

THREE THOUSAND TWO HUNDRED NINETY-NINTH

REGULAR MEETING

Rutherford Hall
Village Hall
March 13, 2018

A Regular Meeting of the Board of Trustees of the Village of Scarsdale was held in Rutherford Hall in Village Hall on Tuesday, March 13, 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 27, 2018 were approved on a motion entered by Trustee Ross, seconded by Trustee Finger, and carried unanimously.

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Bills & Payroll

Trustee Pekarek reported that she had audited the Abstract of Claims dated March 13, 2018 in the amount of \$378,068.00 which includes \$19,442.21 in Library Claims previously audited by a Trustee of the Library Board which were found to be in order and she moved that such payment be ratified.

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

RESOLVED, that the Abstract of Claims dated March 13, 2018 in the amount of \$378,068.00 is hereby approved.

Trustee Pekarek further reported that she had examined the payment of bills made in advance of a Board of Trustees audit totaling \$111,122.03 which were found to be in order and she moved that such payments be ratified.

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

RESOLVED, that payment of claims made in advance of a Board of Trustees audit totaling \$111,122.03 is hereby ratified.

Mayor's Comments

Mayor Hochvert stated that before he makes his comments this evening, he would like to share information with the community about a notable guest in attendance, County Executive George Latimer. First, however, he spoke about the work of the Village staff starting late on Friday and working throughout the entire weekend. The DPW staff was able to clear the streets so that schools could open and school buses could travel through the Village, and commuters could get to the train station. They worked continuously to clear the debris that had accumulated until they had to switch from pickup trucks and then place plows on trucks to prepare for the snowstorm predicted for Wednesday. Most of us knew from the announcements transmitted by the Village Manager that they were working pretty close to 24 hours a day. He then asked everyone in the audience and everyone at home to join him in a standing round of applause for Village staff.

Mayor Hochvert noted that the Westchester County Executive has been in Scarsdale three times recently; the first time was when he attended a membership meeting of the Scarsdale Forum – he spoke for over an hour without a note. Mr. Latimer spoke of his plans and stories of his experiences, interjected with humor. He then appeared at the Recycling Center and spent almost a full hour. Ideas were exchanged about the possibility of a transfer station at the County property opposite Home Depot in Yonkers. Finally, last Friday, he organized one of the best press conferences where he had all of the municipalities represented at the County Center. He also had arranged for some individuals to share stories of their experiences. All of the local news media was present for this press conference. Mayor Hochvert noted that Governor Cuomo is coming in on Friday to address the power outages.

Mayor Hochvert noted that County Executive Latimer has previously served as a Westchester County Legislator and also a Senator of New York State. He asked County Executive Latimer to approach the microphone.

County Executive Latimer expressed his appreciation to the Board for allowing him to visit with them this evening. He stated that it was a pleasure to visit with them at the Recycling Facility – it showed the innovation that Scarsdale has undertaken. Subsequent to that he has had a number of meetings with other municipalities that are actively looking at County wide food waste recycling.

Mr. Latimer stated that he was present this evening to share with the Board an Executive Order he issued early in his tenure as County Executive. This order recasts the relationship between the County government and local government. This is called the “Good Neighbor Policy”. It is in force now and applies to all corners of Westchester County government. This will require any County department, if they have a plan to implement a project on a County facility or piece of land, before they do that they must go to the local government where that facility is located and present their plans in a public setting of that local government. At the end of a 60 day period, the County will solicit from the local government a letter of support, opposition or neutrality. If in opposition, the County is obliged to respond to those objections before they move forward.

Mr. Latimer continued, stating that in the future, discussions will be held with the local governments regarding shared services, grant monies, etc.

Trustee Finger thanked County Executive Latimer for coming to this evening’s meeting. He asked Mr. Latimer if there was anything he could share with those present about the sewer work situation.

County Executive Latimer responded that there was supposed to be a meeting last week with some members of the Municipal Officials Association. The MOA was coming in to advocate for the County to take the lead role in doing the necessary work to satisfy the State and the Federal mandates. The intent of the County would be to take on as much as they can realistically to solve the immediate problem – the pollution that comes out of the sewage treatment plant and reduce it.

Trustee Samwick thanked Mr. Latimer for his accessibility, his openness and being present for the Village. He noted that the Village has had difficulty with Con Ed and Verizon during the last two storms. He stated that it is important that we focus collectively because we have a stronger voice if we do that and thanked Mr. Latimer for expanding that effort. The other issue is for Con Edison to focus on the trees in a more proactive manner.

County Executive Latimer stated that tomorrow he will rescind the emergency order that he issued on Saturday right after the windstorm struck. The expectation is that every community will have an assessment. The Governor has indicated that he would like him to give him a ‘grocery’ list of issues that occurred throughout the County during the storm.

Trustee Veron thanked County Executive Latimer for attending this evening’s meeting and echoed everyone’s sentiment this evening. She asked what would be the best way in which to get the information concerning the storm issues to him; what is the timing for doing their own assessment.

County Executive Latimer responded that there is an advantage to consolidating the input - he stated that the Village might consider having the people that are addressing the PSC in the letter send the letter to the Village. The Village can then bundle it together to create a sense of how Scarsdale reacted to this. In regard to timing, he asked that the information be submitted to him in two weeks' time.

Trustee Pekarek thanked Mr. Latimer for coming this evening and she reiterated everyone's positive comments. She asked him about revaluation being done on a County level.

County Executive Latimer responded that this was considered during the tenure of County Executive O'Rourke; however, it did not happen because it required the State to enact legislation to give the authority to the County to do something they don't normally have the authority to do. They are discussing it again – it comes down to different municipalities are more oriented to doing this type of thing than others.

Mr. Latimer noted that the County will be developing a 'menu' of services that can be shared with the County to all municipalities.

Mayor Hochvert informed Mr. Latimer that his attending this evening's meeting was a pleasure – in his memory he did not think the Board has had a visit like this. He stated that the Board will discuss the Executive Order and will share any thoughts with him.

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Mayor Hochvert stated that a meeting was held on March 1st with the Cable Television Commission. A budget briefing was also held that day. On March 2nd, late in the afternoon he met with High School Biology teacher Rich Clark. In the storm, they walked the territory along the path through Harcourt Woods because Mr. Clark has a group of high school students who would like to do another planting along there. This is a move to increase cooperation and the relationship between the Board of Education and the Village. On March 5th, a joint Board meeting of the Village and School Boards was held. A discussion was held on school safety due to the concern about parking, driving and pick up at the schools. The PT Council group agreed to provide some details for each of the schools and will most likely form some sub committees to study whether the Village and the Schools can find solutions for some of the problems they have.

Mayor Hochvert continued his report, stating that he went to the Scarsdale Chinese Association New Year's Celebration. Many members of this association are joining Scarsdale's volunteer community.

Mayor Hochvert reported that he attended the Candidate Forum the other evening held by the League of Women Voters. Those who haven't viewed it yet, it is on the public

channel which is 42 for Verizon and 76 for Cablevision. He hoped residents would watch to hear the candidates as the Village Election will be held on March 20th.

Mayor Hochvert stated that he attended a very interesting opening celebration on Sunday of the Scarsdale Woman's Club Centennial Committee. Our State Senator, Andrea Stewart-Cousins was there for well over an hour, providing a proclamation.

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Manager's Comments

Village Manager Pappalardo thanked the Mayor and the Board for their kind words. The staff did work very hard over the last couple of weeks – especially the emergency services departments – Police, Fire and Department of Public Works. They did a tremendous job of staying on top of the storms and getting the Village as clean and open as they could possibly get it to lift the emergency restriction. He also thanked his staff for helping out with calls that came in and all the communications that he hoped the community thought were helpful during the course of the 9-10 days they dealt with the storm.

Village Manager Pappalardo pointed out that there were 126 trees documented as fallen during the storm – these include both public and private trees – they do not include any trees that may have fallen in the rear of homes where they could not be seen. It could be there were up to 175-200 trees that probably came down during the two storms. 49 of the trees that came down took utility wires with them – 25 of those trees were privately owned and 24 were owned by the Village. 70 roads or parts of roads were closed immediately after the storm on March 2nd, many of which were subsequently reclosed from the second storm on March 7th. 35 of these roads involved downed electrical lines. Peak home outages were 1,865 as reported by Con Edison on Monday, March 5th. Village Hall and both the Middle School and Fox Meadow School both experienced power outages during the 10 day period. Power was effectively restored to all Scarsdale residents on Sunday, March 11th. Anyone still having power issues should contact Con Edison.

Village Manager Pappalardo stated that they will do their after action reports and participate in any of the meetings that the County hosts on behalf of all the affected municipalities with Con Edison. The Governor has commissioned an investigation by the Public Service Commission on Con Edison's performance during the storm and is calling for a thorough and intense review. He stated that they still have a long way to go in terms of minimizing the impact of these storms on customers. As a Village, we try to do everything we can, but coordination with the utility company is going to be tantamount in the future – they have to do their part. Improvements have to be made and they have to be started by Con Edison.

As the Village moves forward with the storm recovery, storm related wood debris will be permitted at the Recycling Center, 110 Secor from Thursday, March 8th through March 30th, 8 am to 3 pm. Material will be accepted from private contractors working for residents only free of charge. Proof of residency is required. A voucher form is available to be downloaded on the Village's website www.scarsdale.com, Department of Public Works.

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Trustee Committee and Liaison Reports

Trustee Veron reported on behalf of the Communications Committee, stating that one of the initiatives they took during the storm was to convene and talk about communication efforts during an emergency. The goal was to talk about what was working (real time), what they thought they could improve, and devise a plan going forward. She noted that many people did not know if the message was getting through to the utility that they did not have power. She stated that the feedback from the robo calls from the Village Manager and Mayor was extremely positive. She asked anyone with any suggestions for improvement to email her or Village staff. She will collect the information and share it with the Communications Committee. She stated that she would like to find a way to collect the human stories. Her email is jveron.villagetrustee@gmail.com. She thanked the members of the Communications Committee and stated that they were real 'troopers' during the storm.

Trustee Veron next reported on the Library, which she stated is continuing to move forward. Residents will be receiving the exciting 'Bookmarks' which will describe the services the residents will get during the transition to Supply Field. The date has not been set but it will be occurring in the spring. Construction documents are 100% complete. Bids will be going out this week. There are alternatives presented in the bid documents understanding cost sensitivity – that will be closely managed. The hope is that this will be brought forward May 8th or thereabouts. This, however, is dependent upon the bids that they receive.

Trustee Callaghan reported on the Scarsdale Teen Center. He stated that he attended a meeting last evening and the Teen Center is hanging in there. The Board is doing a great job of seeking out financial resources to support it during the year and he stated he will update the Board on successes in that endeavor.

Trustee Callaghan's second report was on behalf of the Fire Department. He stated that Chief Seymour has instituted a Technical Response and Rescue Training endeavor in the Village. The Fire Chief is sending several of the paid and volunteer firefighters to advanced technical response and rescue courses.

Trustee Ross reported on behalf of the Personnel Committee. He noted that the Personnel Committee had its second meeting earlier this evening at which applications of

volunteers to fill the open positions were discussed. Applications have been received from many qualified and public spirited Scarsdale residents. The Committee will soon be finalizing its recommendations to the Village Board.

Trustee Finger suggested, in lieu of Trustee Veron being the repository of all complaints related to the storm, perhaps the Village can set up a page on the Village website where people could fill out a form that would automatically be emailed to the Public Service Commission and we would retain a copy to present for submission to the County Executive.

Trustee Finger next reported on a Finance Committee held earlier this evening. He stated that this year they are budgeting for expenses to increase, (essentially driven by benefits) Public Works, Police, and Fire Department) cover approximately 2/3 of the expenses. These are costs that the Board and the community do not have any control over from year to year – union contracts, health insurance benefits, pension benefits. However, in taking into account what the Board is able to control, it has been able to have only an increase in expenses budgeted of .25% which is, in his estimation, a fairly modest increase. The Board was pleased with the efforts that the staff made on the portions of the budget that could be controlled to keep it low enough to reflect that. There are a number of concerns on the revenue; however, even taking into account uncertainty associated with the recent changes in the tax code and how that will affect the real estate market, what is proposed is a levy increase of 1.92%. The increase in expenses of \$141,907, which makes up the .25% is far out shadowed by the increase in health insurance expense which is approximately over \$400,000. Most of this budget is driven by health insurance and other expenses that are not within the control of the Village. He stated that there will be other opportunities to hear from everyone about the budget and the Board welcomes any comments.

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Mayor Hochvert announced that there are two opportunities this evening for public comment. One is for general comments and following that, a public hearing on a local law amending Chapter 281 of the Scarsdale Code entitled Trees, Grass, Brush, and Weeds. Public comment on issues other than the amendment to Chapter 281 of the Scarsdale Code are welcome at this time.

Public Comment

Robert Berg, 32 Tisdale Road, stated that he had a few comments in regard to the storm events of last week, which also relates to the tree law. He stated that Superintendent of Public Works Benny Salanitro and his crew did a fabulous job as they always do. However, he stated that he has an issue with the lack of emergency facilities for the residents in terms of warming, showering, etc. The Village had nothing available to Village residents. The Library, which was to be a warming shelter was closed on last Wednesday, the entire day

of the second snow storm. It is of no help that it was not staffed by volunteers or anyone else. A third of the Village was without power for 7-10 days and there was no place for these people to go provided by the Village or the School system. David Raizen of the Scarsdale Volunteer Ambulance Corps (SVAC) came through for the residents – they had showers, toilets, warming facilities. The Village should have worked with the school system to have the high school gym available for residents as an emergency shelter. The high school gym has plenty of showers, toilets, heat, generator, Wi-Fi – it is a perfect emergency shelter. There were approximately 1,600 households without power – probably 5,000 people who didn't have power. The Village needs to provide for its residents and work with the school system.

Mayor Hochvert responded that he and others have asked the same question as to why wouldn't the Village be able to use the schools, and they receive the same kind of resistance. It is something he supports Mr. Berg on. They have much more space than is available to the Village. As a different body, he did not know if a formal demand, as Mr. Berg suggested, is within the purview of the Village. He stated that the Village will continue to see if they can work together with the school district on this.

Robert Harrison, 65 Fox Meadow Road, stated that he sent an email to Village Manager Pappalardo and the Board thanking the Village Manager and his staff and the effort of all involved during a very difficult week. He stated that his family didn't have power for over five days. He stated that the Village needs to keep pressing on Con Edison – they should be better prepared and hopefully with County Executive Latimer and perhaps the Governor, they will see to it that Con Edison is better prepared in the future.

Mr. Harrison commented on a resolution on the Board's agenda this evening regarding modified and expanded sanitation service. He thanked the Municipal Services Committee and hopefully the Board will adopt the resolution this evening. It includes preserving rear yard pick up of recyclable bins which he and many other residents strongly favored to keep and the food scrap waste pick up at the curb. The resolution is good for the community.

Mr. Harrison next discussed the Joint School Board/Village Board meeting on March 5th. The last item on the agenda was a comfort station at the Middle School field and tennis courts. The School Board seems to think this is complicated. The proposed comfort station would include an office for an attendant to review tennis permits, and storage for sports activities at the Middle School field. He stated that the Mayor did his part to press the School Board. He felt that the answer would be for this Board to communicate with the School Board that the Village wants to purchase a small piece of land for this comfort station facility for \$1. He noted that a similar agreement occurred between the Village and the School back in 1983/84 where there was an exchange of leases. He urged the Board to press forward with this suggestion.

Mr. Harrison stated that the meeting on March 7th for the Capital Budget was cancelled due to the storm event and to his knowledge, for the first time, under the Recreation Department, there is a \$40,000 item for a pool study, but there was also \$100,000 in this Capital Budget for a parks and recreation master plan program and facilities. He stated that \$100,000 to study programming and facilities seems excessive. He hoped that when this comes up the Village should not spend this amount.

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

Public Hearing

Trustee Pekarek stated that before she opened up the Public Hearing scheduled to consider a proposed local law to amend Chapter 281 of the Scarsdale Village Code, Entitled Trees, Grass, Brush, and Weeds, she wanted to make some remarks as follows:

“First I would like to thank everyone in the community for their patience and endurance over the past weeks. The series of storms Scarsdale experienced were stunning and disruptive and I know that we are still getting back in order.

So before us tonight is a Public Hearing on the Amendments to Scarsdale’s existing Tree Code that was last amended in 2009.

Many thanks to all for attending our meeting tonight either here in Village Hall or at home. This Public Hearing gives everyone in the community an opportunity to explain their views, provide constructive feedback, and to share information with the Board of Trustees on these important proposed amendments.

Let me say at the outset that we are here tonight to listen, as we have been doing for the last five years as it relates to this portion of the Code.

And of note at the 2009 Public Hearing for the Tree Code the Board of Trustees did not enact the amendment of the Code that evening. I believe that this Board will do the same. Once again, we want to hear from everyone tonight about these amendments that are before the Board.

Our guiding principal throughout this process has been to listen, collaborate, deliberate, modify, and refine this portion of the Code. The principles continue tonight.

I would like to provide some background information.

Community groups and the Board of Trustees began this tree conversation in 2013...5 years ago.

Between 2013 and today many Board public committee meetings were centered on our trees. The beginnings of this review with Conservation Advisory Council (CAC) and Friends of the Scarsdale Parks (FOSP) were initiated due to many members of the community desiring that Scarsdale's community character, our "Village in a park" setting was to be maintained in such a way that would be both safe and safeguard property rights. That the beauty and aesthetics of our town should be maintained but that we, all residents, would not be burdened by bureaucracy.

A working group comprised of the FOSP, CAC, Village Staff and Board of Trustees representation, was formed in late 2017, and held five meetings, with the goal of presenting Amendments to the Tree Code Chapter 281, for Board public consideration and review.

The Law and Sustainability Committees convened four public meetings where discussion was robust and modifications were made to address resident's concern of increased tree regulations on private property, among other considerations.

Here are only some of the Code changes.

- Two trees may be removed within a 24 month period without a fee and without a permit.
- Removal of one or more trees, greater than 6 inches diameter at breast height, that are dead, dying, hazardous, diseased, as determined by a tree expert, without a fee and without a tree replacement requirement. A permit is required to keep track of our trees, to provide us with an inventory.

On a personal note regarding a tree expert. I have asked more than one tree care company to assess my trees annually, especially one that is very large, greater than 36 inches diameter at breast height, and located in my side yard setback, close to both me and my neighbor's home. This service they have provided at no cost.

- Any tree that must be removed in an emergency situation can be removed immediately and without the need for a permit.
- Any 24 inch Diameter at Breast Height (DBH) tree removed would need to be replaced. The replacement tree can be planted in a different location.
- Replacement trees need to be native trees.

There are other provisions in this portion of the Code but I have highlighted these.

As with each of the prior public meetings everyone carefully consider the code and our discussions were deep, serious, and beneficial. I look forward to a robust dialogue tonight.

But first I would like to ask my fellow Trustees if they would like to make a statement before we hear from all of you assembled here tonight.”

Trustee Samwick echoed Trustee Pekarek’s comments but added that the tree discussion that has been going on for four or five years is a shining example of how we do things and do them well in Scarsdale. This has been a process that has been inclusive, a process that involves listening, mutual respect – that’s what has happened throughout this entire process. He stated that they started with a proposal that was a little bit more constraining than they were comfortable with. They went back and adjusted it and then adjusted what came back again. A committee was formed – adjusted what came back again. They are seeking public input at every step in this process. They have heard comments that this is being ‘rammed’ down everyone’s throats – He stated that a four year process is not ‘ramming’ anything down anybody’s throat. If anything, it is an example of a slow moving municipal process. A deliberate municipal process. That is what is happening. When you look at the actual meaningful impact of this legislation relative to the legislation we already have on our books, a couple of things stand out. One of them is, right now the ‘as of right’ trees that an owner can take down are two per year. That is being changed to two every 24 months. Does that mean you can only take down two trees every 24 months? No, it does not; it means you obtain a permit and pay a fee. That is trying to balance property rights with maintaining the character and integrity of the community. The Board wants to hear from the community about that and want to see if that is a threshold the community is comfortable with. Safety is a paramount concern and that is where one of the other changes is reflected – that dead, dying or diseased hazardous trees are able to be taken down as of right, without a fee. Those are some things that should give us some comfort. It is important to look at some of the details that are in the amendment.

Trustee Samwick stated that the other major threshold that he views that is in this legislation is that when there is a threshold to plant a replacement tree, and that is currently at 36” – 36” at DBH is a huge tree. What is proposed is bringing that down to 24”. That is reasonable; there are a number of other communities that have even lower thresholds. This is exactly how the process is designed to play out. The Board wants to hear from the residents and as Trustee Pekarek said, the Board does not intend to take action this evening. Public Hearings are scheduled to hear from the community and that is what the Board would like to do this evening.

Mayor Hochvert stated that “it is difficult to address trees in the light of the hardship many had to deal with, but it is in front of us. So, I’d like to share some thoughts regarding

care of trees, selection of species and a few points regarding the proposed changes in Chapter 281 of the Village Code.

Many of our neighbors take the health of trees on their properties for granted perhaps thinking their landscapers will know if their trees need care. Some landscapers may have knowledge of appropriate tree care but the ones I've spoken with generally don't. I know that my neighbors who have certified arborists check the health of their trees every few years haven't had trees come down in storms.

Some years ago, after a couple big storms, I noticed that many trees didn't snap in two but rather, tipped over right at ground level and had little roots. Many of the trees that came out of the ground during this storm also had that situation. I asked an arborist what caused this and he explained that many landscapers spread fertilizer on the lawn and water the lawn right around the tree on the lawn. As a result, the trees don't need to send their roots down for food and water. However, residents who either have been advised by an arborist or know themselves, surround the lawn trees at their base, typically with large stones, and deeply fertilize them. As a result, they rarely tip over at ground level. This is a care issue that I learned and we have been using ever since.

Another thing that has happened, starting four years ago at the Department of Public Works request, the Friends of the Scarsdale Parks began providing a list of appropriate species of trees to be used for planting in the right-of-way. The list distinguishes trees for the side of street with utility wires and the side without. Historically this guidance wasn't available and going forward, I believe, will significantly reduce downed street trees.

Last week I visited a family on Harvest where a tree fell and although no one was hurt, the tree did damage the house. It was a Norway maple, an invasive species which can be removed and I believe should be. On Heathcote, I noticed that some of the trees that fell were weakened by English Ivy vines whose tendrils peel the bark. In other places other vines, such as oriental bittersweet, add weight to the branches and inhibit the photosynthesis by shading the leaves, thus weakening the trees. I think that many people think that English Ivy going up the trees is beautiful but it kills our trees. It kills the bark and the tree doesn't have the protection that the bark provides.

Trees do need some care and we can take steps that will reduce the damage falling trees create.

There are only a few changes in the Tree Chapter of the Village Code. It may not be clear that residents still have the right to take down two trees with diameters up to 24 inches, with no permit charge and no replacement requirement and do so in any two year period as was suggested by Trustee Finger in order to deal with a couple situations where developers took down 4 trees in 2 years. By the way, it is a permit only to keep track of the trees coming down. It is not a permit to permit you, because it is as of right. Although the term

was used, the Board is trying to decide whether they should adjust the draft Code to make that point clearer. The current practice by the Village Engineer has been to keep track of the “as-of-right” tree removals so that there is a better record. The use of the “permit” is the mechanism to facilitate the record-keeping. As I mentioned, the upper limit on the proposed “as-of-right” tree removal is a 24 inch diameter, reduced from the current 36 inch diameter. As Trustee Samwick said, I think 24 inch diameter trees are quite large and ones that are larger, although for good reason may be taken down, should be treated differently.

To that end, the Village Engineer, when the current Tree Chapter was adopted in 2009, was given considerable discretion in granting permits. Please bear with me as I share some of the more relevant criteria given that the Engineer takes into account when determining whether a permit is appropriate.”

The Mayor then read the first six (6) criteria in current Chapter 281-4 B. of the Village Code which are used by the Village Engineer to determine whether the request to remove a tree(s) should be granted.

The Mayor stated that all of those criteria are ones that the Village Engineer would be ready to grant a permit to take a tree down to deal with those conditions.

Before she opened the Public Hearing, Trustee Pekarek stated she would like to thank the working group:

Ingrid Richards – Assistant Village Manager
Madelaine Eppenstein - FOSP
Lee Fishman- CAC
Dan Hochvert – FOSP
Ron Schulhof – CAC
Joan Weissman - CAC
David Goessel – Village Engineer
Liz Marrinan- Village Planner
Samantha Garrison – Village Attorney...
All of the Village staff who worked on this project...

And everyone else for their interest and participation.

Trustee Pekarek then opened the Public Hearing for comments to consider a proposed local law to amend Chapter 281 of the Scarsdale Village Code, entitled Trees, Grass, Brush and Weeds.

Michael Levine, Walworth Avenue, stated that Trustees Samwick and Pekarek and Mayor Hochvert described this amendment to the Code concerning Trees is not written in the draft and the Board has acknowledged. If everyone knows that, then obviously the

Board is not voting on this draft tonight. He stated that it should be made clear that this draft says that the two trees do require a permit; they are subject to the application process; they are subject to the Engineer asking for more information or requiring payment for a tree expert; thirty day delay, etc. All that this draft provides is that the Village waives the application fee. Back in January, Mr. Levine stated that he thought it was understood that the two trees would be a matter of right and the only need would be a notification – but still as a matter of right, no application, no delay. He stated that it should be understood that this draft doesn't say that and the draft will be revised, and that's generally acknowledged and there is no vote today.

Trustee Samwick stated that there were some discussions earlier today about changing that language to clarify it. It is not as clear as it is intended to be and what Mr. Levine is saying is exactly the intent and the changes are in process.

Mr. Levine stated that then substantively, he thinks the 12 months still makes sense. He feels that if he has dangerous trees and he is budgeting for removal, 2 per 12 months makes sense. He stated that he measured the tree that fell on Walworth and knocked power out to at least 100 homes. It was 35" DBH. He asked why the Board should set any diameter if a member of the public thinks the tree is too close to the power lines or too close to their house, its going to be a big tree or an old tree. He didn't understand reducing the diameter. If it is a matter of right, what is wrong with getting rid of a tree, especially a white pine – they don't live that long and are brittle and fall apart but they can be enormous. He stated that he did not agree with the diameter limit and he felt they should go back to 12 months.

Trustee Samwick stated that the diameter limit is not about taking a tree down, it is about the threshold with which to replace it.

Mr. Levine stated that he knew that to be the case, but that it is written in the draft that it was subject to the replacement requirements and that gets convoluted with the Village Engineer, and so on. If it is totally on the honor system, one provides notice and replaces a tree, and there is no application process.

Trustee Samwick stated that one of the things this legislation is hoping to accomplish is that right now, the Village has inadequate information about tree removal and tree planting. One thing that they are trying to do is that they are trying to get a permit associated with each tree removal. Some of them may be as of right and they may have no cost but have a permit process so that they can track what is being removed.

Mr. Levine stated that he understood that in January as notification; the word permit was not going to be used. It was going to be made as a separate thing because it didn't require permission.

Trustee Samwick stated that there is no question that this language needs to be clarified.

Mr. Levine asked if it was going to be on the honor system that you would replace the tree.

Trustee Samwick responded that above 36" the permit stipulates a replacement.

Mr. Levine stated that if there was no requirement for a permit.....

Trustee Finger stated that it would be a good idea for purposes of this conversation or these comments to comment on what is before them. In his opinion, the Board is aware that there is some language that they would like to be clearer and some of that may address Mr. Levine's concerns. For purposes of this Public Hearing, he thinks it would be helpful to hear the comments on what is before them so they can take all that in.

Mr. Levine stated that his comments on the language as drafted are that it is not consistent with what the commitment was in January. What the commitment was in January is that you provide notice but there is no need for an application, there is no review by the engineer or anything like that.

Trustee Samwick stated that whether they call it notice or a permit may be different. The Board may prefer to have it as a permit but an as of right without fee permit. He stated that this will be addressed and that is one of the reasons why, very early in this process stated that they would not be voting on this amendment this evening.

Mr. Levine stated that his substantive point is that he did not think there should be any diameter limit and he thinks it should be 12 months.

Trustee Samwick asked Mr. Levine if he then meant that there should not be a replacement tree requirement.

Mr. Levine replied that there should not be for the first two trees.

Ellen Zweig, Old Orchard Lane, stated that in regard to the removal of two trees, the Board should take into account the property size. Taking down two trees from a 1/3 acre lot has a much greater environmental impact than taking down two trees from a 5 acre lot.

Linda Killian, 1 Forest Lane, thanked the staff and the Fire and Police Departments and the Public Works Department for all of the hard work they have done over the past ten days. She also thanked the Trustees for contributing and in particular Trustee Veron who comforted a lot of people.

Ms. Killian stated that having heard the comments and read the proposed law, she is a little confused as to what they are talking about this evening if this ordinance is not ready for public hearing. Based on what she pulled off the website, she stated that in November it was initially presented to the community as a way to insure that Scarsdale has the tree canopy that would sustain our parklike Village which no one seems to object to. However, at that meeting, neither the staff, the FOSP, the CAC presented any data showing any irresponsible residents were taking down trees. There was also no indication as to whether the Village has an inadequate tree canopy. The data presented did show that development and remodeling's led the majority of removals. Earlier this month, at the League of Women Voters debate, Trustee Veron explicitly stated the ordinance is intended to stop clear cutting by developers. If that's the intent and we're trying to stop clearcutting why are we hitting residents over the head for simply trying to protect their homes and their families? If you put this in the Land Use section of the Village Code, you could directly address development, expansion of homes, tear downs, new development, etc. But it is not, it is in the tree section of the Code so basically what you are doing is you are killing residents who want to remove a couple of trees for safety for the perceived sins of some developers. If you are trying to stop developers and people from tearing down trees when they are expanding their homes, you're not going to be able to do that unless there are heavy fines and restrictions and heavy fees on tree replacement. A \$50 permit is not going to deter any developer. Neither is a \$500 fee for a tree replacement. She stated that she understands this legislation addresses a very complex issue that has to balance safety, property rights, aesthetics, sustainability, etc. This is not something that would necessarily be felt immediately for Village residents but it would be felt over time. Before the Board adopts this, she hoped that the Board would reflect on what has happened with all of the storms.

Ms. Killian stated that if she were a Trustee, she would remove restrictions on tree removal in the normal course of people living in their homes for reasons of safety, aesthetics, etc. She also asked that the Village stop planting trees in the Village right of way, particularly below power lines. She stated that she would begin a Village wide initiative to remove dangerous trees, and encourage Con Edison to come in. To do so, you must make residents realize that Con Edison is pruning and removing trees for safety reasons. The legislation should be reviewed as to its placement in the Village Code – tree section or land use section.

Trustee Samwick stated that he believed Ms. Killian was in the meeting where they spoke about separating this and he stated that they are in the process with respect to land use code and they specifically did talk about bringing the tree component under a development scenario into that discussion.

Joelle Campbell, 44 Wayside Lane, stated that she is a new resident of Scarsdale and stated that she was quite shocked at the way the storm affected Scarsdale. She stated that they have a lot of lovely large trees, but over the past couple years she is watchful as to how

the trees interact with the different winds and the storms. She is concerned about a large tree on her property and worry about the branches falling from this tree and how they might injure students on their way home from school. She stated that this proposal is extremely restrictive for homeowners. She is confused regarding what she read and what is being discussed this evening. She thinks the proposed law takes away the rights and considerations away from the homeowners. Homeowners are generally thoughtful about what they are doing on their property. She stated that when she read the documents on the website, it seems to have restrictions on what you can remove from your property based on diameter. If it's only based on replacement that is not the way it reads.

Novisi Nirschl, 7 Colvin Road, stated that she has been a resident for three years. She stated that her property was between the trees that fell on Greenacres and Walworth. Based on the documents available on the website and that permits would be required, she felt that removal would be slowed by the process and that is problematic.

Matthew Miller, 8 Roosevelt Place, stated that he came to a Board meeting approximately 1 ½ years ago and specifically spoke about the trees. He stated that he also spoke about the trees in 2002, 2005, 2010, and 2016. He stated that he is a developer and that he has taken down many trees in Scarsdale and it is a shame when a person has trees next to their house. When the engineer spoke about tree replacement, he thought it was a good idea if you are taking a lot of trees down. The trees are the property of the owner, not the Village. His first question is where the fees go to that pay for the permits to remove the trees. Does that go to a general fund in Scarsdale, or a tree fund that is going to clean up the Village trees?

Village Manager Pappalardo stated that generally, these fees go to just General Fund revenues that help to pay for Village operations. This law continues a tree preservation fund so that monies that are given from applicants to go into that fund, whether that be in lieu of replacement trees, etc., that fund is dedicated for tree plantings that the Village would perform.

Mr. Miller stated that he had spoken in the past about the subdivision recreation fees being extortion fees. The recreation fees are paid by builders and then used for other things such as a new tennis court.

Mr. Miller stated that these trees are dangerous. If you have big trees next to your house and you can take down two of them – he stated that he took down four black walnut trees in 2002 and had the trees milled into boards and he intends to use them as flooring for a home he is building.

Mr. Miller stated that we have this problem that we don't want to lose our trees, but then we don't want to pay for the trees. He stated that he didn't think it was fair that the Village is charging property owners for their own trees – he bought the property, they are his

trees. If he cuts down his black walnut trees, that's fine – why does he have to give the Village more money and get a permit? It is outrageous to charge a fee for his trees. He does not want to pay a fee. He further stated that there are trees that have fallen on municipal property that need to be picked up and the area cleaned. There was one on the corner of Oxford two years ago – it has been leaning over for 40 years now on another tree and now that other tree has fallen down with the storm. The Village properties need to be cleaned up. If the fee is used to clean the Village properties he is in support of it.

Zoe Berg, 32 Tisdale Road, stated that she will be graduating from Barnard College in 8 weeks as an Environmental Policy major and after graduation she will be working with Patricia and Doug Wood of Grassroots Environmental Education.

She expressed her concerns regarding the proposed amendments to the tree ordinance. She stated that it is essential to consider public safety and the potential consequences of not removing trees that might collapse on your house. She described an incident of trees falling on her house and property in 2008 during a storm. Safety of the residents should be the priority of this administration. Residents should not be penalized for removing healthy trees on their private property if the residents believe the tree(s) may pose a danger to their wellbeing. Fees would discourage residents from taking necessary action to protect their safety. She encouraged the Village to consider planting more trees in the parks away from power lines and densely populated areas. She urged the Board to not adopt the proposed amendment that is before them.

Robert Berg, 32 Tisdale Road, stated that this is a bizarre public hearing as it is supposed to be about a specific proposed law as written. He said he didn't really know what they are talking about anymore because apparently it is being changed.

Trustee Finger stated that the Board would like comments on the amendment as it is in front of them.

Mr. Berg stated that he has communicating with Scarsdale Moms on Facebook and he was asked by one of the moms, Tonia Singer, 8 Montrose Road, who wrote comments about the proposed law. In her comments, Ms. Singer noted that the hazard presented by a tree is a function of not just its health, but also size, species, deviation from vertical and proximity to homes and the evaluation of risk is not an exact science. Ms. Singer states that the Village must not impose its own potentially greater appetite for risk on a homeowner seeking to protect their home from a risk they have determined unacceptably large. Ms. Singer implored the Village to reject the proposed amendment to the Code.

Mr. Berg stated that he has been arguing against this proposed amendment for months now. This is a bad law and no factual basis supporting the diminution of the tree canopy in Scarsdale. In 1926 there was no tree canopy in the Village because it was still largely vacant farmland. The Village is trying to preserve a post suburbanized tree canopy of

ornamental trees that were planted from basically the late 1920's onward. These trees are nearing the end of their natural lives; some of them are weakened and although others are healthy they are in a dangerous state. Homeowners have a reasonable fear that their healthy trees may come down and fall on their homes. Homeowners should have the right without filing for permits and paying fees or replacement trees to take those trees down if they have a reasonable fear that their house could be in danger. This law is a bad law and keeps residents from protecting their own private property. This law should not be passed or even modified; he did not think this law could be cured because it is going against the interest of residents who are not cutting down trees willy nilly. People like their trees but if they have reasonable fears about particular trees on their land that pose a danger to their property or themselves or neighbors, they should be able to cut them down without involving the Village. This is private property rights, this law should be abandoned. If the problem is clear cutting by developers, it should be done through the land use process.

Ellen Zweig, Old Orchard Lane, spoke in regard to tree experts. She stated that she does not want a Village expert coming by to tell her that she can or cannot cut down her tree – she wants her own expert. She did not think they should rely on decisions made by an expert as she had a bad experience at her previous residence in this regard.

Ira Silfin, 6 Continental Road, stated that having sat through this public hearing and having spoken to many people, he has not encountered anyone who was in favor of this law. When there is one sided opposition to the law and no support for the law other than a few conservation tree people, there is a reason why there is a feeling that this law is being rammed down our throats. For this discussion to be continuing after months and months of opposition from the public, and now to be told that the law they have been looking at isn't even the one being considered baffles him.

Greg Schwend, 49 Barry Road, echoed the previous speakers and stated that when this proposed law was introduced this evening, the words safety, safeguarding property rights, not burdening us with bureaucracy were brought up. It appears that the proposed law is in opposition to those principles. He did not know if there was any data to support the changes – is there resident behavior that is driving a need for further restriction? Additionally, he stated that the safety concern is one that residents have to take into account on their own. He stated that he opposes the law.

As there was no further public comment, Trustee Pekarek closed the public hearing. She stated that the Board will not take action on this and will speak as a Board based on the comments they have heard this evening. She thanked those for providing the Board with this information.

* * * * *

Finance Committee

Upon motion entered by Trustee Finger, and seconded by Trustee Samwick, the following resolution regarding the Acceptance of Gifts for the Scarsdale Public Library Addition and Renovation Project was approved by a unanimous vote:

- WHEREAS,** the Scarsdale Library Board completed a Master Plan dated June 10, 2013, which identifies a number of building renovations and additions that will increase the capacity of the library to provide a broader range of rapidly evolving library services while maintaining popular traditional collections and programs by offering a more balanced utilization of the building space within a safe, attractive and inviting comfortable environment, said master plan supported by the Scarsdale Village Board of Trustees via resolution dated April 8, 2014 (attached); and
- WHEREAS,** the improvements identified in the Master Plan will transform the Library into a multi-purpose community asset for future generations, maintain its preeminent status among free public libraries in the County and State, enhance its technological capacity to further library services and create a physical environment that will be a welcoming and versatile learning center; and
- WHEREAS,** the Scarsdale Public Library Board, at their October 21, 2013 meeting, authorized the retention of the fund raising consulting firm of Plan A Advisors, P.O. Box 165, Thornwood, NY 10594, to design and conduct a capital campaign to implement such a project, subsequently identified in the July 20, 2015, Schematic Design Report prepared by Dattner Architects, at an estimated construction cost of \$16,500,000 and total project cost of approximately \$19,500,000; and
- WHEREAS,** in accordance with a Village Board request at a March 07, 2016, Committee of the Whole meeting, the Library Board and Architect value engineered the schematic design plans, reducing the total project cost to \$17,900,000, as identified in Option A-1 (attached), which the Architect presented at the July 19, 2016, Committee of the Whole meeting; and
- WHEREAS,** on December 13, 2016, the Village Board of Trustees authorized a \$9,900,000 bond to pay part of the \$17,900,000 addition and renovation of the existing Scarsdale Public Library Building, with the remainder of the \$17,900,000 to be paid by private donations and grants; and

WHEREAS, on January 09, 2017, and with thanks to Assemblywoman Amy Paulin, the New York State Dormitory Authority awarded the Village of Scarsdale a \$500,000 State and Municipal Facilities Program grant in support of the project, with the execution of a grant agreement pending upon completion of various program review requirements; and

WHEREAS, the following donations have been offered to the Scarsdale Public Library Addition and Renovation Capital Improvement Project: Friends of the Scarsdale Library - \$72,080.86; and the Mary and James G. Wallach Foundation - \$500.

WHEREAS, pursuant to Policy #106: “*Gifts to the Village of Scarsdale*” of the Village of Scarsdale Administrative Policies & Procedures Manual, acceptance of all gifts valued at \$500 or greater must be approved by the Village Board of Trustees; now, therefore, be it

RESOLVED, that the Village Board hereby accepts the following gifts toward the Scarsdale Public Library Master Plan Improvement Project: \$72,080.86 from the Friends of the Scarsdale Library; \$500 from the Mary and James G. Wallach Foundation; and be it further

RESOLVED, that the Village Treasurer take the necessary steps to complete the transaction and accept these financial gifts totaling \$72,580.86 and deposit said funds into the Library Capital Campaign Account; and be it further

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

Land Use Committee

Upon motion entered by Trustee Samwick, and seconded by Trustee Finger, the following resolution to Schedule a Public Hearing on a Local Law to Amend Sections 182-3 and 182-6 of Chapter 182 of the Scarsdale Village Code Entitled Historic Preservation 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, April 10, 2018 at 8:00 p.m. to consider a proposed local law to amend Chapter 182 of the Scarsdale Village Code, entitled Historic Preservation; and be it further

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

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

Before the vote was taken, Trustee Samwick clarified that this is largely an administrative change. There will be further discussion about other potential changes that may or may not be made prior to the public hearing on April 10th as part of the land use discussions that are ongoing.

Upon motion entered by Trustee Samwick, and seconded by Trustee Finger, the following resolution regarding a Subdivision Recreation Fee, 937 Post Road – Section 8, Block 2, Lot 1D was approved by the vote indicated below:

WHEREAS, Section 7-730-4 of New York State Village law authorizes Planning Boards to reserve land in a subdivision for park, playground or other recreational purposes, and take money in lieu of land in cases where suitable park lands of adequate size cannot be properly located on a subdivision plat, the amount of said money to be established by the Village Board of Trustees; and

WHEREAS, on January 24, 2018, the Planning Board approved the three lot subdivision of 937 Post Road, creating two new lots and preserving the historic Cudner Hyatt House on the third lot, after finding the proposed subdivision would not have a significant negative environmental impact pursuant to the State Environmental Quality Review Act and Chapter 152 of the Village Code SEQRA; and

WHEREAS, on February 21, 2018, the Planning Board recommended a payment in lieu of contribution of land as the dedication of land for park, playground or recreation purposes is not feasible in view of the small amount of land available in this three lot subdivision; and

WHEREAS, the Village Department of Parks, Recreation and Conservation provides a variety of facilities to meet the interests and needs of the community including parks, playgrounds, ball fields and an outdoor pool and has a Five Year Capital Plan which calls for the replacement of facilities and equipment as well as additional facilities that will be needed in the future; and

WHEREAS, the Village Board, on February 27, 2007, adopted the Guidelines and Fee Schedule for monetary payment in lieu of land for new building lots and determined the Recreation Fee for new lots is a range from 4% to 6% of the 2006 property value based on the zoning district; now therefore be it

RESOLVED: the Board of Trustees hereby accepts the recommendation of the Planning Board that the applicant, 937 Post Road Associates LLC, pay to the Village an amount equal to 5.0% of the \$500,000 Guideline Value of a lot in the A-5 zoning district pursuant to the 2007 Subdivision Recreation Fee Schedule, or \$25,000, in lieu of a contribution of land for park, playground or other recreational purposes for each of the two new buildable lots resulting from the subdivision of property at 937 Post Road, identified on the Village tax map as Section 8, Block 2, Lot 1D, a total of \$50,000.

<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		

Municipal Services Committee

Trustee Veron stated that the following resolution is the result of great community effort and what an amazing process this has been. She stated that the Village has a

phenomenal group of dedicated volunteers who are part of the Conservation Advisory Council. They formulated a very detailed study with a lot of data and analysis to the Village Board. On December 12th there was a formal meeting of the Municipal Services Committee and the recommendations of the Conservation Advisory Council were reviewed. There were over 150 letters and emails sent to the Board thereafter and had a formal standing room only meeting on January 30th where the Board listened to the public. The Board took all of that information and synthesized it. The CAC met repeatedly with Village staff to go through the commentary that was received to figure out how to modify the proposals. Thereafter, another 230 comments were received and a working session of the Municipal Services Committee was held on March 5th. They spoke about how they would recommend parts of the recommendation and where they agreed there were parts of the recommendation the community was not ready for. The resolution before the Board this evening describes the outcome of that lengthy, collaborative, communicative, outreach process. The Board recognizes the Conservation Advisory Council and Municipal Services Committee and all of the residents who took part in making this a successful process.

Upon motion entered by Trustee Veron, and seconded by Trustee Pekarek, the following resolution regarding the Establishment of Modified and Expanded Sanitation Service Standards was approved by the vote indicated below:

- WHEREAS,** reducing the total volume of waste being incinerated or landfilled annually is an important goal, which the Village of Scarsdale can support through waste reduction strategies and increased recycling; and
- WHEREAS,** the Scarsdale Conservation Advisory Council (CAC) was tasked with evaluating the current sanitation service delivery model for opportunities to enhance services and increase recycling rates, having completed its Sanitation Study (attached) in December 2017, which was then presented publically to the Village Board's Municipal Services Committee (MSC) on December 12, 2017; and
- WHEREAS,** immediately prior and subsequent to the meeting, the Village Board received widespread community feedback, including over 150 written correspondence, numerous phone calls and personal interactions; and
- WHEREAS,** a subsequent MSC meeting held on January 30, 2018 was conducted as a public information meeting for homeowners to ask questions and express their opinions regarding the CAC report recommendations. The most frequently articulated concern was the recommendation to move commingled recycling collection from rear-yard to the curb, while there was general support for the

curbside collection of food scraps and the furniture donation bin proposal; and

WHEREAS, the abundant public comment received in response to this public engagement effort, resulted in refinement to the proposed sanitation service delivery modifications and enhancements, including a decision made by the Village Board to preserve rear-yard collection services for commingled recyclables; and

WHEREAS, the MSC met again on March 05, 2018, where Village staff presented recommendations reflecting a combination of Village Board and public feedback received to-date, as well as operational constraints and capabilities influencing program costs and feasibility, with the following sanitation service modifications and enhancements recommended for adoption on a 12-month pilot program basis:

1. Weekly, village-wide curbside food scrap recycling service;
2. A furniture donation partnership, including a drop-off site accessible to residents at the Scarsdale Recycling Center, 110 Secor Road;
3. Holiday week pick-up schedule modifications, involving a single weekly trash collection for those residents whose regular trash collection day falls on a holiday, with the potential for adjustments as volumes indicate appropriate; and
4. No change to existing rear-yard commingled recycling pick-up; and

WHEREAS, having acknowledged the depth and breadth of public participation, as well as the value of moving forward with the recommended cost-effective sanitation service delivery modifications and enhancements, the Municipal Services Committee voted unanimously, at said March 05, 2018 meeting, to recommend to the full Village Board that the staff recommendations be implemented as described, subject to routine monitoring of each modification or enhancement for program performance, and contingent upon a metrics-based final assessment of all pilot program activities being submitted by staff, in collaboration with the CAC, to the Village Board proximate to the one-year implementation anniversary; now, therefore, be it

RESOLVED, that the Village Board of Trustees hereby recognize the benefits associated with the staff-recommended sanitation service delivery modifications and enhancements, as vetted through the public process and outlined herein, and support their implementation on a pilot basis, subject to the performance monitoring and reporting requirements requested by the Municipal Services Committee; and be it further

RESOLVED, that the Village Manager is hereby authorized to undertake the administrative actions necessary to implement the sanitation service delivery modifications and enhancements on a one-year pilot basis, which shall include a public outreach and education effort to alert residents of the new services and to encourage their participation; and be it further

RESOLVED, that the Village Board of Trustees directs the CAC to work in coordination with the Village Manager or his designee(s) to assist in this public outreach effort, program implementation, and program performance monitoring and reporting, as determined by the Village Manager; and be it further

RESOLVED, that the Department of Public Works, in collaboration with the CAC, shall prepare and submit for Village Board review a pilot program assessment report, inclusive of appropriate quantitative measures of program performance, including but not limited to, tonnage recycled, participation rates, costs and other relevant program, financial and operational metrics, on or about the 12-month implementation anniversary, at which point a determination will be made concerning the future status of these initiatives.

AYES

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

NAYS

None

ABSENT

None

Upon motion entered by Trustee Veron, and seconded by Trustee Pekarek, the following resolution regarding Authorization of Payment for Emergency Water Main Repair was approved by the vote indicated below:

- WHEREAS,** on January 06, 2018, the Water Department responded to a report of water bubbling up in the street in front of 28 Crossway, a condition confirmed by the responding Water Department personnel who determined there was a water main break; and
- WHEREAS,** efforts to isolate the break over an 18-hour period were thwarted by 35 separate defective water valves that failed to close properly, thus expanding the area covered by service interruptions and creating an emergency situation presenting a threat to public health, safety, and welfare, resulting in Specialty Pipeline Services, a firm that specializes in making emergency shutdowns and one with which the Village has had previous satisfactory experience, being engaged to provide the necessary emergency shutdown; and
- WHEREAS,** pursuant to New York State General Municipal Law (GML) 103-4, "... in the case of a public emergency arising out of an accident or other unforeseen occurrence or condition whereby circumstances affecting public buildings, public property or the life, health, safety or property of the inhabitants of a political subdivision or district therein, require immediate action which cannot await competitive bidding or competitive offering, contracts for public work or the purchase of supplies, material or equipment may be let by the appropriate officer...,"; and
- WHEREAS,** pursuant to Section 3.5 of the Village Internal Control Policy, if an emergency purchase is made that exceeds statutory bid limits, a resolution declaring the emergency and authorizing the purchase must be prepared for approval by the Village Board at the next regularly scheduled meeting, though this request has been delayed to a subsequent meeting in a manner consistent with NYS Law; and
- WHEREAS,** based on the emergency described herein, the urgency of service restoration to impacted properties, and the inability of Scarsdale crews to resolve the issue without specialized contractual support, the Village Manager hereby supports authorizing payment for emergency services to Specialty Pipeline Services in the amount of \$21,000; now, therefore, be it

RESOLVED, pursuant to New York State GML 103-4 and Section 3.5 of the Village Internal Control Policy, the Village Board herein declares the emergency work performed in support of the Crossway water main repair to be eligible for payment, and hereby authorizes payment to Specialty Pipeline Services, 30 Scenic Hills Drive, Poughkeepsie, New York 12603, in the amount of \$21,000, to be charged to Water Department Distribution line item EWS-8310-DSTRB-OP/MT 400-499.

<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		

Upon motion entered by Trustee Veron, and seconded by Trustee Pekarek, the following resolution Awarding Contracts Pursuant to VM #1236-South Fox Meadow Brook Knotweed Remediation was approved by the vote indicated below:

WHEREAS, the Village previously advertised for the receipt of bids on September 12, 2017, pursuant to VM Contract #1225 – South Fox Meadow Brook Knotweed Remediation, involving the multi-year cutting and removal of Japanese Knotweed, an invasive species, along the South Fox Meadow Brook along Brewster and Harcourt Roads. The sole bid received was in excess of the established project budget, resulting in the Village Board rejecting the bid and directing staff to rebid the work (resolution attached); and

WHEREAS, the project scope or work was revised and reduced and the bid solicitation was re-issued under VM Contract # 1236 – South Fox Meadow Brook Knotweed Remediation, seeking pricing for Service Item A, which includes a total of fifteen cuts at five per year over the three-year contract period in Areas “A” and “B,” as outlined in Attachment “A” of the bid documents, as well as unit bid pricing for two add alternates, one, involving supplementary cuts, and the other for biomass removal following a cut, both on an as-needed basis in either Area; and

- WHEREAS,** the Village Manager reports that he publicly advertised for bids on January 26, 2018, through the Village website, in the Scarsdale Inquirer, and through the NYS Turf and Landscape Association for the receipt of bids pursuant to VM Contract # 1236 – South Fox Meadow Brook Knotweed Remediation, having also sent the bid documents to three potential contractors, and on the bid opening date of February 27, 2018, three sealed bids were opened; and
- WHEREAS,** the lowest responsible bidder for Service Item A was Acocella Contracting, 68 Gaylor Road, Scarsdale, NY 10583, in the amount of \$20,400, said Acocella Contracting having successfully performed previous landscaping, site clearing and stormwater work for the Village; and
- WHEREAS,** the add alternates are not intended to be awarded at this time, but rather provide the Village with a guaranteed unit bid price for each additional knotweed cut and biomass removal as an option should the necessity arise during the contract and adequate Village funding is available; and
- WHEREAS,** a total of \$44,000 is appropriated in the 2017/18 Capital Budget for this project as follows: \$24,000 NYS Department of Environmental Conservation Invasive Species Rapid Response and Control Grant; \$10,000 provided by the Scarsdale Union Free School District; and, \$10,000 from the Village; now, therefore, be it
- RESOLVED,** that VM Contract # 1236 – South Fox Meadow Brook Knotweed Remediation, is herein awarded to Acocella Contracting, 68 Gaylor Road, Scarsdale, NY 10583, for a term of three years, from April 2018 – September 2020, at a cost of \$20,400 in the aggregate providing for five separate knotweed cuts annually over the three year contract term, 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 the Village may exercise its option, subject to adequate budget appropriations, to utilize the unit bid pricing identified in Alternate Service Item 1 A and/or B and Alternate Service Item 2 A and/or B of the Bid Tabulation Sheet, for additional knotweed cuts and biomass removal by Acocella Contracting; and be it further
- RESOLVED,** that the Village Manager is herein authorized to execute VM Contract # 1236 – South Fox Meadow Brook Knotweed Remediation with

Acocella Contracting, 68 Gaylor Road, Scarsdale, NY 10583 and to take all necessary administrative acts; and be it further

RESOLVED, that all project costs charged to Capital Budget Account H-1997-961-2018-120 for VM Contract #1236 – South Fox Meadow Brook Knotweed Remediation, and the Department of Parks, Recreation and Conservation’s Parkland Deposit Account, TE93-.46, as deemed appropriate by the Village Treasurer and Superintendent of Parks and Recreation.

<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		

Before voting, Trustee Finger expressed his appreciation for the staff work in obtaining the above referenced grant. He acknowledged that this is a cooperative effort with the School District and is pleased that the school is willing to participate in this and hoped that the Village can look forward to future team efforts.

Written Communications

The Village Clerk reported that four (4) communications have been received since the last regular Board of Trustees meeting from the following:

- An email from Jessica Kourakos regarding the proposed tree law amendments.
- An email from Michael Levine with comments concerning the Management Partners Report.
- An email from Greg Roberts regarding his support for a dog park.
- An email from Dorothy Levin, 11 Overhill Road regarding the Conservation Advisory Council’s Sanitation Study recommendations.

Trustee Finger added that although the Public Hearing on the proposed amendment to the Tree Ordinance is closed, the Board will continue to receive written comments.

* * * * *

There being no further business to come before the Board, the meeting was adjourned at 10:26 P.M. on a motion entered by Trustee Finger, seconded by Mayor Hochvert and carried unanimously.

Donna M. Conkling
Village Clerk