

THREE THOUSAND THREE HUNDRED SECOND**REGULAR MEETING**

Rutherford Hall
 Village Hall
 May 8, 2018

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

Present were Mayor Hochvert, Trustees Arest, Callaghan, Crandall, Finger, Ross, and Veron. Also present were Village Manager Pappalardo, 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 Hochvert moved that an amendment be made to this evening's agenda to add a resolution under the Finance Committee regarding the Establishment of a Charitable Gift Reserve Fund, seconded by Trustee Finger and carried unanimously.

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The minutes of the Board of Trustees Regular Meeting of Tuesday, April 24, 2018 were approved on a motion entered by Trustee Finger, seconded by Trustee Callaghan and carried unanimously.

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Bills & Payroll

Trustee Crandall reported that she had audited the Abstract of Claims dated May 8, 2018 in the amount of \$255,862.70 which includes \$17,990.96 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 Crandall and seconded by Trustee Ross, the following resolution was adopted unanimously:

RESOLVED, that the Abstract of Claims dated May 10, 2018 in the amount of \$255,862.70 is hereby approved.

Trustee Crandall further reported that she had examined the payment of bills made in advance of a Board of Trustees audit totaling \$842,170.34 which were found to be in order and she moved that such payments be ratified.

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

RESOLVED, that payment of claims made in advance of a Board of Trustees audit totaling \$842,170.34 is hereby ratified.

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Mayor's Comments

Mayor Hochvert reported that on April 25th, he met with the Senior Women's event at the Girl Scout House, noting that Trustee Crandall would add her comments regarding this event. In the afternoon of that same day, there was a meeting at the Scarsdale Woman's Club on Climate Change Impacts. He stated that the speaker discussed how the cycles of various insects get out of their phases with the change of climate, possibly affecting how trees and plants are attacked by various insects because the predators are still 'sleeping'.

Also on April 25th, Mayor Hochvert stated that the Scarsdale Bowl Dinner was held. On April 26th, he stated that he attended the City 2.0 meeting at the High School. The class worked on elements that would improve New York City. The designs of those seniors are truly amazing; they figured out more ways to manage traffic and increase sustainability practices. These are our future leaders and he was delighted to be a part of this.

The Fox Meadow Neighborhood Association Annual event was held; four members of the Board were present for that meeting. On April 27th, an Arbor Day ceremony was held at Davis Park. The tree that came down during the last storm was replaced with a beautiful Douglas Fir. He noted that he did spend some time on April 28th from approximately 10:00 am to 4:00 pm planting in the Fourth Annual Friends of Scarsdale Parks and Recreation Department co-sponsored planting.

On May 2nd, Mayor Hochvert reported that they had a meeting with the Manager of the Taxi Service and spoke to him based on interest from the seniors as to whether there might be some advantages in rates during particular times of the day. Suggestions were also made to him to make sure he is sharing as many of the benefits that Central Taxi Company provides the public.

On the evening of May 2nd, there was a meeting at the Middle School on School Safety. They spoke about the events that occurred, such as that at Parkland and there is probably a need to get together with School District to go over some of the interest from the

people that would like to have an armed person or two in the school. One of the important things that the Police Chief pointed out is that there are 19 buildings that provide education in the Village. He also pointed out that if the police were assigned to that many buildings, as employees they work 365 days per year and the schools are only open for 185 days per year. So there are some issues that they will probably discuss with the School Board and Administration.

On May 3rd, there was a County Watershed Meeting which Trustee Crandall will also discuss. On Sunday, May 6, there was a Blue and Gold Award Ceremony where one of the mothers who are in tonight's audience was in attendance. Her husband is taking over as leader of the Cub Scout Pack. The Mayor noted that this is always a delightful event for him because he was a Cub Scout, Boy Scout, Cub Master, and Scout Master.

Mayor Hochvert stated that he has a letter from the New York State Public Service Commission thanking the Village for sharing information. He stated that he had sent a letter to the Governor attaching a lot of the material that staff had collected based on the commitments that Con Edison made after Storm Sandy and he pointed out that they had failed with some of these commitments. He stated that a letter has come back to him stating that 'on behalf of Governor Andrew Cuomo, thank you for your letter in which you provided information on proposed improvements agreed by Con Edison in wake of Superstorm Sandy. Thank you also for sending the information from 2013 relevant to these commitments. You also noted that, while Con Edison had delivered on some of its commitments, it failed to do so regarding staffing during the recent storms.' The letter also mentioned Con Edison's poor and inaccurate communication to customers during these storms. Mayor Hochvert stated that he thinks the Public Service Commission is probably going to come down hard on Con Edison, but to encourage that, he stated that he received an invitation from David Buchwald, who is a New York Assemblyman. He has formed a subcommittee of a group of municipal officials. He stated that they met with about 40 or 50 of them right after the storm and agreed that they would form a smaller group. Mr. Buchwald has named the group the 'United Westchester Executive Committee'. This group is led by County Executive George Latimer and David Buchwald. Another State Assemblyperson will be joining the group as well as two County Legislators. There are some representatives of the area serviced by New York State Electric and Gas, as well as representatives for those areas served by Con Edison. Mayor Hochvert stated that they hope to get the full support of all of the municipalities in Westchester.

On May 2nd, Mayor Hochvert stated that the Village received a letter from the Westchester Municipal Planning Federation announcing that the Freightway Site Redevelopment Study has been chosen to be honored with a commendation for outstanding planning achievement at its Annual Planning Awards competition.

Mayor Hochvert reminded the community that leaf blowers are not permitted from June 1st through September; however, it was announced last year that a change would

be made the way leaf blower citations were handled. He asked that residents let their lawn caretakers know that if they receive a second citation, they will have to appear before the Judge in Court.

In regard to public comment, Mayor Hochvert stated the comments were tending to run overtime. He has requested that Assistant to the Village Manager Ringel set 5 minutes on the timer for public comment. If one is in their last sentence when the timer goes off, they can finish their sentence but it would be appreciated if the speaker would end their comments within the five minutes. He also noted that public comments should be addressed to the entire Board rather than individuals on the Board because it is a collective Board decision on anything that might need to be changed. It is more proper to talk to the Board, trying to convince 7 people that they might need to address or change something.

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Village Manager's Comments

Village Manager Pappalardo noted that the Mayor requested an amendment to the Board's agenda this evening with regard to a resolution to Establish a Charitable Gift Reserve Fund. He stated that he would like to say a few words about that.

In conjunction with the 2018/19 New York State annual budget adoption, the Governor signed into law certain amendments to the New York State General Municipal and New York State Education Laws, which would allow local governments and school districts respectively to have the opportunity to establish Charitable Gift Reserve Funds. Through the subsequent adoption of a local law, these Reserve Funds would allow property owners the opportunity to make contributions to the Fund and possibly receive a tax credit of up to 95% of the contribution towards their property taxes that are imposed by the local government or school district for that associated credit year. The value of the tax credit cannot exceed the tax amount due and may be less than the total amount due at the option of the payer. The legislative intent of these amendments is to provide taxpayers some relief from the loss of the State and Local Tax deductions resulting from the 2017 changes to the Federal Tax Code which cap these SALT deductions at \$10,000. The municipalities are allowed to use the contributions to the Reserve Funds charitable purposes, which is inclusive of government purposes. Requisite payment receipts, acknowledgments and credit claim forms are mandatory record keeping and proof of payment requirements. The Village may invest the fund contributions pursuant to existing New York State laws, and any interest or capital gains are accrued to and become part of the Fund. The Village Treasurer is responsible for maintaining accurate records of all Fund activity.

There are a number of important details for the Village and property owners to understand and adhere to and we are still working through these details in order to establish a workable process both internally and in our interactions with the public.

We are also in contact with the School Administration who is working through these issues as well. It is the Village's intent to provide property owners the opportunity to take advantage of the Charitable Gift Reserve Fund in time for the Village tax which will be billed by June 30th for payment without penalty by August 1st.

Tonight's Village Board meeting agenda was amended to include the first step in the process, which is for the Village Board to adopt a resolution establishing the Charitable Gift Reserve Fund. Staff is working on a local law which will be included on the Board's May 22nd meeting agenda with a public hearing scheduled for the June 12th Board meeting. Depending on public comments, the Board could adopt the law that evening or consider it again at the June 26th meeting. Property owners cannot obtain property tax credits for their contributions until the local law is adopted. As I mentioned earlier, Village tax bills will be mailed by June 30th. He asked that people keep in mind that the Federal IRS has not ruled on the establishment of this Charitable Gift Fund legislation; the tax credits are not guaranteed at this point. The Village, however, does believe that moving forward with the fund to potentially assist our residents is certainly worth the effort. There will be more to come in the weeks to follow.

Village Manager Pappalardo next reported on road resurfacing that is scheduled this spring. Tomorrow resurfacing will commence on some roads; it is expected that the Village will continue to resurface the residential roads through the next 7 or 8 business days. Some paving is also scheduled in the commercial district in the Village Center. This will begin, weather permitting, on May 14th – Depot Place, Freightway, and Garth Road are all scheduled to be resurfaced. The resurfacing for these three roads will take place at night between the hours of 7 pm and 5 am to minimize the disturbance to local merchants, commuters, and pedestrians. The Village anticipates one night to prep for the paving and two nights of actual resurfacing. Work dates and hours will be posted on temporary no parking signs installed along each road and adjacent roads. The Village has already installed two message boards on either side of Popham Road near Garth and Depot to provide advance notice. During paving operations, sections of each road will be closed or limited to traffic including adjacent off street parking stalls. Scarsdale Police will be on site during the paving operation to assist the contractor with traffic and parking control operations. The Village is using an existing contract which expires on August 31st. They wanted to get started early this year; due to the severity of the winter there are a limited number of contractors that are in this business and we have an existing contract. The Village moved quickly to secure this contractor to pave during the spring and not wait for the busy summer months. The current funding for the current 2018/19 budget that is available for this work is \$740,000. They plan on another round of paving this summer/fall under the same contract but that would be contingent upon the Board approving a General Fund Transfer if available and prudent from the closeout from Fiscal Year 2017/18 after the audit is completed this summer. If the Board does make that General Fund Transfer, the total appropriation would \$1.24 million for Fiscal Year 18/19. The Village will then plan to get a

new contract in the winter of 18/19, where they believe they will get better rates by bidding in the winter time.

Village Manager Pappalardo next reported that the Village staff submitted five grant applications to New York State at the end of April. The first two were under the New York State Department of Transportation's Bridge New York Grant. The first application submitted was for the Heathcote Road Bridge Rehabilitation Project; a \$1.552 million grant request. There is a local share of 5%; if the Village is awarded the grant, the share would be approximately \$77,000. This would be a full rehabilitation of the concrete bridge abutments and steel superstructure. Another grant staff applied for under the Bridge New York Grant are some culverts under Catherine Road – a \$1.3 million dollar grant request. There is no local share on this application. This grant money would be to remove and replace the existing culverts which carry traffic over the Sheldrake River by the Middle School. The river runs from one side of the road to the next and back again to the other side of the road. There are some old culverts under the ground and the Village would like to replace those with some new precast concrete culverts which have a 75 year service life.

Village Manager Pappalardo continued, stating that the other grants included a New York State Department of Health Grant for Drinking Water Fluoridation – this would be a rehabilitation of Reeves Newsome Pump Station Fluoridation System. The Village received a \$20,000 grant to do the study; the study has been completed and now the Village would like to have the capital grant to do the work for \$260,000. There is no local share on this grant either.

The last grant is one submitted to the New York State Department of Environmental Conservation – the Zero Emission Grant – this program will be to install two electrical vehicle chargers at the Freightway Garage. This is a \$16,500 grant and the local share would be \$3,000.

Village Manager Pappalardo stated that letters were written to Assemblywoman Amy Paulin and State Senator Andrea Stewart Cousins asking them to provide support in any way they can with these grant applications.

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Trustee Committee and Liaison Reports

Trustee Arest reported that he attended a Cable Television Commission meeting and stated that they continue to work on franchise agreement negotiations. At this point, there is nothing to update the community on, but he stated that he would like to commend the Commission on their hard work.

Trustee Veron stated that in reference to her work she started last year when she was liaison to the Advisory Council on Scarsdale Senior Citizens and Advisory Council on Youth, the goal was to bridge the generations in Scarsdale and bring understanding to the seniors on how their tax dollars to the schools are helping educate future leaders. Seniors are going to be invited to the Fox Meadow School Capstone Project to see the great work of the 5th graders and that invitation will be extended to the Scarsdale Senior Citizens Advisory Council at their next meeting – this will be a June event.

Trustee Veron next reported on her role as Police Commissioner, stating that she had an opportunity to attend the Teen Academy where the Police have been schooling several 5th to 8th graders in the workings of the Police Department. She stated that she attended a forensic lesson today along with the students. Detective Arcesi and Officer Bronstein were excellent instructors. She stated that the Police Chief spent a lot of time with her, showing her the work they do and talking through his experiences serving on the panel at the school.

Trustee Veron stated that she would like to report on the newly formed business group in the Village Center; they have selected a new name which is Scarsdale Business Alliance (SBA).

Trustee Veron also noted that the Library Loft at Supply Field is nearly ready; the timing will work out really well as the anticipated transition will be sometime in mid to late June. This will work really nicely with the end of the school year.

Trustee Veron stated that she attended the funeral today along with the rest of Scarsdale for resident Aaron Panken. Everyone is heartbroken over this tragic and untimely passing. He was the celebrated President of Hebrew Union College, husband of Lisa Messenger, devoted Village volunteer, an instrumental leader of the Library Campaign, and a devoted father of Eli and Samantha. The Village Board extends their sincere condolences.

Trustee Crandall stated that last week she attended a County level meeting of the Saw Mill River and Bronx River Watersheds. The Bronx River watershed is of primary concern to Scarsdale residents. This meeting was organized by County Legislator Mary Jane Shinsky. The purpose of the meeting was to allow for information sharing to identify problems and potential resources. Of note to Scarsdale residents, the extension of the Bronx River pathway between Scarsdale and Hartsdale is still in the bidding stage. She stated that she requested that the County Planning Department keep the Village posted. There was a representative present from the Bronx River Alliance who reported that 73% of the garbage collected downstream in the Bronx is actually polystyrene.

Trustee Crandall continued, stating that on April 28th, the Friends of Scarsdale Parks and the Village Recreation Department had another Trees for Tribs Community Planting

Day. Approximately 60 volunteers finished planting in record time. Photographs of the event can be viewed on www.scarsdale.com and were taken by Deputy Village Manager Cole. The plantings took place at Harwood Park and Trustee Crandall instructed residents on how to find it. She stated that this area used to be a municipal snow storage area.

As liaison to Scarsdale Edgemont Family Counseling, Trustee Crandall stated that they will be hosting their Annual Spring Gala this Thursday, May 10th at the Scarsdale Golf Club. They are bestowing their inaugural Rising Star Award on Dara Broxmeyer Gruenberg. Entertainment will be provided by the mentalist Oz Perlman. Tickets are still available online at www.sfcsinc.org or at the door.

Trustee Crandall noted that one of the many organizations under the umbrella of the Scarsdale Family Counseling Service is the Scarsdale Coalition on Family Violence and Healthy Relationships. She stated that she attended their meeting at the high school where they heard about Title IX and how it actually affects the students in colleges when there are claims of sexual harassment and violence. This program was presented by Cindy Dunne.

Trustee Crandall continued, stating that May is Mental Illness Awareness Month, and everyone must do their part in reducing the shame and stigma associated with seeking emotional support. Scarsdale Edgemont Family Counseling Service has added 45 counseling hours per week in the past 12 months and now offers Saturday appointments.

With the support of Scarsdale Edgemont Family Counseling Service and the Scarsdale Drug and Alcohol Task Force and Scarsdale High School Senior Jack Waxman, there is now more awareness about the dangers of flavored e liquids and e cigarettes. There is going to be Tobacco 21 Legislation presented to the Westchester County Board of Legislators. A public hearing will be held at the Westchester County Office Building, 148 Martine Avenue, White Plains, on Monday, May 21st at 7:00 P.M. Public comments are welcome at the hearing.

Trustee Finger stated that he attended the Greenacres Neighborhood Association meeting two weeks ago. He stated that they are planning events for the spring, summer and fall, all of which will be exciting, interesting, and should be a lot of fun. He stated that he also attended a meeting of the Advisory Council on Youth and there are a number of items on their agenda.

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Public Comment

Mayra Kirkendall-Rodriguez, Fox Meadow Road, asked the Village Board to make math and empathy the cornerstone of governance in Village Hall, which she is concerned there is a deficit of. She stated that since the Ryan Reval, the Board is still not helping

residents who are paying more taxes than they should be. She stated that the Board just passed an ordinance amending the Tree Law without giving residents numbers – how many trees are cut and planted each year in Scarsdale. It is the net number that matters. She stated that the Board is also ignoring her husband's math, showing that they are giving a discount to excess water users in Scarsdale and without empathy penalizing those residents who conserve. The Board still has no numbers showing what their priorities are and Scarsdale needs a long term financial model and plan. She stated that a lack of long term financial planning leaves Scarsdale vulnerable to being more reactive than proactive. She asked where the importance of math and empathy when it comes to the Board not reappointing a talented volunteer to the Town Board of Assessment Review and instead appointing friends and relatives to Boards. She asked the Board to tell the truth and not hide behind closed doors in Executive Sessions.

Robert Berg, 32 Tisdale Drive, spoke about his opinion regarding the transparency of the Scarsdale Village government, particularly in regard to the Board's unexplained refusal to reappoint Jane Curley to the Town Board of Assessment Review, in addition to the Board's refusal to explain how residents are selected for various Village Boards and Councils.

Mr. Berg also expressed his opinion that important decisions are frequently made at the Village Board meetings without substantial public discussion. He noted that there is a resolution on the agenda this evening regarding wage increases for department heads and nonunion personnel. He wondered if the Board discussed this amongst themselves beforehand. He questioned whether the Board members meet in groups of three to avoid having a quorum and avoid the Open Meetings Law.

Mr. Berg continued, discussing the decrease in home sales and drop in median sales price in Scarsdale. In regard to the proposed 2% wage increase, he stated that this is something the Board could control and labeled it a gratuitous 2% increase with no evidence of underpaying non-unionized staff. It should be demonstrated to the public that the staff is underpaid and there is a reason to give the increase.

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

Finance Committee

Upon motion entered by Trustee Ross, and seconded by Trustee Finger, the following resolution regarding Establishing a Charitable Gift Reserve Fund was approved by the vote indicated below:

- WHEREAS,** in response to the Federal Tax Cuts and Jobs Act (TCJA), the State of New York has enacted legislation authorizing local governments and school districts to establish a charitable gifts reserve fund that may be used to offset the \$10,000 cap on state and local tax (SALT) deductions imposed by TCJA; and
- WHEREAS,** pursuant to Section 6-u of the General Municipal Law, the Village is authorized to establish a charitable gift reserve fund wherein property owners may make an unrestricted charitable money contribution to said fund and potentially receive a real property tax credit up to 95% of the value of the contribution, the exact amount of the real property tax credit to be determined by local law; and
- WHEREAS,** the Village Treasurer shall invest all funds received by the charitable gifts reserve fund in accordance with Section 11 of the General Municipal Law and the Village of Scarsdale Investment Policy; and
- WHEREAS,** any Village of Scarsdale property owner who contributes to the charitable gift reserve fund shall receive written acknowledgement from the Village Treasurer of their contribution in duplicate form; and
- WHEREAS,** residents who contribute to the charitable gift reserve fund are also required to complete a credit claim acknowledgement form issued by the New York State Department of Taxation and Finance; now, therefore, be it
- RESOLVED,** that a charitable gift reserve fund is hereby established; and be it further
- RESOLVED,** that the Village Manager and Village Treasurer are herein directed to take all necessary steps to establish and maintain a charitable gift reserve fund consistent with the requirements of Section 6-u of the General Municipal Law, the Village of Scarsdale Investment Policy and any guidance to be provided by the State of New York Department of Taxation and Finance; and be it further
- RESOLVED,** that the Village makes no representation as to the deductibility, for income tax purposes, for any and all contributions made to the charitable gift reserve fund.

AYES

Trustee Arest

NAYS

None

ABSENT

None

Trustee Callaghan
Trustee Crandall
Trustee Finger
Trustee Ross
Trustee Veron
Mayor Hochvert

Upon motion entered by Trustee Ross, and seconded by Trustee Finger, the following resolution regarding Acceptance of a Gift for the Scarsdale Public Library Addition and Renovation Project was approved by the vote indicated below:

- 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, on February 13, 2018, the Village Board amended the December 2016 Bond Resolution (attached) to provide for an increased total library addition and renovation construction cost of \$18,400,000, to be funded by a \$9,900,000 bond combined with \$500,000 from funds previously appropriated from the Village and the Library unassigned fund balances for the Supply Field temporary library and professional service contracts, respectively, and \$7,500,000 to be paid from private donations and grants, including the aforementioned \$500,000 State and Municipal Facilities Program grant; and

WHEREAS, the following donation has been offered to the Scarsdale Public Library Addition and Renovation Capital Improvement Project: Friends of the Scarsdale Library - \$219,935.47, \$100,000 of which is a challenge grant payment; and

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

RESOLVED, that the Village Board hereby accepts the following gift toward the Scarsdale Public Library Master Plan Improvement Project: \$219,935.47 from the Friends of the Scarsdale Library; and be it further

RESOLVED, that the Village Treasurer take the necessary steps to complete the transaction and accept this financial gift totaling \$219,935.47 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 for their generosity and commitment to the Scarsdale Public Library and the community it serves.

<u>AYES</u>	<u>NAYS</u>	<u>ABSENT</u>
Trustee Arest	None	None
Trustee Callaghan		
Trustee Crandall		
Trustee Finger		
Trustee Ross		
Trustee Veron		
Mayor Hochvert		

Law Committee

Upon motion entered by Trustee Finger, and seconded by Trustee Ross, the following resolution regarding a License Agreement – 23 Shawnee Road – Right-of-Way Encroachment was approved by the vote indicated below:

WHEREAS, 23 Shawnee Road, LLC as represented by Jan C. Flanzer, (hereinafter “Licensee”) is the owner of a certain property known as 23 Shawnee Road, identified on the Village of Scarsdale Tax Map as Section 04, Block 02, Lot 214; and

WHEREAS, in accordance with the requisite Committee on Historic Preservation and Board of Architectural Review approvals, the Building Department issued demolition and building permits for a new home construction, realizing upon the post construction review of the as-built survey, that a loose bluestone paver walkway was installed by Licensee within the Village right-of-way in front of 23 Shawnee Road, for which Licensee is desirous of maintaining said encroachment through a license agreement with the Village; and

WHEREAS, the Village Engineer has inspected these encroachments and reports via memorandum dated April 30, 2018, (attached) that the bluestone paver walkway does not present any visual obstructions or unsafe conditions; and

- WHEREAS,** the Village may accommodate the Licensee by granting a revocable license agreement to permit the Licensee to maintain and legalize the walkway within the Village right-of-way, in accordance with the as-built survey, prepared by TC Merritts Land Surveyors dated February 20, 2018, and attached as Exhibit “A” of the License Agreement, attached hereto and made a part hereof, said survey reviewed and approved by the Village Engineer; and
- WHEREAS,** the Licensee is responsible for all maintenance and repairs of said encroachment in the Village right-of-way and the payment of all fees associated with any construction and inspection of work; and
- WHEREAS,** Licensee will indemnify and hold harmless the Village in all actions, claims, judgments, costs or expenses arising from said maintenance of the encroachments and provide the Village with a certificate of liability insurance naming the Village as an additional insured, at limits approved by the Village Attorney; and
- WHEREAS,** the granting of said revocable license agreement will not interfere with the Village’s present and future use and maintenance of said Village right-of-way; now, therefore, be it
- RESOLVED,** that the Village Manger is herein authorized to execute a revocable non-transferable license agreement, in substantially the same form as attached hereto, with 23 Shawnee Road, LLC, as represented by Jan C. Flanzer, 23 Shawnee Road, Scarsdale N.Y. 10583, to maintain a loose bluestone paver walkway located within the Village right-of-way in accordance with the February 20, 2018, plans and specifications reviewed and approved by the Village Engineer and attached to the license agreement as Exhibit “A,” said authorization conditioned on Licensee’s submission of a certificate of liability insurance naming the Village of Scarsdale as an additional insured and inclusive of coverage limits approved by the Village Attorney; and be it further
- RESOLVED,** that Licensee herein agrees to indemnify and hold the Village of Scarsdale harmless in all actions, claims, judgments, costs or expenses arising from said installation and maintenance of said encroachments; and be it further
- RESOLVED,** that pursuant to the Fiscal Year 2018/19 Village-Wide Fees and Charges Schedule, Licensee shall pay the Village the sum of \$1,250.00 as an administrative fee associated with the preparation and execution

of said license agreement, and the annual maintenance fee moving forward.

<u>AYES</u>	<u>NAYS</u>	<u>ABSENT</u>
Trustee Arest	None	None
Trustee Callaghan		
Trustee Crandall		
Trustee Finger		
Trustee Ross		
Trustee Veron		
Mayor Hochvert		

Upon motion entered by Trustee Finger, and seconded by Trustee Ross, the following resolution regarding Support of a Westchester County Local Law Regarding the Sale of Tobacco Products was approved by a unanimous vote:

WHEREAS, the public health of our children, residents and all Americans is of paramount concern; and

WHEREAS, The Westchester County Board of Legislators has proposed so called “Tobacco 21” legislation to ameliorate the adverse health impacts of cigarette smoking that will increase the minimum age to purchase tobacco products from 18 to 21; and

WHEREAS, in 2014, a U.S. Department of Health and Human Services (HHS) report stated that cigarette smoking causes more than 480,000 deaths each year in the United States, additionally, HHS also reported that each day 350 youth under the age of 18 in the United States become regular, daily smokers, and almost one third will lose their life as a result; and

WHEREAS, a recent report from the Institute of Medicine (IOM) found that raising the minimum legal sale age of tobacco products to 21 years of age will significantly reduce smoking rates; and

WHEREAS, a total of 18 municipalities in New York State including New York City, Orange, Rockland and Suffolk Counties, representing 67% of the State’s population, have adopted “Tobacco 21” legislation; and

WHEREAS, WCBOL will hold a public hearing on May 21, 2018 to hear and discuss Westchester County's proposed "Tobacco 21" legislation, and receive written and oral comments from the public; and

WHEREAS, the Village Board of Trustees agrees that cigarette smoking is a public health issue and any step to ameliorate the negative health effects to Scarsdale's children and teens should be supported; now therefore, be it

RESOLVED, that Mayor Hochvert and the Scarsdale Village Board of Trustees herein supports the adoption of a Local Law amending provisions of Chapter 535 of the laws of Westchester County in relation to the sale and distribution of tobacco and tobacco related products by persons less than 21 years of age, and amending Section 534.02 of the Laws of Westchester County to reflect the expanding definition of tobacco products (proposed legislation attached); and be it further

RESOLVED, that the Village Clerk forward a certified copy of the resolution to the Clerk of the Westchester County Board of Legislators to be included as a written comment at the aforementioned May 21, 2018 public hearing on the proposed "Tobacco 21" Legislation.

Municipal Services Committee

Trustee Veron read the following excerpt from a letter prepared by Savin Engineers regarding the rejection of two bids for VM Contract #1229 and #1231, Scarsdale Public Library Additions and Renovations: "The bids for the Scarsdale Public Library and additions and renovations project were received on April 24th. In conjunction with the Village of Scarsdale and Dattner Architects we have held bid qualification meetings with the low and second low bidders for all Contracts.

At this time we are recommending to hold the low bids for the General Construction Contract, Niram Construction, and Plumbing Contract, S&L Plumbing and Heating, and to reject the Electrical and Mechanical bids due to the following reasons:

Electrical Bid: During the bid process the apparent low bidder, Naber Electric, submitted a request for an as equal generator to be used in lieu of the specified generator. The request was submitted after the stipulated due date for RFI's and the request did not have all required material for a complete review of the product and comparison against the specified manufacturer.

Mechanical Bid: During the bid process Dattner Architects Mechanical Engineers did not provide all revisions for the project by the last addendum date of April 17th. There is a change to the number of boilers and a few miscellaneous items that are significant scope omissions and will affect the cost of the mechanical bid.”

Upon motion entered by Trustee Veron, and seconded by Trustee Arest, the following resolution regarding Rejection of Bids for Scarsdale Public Library Expansion and Renovation Project VM Contract #1229 – Electrical was approved by the vote indicated below:

- WHEREAS,** Dattner Architects (Dattner), the Village’s contracted design firm, completed the construction bid documents for the Scarsdale Library Expansion and Renovation project in January 2018; and
- WHEREAS,** due to the estimated construction cost of the project exceeding \$1,500,000, and the multiple building trades involved, Section 101 of the New York State General Municipal Law, commonly referred to as the Wick’s Law, requires that the general construction, electrical, plumbing and mechanical portions of the project be bid separately under different contracts; and
- WHEREAS,** accordingly, the Village Manager reports that he publicly advertised in the Scarsdale Inquirer on March 16, 2018, for the receipt of bids pursuant to VM Contract # 1229 - Electrical, having also advertised the opportunity through Construction Data News, Dodge Reports, and the online procurement website, BidNet; and
- WHEREAS,** on the bid opening date, April 24, 2018, six bids were received, as summarized on the attached bid tabulation sheet, with Naber Electric having submitted the apparent lowest base bid of \$2,277,772, or \$2,265,772 if deduct alternate #1 (elimination of the north bay of the addition) is applied; and
- WHEREAS,** upon reviewing the Naber Electric bid, it was determined that they failed to adhere to the specified equipment substitution submission requirements, thereby disqualifying their submittal, with subsequent joint review by the Village Attorney and the Village’s project construction management firm, Savin Engineers, having also determined that all bids received pursuant to VM Contract #1229 – Electrical should be rejected and a new procurement process initiated; now, therefore, be it
- RESOLVED,** that the Village Board, pursuant to Section 103 of the New York State Municipal Law, hereby rejects all bids for the Scarsdale Library

Expansion and Renovation Project VM Contract #1229 - Electrical; and be it further

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

<u>AYES</u>	<u>NAYS</u>	<u>ABSENT</u>
Trustee Arest	None	None
Trustee Callaghan		
Trustee Crandall		
Trustee Finger		
Trustee Ross		
Trustee Veron		
Mayor Hochvert		

Upon motion entered by Trustee Veron, and seconded by Trustee Finger, the following resolution regarding Rejection of Bids for Scarsdale Public Library Expansion and Renovation Project VM Contract #1231 – Mechanical was approved by the vote indicated below:

WHEREAS, Dattner Architects (Dattner), the Village’s contracted design firm, completed the construction bid documents for the Scarsdale Library Expansion and Renovation project in January 2018; and

WHEREAS, due to the estimated construction cost of the project exceeding \$1,500,000, and the multiple building trades involved, Section 101 of the New York State General Municipal Law, commonly referred to as the Wick’s Law, requires that the general construction, electrical, plumbing and Mechanical portions of the project be bid separately under different contracts; and

WHEREAS, accordingly, the Village Manager reports that he publicly advertised in the Scarsdale Inquirer on March 16, 2018, for the receipt of bids pursuant to VM Contract #1231 - Mechanical, having also advertised the opportunity through Construction Data News, Dodge Reports, and the online procurement website, BidNet; and

WHEREAS, on the bid opening date, April 24, 2018, six bids were received, as summarized on the attached bid tabulation sheet, with Hi-Tech Air Conditioning Services, Inc. (Hi-Tech), having submitted the apparent

lowest base bid of \$1,850,000, or \$1,842,500 if deduct alternate #1 (elimination of the north bay of the addition) is applied; and

WHEREAS, the advertised Mechanical Contract bid documents request pricing for installation of one new boiler, but following publication and only two days ahead of the bid opening date, the project architect notified the Village and its construction management firm, Savin Engineers, that the project would actually require two boilers, constituting a significant scope omission and resulting joint determination by Savin and the Village Attorney that all bids should be rejected and the procurement re-bid with the properly updated plans and specifications; now, therefore, be it

RESOLVED, that the Village Board, pursuant to Section 103 of the New York State Municipal Law, hereby rejects all bids for the Scarsdale Library Expansion and Renovation Project VM Contract # 1231 – Mechanical; and be it further

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

<u>AYES</u>	<u>NAYS</u>	<u>ABSENT</u>
Trustee Arest	None	None
Trustee Callaghan		
Trustee Crandall		
Trustee Finger		
Trustee Ross		
Trustee Veron		
Mayor Hochvert		

Upon motion entered by Trustee Veron, and seconded by Trustee Finger, the following resolution Awarding VM Contract #1242 – Furnish and Deliver New 2018 Five Cubic Yard Pay loader and Authorizing Transfer of \$211,900 from Assigned General Fund Balance to the Capital Budget Account was approved by the vote indicated below:

WHEREAS, in accordance with the fleet maintenance standards and the Village’s Vehicle & Equipment Retirement Schedule Program, and in response to escalating maintenance and operating costs, replacement of the Village’s Five Cubic Yard Payloader has become a necessity; and

WHEREAS, accordingly, the Village Manager reports that he publicly advertised in the Scarsdale Inquirer on April 06, 2018, for the receipt of bids for VM #1242 Furnish and Deliver New 2018 Five Cubic Yard Payloader, having also advertised through the online procurement website, BidNet; and

WHEREAS, on the bid opening date, April 24, 2018, three sealed bids were received, with the lowest responsive bid having been submitted by A. Montano Co., 571 Route 212, Saugerties, NY 12477, in the amount of \$211,900.00, as identified on the attached bid tabulation sheet; and

WHEREAS, consistent with the adopted FY 2018-19 Village Capital Budget and Plan, authorizing up to \$1,500,000 for vehicle and equipment purchases, a transfer of General Fund Balance in the amount of \$211,900 is necessary to facilitate purchase of the Payloader; now, therefore, be it

RESOLVED, that VM Contract #1242 – Furnish and Deliver New 2018 Five Cubic Yard Payloader be awarded to A. Montano Co., 571 Route 212, Saugerties, NY 12477, in the amount of \$211,900.00; and be it further

RESOLVED, the purchase of said equipment is authorized in the adopted FY 2018-2019 Capital Budget, and that \$211,900 is hereby transferred for this purchase from Assigned General Fund Balance to the Highway Equipment Capital Account, as follows:

FROM:

A-9999-9999-9999 Use of Fund Balance \$211,900

TO: A-9990-TRNFR-TRNFR-950-9550-.0
General Fund Transfer to Capital \$211,900

TO:H-1000-030-5031-01Transfer from General Fund \$211,900

TO:H-5197-963-2018-052 Highway Equipment \$211,900;

and be it further

RESOLVED, that the Village Manager is hereby authorized and directed to execute VM Contract # 1242 on behalf of the Village of Scarsdale with A. Montano Co., and to undertake administrative acts as may be required under the terms of the contract.

<u>AYES</u>	<u>NAYS</u>	<u>ABSENT</u>
Trustee Arest	None	None
Trustee Callaghan		
Trustee Crandall		
Trustee Finger		
Trustee Ross		
Trustee Veron		
Mayor Hochvert		

Upon motion entered by Trustee Veron, and seconded by Trustee Crandall, the following resolution Awarding VM Contract #1243 – Furnish and Deliver New 2018 Three-Wheeled Sanitation Scooters and Authorizing Transfer of \$125,661 from Assigned General Fund Balance to the Capital Budget Account was approved by the vote indicated below:

- WHEREAS,** the Village’s Sanitation “Cushman” scooter fleet has become increasingly obsolete over the past decade, exhibiting escalating operating and maintenance costs accompanied by extreme difficulty in staff being able to locate replacement parts, thus necessitating replacement of the scooter fleet; and
- WHEREAS,** accordingly, the Village Manager reports that he publicly advertised in the Scarsdale Inquirer on April 06, 2018, for the receipt of bids pursuant to VM Contract #1243 – Furnish and Deliver New 2018 3-wheeled Sanitation Scooter(s), having also advertised the opportunity through the online procurement website, BidNet; and
- WHEREAS,** on the bid opening date, April 24, 2018, a single responsive bid in the amount of \$41,887 per custom-constructed scooter, for a combined total of \$125,661.00 for three such vehicles, was submitted by Trius, Inc., 458 Johnson Ave., P.O. Box 158, Bohemia, NY 11716, as identified on the attached bid tabulation sheet; and
- WHEREAS,** while the Scarsdale version of the Go-4 Scooter offered will be customized to meet local specifications associated with the Village’s Sanitation services, the model has demonstrated field reliability with other municipal entities, and the Village has successfully contracted in the past with Trius, Inc., having been satisfied with their products and support; and

WHEREAS, the Village is authorized during the term of the one-year agreement to purchase additional scooters on a unit price basis pursuant to the availability of adequate funding; and

WHEREAS, consistent with the adopted FY 2018-19 Village Capital Budget and Plan authorizing up to \$1,500,000 for vehicle and equipment purchases, a transfer of Assigned General Fund Balance in the amount of \$125,661 from the \$1,500,000 previously allocated to the Heathcote Bridge Rehabilitation Project, is necessary to facilitate purchase of the scooters; now, therefore, be it

RESOLVED, that VM Contract #1243 – Furnish and Deliver New 2018 3-wheeled Sanitation Scooter(s) be awarded to Trius, Inc., 458 Johnson Ave., P.O. Box 158, Bohemia, NY 11716, at the unit bid price itemized in the attached bid tabulation sheet, totaling \$125,661.00 for the first three units to be purchased for \$41,887.00 each; and be it further

RESOLVED, that the purchase of said equipment was authorized in the adopted FY 2018-2019 Capital Budget and Plan, and that \$125,661 is hereby transferred for this purchase from Assigned General Fund Balance to the Highway Equipment Capital Account, as follows:

FROM:

A-9999-9999-9999 Use of Fund Balance \$125,661

TO: A-9990-TRNFR-TRNFR-950-9550-.0
General Fund Transfer to Capital \$125,661

TO:H-1000-030-5031-01Transfer from General Fund \$125,661

TO: H-5197-963-2018-052 Highway Equipment \$125,661

and be it further

RESOLVED, that the Village Manager is hereby authorized and directed to execute VM Contract # 1243 on behalf of the Village of Scarsdale with Trius, Inc., and to undertake administrative acts as may be required under the terms of the contract.

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

Trustee Finger
Trustee Ross
Trustee Veron
Mayor Hochvert

* * * * *

Personnel Committee

Upon motion entered by Trustee Arest, and seconded by Trustee Finger, the following resolution regarding Wage Increases for Department Heads and Non-Union Personnel was approved by the vote indicated below:

- WHEREAS,** the Village Board of Trustees (Village Board) has traditionally adopted annual salary increases for department heads and other non-union personnel not represented by collective bargaining agreements; and
- WHEREAS,** in the recent past the Village Board has approved an approximate 2% increase for department heads and other non-union personnel, commensurate with wage increases for unionized Village employees; and
- WHEREAS,** despite continued lack of New York State funding support for local governments and increasing costs of operations associated with non-locally controlled factors, the adopted 2018-2019 Budget reflects a high degree of fiscal discipline, including maintenance of existing service levels, funding for important capital projects, prudent management of our unrestricted fund balance, and responsible staff wage adjustments for five of the seven collective bargaining units; and
- WHEREAS,** the Village Board has approved successor collective bargaining agreements with the Scarsdale Police Benevolence Association, Civil Service Employees Association (CSEA) Library, the International Brotherhood of Teamsters (IBT) Public Works and Facilities Maintenance Units, and IBT School Crossing Guards which contain salary and wage increases, and other adjustments that are within the 2018-2019 Budget; and
- WHEREAS,** negotiations have commenced with the CSEA Village Hall and the Uniformed Firefighters Association of Scarsdale (UFFA) and are intended to conclude within the budgetary parameters established by

the Village Board for the fiscal year 2018-2019 Budget; now, therefore, be it

RESOLVED, that while respecting the collective bargaining process and the Taylor Law of the State of New York, the Village Board respectfully expresses its wish that the bargaining units and all employees recognize the burden faced by Scarsdale homeowners relative to the recent Federal Tax Code amendments capping Federal income tax deductions for State and Local property taxes at \$10,000, a significant reduction for most Scarsdale homeowners, as well as the great burdens faced by local governments, including Scarsdale, and the Village Board’s effort to be sincere, reasonable and reflective of the environment with wage settlements for its employees and, herein, approves a 2% salary increase for department heads and non-union employees effective June 1, 2018, and as may be determined by the Village Manager.

AYES

NAYS

ABSENT

Trustee Arest
 Trustee Callaghan
 Trustee Crandall
 Trustee Finger
 Trustee Ross
 Trustee Veron
 Mayor Hochvert

None

None

Before voting in favor on the above resolution, Trustee Finger stated that this resolution is similar to what has been done the past several years and he felt that given the performance of staff in a number of emergency situations, including the December 24th tax situation among them, as well as what has been seen in terms of the recent storms, the Department Heads lead the staff and they lead by example. He stated that he is very satisfied with what he has seen in his three years on the Board and very happy to be able to vote in favor of this resolution.

Written Communications

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

- An email from James Cammarata, 22 Forest Lane, regarding the Tree Law amendment.
- Two emails from Josh Frankel –one concerning the Town Board of Assessment Review Appointments and another in regard to the structure of Village Board meeting agendas.
- A letter from the New York Public Service Commission regarding Con Edison’s response to Power Outages during the March 2018 winter storms.

* * * * *

There being no further business to come before the Board, the meeting was adjourned at 9:16 P.M. on a motion entered by Trustee Finger, seconded by Trustee Ross and carried unanimously.

Donna M. Conkling
Village Clerk