

THREE THOUSAND TWO HUNDRED SEVENTY-FIFTH
REGULAR MEETING

Rutherford Hall
Village Hall
February 28, 2017

A Regular Meeting of the Board of Trustees of the Village of Scarsdale was held in Rutherford Hall in Village Hall on Tuesday, February 28, 2017 at 8:00 P.M.

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

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Mayor Mark stated that the Board has a special guest present this evening; Taryn Casey from the Fox Meadow School. She has been Mayor for the day and had a good time touring the Village this morning. The staff was terrific.

Taryn Casey led the audience in the Pledge of Allegiance.

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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 Finger, seconded by Trustee Pekarek, and carried unanimously.

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Bills & Payroll

Trustee Samwick reported that he had audited the Abstract of Claims dated February 28, 2017 in the amount of \$581,900.84 which includes \$10,249.68 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 Samwick and seconded by Trustee Veron, the following resolution was adopted unanimously:

RESOLVED, that the Abstract of Claims dated February 28, 2017 in the amount of \$581,900.84 is hereby approved.

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Mayor's Comments

Mayor Mark stated that he had two topics to comment on this evening:

“Article 78 Proceeding: Why the Village Moved to Dismiss the Petition: Since 2014, the Village has been roiled by the fallout from two Village-wide revaluations: the first by Tyler Technologies, the second by J.F. Ryan. Both of these revaluations were the result of well-intended attempts to address perceived unfairness in the allocation of property taxes among residents. The 2014 process, the first Village-wide revaluation in approximately 45 years, prompted vociferous complaints from some residents claiming that the model used was flawed. In considering the appropriate timing to address the complaints, the Village Board thought it was important after spending approximately \$1 million on the Tyler revaluation to do a follow-on revaluation in order to keep assessed values current in the face of quickly moving market forces. As a result, the second revaluation was done after a two-year interval. It too prompted vociferous complaints from other groups of residents who also argued that the model used was flawed.

Over the past eight months this Board has wrestled with the issues arising from the 2016 revaluation. We have met with staff, we have consulted with outside counsel, we have listened to residents' complaints and read their emails. Some of the Board's focus occurred during public sessions, some occurred during executive session as those discussions involved personnel issues and soliciting legal advice from counsel.

Subsequent to the filing of the Article 78 on January 13, 2017, we received a number of comments and emails urging the Village not to enter a defense to the action. The Village considered that request and as can be seen from the response it filed, chose to move to dismiss the petition. As to legal matters, the papers submitted by the Village speak for themselves. However, the reasons for taking this route can be explained succinctly. They are the same reasons which have been mentioned at prior Board meetings and will be summarized here. Specifically, the Article 78 petition presents the following issues:

1. This Board represents all of the Village residents. The petition ignores the fact that the vast majority of those residents have not formally complained about the revaluation for a variety of reasons.
2. Reinstating the 2015 roll, even if legally possible, would deprive those who did not grieve in 2015, but who might wish to do so, the inability to pursue that remedy. We have made this point before and it was also part of an observation made by a resident during the public comment portion of a prior Board of Trustees' meeting.
3. The central element of the relief sought -- an order directing this Board to void the 2016 reassessment roll is not an action the Board is legally authorized to take on its own.
4. Even if the 2015 assessment roll was reinstated, the administrative chaos it would create is potentially enormous. It would require not only the Village, but the School District and the County to re-set their tax rolls. For the County, that process would implicate not just Scarsdale, but would involve recalculating the allocation of County taxes among all 43 other municipalities in the County. It would also involve refunds and re-billings to virtually all residents at the Village, School District and County levels. The administrative complexity would likely be costly for all taxpayers including those already claiming hardship. The fiscal chaos that such a process could create is a factor to be considered in light of the alternatives already provided by the law.
5. Specifically, there is a clear, well outlined statutory remedy available to property owners who believe they have been over-assessed -- that is, the grievance process. For those who do not presently have unresolved grievances pending, a 20-day period during which grievances can be filed will open on June 1, 2017.
6. The Board understands that the grievance process does not address a sense of unfairness in the case of properties that may be perceived as being under assessed.
7. However, there is a straightforward means for addressing that issue and the other issues raised by the 2016 revaluation. Do another Village-wide revaluation, even if some may still be unhappy with the result. I have no doubt that that will occur and be executed in a thoughtful and transparent manner. However, until some organizational assessment of the functioning of the Assessor's Department is done, it is likely that community confidence in another revaluation would be undermined. This Board met earlier this evening to hear a presentation of such an assessment and has taken under advisement whether and how to proceed with such a project.

There is a belief among some that not defending against the Article 78 would somehow bring closure to the issues raised by the 2016 revaluation. We disagree. To the contrary, since this Board lacks the legal authority to do what the petition seeks, the pendency of the petition will simply prolong a period of uncertainty in the real estate market in Scarsdale and for residents trying to make financial plans. There is simply no legal authority for what the petitioner seeks in the way of relief.

These matters have cost us all an inordinate amount of time, effort and money. Time that might have been spent focusing on other Village issues - such as land use and sustainability to name two. To date, the Village has incurred \$12,350 in legal expenses with respect to the Article 78 matter. It goes without saying, but I will say it: this is not what I would have wished for us all when I started my term as Mayor. But here we are and it is still my hope that we can work through this difficult issue together.

Roads: Road repair is a chronic challenge for the Village. The Village Board and Staff get frequent requests to repair specific Village roads as well as questions on why more cannot be done than is currently the case. We noted the editorial and letter to the editor on this topic in last Friday's Inquirer. In light of those pieces and because we are in the midst of our budget process I thought it worthwhile to review observations on this subject that I have made in the past.

First, let me be clear. None of us are satisfied with the condition of some of our roads, including the ones we hear about from residents. In considering what to do about the situation, the principal issue to be addressed is a budgetary one. Secondly, there are logistical issues as to how much - how many miles - of the roads can be re-surfaced in one season.

Turning to budgetary matters first. There are approximately 79 miles of Village-owned roads. Note that certain roads that run through Village such as the Post Road, Weaver Street, the Heathcote By-pass and Palmer Road are state and county roads and so the Village does not have control over repairs on them. Note also that most of our roads are not in horrible condition. Sweeping statements that imply all 79 miles of Village roads are presently in need of re-paving tend to overstate the problem. Therefore, for hypothetical purposes, let us assume we wish to re-surface 10 miles of the roads most in need of attention.

The estimated cost of repaving a mile of road ranges from approximately \$350,000 to \$500,000. Among the variables affecting the cost include the condition of the underlying road bed - whether due to its age it has to be re-built or not - and whether the road has curbing that needs to be re-set, or have new curbing installed. For purposes of example, using the lowest average cost

mentioned above, it would cost \$3,500,000 to resurface 10 miles of roads. Assume then, that funding would be provided by a \$3,500,000 Village bond. Under the New York State Local Finance Law Section 11.00, the term of the bond would be limited to the probable useful life of the project being financed. In the case of the Village roads, the applicable period is a maximum ten years (see, NYS Local Finance Law Section 11.a.20(b)). Thus the term of any such bond could not exceed ten years. What would be the impact of the bond issue on the Village budget? Municipal debt is required to be amortized on a straight line basis. For ease of calculation in this discussion, let's ignore the interest portion of the debt which would otherwise have to be factored in. Amortizing the ten year bond would therefore add approximately \$350,000 per year of debt service cost to our Village budget - actually, somewhat more than that when interest is included. That amount equates to approximately 1% of tax rate to put it into context.

For those who remind us of the importance of long-term financial planning, it is noted that it is not considered good planning to borrow long to solve a currently recurring problem. Pot holes, road restoration after utility service repairs and more general road deterioration are on-going annual maintenance issues. While the degree of deterioration varies year-to-year, road repair can be counted on as a hardy perennial.

The fact is that the Village does have a program for resurfacing roads and addresses roads considered to be most in need of repair every year. During fiscal year 2016-2017, the Village resurfaced, and did related work on curbing, on the following Village roads:

- Autenreith Road (Popham Rd to Church Ln)
- Brewster Road (Chesterfield Rd to Cohawney Rd)
- Fairview Road (Post Rd to End)
- Dickel Road (Post Rd to Fairview Rd)
- Greendale Road (Windmill Cir to Fairview Rd)
- Oxford Road (Greendale Rd - Park Rd)
- Mamaroneck Road (Mohican Trail -- Middle School)
- Mamaroneck Road (Palmer Rd - Crossway)
- Canterbury Road (Mamaroneck Rd - Catherine Rd)
- Foxhall Road (Secor Rd - Mamaroneck Rd)
- Oakwood Place (Autenreith Rd - Woodland Pl)
- Woodland Place (Chase Rd - Crane Rd)
- Stonehouse Road (Crane Rd - Center of loop)
- Crane Road (Post Rd - Stonehouse Rd)
- Ogden Road (Paddington Rd - Brewster Rd)
- Church Lane (Popham Rd -- Crane Rd)

- Copper Beech (Weaver St - Dead End)
- Normandy Lane (Griffen Ave - Dead End)
- Black Birch & Magnolia Roads (Saxon Woods - Magnolia)
- Saxon Woods Road (House # 144 - Village Limit)

This work aggregated 4.15 miles of roads, and involved the resetting of 8,150 linear feet of curbing and the installation of 3,301 linear feet of new curbing. The cost of the resurfacing work was approximately \$1,258,000. The aggregate cost of the curbing work was approximately \$207,000. The total amount spent on road resurfacing and related curbing work in fiscal 2016-2017 was approximately \$1,465,000 or \$353,000 per mile.

There is a logistical consideration as well. Road maintenance is a seasonal business. The vendors that supply asphalt close their plants during the winter months since the fuel costs incurred to heat asphalt to the needed temperatures is too great to justify the cost of keeping the plants open. Thus, it is only once the temperature warms up that the asphalt needed can be purchased. In addition, road repaving generally is not done during the winter months for the same reason. So depending on the weather, this sort of work can only be done eight to nine months out of the year. Further, due to the seasonality of road repaving, the availability of contractors to do the work makes this a sellers' market when it comes to engaging firms to do the work - especially in years when the roads have suffered the most.

These practical factors place a limit on the number of miles of roads that can be re-paved in any given season. The end result of a multi-year bonding program might not look very different from the current approach but unlike the present approach, would produce the budgetary pressures noted.

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Manager's Comments

Village Manager Pappalardo stated that he would like to say a few words to the comments that were made before the Village Board at the February 14th meeting regarding the recent structural fire in Scarsdale at 174 Boulevard. To provide some context, the Scarsdale Fire Department's travel time response to the scene after receiving a dispatch call was 3 minutes and 22 seconds. The comments that we heard at the Board meeting on the 14th centered on the Westchester County Fire Dispatch Center which we refer to as 60 Control. Specifically, their dispatch of Fire Departments serving in the Mutual Aid capacity as well as the Town of Eastchester's response to the 174 Boulevard fire. Regarding 60 Control, the Mutual Aid dispatch is predetermined by each Fire Chief as coordinated amongst all participating departments. A so-called run card

for each department is established, allowing for immediate dispatch of resources from neighboring departments when requested by the incident commander of any given emergency. The run card has several layers depending on the need for additional resources as the emergency unfolds. Scarsdale's run card does and has always included the Town of Eastchester. Fire Departments initially dispatched by 60 Control during a structural fire in Scarsdale are the Hartsdale and Greenville Departments in Greenburgh. If additional assistance is needed, Eastchester and the City of New Rochelle Departments are called, and so on. This predetermined dispatch protocol was deployed for the 174 Boulevard fire; however, in this case, the Eastchester Fire Department on duty heard multiple calls through the Eastchester Police radio of a working fire at the Scarsdale/Eastchester border and decided to self-dispatch to the scene from the Wilmot Road firehouse with both a ladder and engine truck. As the Wilmot Road firehouse is less than a mile from the Scarsdale border, Eastchester was the first mutual aid company responding to the scene, arriving shortly after the Scarsdale Fire Department. Upon arrival, Scarsdale's incident commander directed Eastchester to secure a positive water source and fight the fire at the rear of the home.

In the aftermath of the 174 Boulevard fire, he and Scarsdale Fire Chief Seymour have discussed opportunities to temporarily modify the 60 Control dispatch run card over the next 12-18 months while the Popham Road firehouse is closed for construction. The proposed modification would involve Eastchester Fire Department being dispatched on the first alarm along with Hartsdale and Greenville when a structural fire call is received south of Popham Road. The Chief has contacted the Eastchester Fire Chief as this modification requires Eastchester's consent prior to implementing through Westchester County. In addition, the Chief has issued a general department directive that the Fire Captain on duty call the Eastchester Fire Department and request the dispatch of the appropriate fire apparatus if a structural fire call is received south of Popham Road.

Village Manager Pappalardo stated that he will update the Board and community on their efforts in this regard as they progress.

Village Manager Pappalardo stated that he would like to call on the Library Director, Beth Bermel, who is here this evening and will provide the Board and the community with an update on the Library's fund raising effort for the Library project.

Beth Bermel, Library Director, stated that to date, \$2,239,390 has been received in cash for the Library project, and an additional \$266,890 in pledges. That amount includes a fulfillment of a \$500,000 pledge that was made in 2016

contingent on the bond approval. Two donors stepped forward with two challenge grants of \$1 million apiece, so that every dollar they raise as pledges and payments between January 1st and December 31st is doubled. She continued, stating that \$377,640 of the total gifts and pledges has been received since January 1st and will be doubled at the end of the calendar quarter. Adding that in, they have raised nearly \$3 million by the end of the quarter. All the gifts they receive through the Friends of the Library are then turned over to the Village on a monthly basis. She stated that she would like to report on the fundraising on a quarterly basis. They have naming opportunities of which a number are now spoken for. The campaign treasurer has been instrumental in negotiating the terms of a credit facility with Country Bank, secured by written pledges of up to \$1.5 million that they can draw upon when they are ready to begin construction. This will allow them to continue accepting multi-year pledges from donors but they should have the necessary cash on hand to trigger the bond and get the construction moving forward. She brought some campaign booklets and distributed them to the Board.

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Public Hearing:

Mayor Mark stated that a public hearing is scheduled for this evening to consider a proposed local law to amend Chapter 57 of the Scarsdale Village Code, entitled Manager. He asked Village Manager Pappalardo to briefly explain this proposed local law.

Village Manager Pappalardo stated that this is a ministerial item. The title of Assistant Village Manager is a competitive class under New York State Civil Service which is administered for Scarsdale by the County of Westchester. The Village is seeking to create a second Assistant Village Manager position for which to place one of the members of the Manager's office who is currently serving in an exempt administrative intern position. To do this, the County is requiring that the Village local law regarding the Village Manager be amended to provide for the second position and allow either of the two Assistant Village Managers that the Village would have if the title is approved, to be deputized in the Village Manager's absence. Currently the local law reads that only one of Assistant Village Managers shall serve as a Deputy in the Manager's absence. The County is requiring that if the Village is going to have two Assistant Village Managers that both of them be deputized or have the ability to be deputized in the absence of the Manager. This does not alter the full time staff; head count or budget in any way.

Mayor Mark opened the hearing to public comment. As there were no comments, Mayor Mark closed the public hearing.

Upon motion entered by Trustee Finger, and seconded by Trustee Pekarek, the Local Law to Amend Chapter 57 of the Scarsdale Village Code, Entitled Manager was approved by the vote indicated below:

INTRODUCTORY LOCAL LAW #2 OF 2017
A LOCAL LAW AMENDING CHAPTER 57 OF THE SCARSDALE VILLAGE
CODE
ENTITLED MANAGER

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

§ 57-3. Assistant to be selected as deputy.

The Village Manager shall designate no more than two ~~one~~ Assistant Village Managers as his/her deputy, who shall perform the duties and assume the responsibilities of the Village Manager during his absence or inability to act.

EFFECTIVE DATE

This Local Law shall take effect immediately upon filing with the Secretary of State.

Underline means addition.
~~Strikethrough means delete.~~

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

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Public Comment

Robert Berg , 32 Tisdale Road, stated that he was not part of the Article 78 proceeding, but as a taxpayer felt he was being saddled with the cost of paying for the Village’s defense. He asked why the Village has hired two

separate law firms to defend the Village; what is the financial fee arrangement with those firms, how much has the Village budgeted for the defense of the action; and how much has the Village spent so far defending the action?

Mayor Mark stated that he had already answered the last question: \$12,350.00 which includes everything spent to date.

Village Attorney Esannason stated that with respect to two counsels, he stated that both counsels are currently actively engaged in representing the Village. Mr. Rice represents the Village in a number of matters; he has represented the Village in Federal Court. In addition, Mr. Dan Vincelette is our Tax Certiorari Counsel, so he is experienced in certiorari matters and it makes sense that the Village combines resources and defend the lawsuit.

In response to a question from Mr. Berg asking what the fee arrangement is with the counsel as well as other related questions, Village Attorney Esannason stated that the Village has an hourly rate with each of the counsel; if Mr. Berg would like that information he can file a FOIL request and that information will be provided to him. It is in the area of \$200-250 per hour and is on a strict hourly basis. There is no specific budget for the defense of the action; it is on an hourly basis and depending on how far this litigation goes will depend on how much it actually costs. Generally, the Village does not enter into engagements where a cap is placed on the cost of services; if the Village desires representation and are in need of representation, the Village will pay for the appropriate representation to defend itself.

Village Manager Pappalardo added that in situations where the Village has to use outside counsel, there are monies budgeted in the Village Attorney's budget. There are some attorneys on retainer; labor counsel and others. The Village frequently finds itself in a position where an environmental attorney is needed, so they have been used in the past as well. However, staff will talk to the counsel about the engagement and what is going to be involved in terms of effort and cost. It is not that the Village just hires the counsel and it is open ended. That budget has been maintained well over the years. The Village does have that money available in the Attorney's budget for situations that arise during the course of the year. We try to do as much as we can in house, but there are needs sometimes for special counsel. In this particular case, Mr. Vincelette is a Tax Certiorari Attorney.

In regard to Mr. Berg's question as to how much this case will take to defend, Village Attorney Esannason stated that it is hard to predict; there is a motion pending and the Village does not know what the status of the motion is going to be. We don't know if the court is going to grant the motion; if the court

grants the motion that may end the litigation unless there is an appeal. If there is an appeal then obviously the Village will have to defend the appeal. It is hard to predict exactly what the cost will actually be, and with respect to what the Village Manager said, the Village Attorney's budget for outside counsel is approximately \$200,000 and in most instances the Village does not expend that much each year. A lot of the defense is done in house; some residents can tell him that. In instances where there is a specialized skill involved, the Village then looks for outside counsel. No estimate was provided to the Village as to the cost. The Village is not a law firm; it is a governmental entity - that distinction needs to be made clear.

Mr. Berg noted that he sat through the discussion at an earlier meeting this evening with Management Partners and the Board. He stated that this project is not a wise use of taxpayer monies and he was not assuaged by their presentation. This management firm has very limited experience dealing with Assessor's offices. He did not think that they understood the issues that Scarsdale has faced with the Ryan revaluation and the Assessor's office. He asked what the next steps are that the Village Board is going to take in this regard.

Mayor Mark responded by stating that the Board has to think about this issue and discuss it further with the staff; obviously the Board did not hire this firm this evening. The residents will be advised of any further steps.

Mr. Berg then asked Village Manager Pappalardo what percentage of roads in the Village are in excellent shape, poor shape, etc.

Mr. Pappalardo responded that he could not provide that information tonight; however, he could look it up for him tomorrow and provide the information to Mr. Berg.

Mr. Berg then stated that the New York State Thruway Authority issues high quality bonds for roads constantly. States across the country issue bonds to repair the roads. It is not out of the ordinary to bond for road repair and he suggested that the Village certainly embark on a strategic program of road repair in the Village using low cost municipal bonds to fund it so that some headway is made.

Mayor Mark stated that New York State is different from municipalities; New York State is not subject to the local finance law. Yes, bonds are issued for roads, there is no doubt about that. A number of years ago San Francisco issued hundreds of millions of dollars of bonds to repave all the roads and sidewalks. They wound up being unhappy because the program fell behind schedule and

costs escalated beyond what was budgeted. The issues involved are the ones he has tried to point out; he stated that he and Mr. Berg have a different view.

Robert Harrison, 65 Fox Meadow Road, congratulated Ron Schulhof and Michelle Sterling for the article in the Journal News regarding the Food Waste Recycling Program that they initiated in Scarsdale.

In regard to the comments made by Mayor Mark at the beginning of this evening's meeting, Mr. Harrison stated that there were not hundreds of people complaining after the 2014 revaluation as compared to the 2016 revaluation. He stated he filed a FOIL today for a copy of a contract or legal agreement with the attorneys that were retained.

Village Attorney Esannason stated that the Village has an ongoing agreement with both counsel in terms of the hourly rate; this litigation was added to their plate, so to speak.

Mr. Harrison asked if the Village's response to the Article 78 proceeding was available in Village Hall, to which Village Attorney Esannason replied in the affirmative, noting that it has been available on the website and in the Clerk's office

Mr. Harrison stated that the Village should not be spending taxpayer money defending the lawsuit, but should sit down and work out an agreement.

Regarding road conditions, Mr. Harrison stated that he believed that 30% of the 79 miles of roads in the Village are fair or poor in a report from several years ago. He asked Village Manager Pappalardo for the latest report on the road conditions. He hoped that the next Board would consider doing \$5 million in bonds over ten years for road repaving.

Mr. Harrison stated that he was at the meeting held earlier with Management Partners and the Board to discuss their proposal to evaluate the Assessor's office for a fee of \$35,000. He stated he is totally opposed and was not impressed by the firm.

Mr. Harrison next noted that the Board is having a joint meeting with the School Board next Monday, March 6th. In regard to the Teen Center, there may not have been many walk-ins, but there have been over 1,400 students that have visited the Center. He urged the Board to support the Teen Center and noted that Dan Hochvert supports the Teen Center as well.

Lastly, Mr. Harrison stated that his wife backed out of their driveway at 65 Fox Meadow Road and their car was crushed by an Alpine Tree Service truck - 14 wheeler bucket truck that came around the blind curve from the intersection of Ogden and Fox Meadow. There were no physical injuries but there was \$8,500 in damages to their car. He noted that there is a large tree at the intersection in the Village right-of-way that should be removed - it impacts the sight line.

Mayor Mark stated that the Village Manager has noted Mr. Harrison's concern about the subject tree.

Michael Levine, Walworth Avenue, stated that three months from tomorrow is the 2017 Tentative Roll; he suggested that there not be any surprises. By that he meant that if the Assessor's office is planning to do anything than continuing the official 2016 values, as a member of the public he is expecting continuation of the 2016 values. If the Assessor's office is planning something different; changes to facts, re-measuring, reevaluating square footages, changing conditions, anything - he felt it would be good to get that out publicly and/or on the Assessor's website so that it is not a last minute surprise. He stated that he is not aware of anything; however, he just wanted to make that point.

Mayor Mark responded that the Board is not aware of anything either, but it is a fair point.

Greg Soldatenko, Lenox Place, asked about the status of the unreleased emails.

Village Manager Pappalardo stated that in regard to the emails requested by Ms. Kirkendall-Rodriguez, the Village sent out this evening a response to her appeal. As the Appeals Officer, he went through the emails, of which there were 2,391 and he reviewed 2,000 and made decisions on those emails. There are still 391 to review and get through and he hoped they would be reviewed by March 10th. Again, an email was sent in response to Ms. Kirkendall-Rodriguez this evening.

Mr. Soldatenko asked how many emails were still being withheld.

Village Attorney Esannason responded, informing Mr. Soldatenko that the Village is not withholding any emails. There are emails under the law that the Village is permitted to withhold. Under the law, the Village is also required to give an explanation or to state what the basis is for withholding the emails is. What Mr. Pappalardo has indicated is that he has provided Ms. Kirkendall-Rodriguez

with the responses to 1,983 of those emails and has given her an explanation as to why those emails were withheld. In addition, he has turned over 17 emails that he believed she was entitled to review. The Village is not withholding any emails. She will be provided with an explanation of the basis for those 391 additional emails that she has not received that the Village has withheld.

Village Manager Pappalardo stated that this is based on the Freedom of Information and the statute - the emails are either protected by attorney/client privilege, interagency documents, or in many cases because a search had to be done of the website using key words. There were a number of emails that came back from the search that had nothing to do with the request.

Trustee Veron asked Village Attorney Esannason to share with the public how many emails he has gone through to date as a result of the FOIL requests? Also, she thought the number of FTE hours spent to respond to the FOIL requests should also be shared with the community. It is one's right to ask for this information, but they should understand what it takes to respond to the requests.

Village Manager Pappalardo responded for Village Attorney Esannason, stating that the Village provided 14,834 emails on July 18, 2016; 15,496 on October 13, 2016; and 1,144 emails were provided on December 8, 2016.

Trustee Stern stated that the Board has received requests this evening to not defend the lawsuit. He stated that it would be irresponsible and reckless of the Village not to defend a lawsuit brought against the Village. One of the residents in the resident group that are bringing the Article 78 lawsuit against the Village has brought many lawsuits against the Village and that has cost the taxpayers north of \$50,000 in defending those lawsuits. That person was basically not successful in any of those lawsuits. At one point, 40 Village residents came to a public meeting to encourage the Village to defend these lawsuits.

In terms of the FOILS, Trustee Stern stated that certainly everyone has the right to submit a FOIL request but the wide swath of the FOILs and the sheer number of them has cost the Village south of \$100,000. People should know that; he stated that he is also a taxpayer and everyone in the room is a taxpayer. While the idea of FOILs is supported, he felt that people should bear in mind that they do not come at zero cost.

Regarding the tax burden on the residents, Trustee Stern stated that the Board is trying to minimize the amount of the tax burden. A good part of the

tax bill is mandated by the State - pension fund and health insurance costs. The Village has cut everywhere it could to reduce taxes. If promises are made to cut the Village taxes, you will not only cut off the knees of the Village, you will cut off the knees of the residents of the Village and not make Scarsdale the safe and good place it is with all the amenities that it has.

Mr. Berg informed Trustee Stern that he was disturbed that he is blaming the victims here. The whole reason the Village has to respond to the FOILs is that the Village Board and management went forward with the Ryan revaluation. To blame the people that have been injured by this is very offensive to him.

Mr. Soldatenko stated that Trustee Stern's comments were offensive to him as well and said that he should be ashamed of himself for talking about him. He stated Trustee Stern was factually wrong.

Trustee Stern informed Mr. Soldatenko that he should look at the record.

Mayor Mark stated that the Board understands Mr. Berg's position and Mr. Soldatenko's position, the Board has expressed itself.

Mr. Soldatenko stated that the Mayor knows that Village staff withheld documents from public officials in the past.

Mayor Mark stated that he knew no such thing and that statement is preposterous. He stated that this conversation is over. Not a single thing has been withheld - tens of thousands of emails have been turned over and what has not been turned over fits squarely within the law.

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

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Finance Committee

Trustee Samwick reported on the statements of expense and revenue for the various funds of the Village for the first seven months of fiscal year 2016-17.

General fund appropriations were 65.93% spent as of January 2017 as compared to 65.69% in 2015-2016. The Village refunded the balance of the

2009 debt issue which added a book expense of \$7,094,558 to expenditures and \$6,295,000 to revenue.

General Fund Revenues other than property taxes are \$11,547,985 through January 2017, excluding the revenue of \$6,295,000 related to the bond refunding. This is a decrease of \$177,979 from the 2015-2016 figure of \$11,725,963. Building Permit revenue (included in License and Permit revenue) is \$12,600 greater than last year. Overall License and Permit revenue is up \$158,500. Parking revenue is improved almost \$63,700. Recreation Department revenue decreased \$166,200 due to decreased enrollment in some programs. However, there are some offsetting reductions in Recreation Department expense. Rental income decreased \$18,300 with an offset in Departmental Fees of \$14,700. Tax penalties and delinquent tax collections increased \$184,800. These, plus miscellaneous receipts increases of \$234,200 including the sale of equipment and insurance recoveries, along with Gross Receipts tax increases of \$98,700 largely offsetting the decrease of \$279,200 in Mortgage Tax and \$147,300 in State aid. The increase in delinquent tax collections is non-recurring as revenue from tax penalties will decline as the balance of delinquent taxes are reduced.

The actual collection of Village taxes through January 31, 2017 is at 99.61%. This is an increase of 37 basis points from last year's collection rate.

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Upon motion entered by Trustee Samwick, and seconded by Trustee Pekarek, the following resolution Establishing Fiscal Year 2017-18 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 2017-18, fee modifications are provided for:

Water:

- Service Connection Charges
- Water Use Charges (Base Rate only)
 - 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:

- Fuel Oil System Removal/Installation & Oil/Gas Burner Installation/Removal

Department of Public Works & Village Engineer:

- Food Waste Compost Kit
- Food Waste Composting 3&13 Gallon Bags
- Right of Way License Agreement

Parking:

- Parking Permits
 - Freightway Non-Resident (Semi-Annual)
 - Freightway Non-Resident (Annual)
 - Freightway Resident Summer 6/1-8/31

WHEREAS, the Village Board's Finance Committee reviewed and discussed the proposed FY 2017-18 Village-Wide Fees & Charges Schedule at their meetings on February 2 and 16, 2017, having completed their review and recommending at the February 16, 2017 meeting, the Full Board's approval of the proposed fee changes and revised schedule; now, therefore, be it

RESOLVED, that the FY 2017-18 Village-Wide Fees & Charges Schedule dated February 16, 2017, attached hereto and made a part hereof, is herein adopted, effective June 1, 2017, with the exception of the Water Use Charge for quarterly accounts, which shall take effect for the August 1, 2017, water billing for water used during a three-month period covering portions of the months of March, April, May, and June 2017; and be it further

RESOLVED, that the Water Use Charge for monthly accounts shall take effect for the May 2017 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.

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

* * * * *

Land Use Committee

Upon motion entered by Trustee Samwick, and seconded by Trustee Pekarek, the following resolution regarding Acceptance of Public Sanitary Sewer Line Easement - 225 Madison Road was adopted by the vote indicated below:

WHEREAS, Ms. Kim Miller is the owner of certain real property located at 225 Madison Road, as shown on the official tax map of the Village of Scarsdale as Section 12, Block 03, Lot 5; and

WHEREAS, during the site plan review for a proposed new detached garage located on Ms. Miller’s lot, it was discovered that a six inch (6”) public sanitary sewer line traversed through the property, said sewer line more accurately described in “Exhibit A” and depicted in “Exhibit B,” attached hereto; and

WHEREAS, upon a search of both Village and County of Westchester records, no easement for the sanitary sewer line had previously been dedicated to the Village of Scarsdale; and

WHEREAS, Ms. Miller is prepared to enter into a perpetual easement agreement allowing the Village to maintain the sanitary sewer line and appurtenances through the easement area,

more accurately described in "Exhibit A" and depicted in "Exhibit B"; and

WHEREAS, the Village Engineer has inspected the sanitary sewer line and has concluded that it is structurally sound, and that the sanitary sewer line conforms with the accompanying easement, as well as with the aforementioned "Exhibit A" and "Exhibit B"; now, therefore, be it

RESOLVED, that pursuant to New York State Village Law §4-412(3)(1), the Board of Trustees of the Village of Scarsdale hereby accepts the dedication of the public sanitary sewer line, more accurately described in "Exhibit A" and depicted in "Exhibit B," attached hereto and made part hereof; and be it further

RESOLVED, that the Village Manager is herein authorized to execute any and all necessary documents, accepting the sanitary sewer line and the accompanying easement over said sanitary sewer line, more accurately described in "Exhibit A" and depicted in "Exhibit B"; and be it further

RESOLVED, that the applicant, Ms. Kim Miller, or her representative, shall record the offer of dedication and easement in the Office of the Clerk of the County of Westchester, Division of Land Records.

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

* * * * *

Village Manager Pappalardo commented on the above resolution, stating that this sanitary sewer main on private property is common in the Village unfortunately because it complicates matters. When the Village was built out over the years a lot of these sewers ended up on private property. The Village does not have easements for a number of them so they were glad that they caught this one in the course of doing our work in Public Works. The Village has talked about this

issue with Westchester County and the Village’s obligation to study our sewer system. An agreement will be coming before the Board within the next few meeting to hire a firm to do that sanitary sewer evaluation study. At that time we can check to see if we have easements for them and they will endeavor to reach out to the residents and obtain the necessary easements and get them filed properly with the County. In this way the Village has the ability to enter private property to maintain the sewers and the residents will know that they shouldn’t be planting trees, placing fences or any other appurtenances over those sewers.

* * * * *

Municipal Services Committee

Upon motion entered by Trustee Pekarek, and seconded by Trustee Samwick, the following resolution regarding a Professional Services Agreement for Phase II Design, Bidding, and Construction Administration Services for the Supply Field Temporary Library was adopted by the vote indicated below:

WHEREAS, the Village of Scarsdale is obligated by both the NYS Education Law and the Westchester County Library System Service Plan to maintain certain library services during temporary closure of the Scarsdale Public Library to facilitate the planned Addition and Renovation project; and

WHEREAS, Village and Library staff investigated alternate temporary locations to host the necessary limited library services required by law, taking into consideration such factors as inventory, programmatic, operational, office and parking needs; and

WHEREAS, the unfinished, two-story, 3,100 square foot Village-owned structure known as the Supply Field Building, located at 244 Heathcote Road, was identified as the best location, providing for the aforementioned space requirements, a finished lobby, elevator, and a parking lot with approximately 30-35 parking spaces; and

WHEREAS, the Village hired the architectural firm of Fuller and D’Angelo (F&D), Elmsford, in March 2016 for Phase I Design Services to determine if the Supply Field Building’s second floor would constitute a viable solution for the temporary library; and

WHEREAS, F& D completed a conceptual plan in June 2016, SK-1 (attached), affirming location feasibility and incorporating

design solutions appropriate for the temporary library needs;
and

WHEREAS, in order to keep the Scarsdale Library Addition and Renovation project on schedule for construction commencement in April 2018, the Supply Field Building must be ready for temporary library occupancy by February 2018;
and

WHEREAS, in response to a Village request to provide a proposal for Phase II Design, Bidding, and Construction Administration Services pursuant to the SK-1 conceptual plan, F & D submitted a January 2017 proposal (attached) for \$59,500, plus \$1,500 for reproduction costs; and

WHEREAS, in recognition of F & D’s familiarity with the project, as well as their past successful performance with other Village projects including the original design and construction of the improvements to the Supply Field Building, staff recommends entering into an agreement with Fuller and D’Angelo, Elmsford, NY, for Phase II Design, Bidding, and Construction Administration Services at a cost of \$59,500; now, therefore, be it

RESOLVED, that the Village Manager is herein authorized to execute a professional services agreement with Fuller & D’Angelo, P.C., Architects and Planners (F&D), 45 Knollwood Road, Elmsford, NY 10523, in the amount of \$59,500 for Phase II Design, Bidding, and Construction Administration Services; and be it further

RESOLVED, that the Village Manager shall take all administrative acts necessary to fulfill the terms of the agreed scope of services identified in the agreement; and be it further

RESOLVED, that the transfer of \$61,000 from the General Fund Balance to Capital Account HL-7497-964-2017-076, Library Capital Supply Field Design, is herein approved to fund the Phase II Design, Bidding, and Construction Administration Services, including reproduction costs, in support of the Supply Field Building Temporary Library project

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

Trustee Pekarek
Trustee Samwick
Trustee Stern
Trustee Veron
Mayor Mark

* * * * *

Trustee Callaghan explained that he voted ‘nay’ on the above resolution for three reasons. Number one, he is uncomfortable with the parking situation and what particularly happens there on weekends. Number two, he is concerned about the due date of 2018. We have had experiences in this Village where those dates have not been met and there were cost overruns. Number three, the Library should examine if there are other alternatives that are less expensive.

Trustee Stern commented before he voted on Trustee Callaghan’s comments. He noted that he respects Trustee Callaghan and his opinion, however, as the liaison to the Library Board, he has been intimately involved with the Library Board and its search for alternative spaces. The only viable space may have been something on Central Avenue which is not convenient for Village residents. The Supply Field was ideal in terms of its being in the Village and being large enough to accommodate the needs of the Library during construction. Of course, every project is subject to cost overruns. The Library Board is very cognizant of that and very careful to try to avoid that at all costs. He will vote ‘aye’.

Trustee Veron stated that Library Director Bermel had stated that the Library would manage the time when the Supply Field site would be open to ensure they would do their best to manage the parking situation there.

Mayor Mark pointed out that as the third to last whereas clause says on the first page, the reason this is being done is to keep the project on schedule so the directionality of what this is doing is the opposite from the one that Trustee Callaghan is concerned about. Extending the schedule is a problem; cost overruns are a problem, but the point of this resolution is to counteract that and keep it on schedule. Therefore, he will vote ‘yes’.

* * * * *

Upon motion entered by Trustee Pekarek, and seconded by Trustee Samwick, the following resolution regarding Authorization to Execute a Revocable License Agreement for Vehicle Towing Services was approved by the vote indicated below:

- WHEREAS,** A one-year Revocable License Agreement with Vincent's Towing Service, Inc., (Vincent's) for vehicle towing services was authorized by Village Board resolution dated September 24, 2013, including authority to extend the Agreement for three additional one-year periods; and
- WHEREAS,** Vincent's informed the Village in August 2016 that it was their intent not to renew for an additional term, adding that they would provide the needed towing services on a month-to-month basis until such time that a new vendor could be secured (memo attached); and
- WHEREAS,** an RFP was distributed to qualified local towing companies in September 2016 seeking bids for providing motor vehicle towing, motor vehicle storage and related roadside services within the boundaries of the Village of Scarsdale, with two responsive bids received, as detailed in the attached Bid Summary; and
- WHEREAS,** the Village has had previous satisfactory experience with R&D Auto Service Inc., of Tuckahoe, NY, and they also presented the lowest fees for covered towing services, as reflected in the attached License Agreement, befitting both the Village and resident users of the services provided, as well as a Licensing fee of \$5,000; and
- WHEREAS,** in recognition of R&D having submitted the lowest towing services rates, a competitive Licensing fee proposal, and the Village's previous positive experience in working with R & D, staff recommends awarding a Revocable License Agreement for Towing Services to R&D Auto Service Inc., attached hereto and made a part hereof; now, therefore, be it
- RESOLVED,** that the Village Manager is herein authorized to execute a Revocable License Agreement with R&D Auto Service Inc., 210 Marbledale Road, Tuckahoe NY 10707, in substantially the same form as attached hereto, for the purpose of providing motor vehicle towing, motor vehicle storage and related roadside services within the boundaries of the Village of Scarsdale in accordance with the terms and conditions of said Agreement; and be it further

RESOLVED, that the Village Manager is herein authorized to undertake administrative acts as may be required pursuant to the terms of the Agreement; and be it further

RESOLVED, that the Village Manager may renew this agreement for three (3) additional one-year periods in accordance with the terms and conditions of the agreement.

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

* * * * *

Upon motion entered by Trustee Pekarek, and seconded by Trustee Finger, the following resolution Rejecting VM Contract #1215(A) - Furnish and Deliver one or More Leaf Machines(s) and VM #1215(C) - Furnish and Deliver Leaf Boxes, and Awarding VM #1215(B) - Leaf Vacuum Machine Parts was adopted by the vote indicated below:

WHEREAS, the Village of Scarsdale through its Public Works Department annually collects fall leaves from Village residences, supported by an equipment maintenance and replacement program; and

WHEREAS, in anticipation of leaf collection program equipment needs, the Village Manager reports that he publicly advertised for the receipt of bids on January 13, 2017, having sent bid proposals to two vendors, advertised the opportunity on BidNet, and also advertised on the new and improved scarsdale.com Village website; and

WHEREAS, Public Works staff later determined ahead of the bid opening date that the equipment requested in VM Contract #1215(A) or VM Contract #1215(C) was not actually needed, with bidders subsequently notified not to respond with pricing; and

WHEREAS, on January 31, 2017, the bid opening date, one bid was received for VM #1215(B) - ODB Leaf Vacuum Machine Parts from Old Dominion Brush Company (ODB), 5118 Glen Alden Drive, Richmond, VA 23231, at the unit bid prices identified on the bid tabulation sheet (attached); and

WHEREAS, the Village has been satisfied with leaf machine parts provided previously by ODB; now, therefore, be it

RESOLVED, that the Village Board, pursuant to Section 103 of the New York State General Municipal Law and Chapter 57-7 of the Village Code, herein rejects bids for VM Contract #1215(A) - Furnish and Deliver One (1) or More Leaf Machine(s), and VM Contract #1215(C) - Furnish and Deliver Leaf Boxes, as vendors were directed not to submit bids as it was later determined that the goods requested are not actually needed at this time; and be it further

RESOLVED, that VM Contract #1215(B) - Furnish and Deliver One (1) or More Leaf Machine(s) & Leaf Vacuum Machine Parts be awarded to the lowest responsible bidder meeting bid specifications, Old Dominion Brush Company, 5118 Glen Alden Drive, Richmond, VA 23231, for a three year term at the unit bid prices attached hereto and made a part hereof, based on estimated quantities not to exceed budget appropriations; and be it further

RESOLVED, that the cost associated with VM #1215(B) be charged to General Fund Account # A-1490-HWY-LFCOL-400 462 and # A-1490-HWY-LFCOL-200 20, subject to the availability of adequate budget appropriations in Fiscal Year 2017/18 and 2018/19; and be it further

RESOLVED, that the Village Manager is hereby authorized to execute VM #1215(B) on behalf of the Village of Scarsdale with Old Dominion Brush Company, 5118 Glen Alden Drive, Richmond, VA 23231; and be it further

RESOLVED, that the Village Manager is herein authorized to undertake all administrative acts as may be required under the terms of the contract.

AYES

NAYS

ABSENT

Trustee Callaghan	None	None
Trustee Finger		
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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Upon motion entered by Trustee Pekarek, and seconded by Trustee Finger, the following resolution Awarding Contracts Pursuant to VM #1216 - Athletic Field Maintenance was adopted by the vote indicated below:

WHEREAS, for many years the Village has contracted for maintenance services on the Village athletic field properties; Crossway Field Complex, Hyatt Field, Supply Field, Scout Field, Boulder Brook Field, and Winston Fields; and

WHEREAS, the existing contract, VM# 1143, expired in November 2016; and

WHEREAS, the Village Manager reports that he publicly advertised for the receipt of bids on January 13, 2017, under VM Contract # 1216- Athletic Field Maintenance and sent the bid documents to seven (7) potential contractors and on the bid opening date of January 30, 2017, four (4) sealed bids were opened; and

WHEREAS, VM Contract# 1216 is divided into two units: Unit A - General Maintenance Operation and Unit B - Operations and Sod Removal (purchase/installation) including sub-headings for ballfields and general lawn mowing; said contract term for two years; and

WHEREAS, the lowest responsible bid received for Units A.1 through A.6, in the amount of \$47,610.00 for Year One and Year Two,

and both Units B.2a through B.2d and B.3a through B.3g (on a unit bid basis) were from Acocella Contracting, Inc., 68 Gaylor Road, Scarsdale, NY 10583; and

WHEREAS, the lowest responsible bidder for Units B.1 and B.4 in the amounts of \$1.25 per linear foot for sod and unit pricing of \$50 per hour for a Groundsman, respectively, was Tony Casale, Inc., 1185 Saw Mill River Road, Yonkers, NY 10710; now, therefore, be it

RESOLVED, that VM Contract # 1216 - Athletic Field Maintenance Units A.1 through A.6, in the amount of \$47,610.00 for Year One and Year Two, and both Units B.2a through B.2d and B.3a through B.3g are herein awarded to Acocella Contracting, Inc., 68 Gaylor Road, Scarsdale, NY 10583, for the unit bid prices in accordance with the Bid Tabulation Sheet attached hereto and made a part hereof, subject to the availability of adequate budget appropriations; and be it further

RESOLVED, that Units B.1 and B.4 in the amounts of \$1.25 per linear foot for sod and unit pricing of \$50 per hour for a Groundsman, respectively, are hereby awarded to Tony Casale, Inc. 1185 Saw Mill River Road Yonkers, NY 10710; and be it further

RESOLVED, that the Village Manager is herein authorized to execute VM Contract # 1216- Units A.1. through A.6, B.2a through B.2d, and B.3a through B.3g with Acocella Contracting, Inc., 68 Gaylor Road, Scarsdale, NY 10583, and Units B.1 and B.4 with Tony Casale, Inc., 1185 Saw Mill River Road, Yonkers, NY 10710, subject to the availability of adequate budget appropriations; and be it further

RESOLVED, that all costs associated with VM Contract #1216 Athletic Field Maintenance be charged to A-7020 PLGRD- MAINT-400-499; and be it further

RESOLVED, that these contracts may be extended annually by the Village Manager for two additional one year periods subject to the availability of adequate budget appropriations and in accordance with the contract terms and conditions.

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

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

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Other Committee Reports

None.

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Liaison Reports

Trustee Veron reminded all Scarsdale residents, particularly those who receive the Scarsdale Parks and Recreation emails that with the launch of the new website, the former email distribution system is outdated and as mentioned before is being discontinued on March 10th. She encouraged residents to continue to receive these emails which are sent with the flyers and brochures. This is not the Rec on line payment system but the emails for notifications of upcoming events. The second notice that one may have received is from February 10, 2017. It says ‘action required - Scarsdale Parks and Recreation email list expiring’. Trustee Veron encouraged residents to go to ‘Notify Me’ at www.scarsdale.com - it takes no time at all to select Recreation email notifications and other items may also be selected for notifications.

Trustee Veron reported on behalf of the Ad Hoc Committee on Communications. The Library is offering technical support to those that would like assistance with the new Village website. They are educating staff as well as having workshops. This information is available on the Library’s website.

Trustee Veron stated that the Advisory Council on Scarsdale Senior Citizens invited them to share the website tutorial with Scarsdale Seniors who found it very informative.

Trustee Veron announced that the Personnel Committee of the Board is accepting applications for membership on the Boards and Councils. Notice has been given to the press; however, she would like to remind anyone who is watching to send in their applications. They may apply by going to www.scarsdale.com, type in ‘volunteer’ in the search bar and you can see all of

the Boards and Councils open slots that are available. She encouraged interested residents to submit their applications by the end of the week.

Trustee Pekarek stated that last week the Village and some residents met at the Westchester County Executive's office to discuss the continuation of the Bronx River Trail. It currently ends at Crane Road. There is a 1.6 mile gap up to Greenacres Avenue and Fenimore Road. The County Executive and the Parks Department talked about the new proposed path that would link these two areas. It was a great meeting and there were a lot of Scarsdale residents present who voiced some concerns about the cost of the project which is \$6.7 million but will be completely covered by the County. Environmental issues were discussed; safety concerns were also discussed. There will be a 25-30 ft. proposed tunnel and some concerns arose regarding emergency call boxes. Material to be used on the pathways was also discussed. The County has agreed to look into those considerations and perhaps make some modifications to the plan. The County has also reached out and offered to have a public meeting in Scarsdale at an evening meeting. She noted that the County shared with them at the meeting is that the most widely used and popular recreation services in the County are park trails, pathways, walkways, and bicycle paths. They have proposed that this path will be the west side of the Bronx River Parkway as opposed to the east side. Some number of years ago they had proposed the pathway on the east side which would be behind some homes in Fox Meadow. Fox Meadow reviewed that and offered their concerns to the County. The County restructured the path; it is slightly more expensive but much more beautiful because it 'hugs' the river. Staff will speak to the County about dates when such a presentation can be offered here in Scarsdale.

Trustee Stern urged residents to visit the Library where there is a great screen presentation regarding events and happenings in the Library and around the Village. It is extremely well done. The Cable Television Commission is working with the Library to put that on the cable channel as a background is nothing is being broadcast at that time.

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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 ten (10) communications have been received since the last regular Board of Trustees meeting from the following:

- Lika Levi, submitted five (5) written communications regarding:
 - 5 Lockwood Road
 - Boards and Councils
 - Three (3) communications concerning subdivision fees with a response from Village Planner Marrinan attached.
- Eileen Hodgdon, 44 Jefferson Road, regarding trash collection with a response from DPW Superintendent Salanitro is included.
- Jay Muse, Chef & Owner, Lulu Cake Boutique, regarding retail parking for businesses on Garth Road
- Mayra Kirkendall-Rodriguez, Fox Meadow Road, concerning the proposed retention of a consultant to evaluate the Assessor’s office, a response from the Mayor is included.
- Ron Schulhof & Michelle Sterling, regarding an article in the Journal News about the Scarsdale Food Scrap Recycling Program.
- Otilie Jarmel, 8 Colvin Road, regarding his positive experiences with the Sanitation Department; a response from the Village Manager is attached.

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Future Meeting Schedule

- Monday, March 6, 2017 - 6:00 P.M. - Joint Meeting of Scarsdale Board of Trustees & Scarsdale Board of Education Meeting - Scarsdale High School, 2 Brewster Road, Room 170-72
- Monday, March 13, 2017 - Personnel Committee Meeting - 6:00 P.M. - Trustees’ Room
- Tuesday, March 14, 2017 - Agenda Committee Meeting - 7:30 P.M. - Trustees’ Room
- Tuesday, March 14, 2017 - Village Board Meeting - 8:00 P.M. - Rutherford Hall
- Monday, March 20, 2017 - Land Use Committee Meeting - 6:30 P.M. - 3rd Floor Meeting Room

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Finance Committee - FY 2016/17 Budget Discussions - Trustees’ Room

Tuesday, March 14, 2017 - 6:30 P.M.

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Public briefing sessions on the preliminary operating and capital budgets will be held in the Third Floor Meeting Room and have been scheduled for:

Thursday, March 2, 2017 - 7:00 P.M. - Operating Budget
Wednesday, March 8, 2017 - 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 9:43 P.M. on a motion entered by Trustee Finger, seconded by Trustee Stern and carried unanimously.

Donna M. Conkling
Village Clerk