

THREE THOUSAND TWO HUNDRED SEVENTY-FOUR
REGULAR MEETING

Rutherford Hall
Village Hall
February 14, 2016

A Regular Meeting of the Board of Trustees of the Village of Scarsdale was held in Rutherford Hall in Village Hall on Tuesday, January 24, 2017 at 8:00 P.M.

Present were Mayor Mark, Trustees 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, February 14, 2017 were approved on a motion entered by Trustee Veron, seconded by Trustee Samwick, and carried unanimously.

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Bills & Payroll

Trustee Veron thanked Trustee Pekarek for assisting her with the bills. She reported that she had audited the Abstract of Claims dated February 14, 2017 in the amount of \$631,415.08 which includes \$39,904.05 in Library Claims previously audited by a Trustee of the Library Board which were found to be in order and she moved that such payment be ratified.

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

RESOLVED, that the Abstract of Claims dated February 14, 2017 in the amount of \$631,415.08 is hereby approved.

Trustee Veron further reported that she had examined the payment of bills made in advance of a Board of Trustees audit totaling \$105,719.05 which were found to be in order and she moved that such payments be ratified.

Upon motion duly made by Trustee Veron 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 \$105,719.05 is hereby ratified.

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Mayor's Comments

Mayor Mark gave the following comments:

“Welcoming Scarsdale - Approximately three weeks ago, President Trump issued an executive order related to immigration. One provision of the order concerns coordination between federal immigration authorities and local police departments and is, therefore, directly relevant to municipal policy and practice. The legal status of the executive order is the subject of widely reported litigation so its ultimate fate has yet to be determined. Presently, the executive order is stayed. However, prompted by that executive order many cities and towns across the country have responded with public statements affirming their position of welcome and inclusion of all people of good will. We in Scarsdale add our voice in affirming those values here in the Village. The following borrows freely from the joint statement issued by our neighbor the City of New Rochelle.

The term “sanctuary city” has no precise definition, and we do not use it in Scarsdale but we do make absolutely clear that all people of good will are welcomed, valued, and respected in our community, regardless of their origins, and that immigrants are an essential part of Scarsdale’s identity and future.

I have spoken with our Chief of Police, Andrew Maturro, and Village Manager Steve Pappalardo. Chief Maturro has confirmed that for our Police Department, maintaining a respectful and mutually supportive relationship with all constituencies in Scarsdale is not just the right thing to do, it is also necessary to the promotion of public safety, which depends on mutual trust. That is why the Scarsdale Police Department has not previously nor will it commence engaging in immigration enforcement. In addition, as a budgetary matter, resources are not available to fund our police acting as immigration officers.

Of course, the Scarsdale Police Department will continue coordinating with federal authorities to apprehend and bring to justice criminals who threaten our safety, regardless of their immigration status.

It is important to note, that should the executive order that is presently stayed by the courts be upheld, the foregoing position would in no way violate the terms of the order as presently drafted.

Freightway Lot Planning: The Board's Land Use Committee held a public meeting last Monday, February 6th at Village Hall. The purpose of the meeting was to discuss future plans with respect to the Freightway garage and the potential development of the Freightway site. The Committee listened to a presentation by the Village Planner, Elizabeth Marrinan, discussed process and took questions from residents in attendance. The meeting was recorded and can be viewed on the Scarsdale Public TV web site. In summary, the Freightway garage was built in 1972 and occupies a portion of 2.38 acres owned by the Village. The property is on the west side of the Metro North tracks and extends south from Popham Road to the border with Eastchester. The Village also owns 0.84 acres of air-rights over the Metro North railroad tracks to the east of the Freightway site as well as the 0.49 acre Scarsdale Avenue parking lot on the other side of the tracks.

Quoting from a document titled An Update of the Village Center Component of the Village of Scarsdale Comprehensive Plan, "The Freightway lot is an unsightly parking lot that detracts from Scarsdale's historic character. The appearance and possible redevelopment of the Freightway lot have been debated for years." (Update at page 42) The Update Plan is dated August 10, 2010 and was the product of more than two years of work. It is available on the Village web site.

The Land Use Committee meeting was prompted in part by the fact that in the last ten years or so, and looking into the near future, the Freightway garage structure has required, and likely will require, maintenance and repairs that in the aggregate run into millions of dollars. The 2010 Update Plan referred to includes suggestions for possible development of the Freightway lot which obviously did not go forward. The thought at last week's meeting was to re-start the analytic process with respect to the site.

The Village is seeking competitive proposals from qualified planning firms, one of which would be retained by the Village, with experience in successfully navigating complex community and site dynamics to achieve, through thoughtful, meaningful public engagement, realistic goals and objectives for the redevelopment of the Freightway site. The intent is to provide clear, community-

based guidance which a developer can translate into a pleasing, economically viable project to enhance the Village Center and meet local needs. The Village intends to establish a Steering Committee consisting of stakeholders such as residents, business and property owners, representatives from neighborhood associations, land use board members, commuters and other users. The charge for the Steering Committee will be to create realistic goals and objectives for the redevelopment of the site, providing the basis for a Request for Proposals/Request for Interest in order to solicit proposals from the development community. What may ultimately be done on the site cannot now be predicted, however, with thoughtful planning and stakeholder engagement it could be transformed into an asset for the Village center and the community at large. Time and a great deal of hard work by many folks will tell.

Organizational Assessment of the Assessor's Department: One item on tonight's agenda is a resolution to retain a firm, Management Partners, Inc., to make an organizational assessment of the Assessor's Department. Such a project has been mentioned in very general terms at prior Board meetings and the Village staff has been working over the past several months to search out and vet consulting firms that have the expertise to conduct such a review at a reasonable cost. The scope of the services to be provided would include a thorough review of the Assessor's Department structure, staffing policies, workflow processes, revaluation methodologies and use of technology. The review would include interviews with Village management, employees in the Assessor's Department, other department heads and customers interacting with the Assessor's Department, the Westchester County Tax Commissioner, the New York State Office of Real Property Tax Services and personnel in other Westchester municipalities that have completed revaluation projects. The goal of this project would be to produce actionable recommendations that would provide a clear roadmap forward thus helping to restore and maintain public confidence in the Assessor's Department and its functions. It is estimated that the project, once commenced, would take three to four months to complete. The consultant has proposed a fee of \$34,990 for its work.

The background of the search and vetting process is set out in the Board materials which are publicly available. It will be my recommendation to my fellow Board members that this agenda item be referred to a meeting of the Board as a Committee of the Whole on February 28, 2017, prior to our regular Board meeting on that date. We will invite a representative of Management Partners to attend the meeting to answer Board questions, as well as questions from residents who attend the meeting. We can discuss this suggestion further when we get to that item on tonight's agenda.

2017-2018 Proposed Budget: The Village Staff and Village Board have been working on the 2017-2018 budget for several months. As has been the case since June 2011, one of the myriad questions that has to be addressed is whether or not to aim to keep the budget within the so-called 2% tax “cap” set forth in NY State law that applies to increases in real property tax levies. “So-called” because the “cap” is actually 2% or the rate of inflation plus a “growth factor” as defined in the law, whichever is less. Thus, for example, last year the “cap” as calculated under the law was 0.45%, a percentage that would have allowed a year-to-year increase in spending of \$168,840 - far less than 2% -- and an immaterial amount in the context of an approximately \$55 million budget. Last year’s budget exceeded the “cap.” For 2017-2018, the “cap” is 1.37%, a percentage that would allow a year-to-year spending increase of \$516,436. Clearly a larger amount than last year, but still a relatively low number. Staying within the “cap” is made especially challenging since there are significant budget expenses that are mandated by unfunded state programs - mainly health insurance and related benefits that are overseen by New York State which are not subject to Village control. Other salary-related increases are governed by multi-year contracts with the unions representing certain municipal employees. The cap can be overridden by municipal governments by a vote of 60% or more of its governing board. This differs from the rule as applied to School Districts which can adopt budgets in excess of the “cap” only if the School District budget is approved by a vote of 60% or more of the voters voting on the school budget. One other note: the rules for how compliance with the “cap” is calculated are different for the Village and the School District. Under the tax “cap” legislation, the School District is permitted to exclude the cost of debt service and capital expenses in calculating its compliance; the Village is not permitted to make such exclusions. If the rules were different and the Village was permitted to calculate “cap” compliance in the way the School District is permitted to, approximately \$3,700,000 of aggregate debt service and capital expenses in the 2017-2018 proposed budget would be excluded from the calculation and would result in a Village budget that was well under the “cap.” In short, a comparison of Village and School District “cap” compliance is not an apples-to-apples comparison.

The tax “cap” Village budget analysis is therefore a relatively simple one to summarize: on the one hand, a decision to stay within the “cap” could be effectuated by eliminating certain services or deferral of capital expenditures with the resultant decrease in budget allocations to a point below the “cap.” On the other hand, maintain services and incur the most pressing capital expenses and risk exceeding the “cap.” Since the tax “cap” legislation went into effect in 2011, Village Boards have adopted budgets that maintain services, made the most needed capital expenditures and have exceeded the “cap” with one exception. The 2015-2016 budget was kept within the “cap” by making a larger than usual

transfer from the General Fund so that certain residents could receive a tax rebate under a New York State program that is no longer in effect.

Tonight's agenda includes a vote to adopt a local law to authorize adoption of a 2017-2018 budget that would exceed the "cap". This vote is taken to provide flexibility to exceed the cap and not for the purpose of simply performing a less than rigorous budget process. Should such flexibility not be provided, and a budget that was intended to stay within the "cap", in fact exceed it - even if such excess was due to a mathematical error in calculating the "cap" amount - operations would have to be conducted pursuant to the prior year's budget even if that meant some services would have to be reduced or eliminated, or planned capital projects would have to be deferred. In short, it would be nice to simply say the budget will stay within the "cap", but like so many things, the detailed analysis and the line-by-line decisions that would meet that goal are complex and require the balancing of the desire for certain levels of service reasonably expected by residents against fiscal constraints. The discussion of the proposed budget will continue over the next several months and among other things public presentations on the operating budget and the capital budget scheduled for 7:00 pm on March 2 and March 8, 2017, respectively, will be televised and recorded. Interested residents are urged to tune in. Note also that because of the way the fiscal calendar works, adoption of the 2017-2018 proposed budget being focused on by this Board will, in fact, be an agenda item for the next Board.

Emails relating to the Village-wide Revaluations: Some of the focus of dissatisfaction arising from the 2016 Village-wide revaluation has been with respect to FOIL requests for emails that related to that process and the prior Village-wide revaluation. In particular, we have heard repeated requests to release some 2,400 emails that were not produced since upon review by the Village attorney, it was concluded that they fell within certain categories of documents not required to be produced under FOIL. An appeal of the decision not to release those emails has been made to the Village Manager and as a result those emails are being re-examined. A decision on the appeal is expected on or prior to February 28, 2017.

What has been left out of this particular discussion is that in response to FOIL requests relating to the 2016 Village-wide revaluation approximately 30,000 emails were in fact produced. This production was the result of approximately 995 hours of Village staff time taken to review the emails called out by the FOIL request. This equates to the work a full time employee for a period of six months. There is no debate about the fact that those who made the FOIL requests were fully entitled to make them. However, to ignore the hard work put in by the Village staff in processing this large volume of material does a disservice to the

effort they made to respond. The FOIL process is one part of the framework under which municipal governments operate and the Village fully intends to comply with its obligations under that law and within the parameters it provides.

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Manager's Comments

Village Manager Pappalardo reported on the weather conditions on Sunday and Monday; snow, ice and wind and stated that the Public Works crews were called in early on Sunday morning to begin snow and ice removal operations and continued until late Sunday evening. The next morning the crews had to deal with re-freezing of certain roads, parking lots, and sidewalks. Also, as the day progressed, they worked removing felled trees from public roadways due to the winds that were gusting at 50-60 mph. A number of the trees and large branches that came down took power lines with them, resulting in the temporary loss of electricity to hundreds of Village homes. As of 5:00 p.m. today, according to Con Edison, there were 23 Scarsdale electric customers without power. The power outages were primarily concentrated in the Fox Meadow area, roughly bounded by Fenimore Road to the north, Butler Road to the south, Oak Lane to the west, and Post Road to the east. There were also outages along Cooper Road along Mamaroneck Road and Murray Hill and certain isolated incidents throughout Fox Meadow and parts of Greenacres. For more detailed information on outages, residents should visit Con Edison's website, www.coned.com. There is a power outage map available for viewing. Con Edison has informed the Village that everyone should have their electric restored by 11:00 P.M. this evening or sometime early tomorrow morning.

Village Manager Pappalardo next reported on the status of certain grant applications that the Village has had pending. One pending grant had to do with the Reeves-Newsome fluoride bulk storage tank, and the Village was notified by the State Department of Health last week that a \$20,000 grant has been approved for the Village. This would fund an engineering study of the general condition of the underground fluoridation bulk storage tank at Reeves-Newsome and related piping. The tank is over 30 years old and without certain rehabilitation work, is due for replacement within the next 5-10 years. The study planned will determine the probable useful life of the tank, required rehabilitation work, and a cost estimate for both rehabilitation and replacement. This particular grant is 100% reimbursable with no local match required. The Health Department provides similar construction grant funding for fluoride related equipment at drinking water facilities. The Village plans on submitting a future grant application once the determined course of action is identified by the engineering study.

Mr. Pappalardo continued, stating that the Heathcote Road Bridge and Catherine Road culverts, which are projects identified for the 2017-18 Capital Budget, were identified in grant applications submitted to the State's Bridge New York program. These two projects and one other project submitted in a grant application were not awarded. The projects were the Heathcote Road Bridge rehabilitation project, and the replacement/rehabilitation of two separate storm water culverts under Catherine Road. The Heathcote Road Bridge application was for \$1.5 million and the Catherine Road culverts were for \$900,000. These projects are identified in the Capital Budget Plan. The Catherine Road culverts were contingent on receipt of this grant, so barring any other grant funds, they will be pushed back a year. The bridge construction, however, is scheduled to commence and the Village is hoping to do that this fiscal year if possible. The deterioration of both the abutments on that bridge require attention in the short term. The source of funding for the bridge is identified in the Capital Budget as borrowing but depending on the competitive bid pricing received, the Village is hoping to pay for this work through available General Fund balances that have been realized during the 2015-16 closeout. Staff will continue to apply for these grants for any funding that is made available where it is applicable for Village projects.

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Public Hearing:

Mayor Mark stated that a public hearing is scheduled for this evening to consider a proposed local law authorizing a real property tax levy in excess New York State Cap, which he had referenced in a portion of his comments this evening.

Mayor Mark opened the hearing to public comment.

Robert Berg, 32 Tisdale Road, noted that he is the Scarsdale Voters' Choice Party candidate for Mayor in the upcoming Village Election on March 21st. One of the chief reasons he is running for Mayor this year is to get the rate of property tax growth in the Village under control. He stated that every year except one, since the Tax Cap began in 2011, the Village has blown through the Tax Cap, which in his opinion is unacceptable. Comparing the growth of the tax rate in Scarsdale to the Consumer Price Index (CPI) for the past 10 years, indicates that it ranges from approximately double to 25 times the CPI except for the 2015-16 fiscal year, when the Village came in below the Tax Cap so that qualifying residents could attain the State's tax rebate. He stated that when speaking to residents, the number one issue that they have with the Village government is

that their property taxes keep rising to intolerable levels. Empty nesters are being forced to move out of the Village because they cannot afford the property taxes, which is a tragedy for the community. The Village must act to stay within the Tax Cap, unless there is a really strong reason to override it to preserve essential services demanded by the resident.

Mr. Berg stated that the Scarsdale School District lives within the Tax Cap and is doing just fine. Voters have a say in the matter because they must approve the School Budget. Residents don't get to vote on the Village budget. Only the Board of Trustees decides whether or not to override the Tax Cap. In his opinion, the Board votes to override the Tax Cap too early and too often. Once the Tax Cap is removed from the budgeting process if this legislation is passed, then the Tax Cap constraint is gone. He urged the Board to table this law until the budgeting process advances several more weeks. After the public briefing sessions on the budget, the Village will have a much better idea as to whether it can stay within the Tax Cap. If still needed, the Board can consider adopting the law at that time.

Trustee Samwick thanked Mr. Berg for his comments. He stated that everyone wants to see their property taxes increase by less and less. However, when looking at the reality of the situation, 70% of the Village's costs relate to personnel costs, and the vast majority of that is unionized. You have union contracts that are increasing approximately 2% a year, police and fire being more than that, you also have benefits. Everyone knows that healthcare is increasing at even greater rates. When 70% of the budget is increasing approximately at 3% per year, and that means the remaining 30% has to decrease by 3% in order to get to the cap level. A third of that 30% is debt service which is backed by the full faith and credit of the Village, and people have complained about the roads which are not up to everyone's standards. We have been spending over \$1 million a year the past few years trying to get them there. There are constantly tradeoffs between the dollars that we spend and the things that we want as a community. None of these are easy tradeoffs and these are all things that we wrestle with on a regular basis. Staff does an exceptional job managing these things, and the Board works very hard to oversee it and manage it as well. The Board would love to stay under the tax cap, but if Mr. Berg or anyone in the community has any concrete ideas on how to do that, the Board would like to hear it. It is not easy; when you take the 70% personnel costs and take the other 10% that is capital and debt service, you are left with 20%. You have decrease the remaining **20% budget by 4-4 ½ % to get to this** year's cap. We are talking about very serious consequences when you start doing these things.

Trustee Stern thanked Mr. Berg for his comments. He stated that Trustee Samwick presented the dilemma that the Board faces every year; however, the

issue he didn't mention is that a huge amount of these costs are mandated by the State government. There is a very underfunded pension fund, so underfunded that it costs the Village an inordinate amount of extra money which doesn't have to be funded in order to guarantee the pension costs that the State mandates for the Village. The Village has no say in this. The same thing is true for health care costs which are rising astronomically, mandated by the State. There is a hidden agenda for the tax cap. The hidden agenda is for the State to take control of all the autonomous things that the Village does - for example - combined fire and police departments and all the services of the Village government. Many Villages, including Scarsdale resist it because it would remove the independence of the Village and detrimentally affect the services that the Village gives to its residents.

Trustee Finger stated that although there is still time and work to be done on the budget, the suggestion that the process is at the beginning underestimates the amount of work that the Village staff has put into the budget to date, which is substantial. Not to mention the time the Board has spent reviewing the budget first and second pass, sitting all day for department head presentations, etc. While the Board is hopeful there is more room in the budget, the process is not at the beginning and the Board has a very good understanding based on what the likelihood is. The Board is not deciding today to exceed the Tax Cap; they are simply discussing an ordinance which would allow them to do it if the budget continues on the trajectory that it currently is. Finally, to agree with both Trustees Samwick and Stern, the Village has garbage pickup twice a week rear of the house. Many communities do not have that. The Village has leaf pickup; some communities have abandoned that. The feedback from the citizens that the Board got from the Village on reducing some of the services was that they were not interested in reducing the services. There are public meetings coming up and there are plenty of opportunities if the community would like to see the Village reduce services or take other steps, and the Board is interested in hearing about it.

Trustee Samwick stated that if the Board adopts the override of the Tax Cap, the Board can always undo that at a later date. The risk of having a budget that goes over the Tax Cap and not overriding it is greater and that is one of the reasons why the Board wants to do that now. To say the Board is losing the incentive to keep the tax rate increase as low as possible because the tax cap is overridden - the tax cap override is irrelevant to that process, it's something the Board wants to do regardless.

Trustee Pekarek stated that as far as she is concerned, this is basically a housekeeping task. This is something the Board has to do; she is not going to focus on whether or not the Board overrides the cap. What she is looking at is

line by line, budget by budget, and competing interests. The Board will look at the budget and determine what is important to continue the services that everyone expects.

Trustee Veron stated that during the budget meetings, the Board did discuss this law and talked about how it impacts their decision process. She wanted to make it perfectly clear that it will in no way influence the decisions the Board makes. It is something the Board puts in place to enable them, if need be, to exceed the cap and the Board has been agonizing over line items, how best to spend money to meet the demands of the population, and where it is best to cut back. The Board knows it is extremely burdensome for people to pay property taxes; however, the Board also knows that people have a certain expectation for services. If there are any suggestions from the community, she asked that they be sent to the Board as soon as possible.

Mayor Mark stated that Mr. Berg mentioned that the School District is staying within the cap; as he pointed out, if the Village had the same opportunity to exclude debt service and capital expenses from their calculation as the School District is permitted to do, the Village would be under the cap. It is not an apples to apples comparison to say the School District has learned its lesson and is staying within the cap. There are different rules for the two different entities.

Mr. Berg stated that he felt the Board had already thrown in the towel on going beyond the Tax Cap.

Mayor Mark stated that he thinks the point the Board members are trying to make is that they do not view this as throwing in the towel. They view it as an administrative measure because even if one constructs a budget that is intended to stay within the cap, the way the rules work, is that if someone makes a mathematical error and in fact goes over the cap, the Village gets penalized and has to rely on the prior year's budget and cut services. The Board will engage in just as a rigorous process as they have engaged in to date to make the best budget they can, because they are taxpayers as well.

Mr. Berg stated that history proves the Board goes through the Tax Cap every year and that is troubling to him. The number one complaint residents have is that they can't afford the taxes. Perhaps the residents are interested in reducing services and the Board doesn't know it.

Trustee Stern stated that he has had the discussions he has had with residents, and some residents say they are willing to pay more taxes to fix the roads and retain their services. The Board's view is to minimize the taxes for everyone as best as they can.

Trustee Samwick stated that the Board tries to be as fiscally responsible as possible to try to balance the broad view of the community. It is also important to keep in mind that within the tax bill of property owners in Scarsdale, the Village tax portion is 17-18%. The vast majority is School and County.

Robert Harrison, 65 Fox Meadow Road, stated that he was speaking as the Chair of Scarsdale Taxpayer Alert. He submitted a document he prepared regarding the history of the Village Budget unassigned fund balance as a percentage of the total budget for the past ten years. He thanked Mayor Mark for his comments regarding the Tax Cap and noted that he understood the difficulty in budgeting with mandated costs. With those it is very difficult to get under the Tax Cap. He agreed that by passing this law doesn't mean that the Board isn't going to continue working hard to get the tax rate down. He also noted that the tentative budget has to be filed in late March so there really is not a lot of time left in the budget process and it will be the new Board that will vote on the budget. He stated that the community should understand that the Board does have to pass this; it cannot wait until March 20th.

Village Manager Pappalardo stated that the override legislation has to be adopted prior to the final budget being adopted. The final budget is adopted no later than May 1st. The tentative budget is filed on March 20th. The Board can wait to adopt the override, but staff recommends that they don't wait, because by adopting this legislation early it protects the Village in case they do stay within the cap and there is a calculation error and then there will be penalties that are accrued by New York State. This would be a ministerial action and the Board can still deliberate. Adopting this legislation does not preclude them from adopting a final budget that is within the tax cap.

Mr. Harrison stated that he has been at most of the budget meetings and he knows how diligently the Board works with the department heads. The first pass for this budget was an increase of 3.34%, and then the second pass was at 2.9%.

Mr. Harrison then discussed his submission regarding the unassigned fund balance history and went through each year from 2005 through 2015. He urged the Board to not be concerned if the fund balance this year is somewhere around 13-14%, it has been there before. He stated it would be great if the tax rate increase would be under 2%.

Mr. Harrison added that he objected to the addition of a Communications Officer in the budget for a salary of \$65,000. The Ad Hoc Committee on Communications is sufficient to improve communications in the

Village. There are volunteers that are interested in this. He noted that a lot of elderly people do not know what is going on in the Village; a written report should be sent out by the Village to every household whether it be quarterly or every half year.

Mr. Harrison stated that the community should know where the Board is going with the Tax Cap; he knows the Board is working very hard and will continue to do so to get the budget increase as low as possible.

Trustee Samwick thanked Mr. Harrison for his well thought out comments and thorough research. In regard to the fund balance, he stated that when you calculate the fund balance as a percent of the budget, you should be using the forward year budget. The bigger issue is that this year the Village has a deficit in **the water fund of about \$1 ¼ million. When you net that out of the general fund balance, you end up below Mr. Harrison's target range of 13-14%. It is estimated that it will probably be 12-12 1/2 %.** Right now, if you look at the past ten years, the Village would be at the lowest level in the past ten years net of the water fund. The water fund is something that the Board has to take into consideration when it is in a deficit position because it is also backed by the full faith and credit of the Village. It is really important that they look at these together while they have this situation. Many people know that the Village has had increases in the water rates; however, the Village still has among the lowest water rates in the County. They are working very hard to get rid of that deficit, but while that deficit is present the Board has to take that into consideration.

Mr. Harrison stated that the Village can't control what New York City charges for the water. From meetings, he understood that the water rate increase would balance out and that the Village wouldn't have a deficit next year. He asked the Village Treasurer where the Village is with the proposed increase for the next year and what happens to the deficit.

Village Treasurer McClure stated that a good part of that is dependent on water usage; however, the Village's target this year is to come as close to break even on an operating basis as we can. It is anticipated to have another rate increase next year; there is a proposed 35 cent base rate increase in the water rates which still keeps the Village among the very lowest in the County. Assuming that the Village, the target is to break even on an operating basis. Next year the Village would like to start generating some sort of a surplus towards reducing the water fund deficit. This is absolutely necessary because when the market looks at the water fund, the market sees that \$1.2 million really applies to the water fund. At this point, the Village would look to moderate future increases. A year by year analysis is being done in presentation to the Board. A quarterly analysis is also being done, where she has been working very closely with the

Water Superintendent and they review the information regularly with the Village Manager. They look at the outstanding bills, what will generate revenue for the water fund - every detail they can.

Mr. Harrison asked how the Village got into the deficit; why wasn't that projected.

Village Treasurer McClure stated that as Village tax rates were increased, they were doing their best to keep the water rates down. There was a situation over the past six or seven years where the Village upgraded two water **pump stations. That was over \$9 million. There was approximately \$1 ½ million** of unanticipated expenses in the upgrade of one of the water pump stations. There were some environmental issues that did raise the cost of the upgrade. The 35 cent base rate increase in water rates is approximately a 14% rate increase. The water fund must be self-supporting; it is not optional.

Mr. Harrison stated that this is why the Board should try as hard as they can to keep the budget increase down. If the unassigned fund balance is 12 or 13% of the total budget, it won't hurt the Village. More than 50% of the residents do not have children in the school system, and 44% do; a lot of the seniors would like to age in place. The Village has to try to be considerate and hold down the tax increase.

Mr. Harrison stated that he supports the passage of overriding the Tax Cap because he understands how difficult it would be to be under it. He also stated that he knows the Board will continue to work hard to get the tax increase down further from the second pass on the budget. He again stated that he hoped the Board would not spend \$65,000 on a communications officer.

As there were no further comments, Mayor Mark closed the public hearing.

Upon motion entered by Trustee Stern, and seconded by Trustee Pekarek, the Local Law to authorize the Board of Trustees to adopt a budget for the 2017-2018 Fiscal Year that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law Section 3-c was approved by the vote indicated below:

AN INTRODUCTORY LOCAL LAW CREATING A NEW ARTICLE TO CHAPTER
269. ARTICLE XII "TAX CAP OVERRIDE"

BE IT ENACTED by the Board of Trustees of the Village of Scarsdale as follows:

A local law to override the tax levy limit established in General Municipal Law §3-c.

Section 1. Legislative Intent

It is the intent of this local law to allow the Village of Scarsdale to adopt a budget for the fiscal year commencing June 1, 2017 -May 31, 2018 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law §3-c.

Section 2. Authority

This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes a local government’s governing body to override the property tax cap for the coming fiscal year by the adoption of a local law approved by a vote of sixty percent (60%) of said governing body.

Section 3. Tax Limit Override

The Board of Trustees of the Village of Scarsdale, County of Westchester, is hereby authorized to adopt a budget for the fiscal year commencing June 1, 2017 through May 31, 2018 that requires a real property tax levy in excess of the **amount otherwise prescribed in General Municipal Law §3-c.**

Section 4. Severability

If a court of law determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court’s order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective date

This local law shall take effect immediately upon filing with the Secretary of State.

AYES

Trustee Finger
Trustee Pekarek
Trustee Samwick
Trustee Stern
Trustee Veron
Mayor Mark

NAYS

None

ABSENT

Trustee Callaghan

* * * * *

Public Comment

Peter Blier, Manager, Central Taxi of Scarsdale and longtime resident of Edgemont, spoke regarding New York State Senate Bill 1264 and Governor Cuomo's State of the State Address concerning legislation which would limit the Village's right to regulate and control transportation for compensation in Scarsdale. It will affect the future of hired transportation and Scarsdale will be flooded with deregulated for hire vehicles acting as taxis and not subject to any of the current local rules or regulations. If this legislation is enacted, all municipalities will be stripped of their rights and responsibilities to regulate and safeguard their residents in relation to this new designation of car for hire, called the TNC (Technology Transportation Vehicles, such as Uber and Lyft). He urged the Board to inform the State Legislature and representatives of its opposition to this legislation. He submitted his written statement to the Board to be included in the record.

Robert Berg, 32 Tisdale Road, stated that there is a resolution on this evening's Board agenda for the retention of Management Partners, Inc. to review the Assessor's Department structure and operations. He stated that he thought this would be a waste of taxpayer money. The Village Manager's job is to manage Village staff and operations. The Village Manager has had nine months since the Ryan revaluation to assess the Assessor's office. The Village has already paid a law firm over \$30,000 to review the Assessor's office. The Village Attorney has already reviewed 30,000 emails relating to the Assessor's office and the Ryan revaluation. They all know what they have to do. To him, it seems the Village wants the political cover of an outside consultant so that they do not have to make the hard decisions that they are paid to make. Foregoing this unnecessary \$35,000 expenditure for this consultant is the type of decision making that the Village Board needs to make if the tax rate is ever going to get under control.

Regarding the firm Management Partners, Mr. Berg stated that the firm has no in house experience in analyzing an Assessor's office. The firm lists no projects relating to assessment. Reference projects listed are a communications audit in North Carolina, an organizational review of fleet management, and an organization review of Parks and Recreation in Florida, and an organization analysis of a Fire Department in Virginia. Real property and tax assessment are complex issues. The Village should not rush in to hire a consultant who is not expert in this area. He noted that Management Partners proposes to subcontract out the assessment portion to a John Burin. Mr. Burin was the city Manager of Elmira, New York, between 2006 and his retirement in 2013. For ten years, Mr.

Burin was the Assessor for Elmira and for the prior five years he was co-owner and President of a Real Estate Appraisal firm doing fee appraisals for banks and law firms. There is no knowledge of Mr. Burin's experience in conducting periodic town-wide revaluations. Whatever his experience in the City of Elmira, it is nothing like the Village of Scarsdale. The City of Elmira is an economically depressed city in the southern tier of New York State.

Mr. Berg added that the Scarsdale Voters' Choice Party is having a Meet the Candidates night this Thursday evening from 7-10 PM at his house at 32 Tisdale Road. The entire community is invited to come to meet them and learn their positions on the important issues facing the Village and learn why they are running for office, the first fully contested Village election in 18 years.

Mayor Mark stated that far from rushing to hire Management Partners, the Board is planning to table that resolution this evening and have a public meeting at 6:00 p.m. on February 28th to hear from the firm directly. The Board will vet the firm and ask their own questions as well.

Brice Kirkendall-Rodriguez , 19 Fox Meadow Road, stated that his wife is in Miami this evening; however, he stated that he would speak on her behalf for Mayor Mark's thoughtful words on the tenor and approach of Scarsdale in its inclusiveness and he appreciated those remarks.

He stated that he is also a candidate for the Scarsdale Board of Trustees as a member of the Voters Choice Party. He stated he is here this evening to express his enthusiasm for the effort to redevelop the Freightway parcel that includes the parking garage. He noted that he lived on Garth Road at one point so he has seen the issues surrounding this area from both vantage points. This parcel offers a tremendous opportunity to create a cohesive and pedestrian friendly retail area with shopping and dining. This one parcel is already surrounded by commercial and transit space and a well-architected solution would actually add to the character of the Village. Solutions must be found that minimize disruption to existing commuters. We must also be careful to avoid adding retail space to an oversupply and instead focus on what is missing from the Village.

In regard to parking, Mr. Kirkendall-Rodriguez stated that a key objective ought to be a way to relieve the stress on available parking in the Village itself. There may be insufficient parking options for the clerks and part time workers who can't justify paying an annual fee for parking. We may not offer adequate parking for those who are full time commuters. The Village needs to look at these underserved parking segments and the opportunity that a reimaged Freightway might offer.

He further stated that the Village needs to be careful in how they utilize consultants in this process. They can help identify potential solutions but they are not builders. He stated that he was very excited and looked forward to what can be done in this area in the future.

Robert Harrison, 65 Fox Meadow Road, representing the Scarsdale Taxpayer Alert, asked that the Board videotape the budget meeting being held on February 16th at 6:00 p.m. He noted that under athletic improvements, there is an item that relates to Wynmor Road tennis courts - tot lot resurfacing and fence. He stated that he spoke to Brian Gray, Superintendent of Parks and Recreation and expressed surprise that this was mentioned at the Board's meeting when the Recreation Department made their presentation. He stated that he visited the courts today and the fence looks pretty good, even better than the Middle School fence. He asked Mr. Gray for some cost estimates but he has not yet gotten any detailed information. If it is a red clay court, it can be upgraded by staff under John Carmody of the Recreation Department. He felt that the \$75,000 budget for this site should be re-examined.

Mayor Mark stated that the matter of Wynmor Park and the proposal with respect to it, arises from concern about that park brought to the Board's attention by the East Heathcote Neighborhood Association. More than six months ago, they raised issues, not just with the tennis court, but with vegetation encroaching on the park on the side that is near the bypass and cutting down on the square footage of the usable part of that park. There was a broken base of a street light, broken base of an American flag, and the sandbox had been taken out for health reasons. The neighborhood surrounding that park asked if thought could be given to fixing the issues, not just with the tennis court, but the rest of the issues. Nothing was promised or decided upon, but a planning process emerged from that conversation with the neighborhood association. What is seen in the budget is a result of that neighborhood interest in a park that is embedded where their homes are. The Board is trying to service residents who abut that park and surround it. He asked Village Manager Pappalardo to expound on this issue.

Village Manager Pappalardo stated that the Superintendent of Parks and Recreation attended at least one of those neighborhood association meetings and discussed his thoughts about what could be done in the park after listening to the residents. The scope of work out there would be a tennis court resurfacing, replacement of the fence, some playground equipment, the tot lot, and some other site improvements. Some site improvements have been done in house, doing some clearing of knotweed and some other invasive plant species to extend the grass area somewhat. The Village hasn't done much at Wynmor in

a long time, and it needs work. The original request for that park was \$100,000, and he reduced it to \$75,000, asking them to take a harder look and get better numbers. What gives him some pause and a sense that there is some time to work this out is that the funding source for that project is the Special Reserves that the Village has for subdivision recreation fees that the Village collects when a property is subdivided in the Village. That is a separate fund; the funds are available. So if the Village ends up budgeting \$75,000 and they are able to value engineer the work a little bit more and come in a little bit less, the Village will only spend the money that it actually costs, but no more than \$75,000. This will not have any direct impact on any general fund transfer to the capital which gets to the tax levy. There are a lot of numbers in the budget; this one he is not that concerned about because it will not impact the tax levy.

Mr. Harrison stated that he thinks the Village should have an attendant and comfort station at the Middle School. The comfort station would take care of the entire field there which gets tremendous usage with various sports.

Trustee Stern stated that he believed the Board discussed the upgrade of the tennis courts and the platform tennis courts and the reason was because there are many residents they are not able to serve because of the quality and standard of the courts and they go elsewhere. The Village is losing money because of this. The Board is trying to do the best they can to improve this situation.

Trustee Marc Samwick stated that he has played on that tennis court, and it is a har-tru court.

In regard to the Assessor's office, Mr. Harrison stated that the Board should beware of the low priced offer of Management Partners, Inc.

Michael Levine , Walworth Avenue, stated that in regard to the proposal by Management Partners, Inc. to assess the Assessor's office, he is inclined to agree with Mr. Berg. A 179 hour project is not a lot of time and he questioned what will really come out of this. If the only person with assessment credentials **works 1/3 of the time, that is approximately 60 hours or 1 ½ weeks. For the work** that they are going to do, and the kind of situation that is at issue, that is not a lot of time. He stated he is concerned for the firm as to whether they really know what they are getting into or what the expectations of the Village are. They have a very aggressive goal for a very limited amount of resources. The Village should be able to figure this out on its own.

Jerry Napolitano , 11 Bronson Avenue, Eastchester, spoke regarding the fire that occurred on December 4, 2016 at Dr. Salamini's residence, 174

Boulevard. He noted that the firehouse on Popham Road was out of service at that time but it wasn't out of service because it was physically out of service, it was because there was an unavailable engine at the time. He stated that he is a former Eastchester Fire Commissioner. The Eastchester Firehouse #5 is .6 miles away. He was not sure if the Trustees were aware, but from a Mutual Aid perspective at the County level, the Village has the ability to request fire apparatus at the County level or from an abutting town. In this particular scenario, the adjacent fire department in Eastchester wasn't aware that the engine at Popham Road firehouse was out of service and it could have been taken care of easily by a phone call or message. The nearest responding unit to that fire was 1.8 miles away. From a dispatch perspective, Eastchester was not called. Based on how the County system is being run right now, Hartsdale, Scarsdale, Greenvale, New Rochelle, White Plains, and Fairview were called. Eastchester self-dispatched themselves because of radio traffic that was occurring on Route 22. Consolidated service would be a better service for the community of Scarsdale. He submitted to the Village Clerk a dispatch record he received from the County from a FOIL request.

Mayor Mark stated that people should be aware that Mutual Aid was in response for this situation pursuant to the Mutual Aid agreement. He stated that he was unaware of the situation with Eastchester and thanked Mr. Napolitano for bringing this to the Board's attention. However, he did not want anyone to think that Mutual Aid was not called upon in this instance; it was called upon and other Villages did respond and they responded magnificently.

Mr. Napolitano stated that the decision on how dispatching occurs in the County is done at the Chiefs' Association level which is a group of ex-Fire Chiefs in Westchester County that make the decisions and recommend them to 60-Control. Therefore, the Village needs to bring this to the attention of their local fire department to be more aware of these decisions. Apparently there was a very hard line between Scarsdale and Eastchester in this case that he feels delayed response dramatically.

Village Manager Pappalardo noted that the Village's Fire Chief is very active in that association and stated that he would discuss this with him.

Lika Levi, 21 Lockwood Road, stated that she hoped everyone reads her blog, www.savescarsdale.org and said that she would like to hear the Board's comments in this regard. She noted that she is waiting for answers on a few emails that she sent to the Village.

Ms. Levi stated that rather than hire consultants, the Village has to make its own decisions. Additional hiring will impact the budget. The people who

want to renovate the library should include a helicopter pad on their plans because the roads are in terrible shape. First you need the roads to get there.

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

* * * * *

Finance Committee

Upon motion entered by Trustee Samwick, and seconded by Trustee Finger, the following resolution regarding a Professional Services Agreement with Management Partners, Inc. for an Organizational Assessment of the Town/Village Assessor's Department was referred to Committee by a unanimous vote:

WHEREAS, the Village of Scarsdale places a high level of importance on trust in local government and the effective, efficient, and ethical delivery of public services, including those of the Assessor's Department, which directly influence the lives of every Scarsdale resident and homeowner; and

WHEREAS, community controversy arising from completion of the 2014 and 2016 revaluations precipitated the need to thoroughly examine both the Village's approach to conducting and overseeing future revaluations, and also the Assessor's Department structure and operations; and

WHEREAS, although Village staff is prepared to draft a report citing specific potential process and operational improvement strategies gleaned from careful consideration of the facts surrounding the 2014 and 2016 revaluations, production of an independent, comprehensive, thoroughly researched analysis inclusive of actionable recommendations and reflective of external stakeholder perspectives and feedback is prudent; and

WHEREAS, such a comprehensive, objective organizational assessment of our approach to revaluations and the Assessor's Department staffing and operations not only requires a significant amount of time unavailable to staff, but also the credibility of such an undertaking would be greatly enhanced if performed by a qualified third party; and

WHEREAS, after soliciting and evaluating proposals from qualified local government management consulting firms, staff recommends award of a professional services agreement for an Organizational Assessment of the Assessor’s Department to the firm Management Partner’s, Inc., of Cincinnati, OH, a management consulting group with demonstrated ability to successfully execute the scope of work, having also been the lowest bid proposal received for the project; now, therefore, be it

RESOLVED, that the Village Manager is herein authorized to execute an agreement, in substantially the same form as attached hereto, with Management Partners, Inc., 1730 Madison Road, Cincinnati, OH 45206, for an Organizational Assessment of the Assessor’s Department; and be it further

RESOLVED, that the costs associated with this agreement be charged to the appropriate Capital Budget Project Planning and Planning Department Operating Budget Contractual Services accounts, divided as determined by the Village Treasurer: H-1997-961 2017-105 and A-8020-ADMIN-ADMIN 400-458, respectively.

* * * * *

Trustee Samwick noted that the Committee of the Whole meeting to discuss Management Partners, Inc. will be held on Tuesday, February 28th in the Third Floor Meeting Room at 6:00 p.m. and the intention is to record that meeting so that it can be viewed by the public.

Trustee Veron stated that the Board has been discussing the revaluation process for many, many months and one of the things that the Board did was to direct the Village staff to look into potential firms to assess the Assessor’s office, and she believes that they have been doing so since last October. Although the proposal only arrived in the packet this weekend, this is something that has been ongoing for several months. The Village Manager will go into detail at the meeting and has had many conversations with potential vendors. She stated that she looks forward to referring matter to the open meeting scheduled for next Tuesday, February 28th where all questions can be discussed.

Village Manager Pappalardo stated that Management Partners is a very professional management firm and they will come to the meeting and answer any questions that the Board has.

* * * * *

Upon motion entered by Trustee Samwick, and seconded by Trustee Finger, the following resolution regarding Establishing Fiscal Year 2017-18 Recreation Fees and Charges was adopted by the vote indicated below:

WHEREAS, the Village annually reviews its Recreation Fees and Charges with input from the Advisory Council on Parks and Recreation and the Board of Trustees' Finance Committee; and

WHEREAS, the Finance Committee reviewed the proposed Fiscal Year 2017-18 Recreation Fees and Charges Schedule at their January 19, 2017, meeting and approved the proposed fee changes as presented; and

WHEREAS, the Fiscal Year 2017-18 increases are proposed for the following new and existing programs, as detailed in the January 6, 2017, memorandum attached hereto:

- Day Camp
- Soccer Camp
- Sports Camp
- Independent Sports Organizations - Tournament Fee
- Trips
- Youth Sports Fee
- Key fobs for bathrooms
- Pool Permits
- Early Morning Swim;

now, therefore, be it

RESOLVED, that the fees and charges for recreation programs identified in the

Recreation Fees and Charges Schedule, dated February 7, 2017, attached hereto and made a part hereof, are herein adopted and shall remain in effect unless amended by resolution of the Village Board.

<u>AYES</u>	<u>NAYS</u>	<u>ABSENT</u>
Trustee Finger	None	Trustee Callaghan

Trustee Pekarek
Trustee Samwick
Trustee Stern
Trustee Veron
Mayor Mark

* * * * *

Upon motion entered by Trustee Samwick, and seconded by Trustee Pekarek, the following resolution regarding Acceptance of Gifts for the Scarsdale Public Library Addition and Renovation Project 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, the following donations have been offered to the Scarsdale Public Library Addition and Renovation Capital Improvement Project: Johnson & Johnson as a matching gift - \$1,000; and Friends of the Scarsdale Library - \$236,987.85, with \$100,000 of that gift designated for the Elyse G. Maas Fund, a sub-account in the Library Capital Campaign Account; 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 the following gifts toward the Scarsdale Public Library Master Plan Improvement Project: \$1,000 from Johnson & Johnson; and, \$236,987.85 from the Friends of the Scarsdale Library, with \$100,000 of that gift designated for the Elyse G. Maas Fund; and be it further

RESOLVED, that the Village Treasurer take the necessary steps to complete the transaction and accept these financial gifts totaling \$237,987.85 and deposit said funds into the Library Capital Campaign Account and Elyse G. Maas Fund sub-account therein; and be it further

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

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Trustee Stern stated that the Library has an anonymous donor who will match dollar for dollar any donation given to the Library renovations fund beginning January 1, 2017 through December 31, 2017.

* * * * *

Land Use Committee

Upon motion entered by Trustee Samwick, and seconded by Trustee Finger, the following resolution regarding Authorization to Execute a License Agreement to Maintain Two Linden Trees and a Walkway in the Village Right-of-Way - 48 Franklin Road was adopted by the vote indicated below:

WHEREAS, Eldad Blaustein and Sharon Blaustein (hereinafter “Licensee”) are the current owners of certain real property known as 48 Franklin Road and identified on the official tax map of the Village of Scarsdale as Section 22, Block 11, Lot 64 (hereinafter “Property”); and

WHEREAS, the Licensee was issued a building permit for an addition and alteration to the home located on the property, including relocation of an existing walkway to run a straight path from the home across the grass portion of the Village right-of-way to Franklin Road; and

WHEREAS, upon final inspection of the construction work by the Building Inspector, it was discovered that two Linden trees had also been planted adjacent to the relocated walkway in the Village right-of-way;

WHEREAS, the Licensee was informed that the new stone walkway and Linden tree encroachments on Village property must be authorized by the Village Board through approval of a License Agreement; and

WHEREAS, the Licensee has requested that the Village Board approve a License Agreement to authorize the encroachments, enabling the legal use and maintenance of the new walkway and Linden tree landscaping in the Village right-of-way at the Licensee's expense in accordance with the associated plan, dated November 30, 2015, and included as "Exhibit A" of the License Agreement, attached hereto and made a part hereof; and

WHEREAS, the Village Engineer visually inspected the area and recommended to the Village Attorney the granting of a revocable License Agreement, as the walkway and landscaping would not create a visual or other obstruction or hazard, said recommendation conditioned upon the Licensee complying with certain conditions and requirements set forth in the License Agreement; and

WHEREAS, the Licensee is responsible for all future maintenance and repairs of the walkway, as well as for care and maintenance of the Linden tree landscaping in the Village right-of-way; and

WHEREAS, Licensee will indemnify and hold harmless the Village in all actions, claims, judgments, costs or expenses arising from said maintenance and use of the walkway and proper care and maintenance of the Linden tree landscaping, and shall 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 right-of-way; now, therefore, be it

RESOLVED, that the Village Manager is herein authorized to execute a revocable License Agreement in substantially the same form as attached hereto, with Eldad Blaustein and Sharon Blaustein of 48 Franklin Road, Scarsdale N.Y. 10583, to maintain a stone walkway and two Linden trees partially located in the Village right-of-way in accordance with the associated plans dated November 30, 2015, and attached as "Exhibit A" of said License Agreement; 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, maintenance and use of the walkway and Linden tree landscaping, and shall provide the Village with a certificate of insurance naming the Village as an additional insured at limits approved by the Village Attorney; and be it further

RESOLVED, that Licensee shall pay the Village the sum of \$1,000.00 as an administrative fee associated with the preparation and execution of said License Agreement, pursuant to the Fiscal Year 2016-2017 Village Wide Fees and Charges Schedule.

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

* * * * *

Law Committee

Trustee Finger explained the following resolution regarding Authorization to Execute an Intermunicipal Agreement with Westchester County for Provision of Telecommunications Services by Cablevision Lightpath, Inc. He stated that this is an agreement by which Village is essentially sharing services and getting better pricing through economies of scale by contracting with 38 municipalities and 25 School districts that participate in the Westchester County IMA.

Upon motion entered by Trustee Finger, and seconded by Trustee Veron, the following resolution was approved by the vote indicated below:

WHEREAS, Westchester County is party to an agreement with Cablevision Lightpath, Inc., (“Lightpath”) dated July 26, 2016, for the provision of telecommunications services from January 01, 2016, through December 31, 2020; and

WHEREAS, the County’s agreement with Lightpath includes the option to renew the agreement for two (2) additional five-year periods,

as was the case with the County's prior Lightpath agreement, which commenced March 02, 2000; and

WHEREAS, by way of an August 08, 2006, Village Board-approved Intermunicipal Agreement (IMA) with Westchester County and associated extensions, as authorized by New York State piggyback provisions, the Village has utilized the County's Lightpath agreement for delivery of internet, intra-facility networking, and phone service since 2006; and

WHEREAS, over the term of the Village's participation in the Westchester County IMA, Lightpath has installed fiber connections at Village-owned buildings including Village Hall, Public Safety, Central Garage, Crossways Firehouse, the Public Library, and Freightway Garage; and

WHEREAS, Lightpath maintains 210 phones for the Village, hosting and maintaining all equipment under a bundled agreement with a flat fee structure, as provided for under the bulk pricing terms and conditions of the Westchester County Lightpath agreement; and

WHEREAS, 38 municipalities and educational institutions in Westchester County, including the Scarsdale Union Free School District and the Westchester Library System, utilize Lightpath for their voice and/or data needs; and

WHEREAS, total data and voice costs under the County agreement would not increase beyond the approximately \$140,000 per year currently expended; and

WHEREAS, Village staff has reviewed the Lightpath data solution and believes that it will continue to competitively meet the needs of the Village for the term of the IMA; and

WHEREAS, staff recommends approval of the proposed Westchester County Intermunicipal Agreement attached hereto and made a part hereof; and

WHEREAS, the Village Attorney's Office has reviewed the proposed Intermunicipal Agreement with Westchester County and has approved it as to form; now, therefore, be it

RESOLVED, that the Village Manager is herein authorized to execute an Intermunicipal Agreement with Westchester County in substantially the same form as attached hereto, thereby engaging Cablevision Lightpath, Inc., to provide telecommunications services to the Village of Scarsdale through December 31, 2020; and be it further

RESOLVED, that the Village Manager is herein authorized to undertake administrative acts required pursuant to the terms of this agreement.

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

* * * * *

Upon motion entered by Trustee Finger, and seconded by Trustee Pekarek, the following resolution to Call for a Public Hearing on a Local Law to Amend Chapter 57 of the Scarsdale Village Code, Entitled Manager, was adopted by the vote indicated below:

RESOLVED, that a Public Hearing is hereby scheduled by the Board of Trustees of the Village of Scarsdale to be held in Rutherford Hall in Village Hall on Tuesday, February 28, 2017, at 8:00 p.m. to consider a proposed local law to amend Chapter 57 of the Scarsdale Village Code, entitled Manager; and be it further

RESOLVED, that the Village Clerk is hereby directed to publish notice of said hearing pursuant to Village Law.

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

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Trustee Finger noted that the above resolution does not concern a staffing increase but more of a titling increase so that the Village has a properly titled Assistant Village Manager.

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Municipal Service Committee

Upon motion entered by Trustee Pekarek, and seconded by Trustee Samwick, the following resolution for Authorization to Execute an Intermunicipal Agreement with Westchester County for the Use of Voting Machines was adopted by the vote indicated below:

WHEREAS, the Village of Scarsdale (“Village”) will conduct the Annual Village Election on Tuesday, March 21, 2017, necessitating the use of the Westchester County Board of Elections required voting equipment in connection with said election; and

WHEREAS, the Westchester County Board of Elections (“County”) has prepared a formal Agreement with respect to the use of said equipment, a copy of which is attached hereto and made a part hereof; and

WHEREAS, pursuant to the terms of the Agreement, the County will provide the use of six (6) Optical Scan Voting Machines, one (1) Ballot Marking Device, and three (3) Privacy Booths, as well as the technicians necessary to operate the voting systems; and

WHEREAS, the Village will be responsible for costs associated with the following: Transporting the equipment, printing of the ballots, provision of election inspection personnel, and obtaining appropriate insurance, as detailed in the Agreement; and

WHEREAS, the Village Attorney has reviewed the attached agreement and approved as to form; now, therefore, be it

RESOLVED, that the Village Board of Trustees herein authorizes the Village Manager to execute the attached Intermunicipal Agreement with the County of Westchester, in substantially the same form as attached hereto, for the use of voting equipment in connection with the March 2017 Village Election, as detailed in the agreement.

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

* * * * *

Upon motion entered by Trustee Pekarek, and seconded by Trustee Samwick, the following resolution regarding Additional Phase II Design Services with Grigg and Davis Engineers, PC, for the Popham Road Firehouse Renovation Project was adopted by the vote indicated below:

WHEREAS, the Popham Road Firehouse (Station 1), constructed in 1923, is in need of major renovation due to structural deterioration and functional obsolescence, in that it is unable to accommodate larger generations of fire apparatus; and

WHEREAS, Grigg and Davis Engineers, P.C., was engaged for Phase II Design Services pursuant to an agreement authorized by the Village Board on November 12, 2013 (\$356,748), with a subsequent change order approved by Village Board resolution on March 08, 2016 (\$486,449); and

WHEREAS, during the preparation of the construction bid documents and prior to advertising for bids, Village staff met with Volunteer Fire Company #1 (Company 1) to review the scope of the project and receive their input; and

WHEREAS, Company 1 requested and the Village agreed to allow Company 1 to utilize the basement garage space to store their antique engine, necessitating redesign and relocation of the planned firehouse basement sprinkler room; and

WHEREAS, the Village requested Grigg and Davis Engineers (G & D), the Village’s project consulting engineers, to revise the contract documents and redesign the plumbing system layout to allow for the relocation of the sprinkler room from the garage to a space within the firehouse basement area; and

WHEREAS, this additional design work resulted in further design costs to the Village in an amount totaling \$8,900, attached herewith as Exhibit J to the November 12, 2013 agreement, thereby increasing the total contract cost to \$495,349, which is 14.5% of the awarded construction cost of \$3,396,100; now, therefore, be it

RESOLVED, that the 2013 Phase II Design and Construction Administration Services Agreement with Grigg & Davis Engineers, PC, 21 Crossway, Scarsdale, NY 10583, is herein increased by an additional \$8,900 for design and bid documentation services pursuant to Exhibit J of the November 12, 2013 agreement, attached hereto and made a part hereof, for a revised total amount of \$495,349, to be paid from Station 1 available project funds, identified as a \$30,000 design contingency in the staff memo dated January 04, 2017, as included in the construction contract award agenda item dated January 10, 2017; and be it further

RESOLVED, that the Village Manager is hereby authorized to execute the additional professional services agreement, in substantially the same form as attached hereto, with Grigg & Davis Engineers, and to undertake all associated administrative acts as required.

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

* * * * *

Upon motion entered by Trustee Pekarek, and seconded by Trustee Samwick, the following resolution regarding Authorization to Retain Material Testing and Inspection Services for the Popham Road Firehouse Renovation Project was adopted by the vote indicated below:

- WHEREAS,** Popham Road Firehouse construction contracts were awarded by the Village Board on January 10, 2017, and construction is anticipated to commence before the end of February 2017; and
- WHEREAS,** in order to ensure construction contractors are performing quality work and using materials within specified contractual parameters, the services of an independent testing laboratory/geotechnical firm must be retained; and
- WHEREAS,** in January 2017 the Village prepared a Material Testing & Inspection Services Request for Proposals (RFP), with copies of the RFP sent to vendors experienced in this type of work; and
- WHEREAS,** the RFP provided for a schedule of costs for 40 separate inspection and testing service activities, with three (3) proposals having been received by the February 1, 2017 deadline; and
- WHEREAS,** due to the fact that the type and number of tests and inspections needed is dependent on variables such as site conditions and project sequencing, which renders lump sum total bid comparisons futile to accurately assemble, proposals were reviewed on the basis of the most advantageous pricing for day rates and sample testing services; and
- WHEREAS,** a review of the bids revealed that the most economical pricing for day rates and sample testing was received from Test-Con Incorporated, 16 East Franklin Street, Danbury, CT 06813, as identified on their proposal attached hereto and made a part hereof; now, therefore, be it
- RESOLVED,** that the Village Manager is herein authorized to enter into an agreement with Test-Con Incorporated, 16 East Franklin Street, Danbury, CT 06813, to provide material testing and inspection services in accordance with unit bid pricing

identified in their response to the Village’s Request for Proposals for Material Testing and Inspection Services; and be it further

RESOLVED, that cost associated with said work be charged to the Popham Road Firehouse Renovation Project Capital Budget Account # H-3497-962-2014-043B; and be it further

RESOLVED, that the Village Manager is herein authorized to undertake administrative acts as may be required in order to effectuate this work.

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

* * * * *

Upon motion entered by Trustee Pekarek, and seconded by Trustee Finger, the following resolution to Award VM #1214 - Furnish and Deliver Meter Interface Units was adopted by the vote indicated below:

WHEREAS, the Village of Scarsdale Water Department receives, pumps, treats, and distributes potable water to approximately 5,800 accounts, consisting of both village residents and residents of Eastchester Water District #1; and

WHEREAS, in an effort to increase water meter reading efficiency, the Village of Scarsdale has embarked on a program to install Meter Interface Units (MIUs), a device installed on each water meter that transmits usage data by radio frequency, enabling data to be collected by walking by or driving by an MIU-equipped water meter, rather than by physical meter inspection; and

WHEREAS, the current Water Enterprise Capital Budget includes \$150,000 for the purchase of additional MIUs for our Neptune brand meters; and

WHEREAS, on Friday, January 13, 2017, the Village advertised in the Scarsdale Inquirer for the receipt of bids under VM Contract #1214 - Furnish and Deliver 1,400 MIUs, and sent bid notification to the New York area’s only Neptune-authorized MIU distributor; and

WHEREAS, on the bid opening date of January 31, 2017, a sealed bid was received from Rio Supply, Inc., of New York, 100 Allied Parkway, Sicklerville, NJ 08081, at a unit bid price of \$106.00, for a maximum of 1,400 units totaling \$148,400; and

WHEREAS, Rio Supply, Inc., the only authorized reseller of Neptune-compatible MIU’s in the Scarsdale area, has satisfactorily supplied water meters and remote reading devices to the Village of Scarsdale in the past; now, therefore, be it

RESOLVED, that VM Contract #1214 - Furnish and Deliver 1,400 Meter Interface Units be awarded to the lowest responsible bidder, Rio Supply, Inc., of New York, 100 Allied Parkway, Sicklerville, NJ 08081, at the unit bid price of \$106.00, not to exceed budgeted appropriations; and be it further

RESOLVED, the cost of the units be charged to the Water Department Capital Projects, Account EWS-8310-DSTRB-CAPTL-500-50; and be it further

RESOLVED, that the Village Manager is hereby authorized to execute VM Contract #1214 on behalf of the Village of Scarsdale with Rio Supply, Inc., of New York, 100 Allied Parkway, Sicklerville, NJ 08081, and to undertake administrative acts as may be required pursuant to the terms of the Agreement

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

* * * * *

Recreation Committee

Upon motion entered by Trustee Veron, and seconded by Trustee Samwick, the following resolution regarding Authorization to Execute an Agreement with Southeast Consortium for Special Services Inc. was adopted by the vote indicated below:

- WHEREAS,** the South East Consortium for Special Services, Inc. is a voluntary not-for-profit corporation whose sole purpose is to provide therapeutic recreation services to Westchester County youth and adults with physical, developmental, learning, and emotional disabilities; and
- WHEREAS,** the Consortium provides these services through an inter-municipal agreement with the member municipalities of the City of Rye, Towns of Eastchester, Pelham, and Mamaroneck, the Villages of Bronxville, Mamaroneck, Port Chester, Rye Brook, and Tuckahoe, and the Town/Villages of Harrison and Scarsdale; and
- WHEREAS,** the Village has participated in this program since its inception 34 years ago and has found it to be a very beneficial and successful endeavor; and
- WHEREAS,** the Village of Scarsdale's cost to participate in the Consortium for calendar year 2017 is \$16,334, representing a 0% increase; now, therefore, be it
- RESOLVED,** that the Village Manager is hereby authorized to execute a 2017 renewal agreement, in substantially the same form as attached hereto, with South East Consortium for Special Services, Inc., to provide special recreation programs for Scarsdale residents with disabilities; and be it further
- RESOLVED,** that the 2017 program year cost of \$16,334 is hereby approved and shall be charged to the Recreation Department Operating Budget Account #A-7020- REC-DISAB-400-499.

AYES

Trustee Finger
Trustee Pekarek
Trustee Samwick

NAYS

None

ABSENT

Trustee Callaghan

Trustee Stern
Trustee Veron
Mayor Mark

* * * * *

Trustee Finger stated that this is a very good program that the Village participates in and the Recreation Department recommended that the Village continue utilizing the services of the South East Consortium. Those who need these services are well served by this organization.

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Other Committee Reports

None.

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Liaison Reports

Trustee Veron stated that she attended the Drugs and Alcohol Task Force Community meeting. She stated that this Task Force works as a subset of the Scarsdale Edgemont Family Counseling Service and it has grown in reach and effectiveness over the course of several years. It works in collaboration with the schools, parents, police officers, etc. The Task Force's information will be included on the Village website under the Scarsdale Edgemont Family Counseling tab, which includes prevention strategies and other important information.

Trustee Veron next reported that the Ad Hoc Committee on Communications recently met and is developing a resident survey. Most pressing right now is for those residents who receive Recreation Department emails to update the new website with their 'Notify Me' preference. We are now migrating to the new website and residents who have received at least two notifications from the Recreation Department must sign up on the new website to continue receiving Recreation Department notices. She instructed residents to visit the Village's website at www.scarsdale.com, and go to 'Notify Me', select that you would like to continue to receive Recreation Department emails. When you are on that list you can choose to receive many other notifications. She encouraged everyone to do this.

Trustee Veron next reported that the Personnel Committee of the Board is in the process of accepting application for vacancies on the Boards and Councils. Anyone can apply on line at the Village's website - just type in 'volunteer' in the search function, and you will also see the press release that has been circulated.

Trustee Pekarek stated that the website is incredibly powerful. She said that she signed up for notifications and she received notifications about the cancellation of garbage pickup last week when it snowed; she received notification that a Park and Recreation program was going to be cancelled; she found out tonight that there was a power outage in Fox Meadow. She also noted that there are RFPs that you can look at on the website. She encouraged everyone to go to the website and sign up for notifications.

Trustee Pekarek also noted that the Friends of the Scarsdale Parks (FOSP) have long been refurbishing Harwood Park and they have received donations from the New York State Department of Conservation (NYSDEC), Trees for Tribs - donations of trees and shrubs. The NYSDEC has a publication that is entitled 'The Conservationist' and in the February issue, there is a note about the FOSP and the refurbishing of Harwood Park. The NYSDEC is so happy with the work that the FOSP have done, they are continuing the partnership and will donate close to 300 shrubs and trees this year.

Trustee Finger reported on two programs that are coming up with the Scarsdale Teen Center. One is the Citizens Police Academy which is supposed to be a really great program for middle schoolers, and the second program is fencing.

Trustee Stern stated that he attended the Scarsdale Library Board meeting last Monday night. He reported that since the bond was passed by the Village Board, it set the fundraising activities with tremendous energy. Once the residents understand that this will be built, they start to come forward. As he mentioned earlier in the meeting, an anonymous donor is matching dollar for dollar any contribution from January 1, 2017 through December 31, 2017. The Library Board is very confident of meeting the Village's requirement in the commitment it made to the Village of raising the money.

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Written Communications

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.

Village Clerk Conkling reported that a total of twenty-eight (28) communications have been received since the last regular Board of Trustees meeting from the following:

- Fourteen (14) communications regarding the 2016 Revaluation and Article 78 from:
 - Dr. Alan Steinfeld, 82 Carthage Road
 - Anonymous Scarsdale Resident
 - Anthony Radin, 16 Lockwood Road
 - Barry Kula, 300 Boulevard
 - Chenggang Zhou
 - Chris Polos
 - Greg Soldatenko, Lenox Place
 - Jimmy Fink, 3 Deerfield Lane
 - Karl Thomas
 - Philip Maresco, 43 Ferncliff Road
 - Stephen & Mary-Alice Marchiony, Walworth Avenue
 - Melissa Sepe Chepuru, 7 Dickel Road
 - Xin Liu & Zhengyu Huang, 11 Hampton Road
 - Randi Margolin

Additional Correspondence was received from the following:

- Lika Levi, eight (8) written communications regarding:
 - Listing of approved demolitions
 - Comments concerning 53 Old Orchard & 12 Dolma Roads & FOIL Request w/response from Village Manager Pappalardo
 - Comments regarding legislation to protect homes; written correspondence posting procedure; & composting.
 - Preservation of historical homes; email request
 - The Non-Partisan System
 - Proposed Demolition of 23 Innes Road
 - Village FAR laws
 - Concerns regarding various topics including resident participation, media coverage, nominating committees, etc.
- (2) Communications from Mayra Kirkendall-Rodriguez, Fox Meadow Road, with a request to declare Scarsdale a Sanctuary City and a recommendation to translate recycling literature into Mandarin and Spanish.

- Eric Korsten, 52 Paddington Road, noting dangerous conditions at the intersection of Crane Road and East Parkway.
- (3) Communications from Robert Harrison, 65 Fox Meadow Road concerning a request to air the Finance Committee meeting on February 16th, Library Capital Project Fund Raising, and the Land Use Committee meeting regarding Freightway Site Development.

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Trustee Veron noted that on the Village's website, there are now pictures of the snowman contest and photos of residents in the snow.

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There being no further business to come before the Board, the meeting was adjourned at 10:02 P.M.

Donna M. Conkling
Village Clerk