towns of Greenburgh and Ossining, both of which adopted the phase-in approach, that approach was sufficiently bearable by all residents as to make it worthwhile.

However, as has been stated previously, no decision has been made whether to implement a phase-in as described.

- With respect to the Assessor and the Assessor's Office, the Board is studying what should be done within applicable legal parameters about the staffing and functioning of that office.

Timing of SCARS Filings

The Staff has informed me that because the statutory filing deadline for the SCAR appeals of October 15, 2016 falls on a weekend, the filing deadline is extended to the next business day, which in this case, is Monday, October 17, 2016. This will allow homeowners the weekend and another business day to finalize their SCAR appeals.

Hyatt Field Parking Issues

The Parks and Recreation Department had been discussing with certain residents who live directly adjacent to Hyatt Field means for reducing the in-street traffic issues that are being exacerbated by the popularity of the new playground at Hyatt Field. The Village staff had been receiving complaints that residents could not get out of their driveways at times, due to the amount of additional traffic parked on their streets. In order to address that issue, Parks & Rec revived a plan that had been discussed in prior years to pave a driveway ingress at the border of the field and create a parking lot that would allow some number of park users to get off the local streets. When this plan became known to other residents, both in the neighborhood, and in other areas of Scarsdale, there was an outpouring of concern that open space was about to be paved over without due consideration of resident desire to preserve open space.

In light of the broader based concern expressed, a public meeting of the Parks and Recreation Council has been scheduled for October 19, 2016 at 7:30 pm in Rutherford Hall. At the meeting an overview of the proposal will be presented and resident comment will be solicited. In the meantime, no work on the part of the plan which would involve the paving of a driveway and a parking lot will be done. Note however, that as part of the re-paving of Potter Road, an additional three feet of width will be added to that street. This will allow cars parked along Potter Road to pull a bit further off the main part of the street and permit better traffic flow on that street.

Ad Hoc Committee on Communications

The Village Board perceives a need to improve its communications to residents. To that end and as the result of the efforts of Trustee Jane Veron, the agenda for tonight includes an item for the formation of an Ad Hoc Communications Committee. If the Board adopts the relevant resolution, the Committee will consist of 10 residents who responded to a general request for applications from residents interested in serving on such a Committee.

Deputy Village Manager Rob Cole will also be a Committee member and the Committee will be chaired by Trustee Veron. Trustee Pekarek will also serve as a liaison to the Committee.

The Committee will serve for a period of one year. Its mandate will be to support the successful launch of the Village's new website, a communications platform intended to support 24/7 resident access and engagement. The Committee will also be asked to present written recommendations for strengthening Village communication strategies and cultivating engagement opportunities with the diversity of audiences served by the web site. We are excited by the creation of this Committee to provide focused resident feedback on this important and necessary function."

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Manager's Comments

Village Manager Pappalardo reported on gas main work projects that Con Edison is involved with in the Village. There has been ongoing work at the Heathcote Five Corners intersection since this past summer. As it relates to that work, there were two specific projects – one that was just completed and one that is coming to completion. The first one was located on Heathcote Road east of the Five Corners; the south side of the street between homes #5 through #15. This involved a repair of a gas main leak, by lining the existing main and providing new service connections to the residential homes. The work started over the summer and was not completed until October 7th. The steel plates have been removed, the trenches have been filled, and the temporary blacktop has been installed. Con Edison still needs to return and do final restoration work which may be done this fall.

The second project was much more involved and again involved a gas main leak at the intersection of Wilmot and Weaver Streets. Upon responding to an odor complaint, Con Edison discovered that the leak was in an old cast iron main. Based on their inspection, they made a determination to locate and replace all sections of the cast iron pipe in the vicinity as well as the associated valves with the pipes, which required separate trenching and excavations – ergo, the number of street openings and plating that occurred. They were required to hire Scarsdale Police to direct traffic at the intersections as the limits of the excavation work reduced the travel lanes for traffic flow. Con Edison reported today to the Village's Engineering staff, who has been monitoring this work, that the repair work at this point is effectively complete and that their restoration crews will be making the temporary road repairs shortly. Staff will consider whether to request that the completion of the final road repairs be done this fall, or wait until after the winter months so that the new roadway will not be disturbed by the effects of the winter season. In accordance with the new amendment to the street section of the Village Code which the Board adopted, Con Edison will be required to have the affected areas paved curb to curb, not just where the trenches were made.

Village Manager Pappalardo also reported that Con Edison has just recently notified the Village of another project that they will be undertaking at Church Lane South at Popham Road. They are scheduled to begin work on installing a new natural gas regulator in the right-of-way in front of 22 Church Lane South at the Popham Road intersection. The installation is necessary to meet the high demand for natural gas in that area which is not currently provided to the residents. In order to provide the additional gas to feed the regulator, Con Edison must tie into an existing high demand regulator on the north side of Popham Road. The duration of this project is six to eight weeks. Con Edison will be working from 10:00 A.M. to 6:00 P.M. on Popham Road and from 8:00 A.M. to 6:00 P.M. on Church Lane. Police will be involved with traffic control. The homeowners on Church Lane South between Popham and Hathaway Roads will be detoured to Popham Road via School Lane. Safety fencing around the right-of-way and the trenched areas is required and a tree protection plan is in place. Because of the sensitivity of this project and the proximity to the work directly in front of the homes on Church Lane South, the Village DPW and Engineering staff have been functioning as liaisons between the affected homeowners and Con Edison. The residents are all very well informed and prepared for the work.

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Public Comment

Robert Harrison, 65 Fox Meadow Road, stated that there was a very good turnout for the Committee of the Whole meeting held this evening at 6:00 P.M. to discuss the possibility of legislation to allow for the phase-in of certain 2016 residential real property assessment increases. He stated that personally, he was undecided as to what the right thing to do is. He complimented Deputy Village Manager Cole for his presentation at that meeting. Conversation between Mr. Harrison and Deputy Village Manager Cole briefly ensued regarding the number of residents that would benefit from this proposal.

Mr. Harrison asked if the legislation could include a slower reduction in those properties that had their assessed values reduced.

Mayor Mark responded that this is not the precedent that the Board will be following. In response to another question, the Mayor stated that as to the percentage increase, the State legislation left that to the municipality to set. It just so happens that both Greenburgh and Ossining individually set the in excess of 25% threshold.

Mr. Harrison stated that there are many residents who will suffer from the increase in their assessment, especially the older residents on fixed incomes.

Mr. Harrison stated that residents can still file their SCAR petitions which can be done online at the Westchester County Clerk's office. He offered free service to anyone listening this evening to file their SCAR petition – he can be reached at 725-0962 or proscars@aol.com.

Mr. Harrison noted for the record that one of the written communications for this agenda came from Mayra Kirkendall-Rodriguez with a petition to void the 2016 tentative assessed value. He read some of the comments in the other communications received regarding the reval.

Trustee Stern informed Mr. Harrison that the Board did receive the petition. Trustee Stern then noted that Ms. Kirkendall-Rodriguez said that people were afraid to sign the petition. He asked how many people were afraid to do so.

Mr. Harrison replied that he did not know; however, the Assessor is a difficult person. He stated that a lot of people were afraid of the Assessor and the Assessor's office. He stated that he personally experienced an abusive Assessor.

Trustee Stern then asked Mr. Harrison what percentage of the homeowners in Scarsdale the petition represents.

Mr. Harrison stated that 1,103 filed grievances which was more than were filed in 2014. He stated that he would be happy to speak to the residents in Scarsdale about this topic and noted that Trustee Stern had a 9% decrease in his assessed valuation. There is a lot of stress in this community. He stated that he and other residents have volunteered hundreds of hours to try and straighten out this issue with the revaluation.

Lena Crandall, 227 Fox Meadow Road, stated that she sat in on the Agenda Meeting before this evening's Board meeting, and asked the Board to clarify for the public where the Library Project stands. She noted that Terry Simon appeared at the Agenda Meeting and a meeting was set of the Committee of the Whole for November 29th at 6:55 P.M. in Rutherford Hall. Ms. Simon had stated that she was hoping for a resolution at the December 13th Board meeting. She asked the Mayor to further explain.

Mayor Mark stated that the Library Board has asked the Board of Trustees to convene a meeting, which will be the November 29th meeting referenced by Ms. Crandall, at which the Library Board could publicly present the current iteration of its proposal. The Library Board has worked very hard along with the Village Project Manager to value engineer/reduce the cost and have cut out approximately \$3 million. They have a very detailed presentation on how this was done; their materials are posted on the Library website and copies of their presentation are available in the Library for public review. The Library would like to explain what they have done and what their present thoughts are on the scope of the project, what they are presently estimating it will cost and they most likely reiterate their commitment that they made to try to privately raise at least \$7.5 million and then hope that the Village would bond the balance of the project, which now approximates \$17.4 million. The Village Board and the public would hear that presentation on November 29th and there will be an opportunity to ask questions. What the Library Board would then like to do is, if the Board authorizes it, is see a public referendum vote of some sort. The key

issue would be a public referendum vote on whether the Village should issue a bond in the amount discussed to fund a portion of the project. The Library would like to see that vote occur sometime in February. The Village Board would have to schedule this; at a Board meeting in December the Board would give consideration to scheduling a referendum vote. The Village Board has an open mind about this; they will listen to the pros and cons set forth.

There being no further comments, Mayor Mark closed the public comments portion of the meeting.

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Mayor Mark

Upon motion entered by Mayor Mark and seconded by Trustee Samwick, the following resolution as amended regarding the Establishment of an Ad-Hoc Committee on Communications was approved by the vote indicated below:

- WHEREAS,** The Village Board is desirous of establishing an Ad-Hoc Committee on Communications (Committee); and
- WHEREAS,** the Committee will support the successful launch of the Village's new website, a communications platform intended to support 24/7 resident access and engagement, and present written recommendations for strengthening Village communication strategies and cultivating engagement opportunities with the diversity of audiences it serves, conducting specific tasks outlined in this resolution; therefore, be it
- RESOLVED,** that Mayor Mark and the Village Board of Trustees hereby establish the Ad-Hoc Committee on Communications to serve in an advisory capacity to the Board of Trustees, with Trustee Jane Veron as Chair of the Committee and the following members herein appointed;

Justin Arest, Lakin Road
 Lee Fischman, Wildwood Road
 Dara Gruenberg, Hampton Road
 Laura Halligan, Heathcote Road
 Justin Hamill, Colby Lane
 Mary Louise (ML) Perlman, Carstensen Road
 Barry Meiselman, Post Road
 Scott Rompala, Horseguard Lane
 Andrew Sereysky, Walworth Avenue
 Carol Silverman, Spier Road

Robert Cole, Deputy Village Manager – Staff Member
and; be it further

RESOLVED, that Trustee Deborah Pekarek shall serve as liaison to the Committee; and be it further

RESOLVED, the Committee shall be appointed for a fixed one-year term expiring October 13, 2017, and after such date, the recommendations made by the Committee will be used to help inform Village communication strategies and activities, guide policy development, and influence budget discussions and resource appropriations; and be it further

RESOLVED, that the Committee’s charge is as follows:

1. Review new website content, functionality, and user-friendliness, making suggestions for enhancements;
2. Develop a plan to gain community usage, seeking widespread adoption. As ambassadors for the new communications platform, engage with community groups to both increase awareness and usage of the website, and to introduce website functionality; and
3. Drawing on expertise and best practices, provide strategies to improve Village communications. Prepare written recommendations to the Village Board identifying important community segments or audiences, linking appropriate communication methods and channels to identified segments, and suggesting prioritization of associated programmatic and investment needs within the context of existing fiscal constraints.

<u>AYES</u>	<u>NAYS</u>	<u>ABSENT</u>
Trustee Callaghan	None	None
Trustee Finger		
Trustee Pekarek		
Trustee Samwick		
Trustee Stern		
Trustee Veron		
Mayor Mark		

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After the vote, Trustee Veron stated that the Board is incredibly fortunate that those who applied to the Ad Hoc Committee on Communications represent a wide range of experience in Scarsdale. There are both newcomers to Scarsdale and longtime residents. These

people will bring great expertise to the Committee; they have a lot of professional background and experience. She stated that the Board thanks this group of people for volunteering for this important service to the community.

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Fire Commissioner

Before reading the following resolution, Trustee Callaghan reported that there is great significance to the award to the Village of a Federal Department of Homeland Security Assistance to the Firefighters Grant. This allowed the Fire Department to purchase thirty (30) Self Contained Breathing Apparatus (SCBA). The Fire Department currently has 47 paid firefighters and 70 volunteers. In stock there may be 40-50 somewhat usable ones – this allows the Fire Chief to remove that equipment that is no longer serviceable and cut down significantly on repairs. What is even more significant is that the National Fire Prevention Association (NFPA) is the technical body that sets forth the standard that this apparatus must be utilized. With this grant, the Fire Department has purchased the latest and best equipment available. This is for the benefit of the firefighter and making a more efficient paid and volunteer department. He noted that the Fire Department had hired a grant writer, Grantmasters, who were successful in getting this grant awarded to the Village.

Upon motion entered by Trustee Callaghan , and seconded by Trustee Veron, the following resolution regarding Acceptance of a Federal Department of Homeland Security 2015 Assistance to Firefighters Grant was approved by the vote indicated below:

WHEREAS, the Village of Scarsdale Fire Department submitted an application to the federal Department of Homeland Security (DHS) in January 2016 for a 2015 Assistance to Firefighters Grant; and

WHEREAS, the primary goal of the Assistance to Firefighters Grant (AFG) is to meet the firefighting and emergency response needs of fire departments and nonaffiliated emergency medical service organizations; and

WHEREAS, the grant request was to support the purchase of new Self-Contained Breathing Apparatus (\$182,240) and contractual grant-writing support (\$2,600), totaling \$184,840; and

WHEREAS, on September 9, 2016, the Department of Homeland Security awarded 2015 Assistance to Firefighters Grant #EMW-2015-FO-05775 to the Village of Scarsdale in the amount of \$174,991, requiring an additional 5% (\$8,749) local match, plus \$1,100 capital budget funding, for a total value of \$184,840; and

WHEREAS, the 2016/17 capital budget anticipated up to \$10,000 in matching grant contribution, which is adequate to cover the \$9,849 in Village expense required to accept AFG # EMW-2015-FO-05775; and

WHEREAS, the Village staff has reviewed the rules and guidelines of the grant program and believes it is in the best interest of the Village to participate; now, therefore, be it

RESOLVED, that the Village of Scarsdale herein agrees with the terms and conditions of the Department of Homeland Security Assistance to Fire Fighters Grant attached hereto; and be it further

RESOLVED, that the Village Manager is herein authorized to undertake the administrative acts required to accept Assistance to Firefighters Grant Award #EMW-2015-FO-05775; and be it further

RESOLVED, that the required local match of \$8,749 plus the additional \$1,100 Village contribution for consultant costs be charged to Fire Department Capital Budget Account H-3497-962-2017-047; and be it further

RESOLVED, that grant funds expended under this program will be charged to Capital Budget Account and H-3497-962-2017-047G, with grant reimbursements to be credited back to the same account.

<u>AYES</u>	<u>NAYS</u>	<u>ABSENT</u>
Trustee Callaghan	None	None
Trustee Finger		
Trustee Pekarek		
Trustee Samwick		
Trustee Stern		
Trustee Veron		
Mayor Mark		

Village Manager Pappalardo stated that Trustee Callaghan mentioned that the Village hired a grant writer to help obtain this grant. The Village spent \$2,600 on the grant writer and despite that being money well spent, based on the fact that the Village got back \$174,000 in this grant, the grant consultant was an eligible cost under the grant application. The Village submitted for that cost and received 95% of that returned in the grant. The Village will most likely continue to utilize a grant writer for this purpose; these are annual grants.

Trustee Finger complimented Chief Seymour, the prior Fire Chief and the staff for working on this grant. This grant and all of the grants that the staff obtains is greatly appreciated by the Board. He stated that month after month, the Board sees the Village staff

coming to them with grant awards to approve and it is really great to approve them. The staff should get credit for the amount of grant money they bring in that the Village does not have to spend for important items such as this. He again expressed his appreciation to everyone who worked on this grant.

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Municipal Services Committee

Trustee Pekarek asked Village Manager Pappalardo to give some informational background on the following resolution for Rejection of Bids for the Popham Road Firehouse Renovation.

Village Manager Pappalardo stated that the Village opened these bids on September 13th and the lowest bids, when in the aggregate exceeded the construction budget which is roughly \$3 million, by 22%. If a 10% contingency is added to this, it would be a construction budget of approximately \$4 million. Based on that alone, it was felt that a recommendation had to be made to the Village Board to reject these bids and try again. What they have decided to do after meeting with the engineer, is that instead of spending time revising the construction documents which are very voluminous, what they have done is broken out the base bid work. A number of those base bid items have been pulled out and the bidding will be an add/deduct, like a menu approach. Depending on the bids that come in, they can pick and choose what they want to add in to the contract and what they want to deduct.

Village Manager Pappalardo stated that the areas of the add/deduct are the Village Hall electrical upgrade which was part of this project, Popham Road Firehouse and Village Hall are right next to each other, and they were hoping to upgrade the electrical in Village Hall so that we could piggyback off the new generator that they were hoping to install at the Firehouse – then both buildings would have up to date permanent generator back up power supply. It would benefit us greatly to have Village Hall with power when there are power outages. The generator itself will be an add/deduct item. The building footings design was based on an original design with an extremely conservative soil boring capacity, so the structural engineer believed that the Village could have an add/deduct for that level that has been identified in the contract. There is some finishing work in the building – the basement area, the kitchen, the second floor dorm areas – the Village is fortunate enough to have a Facility Maintenance Department that has very skilled workers. They are perfectly capable of doing the finishing work on the shell of these new facilities. The Village will save hundreds of thousands of dollars through that effort.

Village Manager Pappalardo gave much credit to Paul Zaicek, Project Manager who worked very hard with the engineer and Benny Salanitro, Superintendent of Public Works who steps in on these projects and has very good practical experience with construction; he is also a Civil Engineer.

Village Manager Pappalardo stated that the bids the Village has been receiving lately have not been favorable; what they are hearing and finding out is that a lot of the contractors are busy but hopefully as we approach the winter months we may see some better numbers – this is inside work. Many of them have full time staff that work for them that they have problems finding work for over the winter. He is hoping to get better bids and come back to the Village Board at the second meeting in November with the contract award. They are planning to open the new bids on November 8th.

Trustee Pekarek thanked Village Manager Pappalardo for the information and moved forward with the resolution.

Upon motion entered by Trustee Pekarek , and seconded by Trustee Veron, the following resolution regarding Rejection of Bids for Popham Road Firehouse Renovation, VM CONTRACT #1203 – GENERAL CONST; VM CONTRACT #1204 – ELECTRICAL; VM CONTRACT #1205 – PLUMBING; VM CONTRACT #1206 – MECHANICAL was approved by the vote indicated below:

- WHEREAS,** the Popham Road Firehouse (Station 1), constructed in 1923, is in need of a major renovation due to structural and functional obsolescence, including its inability to accommodate larger generations of fire apparatus; and
- WHEREAS,** at their January 12, 2010 meeting, the Village Board authorized Phase I Design Services Agreement with Grigg & Davis Engineers, 21 Crossway, Scarsdale, N.Y. (G&D) to perform Station 1 preliminary design work; and
- WHEREAS,** at their November 12, 2013 meeting, the Village Board authorized a \$356,748 Phase II Design and Construction Administration Services Agreement with G&D to prepare construction bid documents, perform bidding assistance, and perform construction administration services, also having approved at the same meeting a \$3,500,000 bond authorization resolution for Station 1 improvements; and
- WHEREAS,** G&D's February 03, 2015, construction estimate arising from the Phase II Design Services work, inclusive of design feedback from the Municipal Services Committee and others, was \$5,115,000, which was well above the available project funds of \$3,083,500, necessitating concept and scope modifications to bring the project within budget; and
- WHEREAS,** during January and February 2016, G&D relied on feedback from the Municipal Services Committee and staff to modify the Station 1 scope, including the replacement of an Americans with Disabilities

Act (ADA)-compliant elevator and stair tower with the installation of a chair lift and exterior egress stairway on the west side of Station 1, such that project costs could be reduced to an estimated \$3,191,770, while still achieving ADA compliance; and

WHEREAS, at its March 8, 2016 meeting, the Village Board authorized an amendment of \$92,500 to the Phase II Design and Construction administration Services Agreement with G&D to incorporate the revised scope of work, to be paid from Station 1 bond proceeds, thereby reducing the available project funds to \$2,991,000; and

WHEREAS, in August 2016, G&D completed the construction bid documents and the Village Manager reported that he publicly advertised for the receipt of bids on August 12, 2016, under VM Contract #1203 – Popham Road Firehouse Renovation - General Construction, VM Contract # 1204 – Popham Road Firehouse - Electrical, VM Contract # 1205 – Popham Road Firehouse Renovation – Plumbing, and VM Contract #1206 – Popham Road Firehouse Renovation - Mechanical; and

WHEREAS, on the bid opening date of September 13, 2016, the lowest responsible aggregate bids received for the base bid work for all four contracts totaled \$3,834,165 (copies attached), which is significantly higher than the cost estimate provided by G&D (\$2,950,000) and the \$2,991,000 in bond funding currently available for the project, necessitating a recommendation from G&D and staff that the Village Board reject the bids, further value engineer the project, and rebid; and

WHEREAS, after reviewing the bids and discussing the submissions with the bidders, Louise Grigg of G&D concluded that the bids exceed the budget and project cost estimate due to an under-estimation of the emergency generator and Village Hall electrical upgrade work, along with the complexity of the Mechanical, Electrical and Plumbing (MEP) design; and

WHEREAS, G&D and Village staff concurred that to bring the project within budget, the MEP systems shall be redesigned and several additional deduct alternates should be included in the bid proposals, with portions of the deducts to be performed in-house, to give the Village more flexibility to reduce the cost and scope of the project after the re-bids are opened; and

WHEREAS, G&D estimates that through the redesign of the MEP systems and site work in conjunction with the deduct alternatives, a savings of

approximately \$1,150,000 can be realized, yielding an estimated construction cost of \$2,700,000, plus an estimated \$200,000 for work that may be completed by Village Facilities Maintenance staff, for a total of \$3,170,000 with a 10% contingency added; and

WHEREAS, an assignment of Fund Balance as of May 31, 2016, in conjunction with the FY 15/16 Closeout, if available, subject to further Village Board appropriations, to cover the anticipated project cost increase above the bond proceeds currently available; now, therefore, be it

RESOLVED, that the Village Board, pursuant to Section 103 of the New York State Municipal Law and Section 57-7 of the Village Code, hereby rejects all bids for VM Contract #1203 – Popham Road Firehouse Renovation - General Construction, VM Contract # 1204 – Popham Road Firehouse Renovation - Electrical, VM Contract # 1205 – Popham Road Firehouse Renovation – Plumbing, and VM Contract #1206 – Popham Road Firehouse Renovation - Mechanical; and be it further

RESOLVED, that the Village Manager is herein authorized to re-advertise and re-bid for this work in accordance with New York State General Municipal Law.

<u>AYES</u>	<u>NAYS</u>	<u>ABSENT</u>
Trustee Callaghan	None	None
Trustee Finger		
Trustee Pekarek		
Trustee Samwick		
Trustee Stern		
Trustee Veron		
Mayor Mark		

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Recreation Committee

Trustee Callaghan mentioned that Sam Blakely, who supplied the lights discussed in the below resolution, has done so several times before, which should be duly noted in the minutes.

Upon motion entered by Trustee Callaghan , and seconded by Trustee Veron, the following resolution regarding Acceptance of a Gift – Portable Lights at Supply Field for Youth Tackle Football Program was approved by the vote indicated below:

WHEREAS, the Parks, Recreation and Conservation Department conducts a Youth Football Program for children in grades 3 through 8, which

includes both tackle and flag football, with approximately 93 children enrolled in the tackle program; and

- WHEREAS,** limited daylight during the months of October and November make it challenging for volunteer parents and coaches to conduct tackle football practices and games; and
- WHEREAS,** the Village Board of Trustees previously authorized the temporary use of two portable lights at Supply Field from mid-October through mid-November, three days a week until 7:30 p.m., said use occurring without incident or complaint from abutting neighbors (see attached resolution of September 4, 2015); and
- WHEREAS,** these portable lights have been donated to the Village by Scarsdale resident Sam Blakely who has again offered to donate the units for the 2016 program, with said units to be used under the same terms and conditions as the previous years; and
- WHEREAS,** the portable lights have a value in excess of \$500.00; and
- WHEREAS,** pursuant to Policy #106 of the Village of Scarsdale Administrative Policies & Procedures Manual, "*Gifts to the Village of Scarsdale*," acceptance of all gifts valued at \$500.00 or greater must be approved by the Village Board of Trustees; now, therefore, be it
- RESOLVED,** pursuant to the Village of Scarsdale Policy #106, the Village Board of Trustees hereby accepts as a gift, the donation of two portable lights for temporary use at Supply Field in conjunction with the Scarsdale Youth Recreation Football Program for the 2016 season, to be used three days weekly until 7:30 p.m. from October 17, 2016 through November 18, 2016; and be it further
- RESOLVED,** that the Village Board extends its thanks and appreciation to Mr. Sam Blakely, as donor of the lights, as well as to the parents and volunteers that facilitate and participate in the Scarsdale Youth Recreation Football Program.

AYES

Trustee Callaghan
Trustee Finger
Trustee Pekarek
Trustee Samwick
Trustee Stern
Trustee Veron

NAYS

None

ABSENT

None

Mayor Mark

* * * * *

Other Committee Reports

None.

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Liaison Reports

Trustee Callaghan reported on the recent meeting in September of the Advisory Council on Parks and Recreation, stating that the Mayor had already discussed the issue of parking at Hyatt Field, but they also discussed the uptick in Youth Soccer which is going very well. He also mentioned that the September 10th Jamboree that was held at Crossway was quite a success with approximately 500 participants.

Trustee Callaghan also reported as Fire Commissioner, stating that he would like it noted in the minutes that in regard to the death of Deputy Chief Michael Fahey of the New York City Fire Department, who happened to live in Tuckahoe, and 15 of Scarsdale's paid firefighters including the Fire Chief, himself and 12 others attended the funeral. There were over 10,000 firefighters in attendance, from as far away as California. He stated that he was honored to be included in the reception group of Department Chiefs from New York City. They extended five blocks long and six deep. Every Fire Chief from New York City was there as well as the Mayor, Deputy Mayor, Cardinal Dolan, among others. The procession extended over 1 ½ miles. It was the most significant fire related funeral in the history of Westchester County and we were very well represented. He stated that he wanted the Board to know that it didn't go unnoticed.

In regard to outreach, Trustee Callaghan stated that he is a merit badge counselor for the Boy Scouts in the Southern Westchester District. This year a young man contacted him who is seeking Eagle Scout status, so he contacted Fire Chief Seymour and the new Training Officer, Stephen Mulcahy. Stephen Mulcahy and Firefighter Brian Hughes spent two hours with this young man and brought him up to speed. This young man was from a Pelham Boy Scout Troop who had nice things to say about the Scarsdale Fire Department.

Trustee Callaghan also noted that the Fire Chief runs a semiannual meeting for volunteer fireman which is also attended by the Training Officer Chief Mulcahy. He is ramping up the duties of the volunteers to assist in making the Fire Department more efficient, as well as increasing and intensifying their training.

Trustee Pekarek reported on the community effort to change an open space to the beginning of a lovely meadow on Secor and Palmer Roads. Last weekend and the weekend

prior, many members of a variety of groups, the CAC, the Friends of the Scarsdale Parks, and community volunteers – young and old, there were children there planting. Last Saturday well over 800 little plugs of a variety of plants that will transform the buffer area of the meadow into a beautiful new open space were planted. Everyone worked really hard. Trustee Pekarek stated that she wanted to thank the CAC, the Friends of the Scarsdale Parks, the DPW who prepared the ground so planting could occur. She also thanked the Village Staff – prior to doing this, approval was needed from the Village Manager; Deputy Village Manager Cole also helped to move this forward.

Trustee Pekarek also mentioned that on October 25th at 6:00 P.M., there is a Municipal Services meeting where a traffic study that was commissioned by the Village will be reviewed. The Police also put together some data about how they enforce a variety of traffic activities within the Village. The Scarsdale Forum has also weighed in on the traffic study. The Board hopes that residents will attend. The Board would also appreciate any written comments.

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Written Communications

Village Clerk Conkling stated that all communications received that are written to the Mayor and Board of Trustees can be viewed on the Village's website, www.scarsdale.com under the Board of Trustees or Village Clerk section.

She reported that twelve (12) communications have been received since the last regular Board of Trustees meeting held on September 27, 2016.

Six (6) communications regarding the 2016 Reval were received from the following:

- Mayra Kirkendall-Rodriguez, Fox Meadow Road attaching a Petition to Invalidate the Ryan Revaluation
- Mayra Kirkendall-Rodriguez, Fox Meadow Road regarding a proposed Reval Phase-In
- Michelle Braun & Norman Bernstein, 14 Wakefield Road
- Betty Blume, 246 Mamaroneck Road
- Susan Levine, Ardmore Road
- Kai Tang, 22 Ridgecrest East

The remaining six (6) communications were received from the following:

- Betty Blume, 246 Mamaroneck Road regarding recycling and waste
- Barbara Langford, 146 Boulevard, and a response from Mayor Mark attached regarding a proposed parking lot at Hyatt Field

- Susan Levine, Ardmore Road, regarding side yard setbacks
- Leonardo Kestelman, 40 Hampton Road, concerning roadway conditions between Olmsted and Hampton Roads
- Jessica Kourakos, Board of Architectural Review Chair, regarding various issues raised by residents over residential construction projects.
- Phil Gonzalez of Braking Aids Ride, thanking Scarsdale for its support on this year's charity event.

Trustee Stern stated that Ms. Susan Levine had sent a letter to him personally, and he asked her to send it to the Village. She is very upset that her whole neighborhood block has been transformed by McMansions and her enjoyment of her living space has been severely restricted, which is explained in her letter. He stated that it is a common complaint now, and he felt that perhaps in future meetings, the Board should try to find some resolution to this issue.

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There being no further business to come before the Board, on a motion entered by Trustee Finger, and seconded by Trustee Samwick, the meeting was adjourned at 9:18 P.M.

Donna M. Conkling
Village Clerk