

**THREE THOUSAND TWO HUNDRED NINETY-EIGHTH**

**REGULAR MEETING**

Rutherford Hall  
Village Hall  
February 27, 2018

A Regular Meeting of the Board of Trustees of the Village of Scarsdale was held in Rutherford Hall in Village Hall on Tuesday, February 27, 2018 at 8:00 P.M.

Present were Mayor Hochvert, Trustees Callaghan, Finger, Pekarek, Ross, Samwick 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 13, 2018 were approved on a motion entered by Trustee Finger, seconded by Trustee Pekarek, and carried unanimously.

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**Bills & Payroll**

Trustee Ross reported that he had audited the Abstract of Claims dated February 27, 2018 in the amount of \$1,935,746.82 which includes \$58,869.50 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 Pekarek and seconded by Trustee Finger, the following resolution was adopted unanimously:

**RESOLVED**, that the Abstract of Claims dated February 27, 2018 in the amount of \$1,935,746.82 is hereby approved.

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### Mayor's Comments

Mayor Hochvert reported that on February 16<sup>th</sup>, he was invited to a PT Council Legislative Committee meeting at Quaker Ridge which was attended by Board of Regents member Judith Johnson and State Senator Andrea Stewart-Cousins; also, a representative of Assemblywoman Amy Paulin. Ben Boykin, who is now the Chair of the County Legislature was also there, and a representative of Congressman Eliot Engel was there as well. Because of the shooting incident just days before the meeting, the most covered topic was this incident. However, the group was also updated on progress of issues that affect the teachers. They received rounds of applause for the work that they have done.

Mayor Hochvert stated that there was a Forum meeting on February 15<sup>th</sup>, where County Executive George Latimer was the featured speaker. Mr. Latimer spoke for an hour without a note, injecting important information as well as humor in some of his speech. He also appeared at the Recycling Center, of which Trustees Pekarek and Veron may speak more about as they were there also.

This past Sunday, Mayor Hochvert reported that there was a Sunday speaker meeting and Dan O'Brien and Jacob Appel shared stories about growing up in Scarsdale. Mr. O'Brien is a playwright and poet, and Mr. Appel has degrees in everything you can imagine. The bit of information that he liked most was that the Village's IT Director is the older brother of Dan O'Brien and he grew up just down two blocks from where he now lives on Woods – they grew up on Tunstall Road.

Mayor Hochvert stated that there was another meeting he attended with the Village Manager and a new reporter from Lohud, Nick Tantillo. Mr. Tantillo drives down from New Paltz and covers 8 counties in this area for Lohud. Mayor Hochvert stated that the reporter was very interested in Scarsdale and wanted to know everything about it; he hoped the Village would get good coverage from this also.

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### Manager's Comments

Village Manager Pappalardo stated that there was a meeting this evening before the Village Board meeting to hear from the consultants that were engaged by the Village to look at the Assessor's Department. The report came out this past Friday and they presented to the Board this evening. They went through their recommendations in a power point presentation (41 recommendations), took questions from the Board and the audience. As part of their scope of services, they will provide the Village with an implementation schedule for each one of their 41 recommendations. This will take them some time to prepare and it will be an opportunity to review those recommendations with the implementation schedule and prioritize. There were some questions from some members of the Board regarding

some data that they would like to see relative to reassessment practices of some of the communities that were reviewed and included in their study; we expect to get that information as well and provide that to the Board. There will be further review and discussion once that information is available.

Village Manager Pappalardo next called on Police Chief Andrew Matturro who was asked to come this evening to address the Board to discuss recent incidents that have occurred at the high school and middle school on consecutive days and evenings and the Scarsdale Police Department program for rapid response and active shooters.

Police Chief Matturro stated that in light of the recent tragic events affecting our nation's schools he wanted to take this opportunity to speak briefly about the ongoing efforts that the Scarsdale Police Department has been undertaking relative to this issue.

Chief Matturro stated that the Police Department has been training their officers for years in the latest rapid response techniques and continues to equip the officers appropriately. Approximately 17 years ago, they instituted the Rapid Deployment and Response Program where every member of the Department is trained in latest methods of tactical response to a school emergency. This ongoing training is conducted at the various schools throughout the district. In addition to this hands on and practical training, we also participate in templotop scenario based training. To ensure that our training and tactics are up to date and relevant, members of the department serve on our School Safety Tactical Response Committee which convenes to discuss current trends, training, and equipment needs. Each of our patrol vehicles is equipped with the tools necessary to respond immediately to an incident at the schools. Over five years ago, in cooperation with the district, the Police Department instituted the random school visit program, where the officers are assigned to randomly visit and conduct a walk-through of the Senior High School, Middle School, and Elementary Schools. This continues on a regular basis. The department also serves as a member of the School's district wide Safety Team and regularly participates in their exercises and drills. With regard to investigating complaints of suspicious behavior, persons, and events, they investigate each complaint immediately and take every complaint seriously. The patrol officers and investigation personnel use every law enforcement resource available in exhausting an investigation. Although they would like to provide information to the public immediately, they must thoroughly follow up on every lead and not risk presenting erroneous information that ultimately does more harm than good.

Police Chief Matturro encouraged members of the community to contact the Police directly when they believe they have information that would be helpful to their investigations. He asked them to be mindful that there is also quite a bit of misinformation shared on social media that does not serve to address these situations and does not give them the opportunity to conduct a proper follow-up. Lastly, he assured the community that

the Department will continue to work closely with the School District to address the safety of the school children.

**Robert Harrison**, 65 Fox Meadow Road, asked Police Chief Maturro to advise the public on the events that have occurred over the past few days.

Mayor Hochvert stated that the Police Chief will respond generally as there are still investigations going on in regard to those events.

Police Chief Maturro responded in regard to the High School event, stating that the school was notified at approximately 2:00 p.m.; the Police Department immediately followed up with that and through their investigation determined that the original poster of the Instagram message did not make a threat against the Scarsdale school system. It was in the press release that the information they received was in a screen shot and retweeted out by a group of people, whose intention was to warn fellow students and friends of the original post. However, that of and in itself was very disturbing, so the department followed up on that and determined that it was not a threat against the Scarsdale schools. The Police Department is still working with the mental health professionals and the Police Department in Rockland County where the original poster attends school.

Police Chief Maturro stated that they also received a report of suspicious activity of a middle school student today; again, an anonymous report of someone they suspected of being suspicious. The detectives interviewed and followed up on that for over seven hours today and determined that it was not a threat at this time to Scarsdale. He stated that he anticipates that they will continue to get these types of calls and he encouraged people to contact the Police Department to give them the opportunity to thoroughly check everything out and take the proper course.

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#### Trustee Committee and Liaison Reports

Trustee Veron reported to the community on the Library. They are busy getting ready for the transition and the community should expect to receive in the mail the latest Bookmarks edition which discusses the transition to Supply Field. The Building Committee is meeting this Friday. Their Construction Advisor is also bringing in the person who will be overseeing the construction, transitioning the responsibilities to that person. The person will be on site during the construction process.

Trustee Veron next reported on Municipal Services, stating that as the Mayor mentioned, she and Trustee Pekarek joined members of the Conservation Advisory Council (CAC), Ron Schulhof and Michelle Sterling, who gave a very detailed demonstration to County Executive Latimer and his team as a model community for food scrap recycling.

The County Executive was very interested in all the details and operations of the project. They spoke about what can be done on a County level to save costs throughout the area and also to afford the services to residents throughout the County who are interested in food scrap recycling. There are more discussions to be had, but this was a very positive discussion heading in the right direction.

Trustee Veron continued, stating that a public session was held to hear from members of the community who are responding to the sanitation report that was issued by the CAC. The Board appreciates the feedback from the community and they going to have a work session on Monday, March 5<sup>th</sup> at 8:00 pm to discuss how to move the report forward.

Trustee Pekarek reported that in addition to County Executive Latimer being present at the Recycling Center, Lou Vetrone, Deputy Commissioner of the Westchester County Department of Environmental Facilities was also present. She noted that Mr. Vetrone's department is doing a study on potentially siting food waste recycling composting facilities in Westchester – both in northern and southern locations; perhaps an aerobic digester or/and wind rows. They do have some funding from the State to investigate this to see if there is property available within the County to bring Scarsdale's food waste to a closer facility and afford other municipalities to do the same thing.

Trustee Pekarek also reported on information received from the Scarsdale Police Department that they had made an additional burglary arrest on February 21<sup>st</sup>. The Police Department arrested two individuals and charged both men with burglary in the 2<sup>nd</sup> degree, a Class C felony. Both suspects were arrested after officers in the area observed suspicious activity and surveilled the two defendants. They were taken into custody a short time later. The property stolen from the home burglarized was recovered from the defendants at the time of the arrest. The Scarsdale Police Department was assisted by the Greenburgh, White Plains, and Mt. Pleasant Police Departments.

Mayor Hochvert stated that in regard to the visit to the Recycling Center by the County Executive, they were delighted that approximately 20 people came to empty their kits. They also had a brief discussion about using the County land located opposite Home Depot in Yonkers as a transfer station. Mr. Latimer is going to look into that.

Trustee Ross spoke in regard to the Personnel Committee, noting that the terms of many of the members of the Village's Boards and Councils are expiring on April 2<sup>nd</sup>. In order to reappoint those individuals or appoint replacements for them, the Board's Personnel Committee met last night and discussed a number of applicants for those positions. They have received a number of applications from very well qualified, and very impressive public spirited Village residents. They continue to review them carefully and appointments will be made shortly. Applications were requested by March 1<sup>st</sup>; however, additional applications are still welcome.

Trustee Ross next reported on the Cable Television Commission. The Commission met last week. There is much interest in the community in improving the quality of Scarsdale cable programming. To that end, the Village Board is considering structures to facilitate that improvement.

Trustee Finger alerted the community to the Public Briefing Sessions regarding both the Operating Budget and the Capital Budget – those will be held on March 1<sup>st</sup> and March 7<sup>th</sup> at 7:00 pm on the 3<sup>rd</sup> floor of Village Hall. Those meetings will be very exciting because thanks to the efforts of the staff, the Village is looking at a levy increase of approximately 1.9%. Half of that is equal to increases in health insurance costs.

Trustee Finger added that the Village received the recent Moody's Investor's Service Report regarding the Village of Scarsdale. He noted that they report that the credit position of Scarsdale is outstanding and its AAA rating is much higher than the median rating for U.S. Cities. The report continues by stating that the financial position of the Village is very healthy.

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#### Public Comment

**Greg Soldatenko**, 1 Lenox Place, thanked the Trustees for their hard work. Mr. Soldatenko spoke regarding sections of the Scarsdale Village Code that are unconstitutional. These sections of the Code that limit freedom of speech only ignites arguments among neighbors, divides members of the community, and even results in theft and filing of lawsuits to stop unconstitutional interference with political speech. He cited in particular Section 256 of the Code and the absence of clarification in displaying political signs in Chapter 247. He stated that the elected officials should not wait any longer to immediately make the changes necessary to the Code. Mr. Soldatenko also stated that the Village should meet with members of the Committee for Fair Assessments and find a solution that will work for everyone in our community. He stated that whether it be fair assessments or amendments to the Village Code, neither the Board of Trustees or the Legal Department or the Assessor should take the uncompromising stance that it is 'my way or the highway.' They should never ignore valid complaints from Village residents or gestures to find compromises.

Mr. Soldatenko also spoke in regard to the report issued by Management Partners on the Assessor's Department. He noted that the report makes valid observations about the deficiencies related to communication and transparency in the Assessor's office.

**Robert Berg**, 32 Tisdale Drive, spoke concerning the issue of erecting political signs on the Village right of way. He explained that there was an upcoming vote on a bond issue for the Scarsdale School District and would be the largest public bond ever proposed by

either the School District or the Village. About 500 'Vote Yes' political signs were placed by residents on their lawns a few feet from the street curb. In late January the signs began to disappear; the signs had been removed and confiscated by the Police. Complaints had been received from other residents that the signs were placed in the Village right of way which violated Section 256-1 of the Village Code. Mr. Berg stated that this Section of the Code, when applied to political signs, is facially unconstitutional. He stated that requiring the Police Officers to enforce an unconstitutional Code provision and 'trample on our resident's first amendment rights to express their political views on their front lawns is simply disgusting.' Mr. Berg stated that he suggested that the Village immediately adopt and disseminate a policy allowing residents to post political signs in front of the residences within the Village right of way without the need for a permit. He had hoped that he would not have to file a Federal lawsuit against the Village, which he did bring on Monday, February 5<sup>th</sup> against the Village and the Police Department seeking a temporary restraining order enjoining the Village and the Police Department for removing or interfering with political signs placed by residents in the Village right of way by their residences. He stated that he expected the Board to be particularly sensitive to the issue of freedom of speech, and none of the Trustees did anything to stop the First Amendment violations from continuing. He accused them of wasting tax dollars and wasting the time and energy of the Police Department and intimidating the residents into legally removing their property and quashing their political expression. He further opined that the Board damaged the relationship between the Police Department and the residents and that each member of the Board failed to support the Constitution of the United States, and consequently failed the residents. He also noted that in the Scarsdale Inquirer, the Mayor noted that he did not think the Code needed to be changed. Mr. Berg wanted the Board to explain their action and/or inaction with respect to this issue.

Mayor Hochvert responded that he did not quite say what Mr. Berg noted him as saying with respect to Chapter 256. He said at the time that he didn't know that it needed to be changed – that's what he told them. He further stated that several of the things that Mr. Berg said, he believed, interfered with another issue in the Village. The only thing he would tend to agree with is having a short time to get a permit to erect a sign in the Village right of way. One of the reasons he believes that the Village has that requirement in the Code is that people don't like to clutter up the streets with signs and he thought that a distinction between what is a political sign and other forms of signs would be a very difficult thing to manage for any law enforcement group such as the Scarsdale Police. He stated that he did understand why the Judge pointed out that interval was not defined in the Code and he thought that should be dealt with. He did think, however, that people in this Village do not want their streets cluttered up with signs and the distinction may be difficult to manage. He stated that he is not sure where the issue that Mr. Berg raised with the Federal Judge is going to end up; however, it is not that it was something people could not do, it's just that they didn't apply for a permit which may have been granted immediately.

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

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### Finance Committee

Trustee Finger reported on the statements of expense and revenue for the various funds of the Village for the first seven months of fiscal year 2017-18.

General fund appropriations were 65.39% spent as of January 2018 as compared to 65.93% in 2016-2017.

General Fund Revenues other than property taxes are \$12,716,082 through January 2018. After adjusting for the sale of 32 Ferncliff (\$956,300) the resulting total of \$11,759,782 represents an increase of \$234,198 from the 2016-2017 figure of \$11,525,663. The 2017-18 tax penalty revenue is down over \$141,000 from 2016-2017. Last year's revenue included over \$240,000 in tax penalties on a single property. Mortgage tax increased \$273,500. Building Permit revenue (included in License and Permit revenue) is down \$13,100 from last year. This accounts for the reduction in overall License and Permit revenue. Parking revenue increased \$35,400 in 2017-2018. Court fines are down \$33,900 while miscellaneous revenue is up \$190,400 due to reimbursements from Con Ed for Police overtime. Recreation Department revenue decreased \$156,300 due to decreased enrollment in some summer camp and athletic programs. Cable TV and gross receipts taxes declined \$81,200. Investment income increased \$98,600 partially offsetting the drop in other revenue categories. Sales tax receipts rose \$31,600. Overall rental income increased \$71,800.

The actual collection of Village taxes through January 31, 2018 is at 99.51%. This is a decrease of 10 basis points from last year's collection rate.

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Upon motion entered by Trustee Finger, and seconded by Trustee Samwick, the following resolution Establishing Fiscal Year 2018-19 Village-Wide Fees and Charges was approved by the vote indicated below:

**WHEREAS,** Local Law # 4 of 1976 states that all fees and charges be established at least once a year by resolution of the Village Board of Trustees; and

**WHEREAS,** on an annual basis, the Village reviews its schedule of Village-Wide Fees and Charges relative to current operating costs, chronology of previous increases, and the completion of comparative municipal

surveys in conjunction with review and discussion with the Board of Trustees' Finance Committee; and

**WHEREAS,** for Fiscal Year 2018-19, fee modifications are provided for:

**Village Clerk/Taxi:**

- Taxi Cab Drivers License (First License & Renewal)
- Issuance of a Badge
- Re-Issuance of a Lost License

**Water:**

- Water Use Charges (Base Rate and Excess Rate)
  - Scarsdale Quarterly Accounts
  - Scarsdale Monthly Accounts
  - Eastchester Water District Quarterly Accounts
  - Eastchester Water District Monthly Accounts
  - Quarterly Accounts served Outside Scarsdale and Eastchester Water District

**Building Department:**

- Electrical Inspection Fee

**Department of Public Works & Village Engineer:**

- Right of Way License Agreement Annual Maintenance Fee

**Parking:**

- Non Resident Surcharge
- Replace Parking Permit (Lost or Stolen) – Scarsdale Meter Lot
- Parking Permits
  - Christie Place Annual
  - Scarsdale Meter Permit

**WHEREAS,** the Village Board's Finance Committee reviewed and discussed the proposed FY 2018-19 Village-Wide Fees & Charges Schedule at their meetings on February 1 and 15, 2018, having completed their review and recommending at the February 15, 2018 meeting, the Full Board's approval of the proposed fee changes and revised schedule; now, therefore, be it

**RESOLVED**, that the FY 2018-19 Village-Wide Fees & Charges Schedule dated February 21, 2018, attached hereto and made a part hereof, is herein adopted, effective June 1, 2018, with the exception of the Water Use Charge for quarterly accounts, which shall take effect for the August 1, 2018 water billing for water used during a three-month period covering portions of the months of March, April, May, and June 2018; and be it further

**RESOLVED**, that the Water Use Charge for monthly accounts shall take effect for the May 2018 water billing for water used beginning the month of March; and be it further

**RESOLVED**, that the Village Clerk is hereby directed to publish notice of the changes to the Village-Wide Fees and Charges Schedule.

AYES

NAYS

ABSENT

Trustee Callaghan  
 Trustee Finger  
 Trustee Pekarek  
 Trustee Ross  
 Trustee Samwick  
 Trustee Veron  
 Mayor Hochvert

None

None

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Upon motion entered by Trustee Finger, and seconded by Trustee Samwick, the following resolution regarding the Award of Contract #FS12-17 XA02 For Purchase of a New 1500 GPM, 100' Rear-Mount Quint and Authorization to Transfer \$125,000 in FY 17/18 General Fund Balance to Capital was approved by the vote indicated below:

**WHEREAS**, the Village of Scarsdale Fire Department is committed to the protection and preservation of life, property, and the environment from the adverse effects of fire and hazardous conditions through fire prevention, education, suppression, and training; and

**WHEREAS**, the August 2016 Fire Apparatus Reorganization and Replacement Plan, which was prepared to right-size our fleet, improve fire operations, and cultivate financial savings, called for the purchase of a new 1500 GPM Pumper, which is now in production, and a new multi-purpose single Quint fire apparatus, which together will replace four existing apparatus, thereby reducing overall operating costs; and

**WHEREAS,** Village participation in the Houston Galveston Area Council Buy (HGAC), an intergovernmental purchasing cooperative offering competitive pricing for fire apparatus, was authorized by Village Board resolution on July 11, 2017 (attached); and

**WHEREAS,** the Village has been satisfied with the production process associated with our prior purchase of Engine 54 from Seagrave Fire Apparatus, LLC, through HGAC, and fire staff research reveals they are also capable of manufacturing a competitively priced, high quality 1500 GPM / 100' rear-mount Quint that meets Scarsdale specifications; and

**WHEREAS,** the total price for the Quint is \$1,224,477.00, proposed in the FY 18/19 Capital Budget to be funded through a combination of sources, as follows:

\$125,000 from a FY 17/18 General Fund Transfer, requiring Village Board action;  
\$199,975 from the sale of the former Ladder 28, a 2008 Spartan/Crimson aerial; \$250,000 from the FY16/17 closeout, as per 08/08/17 Village Board Resolution;  
\$200,000 from a FY18/19 General Fund Capital Appropriation; and  
\$450,000 from a FY18/19 Bond Anticipation Note;

Now, therefore, be it

**RESOLVED,** that the Village Board authorizes and directs the Village Treasurer to transfer \$125,000 from the FY 17/18 General Fund Balance to Capital Account H-3497-962 2018-046, as called for in the proposed FY 18/19 Capital Budget; and be it further

**RESOLVED,** that the Village Manager is hereby authorized to execute HGAC contract #FS12-17 XA02, in substantially the form attached hereto, with Seagrave Fire Apparatus, LLC, of 7285 Solutions Center, Chicago, IL, 60677-7002 in the amount of \$1,224,477.00, to be drawn from Capital Budget Account H-3497-962 2018-046, subject to adequate FY 18/19 appropriations as detailed herein in accordance with the proposed FY18/19 Capital Budget and Plan; and be it further

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

<u>AYES</u>	<u>NAYS</u>	<u>ABSENT</u>
Trustee Callaghan	None	None
Trustee Finger		
Trustee Pekarek		
Trustee Ross		
Trustee Samwick		
Trustee Veron		
Mayor Hochvert		

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Land Use Committee

Upon motion entered by Trustee Veron, and seconded by Trustee Pekarek, the following resolution regarding the Shop and Share Sidewalk Sale was approved by the a unanimous vote:

- WHEREAS,** the proprietor of “I Am More Scarsdale” has requested permission to conduct a charitable Sidewalk Sale in the Village Center on Thursday, April 26, 2018 and Friday, April 27, 2018, from 10AM-6PM each day; and
- WHEREAS,** the event, entitled “Shop & Share” is similar to the Scarsdale Chamber’s annual Sidewalk Sale, with participating merchants displaying and selling merchandise on the sidewalk, however a portion of the profits will be provided to the Family Services of Westchester, a not-for-profit agency that runs more than 50 social service and mental health programs in Westchester County; and
- WHEREAS,** all participants in the Shop & Share Sidewalk Sale shall agree to furnish public liability insurance, naming the Village of Scarsdale as an additional insured, and to execute an indemnification agreement; and
- WHEREAS,** all other licenses and permits relative to tent(s) assembly, amusement devices and sale of food must be secured by merchants and vendors prior to the event and be in the possession of the merchants during the event; and
- WHEREAS,** upon completion of the event, the participants will restore all public areas utilized to the same condition as before the Sidewalk Sale; and

**WHEREAS,** Marcy Berman-Goldstein of “I Am More Scarsdale” and Michael Rosen of “Eye Gallery” are the designated co-chairs for this event and are responsible for organizing the Scarsdale Merchant Community and transmitting insurance documentation to the Village; now, therefore, be it

**RESOLVED,** that Marcy Berman-Goldstein of “I Am More Scarsdale” and Michael Rosen of “Eye Gallery” are hereby authorized to organize the Scarsdale Merchant community for the purposes of utilizing the Village-owned sidewalks located in the Village Center in connection with the Shop & Share Sidewalk Sale on Thursday April 26 and Friday, April 27, 2018; and be it further

**RESOLVED,** that all participants shall furnish public liability insurance and an executed indemnification agreement in accordance with the applicable whereas clause contained in this resolution prior to the event; and be it further

**RESOLVED,** that the \$125.00 tent permit fee in conjunction with the 2018 Shop and Share Sidewalk Sale is herein waived by the Village Board, subject to participating merchants filing an application with the Fire Department and obtaining subsequent approval; and be it further

**RESOLVED,** the Village Manager is herein authorized to execute the attached Special Event Permit.

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In regard to the aforementioned resolution, Trustee Veron stated that they are working very hard to promote vitality in the Village Center and encourage foot traffic. She is delighted that the merchant community is taking a strong interest. She thanked Assistant to the Village Manager Josh Ringel who worked with the merchants to help facilitate the Shop and Share Sidewalk Sale.

Trustee Veron noted that the Farmer’s Market will be outside at that point; therefore, there was much collaboration between the merchants and the Farmer’s Market to create vitality during the Shop and Share Sidewalk Sale.

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Municipal Services Committee

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

**WHEREAS,** the Village of Scarsdale (“Village”) will conduct the Annual Village Election on Tuesday, March 20, 2018, necessitating the required use of Westchester County Board of Election 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 four (4) 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 2018 Village Election, as detailed in the agreement.

AYES

Trustee Callaghan  
 Trustee Finger  
 Trustee Pekarek  
 Trustee Ross  
 Trustee Samwick  
 Trustee Veron  
 Mayor Hochvert

NAYS

None

ABSENT

None

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Upon motion entered by Trustee Veron, and seconded by Trustee Pekarek, the following resolution regarding Authorization to Execute the First Amendment to Agreement No. 15-958 Westchester County Snow and Ice Removal Agreement was approved by the vote indicated below:

**WHEREAS,** The County of Westchester owns 3.22 lane miles of road within the Village of Scarsdale which require snow and ice removal services in order to provide reasonable passage and movement of vehicles; and

**WHEREAS,** in the interest of public safety the Village of Scarsdale has historically provided this service to Westchester County through various inter-municipal agreements (IMA); and

**WHEREAS,** the latest Westchester County IMA has a five (5) year term which runs from October 1, 2015 through September 30, 2020 (Agreement No. 15-958), with said IMA attached hereto and made a part hereof; and

**WHEREAS,** the County of Westchester has determined that clarification concerning the scope of services is necessary and that an increase in the rates paid to the Municipality for the services is appropriate; and

**WHEREAS,** the County has proposed the First Amendment to intergovernmental Agreement No. 15-958, Westchester County Snow and Ice Removal, for the limited purposes of clarifying the Scope of Services, to exclude such routine maintenance items as filling pot holes, removal of trash, removal of dead animals, and other County roadway maintenance roles and responsibilities, and to increase the rates payable for services rendered, as reflected in Schedules A and B of the proposed amendment; now, therefore, be it

**RESOLVED,** that the Village Board of Trustees hereby authorizes the Village Manager to execute the First Amendment to Agreement No. 15-958 Removal of Snow and Ice from Westchester County Roads, in substantially the same form as attached hereto, and to undertake all administrative acts necessary pursuant to the amendment.

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

Trustee Pekarek  
Trustee Ross  
Trustee Samwick  
Trustee Veron  
Mayor Hochvert

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Recreation Committee

Upon motion entered by Trustee Callaghan, and seconded by Trustee Samwick, the following resolution regarding the Scarsdale Art Association – Art Show in Chase Park was approved a unanimous vote:

**WHEREAS,** the Scarsdale Art Association has held an Annual Art Show in Chase Park for over 17 years, which has been well received by the community; and

**WHEREAS,** the event organizers recently filed a permit application to hold the 2018 Art Show in Chase Park on Saturday, October 13, 2018, and Sunday, October 14, 2018, with rain dates of October 20, 2018 and 21, 2018; and

**WHEREAS,** upon completion of the event, the participants will restore all public areas utilized to the same condition as they existed before the Art Show; and

**WHEREAS,** the Scarsdale Art Association has filed an appropriate certificate of insurance listing the Village as an additional insured and signed hold harmless agreement; now, therefore, be it

**RESOLVED,** that the Scarsdale Art Association is hereby authorized to utilize the Village-owned Chase Park for the purpose of holding the Art Show on Saturday, October 13, 2018, and Sunday, October 14, 2018, with rain dates for October 20, 2018 and 21, 2018; and be it further

**RESOLVED,** that the Village Manager is authorized to execute the attached Village Event Permit form and banner request form.

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Sustainability Committee

Upon motion entered by Trustee Pekarek, and seconded by Trustee Samwick, the following resolution regarding Calling for a Public Hearing on a Local Law to Amend Chapter 281 of the Scarsdale Village Code, Entitled Trees, Grass, Brush and Weeds was approved 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, March 13, 2018, at 8:00 p.m. to consider a proposed local law to amend Chapter 281 of the Scarsdale Village Code, entitled Trees, Grass, Brush and Weeds and be it further

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

AYES

Trustee Callaghan  
Trustee Finger  
Trustee Pekarek  
Trustee Ross  
Trustee Samwick  
Trustee Veron  
Mayor Hochvert

NAYS

None

ABSENT

None

Before reading the above resolution, Trustee Pekarek stated that community groups and the Village Trustees began the tree conversation in 2013. Between then and now, many Board of Trustee Committee meetings were centered on our trees. A working group comprised of the Friends of the Scarsdale Parks, Conservation Advisory Council, Village Staff and the Village Board representation was formed in late 2017 with the goal of presenting amendments to the Tree Code, Chapter 281 of the Village Code for Board consideration and review. The Law and Sustainability Committee convened four public meetings where discussion was robust and modifications were made to address residents' concerns of increased tree regulations on private property, among other things. All public comments, guidance from the working group, Village staff, and the Board of Trustees' input, ideas, collaboration, discussion, compromise and patience has made these amendments more reasonable while attempting to pay homage and attention to our Village in a Park character. These consensus amendments represent an effective means to enhance trees in our Village, on public and private properties, for individual projects, and larger, new construction and subdivision considerations. She thanked the working group, Ingrid Richards, Assistant Village Manager; Madelaine Eppenstein, Friends of Scarsdale Parks; Lee Fischman, Conservation Advisory Council; Dan Hochvert, before becoming Mayor; Friends of Scarsdale Parks, Ron Schulhof, Conservation Advisory Council; Jon Weisman, Conservation Advisory Council; David Goessl, Village Engineer; Liz Marrinan, Village Planner; Samantha Garrison, Deputy Village Attorney. She also thanked all of the Village staff who worked on this project and to the Village Board.

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### Written Communications

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

- An email from Emily Gilman regarding the CAC Sanitation Study Recommendations.
- A letter from George Lederer, 5 Foxhall Road, commending Officer Moleski of the Scarsdale Police Department. A letter of appreciation from Police Chief Matturro is attached.
- An email from Susan Levine, Ardmore Road regarding removal of signs.

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### Future Meeting Schedule

- *Monday, March 5, 2018* – Joint Village and School Board Meeting - 6: 30 P.M. – Scarsdale High School Room 370
- *Monday, March 5, 2018* – Municipal Services Committee Meeting – 8:00 P.M. – Rutherford Hall
- *Tuesday, March 13, 2018* – Personnel Committee Meeting– 5:30 P.M. – Trustees’ Room
- *Tuesday, March 13, 2018* – Agenda Committee Meeting– 7:30 P.M. – Trustees’ Room
- *Tuesday, March 13, 2018* – Village Board Meeting– 8:00 P.M. – Rutherford Hall

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### Finance Committee Meetings

Tuesday, March 13, 2018 – 6:30 P.M. - 3<sup>rd</sup> Floor Meeting Room

### Briefing Sessions – 3<sup>rd</sup> Floor Meeting Room

Thursday, March 1, 2018 – 7:00 P.M. – Operating Budget

Wednesday, March 7, 2018– 7:00 P.M. – Capital Budget

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There being no further business to come before the Board, the meeting was adjourned at 9:10 P.M. on a motion entered by Trustee Pekarek, seconded by Trustee Finger and carried unanimously.

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Donna M. Conkling  
Village Clerk