

THREE THOUSAND THREE HUNDRED THIRD**REGULAR MEETING**

Rutherford Hall
Village Hall
May 22, 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 22, 2018 at 8:00 P.M.

Present were Mayor Hochvert, Trustees Arest, Callaghan, Crandall, Finger, Ross, 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, May 8, 2018 were approved on a motion entered by Trustee Finger, seconded by Trustee Ross and carried unanimously.

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Bills & Payroll

Trustee Finger reported that he had audited the Abstract of Claims dated May 22, 2018 in the amount of \$1,925,982.00 which includes \$44,166.95 in Library Claims previously audited by a Trustee of the Library Board which were found to be in order and he moved that such payment be ratified.

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

RESOLVED, that the Abstract of Claims dated May 22, 2018 in the amount of \$1,925,982.00 is hereby approved.

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Mayor's Comments

Mayor Hochvert read the following Proclamation regarding National Gun Violence Awareness Day:

Whereas, the daily killings and injuries of Americans by firearms constitute a significant public safety concern in this country and it is desirable that our local communities promote substantive conversation of this issue with a goal of reducing the occurrence of Gun Violence; and

Whereas, according to the Centers for Disease Control and Prevention, from 2012-2016 there were on average nearly 13,000 gun homicides each year; and

Whereas protecting public safety in our community is the Village's highest responsibility; and

Whereas, support for the Second Amendment rights of law-abiding citizens goes hand-in-hand with keeping guns away from dangerous people; and

Whereas, in January 2013, Hadiya Pendleton, a teenager who marched in President Obama's second inaugural parade and was tragically shot and killed just weeks later, should now be celebrating her 21st birthday; and

Whereas, to help honor Hadiya, and the many who are victims of gun violence, a national coalition of organizations has designated June 01, 2018, the first Friday in June, as the 4th Annual National Gun Violence Awareness Day; and

Whereas, the idea was inspired by a group of Hadiya's friends, who asked their classmates to commemorate her life by wearing orange, choosing this color because hunters wear orange to announce themselves to other hunters, and because orange is a color that symbolizes the value of human life; and

Whereas, the Village of Scarsdale encourages all of its residents to reflect upon Gun Violence and pledge to do all we can to keep firearms out of the wrong hands; and

Now, Therefore, I, Dan Hochvert, Mayor of the Village of Scarsdale, do hereby proclaim Friday, June 01, 2018 to be

National Gun Violence Awareness Day

in the Village of Scarsdale, and on behalf of all Village residents, am pleased and proud to join all associated with **National Gun Violence Awareness Day** and herein encourage all citizens to support their local community efforts to prevent Gun Violence and to honor and value human life.

Mayor Hochvert then presented the Proclamation to Patricia Colella, of the Westchester Local group of Moms Demand Action for Gun Sense in America.

Ms. Colella thanked Mayor Hochvert and all of the Trustees for their support. She then read her statement to the audience regarding Gun Violence Day, which is Friday, June 1, 2018. She noted that on that date, and at events being held nationwide throughout the weekend, thousands of Americans will Wear Orange to honor the victims and survivors of gun violence.

Ms. Colella explained that in 2012, Hadiya Pendleton, Chicago teenager, was shot and killed after performing at a ceremony during President Obama's inauguration. In her memory, her friends decided to wear orange, the color that hunters wear to keep safe. She thanked other members of Moms Demand Action for attending the meeting this evening.

Mayor Hochvert thanked the Moms Demand Action for all their good work.

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Mayor Hochvert reported that on May 9th, he attended a Westchester County Shared Services meeting. There is a major effort this year from the County Executive to find ways that we can save by sharing services among the municipalities in Westchester. He noted that he had submitted the 9 pages that the Village Manager had prepared previously of the ways that Scarsdale is already saving money. This is probably more than any other municipality in Westchester has done and he is very proud of what the Village is doing in that area.

On May 10th, Mayor Hochvert stated that the Board had the privilege of going to the Scarsdale Edgemont Family Counseling Service fundraiser and it was a terrific event. Everyone was amazed by the performance of the magician present. The event raised over \$140,000.

On May 11th, he stated that he had a meeting with the Superintendent of DPW to help him understand some of the details of what happened during the outage at the beginning of March because he is working on a team that prepared a 49 page report that is already headed to the Public Service Commission. This report includes ideas for a faster, more orderly restoration of power.

On May 13th, Mayor Hochvert stated that as a result of a meeting attended by Trustee Crandall, he met Maggie Greenfield, Executive Director and Administrator of the Bronx River Alliance. He had a discussion with her regarding the work done primarily by the Friends of Scarsdale Parks and the Recreation Department in South Fox Meadow Brook wetlands in support of her interests with the Bronx River Alliance. Mayor Hochvert stated that he invited her for a tour along with Madelaine Eppenstein and they walked from the library section of the South Fox Meadow brook all the way around to Harcourt Road. Ms.

Greenfield was amazed at what the Village has accomplished. She will keep in touch and will be asking the Village to support other activities to help the clean flow of various rivers into the Long Island Sound.

Scout Government Day was held on May 16th which was organized by Assistant to the Village Manager Josh Ringel. Mayor Hochvert noted that last year, 8 scouts were in attendance; this year 24 scouts attended the event. He stated that Josh has worked diligently at making this day a success.

During that afternoon, some of the Board members took a tour of Firehouse No. 1. He stated that almost all of the outer structure and outline of the rooms has been completed. The engineer on the site and the foreman are expecting that the work will be complete sometime in late July/early August.

That evening, there was a discussion as a meeting of the Board as the Committee of the Whole on Village priorities of work items. The list has been reorganized as to priority. Once it has been reviewed it will be placed on the Village's website so that the community will be able to look at it.

Mayor Hochvert reported that he performed a wedding ceremony on May 17th and there were about 30 people in attendance. That evening there was a Scarsdale Forum meeting at which the President, ML Perlman, who in his opinion has done a wonderful job this past year, is stepping down. Previous Village Mayor Jonathan Mark is stepping up as President of the Forum.

On May 18th, the League of Women Voters held a luncheon with a featured speaker, Andrew Weber on the topic of weapons of mass destruction.

On May 19th, early in the morning, a group of a dozen A-School kids, along with their teacher and joined by Jonathan Mark, went to the area just north of Dean Field and removed about 30 miles of vines from trees and picked up approximately 150-200 pounds of trash out of that area. From there, he and Jonathan Mark went to the high school to meet the new person, Amanda Filley, who is going to step in for Maggie Favretti, who has coordinated the garden club for many years and is leaving soon. This is a great project as it feeds a lot of people – much of the garden produce is supplied to people in need.

Mayor Hochvert reported that yesterday a press conference was held with respect to the report he mentioned earlier this evening regarding the utilities' performance during the storm event in March. He stated that they will continue to follow this and it is hoped that the report will make a difference.

Mayor Hochvert continued, stating that he received an email from the Fire Department asking that residents be reminded that residents have their house number visible

from the street – during an emergency, especially in the evening, it may be hard to find the house.

A parade will be held on Monday, Memorial Day, May 28th. There will be a gathering in the Boniface Circle area a little before 10:00 a.m. Some speeches will be held; several scout groups will be in attendance.

Mayor Hochvert reminded residents that leaf blowers are forbidden from June 1st through September. He asked that homeowners remind their landscapers that the second time they receive a citation requires them to appear before the Judge.

Mayor Hochvert also reminded everyone that the Board has asked those making public comment to keep their comments to 5 minutes and speak to the Board as a whole on issues that they think the Board can address properly.

Mayor Hochvert stated that he would like to read some of his opinions concerning a lot of the items that the Board has been barraged with that has caused some difficulties that people may not appreciate:

“I have served on 6 Village Boards and have found the members of all of them to be ethical and highly principled. Yet some have had their ethics challenged by those saying they nepotistic. I wonder how many people, if they were serving on the Village Board would say to their spouse, who wants to serve on a Council, you can’t submit an application. I certainly wouldn’t say that to my wife, Susan. I would, however, as previous Board members did when relatives filed an application, recuse myself from both the discussion and vote.

Turning to the Public Comment opportunity, it is one of the important opportunities for the people the Board serves to share issues they believe the Board can address. However I wonder if the use of that opportunity might be moving closer to being political rather than sharing issues the Board might address. Lately we have been hearing repetitive statements that include requests for information that has been explained but the rationale hasn’t been accepted.

In other instances, for example, we recently heard statements regarding budget decisions from people who didn’t attend any of the public meetings, including the nearly 12 hour meeting where the Board members offered suggestions that reduced property taxes, and where those who questioned the budget could also have made such suggestions. Two of the organizations, the LWV and the Forum, which did have members attend and heard the rationale for the Board’s decision, were positive in their evaluation of both the process and the result.

Another issue raised was about the resolution for employee raises for those not under contract. Perhaps those who questioned the 2% increase don’t believe it was earned

but I haven't ever seen employees who deserved the raise more. Further, some may not know that the Village Board in 1962, gave the Village Manager the authority to determine increases for employees not under contract, except for the Treasurer, Attorney, Assessor and Clerk. Those 4 were in the form of the Village Manager's recommendation in the resolution.

The Board and Staff also receive emails, phone calls and requests for information regarding topics that have been previously covered by the Board and Staff. Further, there are letters and quotes in the Inquirer and other forms of communication that are based on misinformation.

I understand and support the questioning of Board decisions. However, repetitive questions/requests increases the workload for both Board and Staff and as a result, they have slowed progress on some projects that are vital to residents despite the extra-long hours put in by both the Board and Staff.

On another matter, I don't know who thought that paying 3 times the cost of the New York City charge for a unit of excess water paid by those who choose to use more than the base amount of water in a quarter became a discount, but there that word was in the Inquirer. I do know that those who pay 3 times the base rate that was called a discount are those who make the base rate in Scarsdale one of the lowest in Westchester. If a car dealer called 3 times the Manufacturer's Suggested Retail Price a discount I doubt that dealer would get many buyers."

Mayor Hochvert continued, stating "I wrote what I have just shared before I received the Voters Choice Party's newsletter. When I read it I noticed the section regarding the Committee of the Whole meeting last Wednesday regarding Village Board and Staff priorities and found it fraught with errors/omissions. That's understandable since the editor wasn't at the meeting and the representative of the Party and the editor may have had some miscommunication. For example, the newsletter says my priorities include leaf mulching. That item is near the bottom of the list and the only action mentioned at the meeting was information that Trustee Crandall has regarding benefits of mulching, will be sent to the Staff for possible sharing with residents. Mulching may have been confused with safety. There was more discussion regarding the landscapers piling leaves in the street. On some of the narrower streets, I think many Scarsdalian have seen children on the way to school and cars that had to swerve around the piles endangering the children. The Board and Staff discussed steps that might be taken to encourage residents to ask their landscapers to minimize the intrusion into the roadways.

I've asked the Village Manager to make the priority list available on the Village website after the update is verified."

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Village Manager's Comments

Village Manager Pappalardo stated that on the agenda, under Manager's Comments, is the presentation of the Storm water Phase II Notice of Intent Annual Report for the period of March 2017 through March 2018. Village Engineer David Goessl is here this evening and will talk about the particulars of the work that the Village has done this year.

Village Manager Pappalardo gave some background on the subject, stating that this is a Federal Environmental Protection Agency Storm Water Phase II regulation they refer to. In the year 2000, the EPA promulgated rules establishing its Phase II National Pollutant Discharge Limitation System Storm Water Program. This Phase II rule required all operators of what they referred to as Municipal Separate Storm Sewer Systems – MS4s with populations under 100,000 residents to implement a storm water management program as a means to control public discharges from their MS4s. The goal of the program was to reduce pollutant storm water discharges from these MS4s to local streams and rivers and ultimately ending up in navigable waters of the United States. Some issues have arisen due to polluted storm water and ends up in the sound and sometimes getting in the sanitary sewer systems and going down to the treatment plants that are bordering the Long Island Sound in the Sound shore communities such as New Rochelle and the Village of Mamaroneck and some of that untreated sewage that comes from heavy rain events, ends up in the Sound and causes many environmental issues for the wildlife, vegetation and for all of us. This is what this program is all about. Common pollutants include oil and grease from roadways, pesticides from lawns, sediment from construction sites and carelessly discarded trash such as cigarette butts, plastic wrap and bottles. When deposited in a nearby waterway through these MS4 discharges these pollutants can impair the waterways, thereby discouraging recreational use of the resources, contaminating drinking water supplies and interfering with the habitat for fish and other aquatic organisms, and wildlife.

Operators of regulated MS4s of which the Village is one, are required to design their programs to reduce the discharge of pollutant to the maximum extent practicable, protect water quality and satisfy the appropriate water quality requirements of the Clean Water Act. Implementation requires the development of measurable goals to satisfy each of six identified minimum control measures. Successful execution of the Best Management Practices for these six measures are expected to result in significant reduction of pollutant discharge into the waterbodies.

The six minimum control measures that are dealt with are:

1. Public Education and Outreach
2. Public Participation and Involvement
3. Illicit Discharge Detection and Elimination
4. Construction Site Runoff Control
5. Post Construction Runoff Control

6. Pollution Prevention and Good Housekeeping

As an MS4, Scarsdale must report annually to the State. The State Department of Environmental Conservation (DEC) administers the Federal Phase II Program on behalf of the Federal EPA in New York. The Annual Report details Scarsdale's implementation of our reported goals and BMP's for all six of the minimum control measures. The report must be filed with the State by June 1st each year and must be reported publically each year. A copy is filed with the Village Clerk and will be posted on the website.

Village Manager Pappalardo introduced Village Engineer David Goessl, who will report on what has been done this year as it relates to the six control measures.

Village Engineer Goessl gave the following report:

"Good evening Mr. Mayor, fellow Trustees, staff and all of you in attendance. I am not going to go over the history of the MS4 requirements as Village Manager Pappalardo has already given the related background. However, he stated he will go over some of the highlights from this past report year for 2017. Afterwards I will address any questions you may have.

As a community with an MS4, the Village is required to submit an "Annual Report" to the NYSDEC to demonstrate compliance with these minimum measures. This compliance required the Village to adopt local laws to prohibit illicit discharges, to permit activities and connections to the storm sewer system, and to regulate land development activities by stipulating the implementation of storm water management standards in site design. Chapter 254 of Village Code is the main source for compliance. Storm water Pollution Prevention Plans (SWPPP's) and Storm water Management and Erosion Control Plans (SWEC's) are the primary documents of storm water management design. The General Permit also required the Village to develop a Storm water Management Program Plan (SWMP plan) that addresses how the regulated MS4 will comply with all six minimum control measures.

As mentioned earlier, the Village is required to submit an annual MS4 report to New York State by June 1st of each year. The report identifies six different categories or minimum measures that are monitored and documented throughout the year. Each minimum measure is intended to help the Village ensure that efforts are in place to see that the highest quality of waters are discharged and that pollutant loading is reduced to the maximum extent practicable.

I. Highlights of the 2017 Report:

The Village of Scarsdale continued to use the services of Dolph Rotfeld Engineering to prepare the annual MS4 report. The report is comprehensive and input from multiple Village resources was required. Village staff from the Manager's Office, Department of

Public Works, Building and Engineering all contributed in some form drafting the report. Each year, the final submission is readily available on the Village's website and in the offices of Village Clerk and Village Engineer.

Some of the highlights of this year's report include the following:

Minimum Measure 1 – Public Education and Outreach

This category is designed to inform the public about negative impacts to our storm water system.

- The electronic kiosk in the lobby of Village Hall continues to show informational slides that repeat on a segmented loop. The Village continues to install storm water related posters in the billboard located in Village Center between Lange's Deli and the Post Office.
- Storm water plans, informative tips and links to key references are posted to our Storm water Management section of the Village website.
- Informing residents of leaf mulching activities and receiving voluntary participation continues to provide benefits to our drainage system by reducing the volume of leaves that may enter the system.
- In an annual mailing to 5,900 resident from the Sanitation division of Public Works, invaluable knowledge and information on refuse recycling was provided.
- The informational signs at the Library rain garden and the stenciling or tagging of municipal catch basins are other example of public education and outreach.

Minimum Measure 2 – Public Involvement/Participation

This minimum measure takes the next step in education, and gets the public involved with storm water improvement.

- The Village hosts and encourages Arbor Day plantings in parks and open spaces and also have cleanup days.
- The Village, through the Parks and Recreation Department continues to encourage residential participation of the County's rain harvesting program. Our records indicate that 112 residents elected to install rain barrels this year. This figure is more than double from the number of participating 44 properties in 2016.
- For the folks in the crowd, the presentation of this annual report and open discussion is another form of public participation.
- Lastly, voluntary groups such as the Friends of Scarsdale Parks and the Conservation Advisory Council are other public venues which often promote the message of the Village when it comes to environmental concerns, education and involvement.

Minimum Measure 3 – Illicit Discharge Detection and Elimination

Under this category, the Village of Scarsdale documents the annual inspections of its outfalls. As you may recall from an earlier point, an outfall is defined as the portion of a separate storm water system (MS4) that discharges into a watercourse or water body. The Village of Scarsdale has 44 outfalls in the Mamaroneck, Hutchison River Valley and Bronx River Valley watersheds. All of the outfalls are mapped and are part of our GIS data set.

- During this reporting period, the Village inspected and screened 38 of the 44 documented outfalls for abnormal dry weather flows.
- The Building and Engineering Department staff are trained in detecting illicit discharges and are continually inspecting properties with open water courses.
- The Village has continued to cooperate with the US EPA and NYS Office of Attorney General on past detected illicit discharges found along the Bronx River Valley.

Minimum Measure 4 – Construction Site Storm water Runoff Control

In general, all construction activities that disturb more than 500 SF of land (which is reduced 200 SF in the Sensitive Drainage Area), require a storm water permit from the Village of Scarsdale. However all projects that result in a disturbance of more than one acre of land require an additional permit from the New York State Department of Environmental Conservation is required.

- During this reporting period, 5 projects in the Village have been authorized for disturbance of more than one acre and three other projects that continued to operate under State permits issued in 2016.
- Prior to heavy rain events, an email blast is forwarded to all contractors with active work sites reminding them to inspect and shore up their silt fencing and other protective devices.

Minimum Measure 5 – Post Construction Storm water Management

Storm water management systems that are installed as part of a State permit must be mapped and regularly maintained.

- The plantings within the detention areas of Georgefield Park, Cooper Green, and the Library Rain Gardens are maintained throughout the year. Sediment that is collected in these systems is removed and properly disposed of.
- The 34 catch basin inserts, some of them originally installed as part of the Library Rain Garden project are continually being inspected and serviced by DPW crews.
- During pre-storm rain events, Engineering and Public Works staff inspect natural and manmade open channels and water courses.
- The restoration of the Crane-Berkley ponds, watercourses and detention basin is one project that will be continued to be monitored moving forward.

- When the Cayuga pond restoration takes place and is completed, that project will be monitored as well.

Minimum Measure 6 – Storm water Management for Municipal Operations

This last category is often referred to a municipality’s “housekeeping program”.

Under this minimum measure the Village reported that:

- 16 acres of parking lots were swept and maintained,
- 360 miles of streets were swept,
- 600 municipal catch basins inspected and cleaned, including the 34 previously mentioned catch basin inserts.

This concludes the summary of this year’s MS4 submittal to NYS. I would be happy to answer any questions at this time.”

Mayor Hochvert thanked Village Engineer Goessl. He noted that the New York DEC has granted this Village over 1,000 trees and shrubs for Harwood Park and they approved a grant for removal of knotweed along the South Fox Meadow Brook. They will work with the Village as we try to achieve some of these objectives.

Village Manager Pappalardo thanked Mr. Goessl and noted that he had no further comments.

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Trustee Committee and Liaison Reports

Trustee Veron reported that in regard to the meeting of the Committee of the Whole to discuss priorities, the Board talked about the next steps in regard to the Freightway site. She stated that she had the opportunity to meet with Village Planner Elizabeth Marrinan, who described the next actions recommended by the Freightway Committee. The next step is to develop an RFEI to understand what the qualifications are and objectives would be with the development community in concert with those articulated by our Committee and the public. She stated that she will keep the community apprised of progress.

Trustee Veron next reported on the work of the Communications Committee. A subcommittee meeting was held, as well as a full committee meeting since the last regular Board meeting. They have two primary objectives which are currently described in their recommendations made to the Village Board this past October. The first is raising awareness of the ‘Notify Me’ capability so that residents can continue to be informed of activities within the Village. A subcommittee is working very hard on a marketing campaign where they are going to measure the impact of their efforts to sign more people up to the ‘Notify Me’ option. For those in the community who have not signed up, they can find this very easily on the Village’s website, www.scarsdale.com – there is an icon that says ‘Notify

Me'; please select a list and what must not be missed is the *Scarsdale Official* which contains official information regarding current happenings in the Village, press releases and other items that might be of interest. The second initiative that was articulated in October was informing residents how they can get involved with Boards and Councils. They want to make clear to residents how they can get involved, what the expectations are in terms of time commitment. A survey has been developed that will be sent to Boards and Councils members to collect that data so they can then develop user friendly descriptions and information for the public.

Trustee Veron then reported on the Library. New bid packets were reissued for electrical and mechanical. These bids will be opened on June 5th. The library staff has been working very diligently looking for alternate locations for important programming. The ZBA approved Shaarei Tikvah for future potential library activities.

In regard to the Village Center, Trustee Veron stated that there is a lot of activity. The Scarsdale Business Alliance has been forming – they have a Board, very detailed action items and at present, there is a candidate that Board is vetting to serve as a part time Executive Director. The Scarsdale Business Alliance is currently raising membership dues as well as contributions from property owners and other stakeholders in the Village to help defray the cost of part time Executive Director. They are getting ready for the upcoming Sidewalk Sale and she thanked Josh Ringel for his help in advancing the initiative of the Scarsdale Business Alliance.

Trustee Veron stated that this evening at a meeting of the Municipal Services Committee, feedback was shared with the Board by the consultant on the parking meter trial. Assistant Village Manager Richards spearheaded this effort and worked with the consultant. There is a lot of recorded data. The next step will be to incorporate the “Pay by App’ functionality on the current parking meters so they can understand how that will enable them to meet the stakeholders’ needs for improvements to parking.

Trustee Callaghan reported on the Advisory Council on Scarsdale Senior Citizens who met last Friday. They discussed the creation of the Charitable Gift Reserve Fund. He informed said Council on the purchase of the three new Cushman vehicles and the pay loader for Public Works. They also discussed various information as to what the Village is doing to make life better for its residents.

Trustee Crandall reported as liaison to Scarsdale Edgemont Family Counseling, she attended the Scarsdale Community Youth Services Project meeting of community partners. There were representatives in attendance from the School District, and Village Manager Pappalardo was also present. The Director of Scarsdale Edgemont Family Counseling, Jay Genova, who stated that there is greater demand for the services of the Youth Outreach workers in the Middle School and High School. The students are coming to them with more crisis situations; there is a demand for more counseling services and in general, there appears

to be greater anxiety. Mr. Genova will be keeping track of calls for help that the office is receiving in a confidential manner. He may look to add another staff member.

In regard to the Friends of Scarsdale Parks, Trustee Crandall stated that she pitched in last week in removing some dead plant material from the pollinator garden at Hyatt Field Park. This garden was planted with native flowers to support bees, birds and other wildlife. There is something for everyone at the park; baseball, basketball court, exercise equipment, playgrounds, walking track and restrooms.

Trustee Crandall noted that this morning, Madelaine Eppenstein, Cynthia Roberts, and Amy Laartz of the Friends of the Scarsdale Parks met with Library Director Beth Bermel, Village Director of Capital Projects Paul Zaicek and herself to select new locations for two trees that will be transplanted out of harm's way given that the library is soon to face a major renovation. Mike McGowen of Bartlett Tree Experts has offered to donate the cost of transplanting these two trees – a native flowering dogwood donated by the League of Women Voters in honor of one of their former members and the other is a specimen cut leaf Japanese maple donated to the library several years ago.

Trustee Crandall added her own personal thoughts to those of Mayor Hochvert with respect to public comments. She noted that public comments are an important opportunity for residents to share information that may help the Village government in its work and provides ways for local nonprofits to invite people to join in on any number of activities. She hopes to foster a stronger sense of community. She wanted to make it clear that all residents are welcome in Village Hall; however, she asked that if someone has something relevant to share with the Board, staff and general public, to state their name, address, and any group they are representing, if applicable. Statements should be short and to the point. A courtesy copy of any statement would be appreciated. It helps to prepare statements in advance. In lieu of commenting publicly, emails may be sent mayor@scarsdale.com. The Mayor shares the emails with the Board.

Trustee Finger stated that the Greenacres Neighborhood Association movie is June 2nd at 8:00 p.m. This will be a great event and it is an opportunity to join the Greenacres Neighborhood Association.

Trustee Finger also stated that he wanted to mention that as he came into Village Hall this evening at 6:00 p.m., there were two staff members hard at work in the Treasurers/Clerks office – they know who they are and it is very much appreciated.

Trustee Finger thanked the Moms Demand Action group for the work they do. He noted that gun violence is an issue that continues to disturb the community. The Village will be considering some legislation for which he hoped the Moms Demand Action group will support. Either way, he stated he appreciated the representatives of the group attending this

evening's meeting and reminding the community that this issue needs to be thought about and worked on every day.

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Public Comment

Andrew Sereysky, Walworth Avenue, spoke first as a representative of SNAP, Co-Chair of the Dog Committee. He stated that the Scarsdale Forum recently released their feasibility of an off-leash dog park in Scarsdale. He thanked Madelaine Eppenstein for all the work she put into this. He noted that two things came out of the report which were very positive. The first is for the Village to consider the feasibility to construct a dog park and secondly, the action step of convening a working group comprised of members of the Village Board, Village staff, representatives of the committee, and members of the wider Scarsdale community to vet these issues. He felt this was a great move forward. He stated that for anyone interested, there is an email address – scarsdaledogpark@gmail.com. There are approximately 15-20 people who have already sent him emails regarding their interest in the dog park.

Mr. Sereysky next spoke as a representative of the Greenacres Neighborhood Association, stating that they are having their second annual outdoor movie on Saturday, June 2nd at 8:00 p.m. on Greenacres field. Everyone in Greenacres is welcome. He also stated that if anyone is a current member of the Greenacres Neighborhood Association and does not have house number sign, they should let him know as this is part of the membership. He urged anyone that is not a member to sign up, because they will then receive a sign.

Mr. Sereysky then wished Assistant to the Village Manager Ringel good luck on his upcoming nuptials.

Jonathan Gruen, Brewster Road, spoke about the Village's road infrastructure and stated that for one of the richest communities with the highest taxes he didn't understand why the roads were in such poor condition. He stated that there were very bad potholes and he know people who have had car damage from the potholes and suffered hundreds of dollars in car repairs as a result. He urged the Village to address this problem with more frequent paving.

Mayor Hochvert responded by stating that last year the Village paved more roads than has been done in the past – over 6 miles. This year, two of the worst roads, Post Road and part of Weaver Street – one is a State road and one is a County road – are going to be repaved. One of the worst roads for potholes is Post Road and the State has promised the Village that they will fix the road from Eastchester to White Plains. The Mayor stated that the Village has been working to find the money to pave as many roads as possible. Due to

the fact that the Village Engineer has found a better way to pave roads, they have been able to pave more miles than they have in the past.

Philip Mahler, Birchall Drive, stated that he usually makes a semi-annual pitch about the terrible roads in Scarsdale. He said that the roads are not getting better, they are getting worse because what the Village is doing is piecemeal. A dynamic bold approach is needed and the Village needs to spend some money. He noted that he had a Lexus sedan that rattled so badly from the condition of the roads that he traded it in for a new Lexus.

Mr. Mahler next asked when the Firehouse renovations would be completed and wanted to know what is going on.

Mayor Hochvert responded that it is expected the Firehouse will be operational by late July or early August.

In response to a question by Mr. Mahler as to what the budget was for the renovations of the Firehouse, Village Manager Pappalardo stated that the Village borrowed \$3.5 million and when the contracts were awarded, another \$820,000 was transferred from the General Fund to fund the project.

Village Treasurer McClure added that when the contracts were awarded, and the total budget was established at \$4,320,000, there have not been any changes since then.

Robert Harrison, 65 Fox Meadow Road, stated that it wasn't fair to have a limit of 5 minutes speaking time for the public. He noted that an item on the agenda calls for a public hearing to amend the Code to create a new article under Chapter 269 entitled Charitable Gifts Reserve Fund. He stated that this is an excellent idea and he hoped that it would move forward.

Regarding questions about the prepayment of Village taxes raised by Mr. Harrison, Mayor Hochvert suggested that he contact the Village Treasurer and speak to her about any concerns he may have.

Mr. Harrison noted that there were funds set aside in the Capital Budget for a comfort station at the Middle School field and tennis courts. He asked the Board if the Village has had any contact with the School Board to ask them to sell the Village a piece of land so that if they do not want to build the comfort station, the Village will build it.

In regard to the roads situation, Mr. Harrison stated that he endorsed the comments of the previous speaker. He stated that he has always encouraged the Board to do a bond issue to correct the conditions of the roads.

Michael Levine, Walworth Avenue, stated that he spoke to the Board back in November to express his concerns regarding the handling of the 2017 assessment for properties that had to be revalued due to new construction and improvements. His concern was that the Ryan formula was being used to determine the full market values for these properties, and he felt that was not consistent with the 2016 use of the same formula to determine assessment values. He stated that he was able to meet with the Assessor and her staff in April and he was given some information. He did a study on his own based on the sales data the Assessor's office provided to him and based on this, he is satisfied now and wanted to inform the Board that the 2017 approach was probably the best possible solution considering all the constraints.

Mayor Hochvert thanked Mr. Levine.

Zoe Berg, 32 Tisdale Drive, echoed John Gruen's comments regarding the condition of the roads and the way the roads are being fixed is not working. The condition the roads are in is not good enough for the taxes that residents pay.

Ms. Berg thanked the Moms Demand Action group and Mayor Hochvert for his support of the establishment of a National Gun Violence Awareness Day in Scarsdale.

Ms. Berg then stated that Mayor Hochvert met with the Board of Trustees on Wednesday, May 16th at 6:00 p.m. to discuss the Village's long term priorities. She stated that this meeting was not recorded and not transcribed. This important meeting should have been recorded or broadcast. This meeting, in her opinion, was held at an inconvenient time for anyone.

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

Finance Committee

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

General fund appropriations were 82.98% spent as of April 2018 as compared to 84.00% in 2016-2017.

General Fund Revenues other than property taxes are \$15,485,562 through April 2018. After adjusting for the sale of 32 Ferncliff (\$956,300) and Fire Ladder 28, the resulting total of \$14,329,762 represents an increase of \$139,434 from the 2016-2017 figure of \$14,190,328. The 2017-18 tax penalty revenue is down over \$195,000 from 2016-2017. Last

year's revenue included over \$240,000 in tax penalties on a single property. Mortgage tax increased \$273,500. Building Permit revenue (included in License and Permit revenue) is up \$5,180 from last year. Parking revenue increased \$43,700 in 2017-2018. Court fines are down \$21,400. Recreation Department revenue decreased \$159,700 due to decreased enrollment in some summer camp and athletic programs. Cable TV and gross receipts taxes declined \$62,300. Investment income increased \$205,600 partially offsetting the drop in other revenue categories. Sales tax receipts rose \$46,600. Overall rental income increased \$36,600.

The actual collection of Village taxes through April 30, 2018 is at 99.62%. This is a decrease of 16 basis points from last year's collection rate.

Upon motion entered by Trustee Ross, and seconded by Trustee Finger, the following resolution regarding Authorization to Transfer Funds from Trust and Agency Accounts to the General Fund was approved by the vote indicated below:

WHEREAS, the Village of Scarsdale's Independent Auditors, O'Connor Davies, LLP, commented in the Village of Scarsdale's Financial Statements & Supplementary Information that the Village of Scarsdale ("the Village") is holding a large number of unclaimed funds/inactive deposits dating back several years, and as such, recommended that a process be established to dispose of said funds; and

WHEREAS, a methodical refund process was developed by Village Staff in order to decrease the amount of unclaimed funds, predominantly for right of way, street opening or storm water management permits from 1979 to 2007, representing 507 accounts totaling \$1,381,872.73, in accordance with legal standards as outlined in a January 28, 2008 memo from Village Counsel Richard Gardella attached hereto and made a part hereof; and

WHEREAS, the funds may be paid into or continued to be held in a trust and agency account for the benefit of the person or persons entitled thereto and after a period of six years, the money may be placed in the General Fund to be used for government purposes, presumed that such claims to the money be barred; and

WHEREAS, the Village has successfully refunded \$576, 448 of the unclaimed funds to date and is actively processing payments of \$49,865 through this effort as identified on the spreadsheet included in the attached memo dated May 16, 2018, and

WHEREAS, during the refund review process, staff determined that \$68,401 in unclaimed funds were in fact fees owed to the Village, and as such the Village Manager, through his administrative authority, reclassified the funds as fees to be deposited in the General Fund as revenue; and

WHEREAS, the Village staff recommends transferring the balance of funds in part to both the General Fund and a newly created Trust and Agency Account for use in future years as may be needed; and

WHEREAS, staff will continue to review the unclaimed funds for the years 2008 forward and seek to return or claim funds as necessary in order to reduce the unclaimed fund list in accordance with the independent auditor’s comment, now therefore, be it

RESOLVED, that 129 deposits totaling \$377,312 be transferred to the General Fund in the following manner:

Account	#	Transfer to General Fund
TA 8085. 85	78	\$ 216,068
TA 8085. 86	19	96,000
TA 8031-0	32	65,244
Total	129	\$ 377,312

and be it, further

RESOLVED, the remaining deposits of \$320,797 for 135 depositors be transferred to the Trust and Agency account TA 8085-.87 Unclaimed Funds in the following manner:

Account	#	Transfer to Trust and Agency 8085-.87
TA 8085. 85	115	\$ 268,997
TA 8085. 86	17	49,000
TA 8031-0	3	2,800
Total	135	\$ 320,797

from which refunds may be issued or the funds used at the direction of the Village Manager.

<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		

Village Manager Pappalardo thanked the Treasurer’s office staff and Building and Engineering Departments and Manager’s office who have been working on this for almost two years. This was a tremendous task to take on and sort through all of these various deposits that have been made. A terrific job was done in reaching out to the people on the unclaimed funds list; phone calls were being made to residents and others to make sure they understood that the Village had their money and wanted to give it back to them. This was a lot of work and the staff feels very proud of it. Not only were they able to give a lot of money back to residents and contractors, but they also realized some funding for the Village that can be used for other purposes.

Upon motion entered by Trustee Ross, and seconded by Trustee Finger, the following resolution Calling for a Public Hearing on a Local Law to Create a New Article under Chapter 269 of the Scarsdale Village Code Entitled Charitable Gifts Reserve Fund Tax Credit 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, June 12, 2018, at 8:00 p.m. to consider a proposed local law to create a new article under Chapter 269 of the Scarsdale Village Code, entitled Charitable Gifts Reserve Fund Tax Credit; 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>
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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 Veron, the following resolution regarding a First Amendment to Declaration of Covenants and Restrictions regarding 2-4 Weaver Street was approved by the vote indicated below:

WHEREAS, the Village of Scarsdale conveyed by Quitclaim Deed a certain parcel of land located on Weaver Street in the Village/Town of Scarsdale, designated on the Village of Scarsdale Tax Assessment Map as Section 18, Block 2, Lots 89 and 90, subject to certain conditions and restrictions identified and detailed in a document entitled Declaration of Covenants and Restrictions, dated December 19, 2014; and

WHEREAS, the Declaration of Covenants and Restrictions was executed by Frederick S. Fish Investment Co. No. 32-Scarsdale, LLC and Stephen Oder Scarsdale, LLC (hereinafter “Owners of 2-4 Weaver Street) and recorded in the Westchester County Division of Land Records on January 22, 2015, in Control No. 543433453; and

WHEREAS, on January 22, 2014, pursuant to the Village’s fair and affordable housing local law and the Declaration of Covenants and Restrictions, the Owners of 2-4 Weaver Street, received site plan approval from the planning board to construct 11 multi-family housing units, including one fair and affordable housing unit; and

WHEREAS, on September 7, 2014, the planning board approved an amendment to the 2-4 Weaver Street site plan to include the development of 3 additional multi-family units to be located in the tavern building; and

WHEREAS, by letter dated March 22, 2018, the Owners of 2-4 Weaver Street through their counsel requested that the Village Board consent to amending to the Declaration of Covenants and Restrictions to indicate that the fair and affordable housing unit required be one of

the 14 multi-family housing units approved by the planning board;
and

WHEREAS, on April 10, 2018, the Law Committee of the Village Board convened to hear from the Owner’s representatives and to discuss the requested amendment. As a result of that meeting, the Village Board requested additional documentation; and

WHEREAS, on April 12, 2018, staff received the additional documentation requested and forward the same to the Village Board; and

WHEREAS, on April 17, 2018, the Law Committee of the Village Board re-convened to discuss the requested amendment and agreed to refer the proposed request to the full board; now therefore be it

RESOLVED, that the Village Board herein consents to the proposed amendment to the Declaration of Covenants and Restrictions as detailed in the “First Amendment to the Declaration of Covenants and Restrictions”, attached hereto; and be it further

RESOLVED, that the Owners of 2-4 Weaver Street are authorized to file the “First Amendment to the Declaration of Covenants and Restrictions” with the Westchester County Clerk’s Office, Division of Land Records and that proof of recording be forwarded to the Village of Scarsdale as soon as practicable.

AYES

NAYS

ABSENT

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

None

None

Municipal Services Committee

Upon motion entered by Trustee Veron, and seconded by Trustee Finger, the following resolution regarding the Scarsdale Business Alliance Annual Sidewalk Sale was approved by a unanimous vote:

- WHEREAS,** the newly established Scarsdale Business Alliance, comprised of Scarsdale merchants, has requested permission to hold the annual Village Center Sidewalk Sale from Thursday, July 26, 2018, through Saturday, July 28, 2018, from 10AM-6PM each day; and
- WHEREAS,** Sidewalk Sale participants shall furnish public liability insurance naming the Village of Scarsdale as an additional insured, as well as execute an indemnification agreement; and
- WHEREAS,** all other licenses and permits relative to tents, assembly, amusement devices, or sale of food must be secured in advance by participating merchants and vendors and be available for inspection on-site during the event; and
- WHEREAS,** upon completion of the event, the participants will restore all public areas utilized to the same condition as before the Sidewalk Sale; and
- WHEREAS,** the use of the public right-of-way will be limited to Village Center sidewalks; now, therefore, be it
- RESOLVED,** that the Scarsdale Business Alliance is hereby authorized to utilize the Village-owned sidewalks located in the Village Center for the purpose of holding the annual public Sidewalk Sale on Thursday July 26, Friday, July 27, and Saturday, July 28, 2018, from 10AM-6PM each day; and be it further
- RESOLVED,** that all participants shall furnish in advance of the event the required public liability insurance and executed indemnification agreement referenced in this resolution; and be it further
- RESOLVED,** that the \$125.00 tent permit fee in conjunction with the 2018 Sidewalk Sale is herein waived by the Village Board, subject to participating merchants filing an application with the Fire Department and obtaining subsequent approval pursuant to an inspection by the Fire Inspector or other authorized Department personnel; and be it further
- RESOLVED,** that the Village Manager is herein authorized to execute the attached Village Event Permit form.

Upon motion entered by Trustee Veron, and seconded by Trustee Arest, the following resolution regarding the Authorization of a Cooperative Agreement with Westchester County for the Purpose of Undertaking a Community Development Program was approved by the vote indicated below:

- WHEREAS,** the Secretary of Housing and Urban Development of the United States is authorized under Title I of the Housing and Community Development Act of 1974, as amended, and Title II of the National Affordable Housing Act of 1990, also as amended, to make grants to states and other units of general local government to help finance community development programs; and
- WHEREAS,** Section 99-h of the General Municipal Law of the State of New York grants to any municipal corporation the power, either individually or jointly with one or more municipal corporations, to apply for, accept, and expend funds made available by the federal government, either directly or through the State, pursuant to the provisions of any federal law which is not inconsistent with the statutes or constitution of this State, in order to administer, conduct or participate with the federal government in programs relating to the general welfare of the inhabitants of such municipal corporation; and
- WHEREAS,** the Community Development Act of 1974, as amended, Title II of the National Affordable Housing Act of 1990, also as amended, and any “Eligible Activities” thereunder are not inconsistent with the statutes or constitution of the State; and
- WHEREAS,** a number of municipalities have requested Westchester County’s participation, and the County has determined that it is desirable and in the public interest that it make application for Community Development Block Grant funds and HOME funds as an Urban County; and
- WHEREAS,** participation by the County of Westchester as an Urban County in the Community Development Program requires that the Village of Scarsdale and the County of Westchester cooperate in undertaking, or assisting in undertaking, essential community development and housing activities, specifically those activities authorized by statutes enacted pursuant to Article 18 of the New York State Constitution; and

WHEREAS, this Board deems it to be in the public interest for the Village of Scarsdale to enter into a Cooperation Agreement with the County of Westchester for the aforesaid purposes, now, therefore, be it

RESOLVED, that the Village Manager be and hereby is authorized to execute a Cooperative Agreement between the Village of Scarsdale and the County of Westchester for the purposes of undertaking a Community Development Program pursuant to the Housing and Community Development Act of 1974, as amended, and Title II of the National Affordable Housing Act of 1990, also as amended.

<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		

Written Communications

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

- Two (2) emails from Mayra Kirkendall-Rodriguez – one concerning Boards, Councils and Committees, and the other regarding the Communications Committee.
- A report from the Scarsdale Forum Municipal Services Committee on the feasibility of a Dog Park in Scarsdale.

Future Meeting Schedule

- *Tuesday, June 5, 2018* – Village Board sitting as Appeals Board – 6:00 P.M. – Rutherford Hall
- *Tuesday, June 5, 2018* – Personnel Committee Meeting – Immediately following meeting above – Trustees’ Room
- *Tuesday, June 12, 2018* – Agenda Committee Meeting – 7:30 P.M. – Trustees’ Room

- *Tuesday, June 12, 2018* – Village Board Meeting – 8:00 P.M. – Rutherford Hall
- *Tuesday, June 26, 2018* – Municipal Services Committee Meeting – 6:00 P.M. –
Third Floor Meeting Room
- *Tuesday, June 26, 2018* – Agenda Committee Meeting – 7:30 P.M. – Trustees’ Room
- *Tuesday, June 26, 2018* – Village Board Meeting – 8:00 P.M. – Rutherford Hall

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Village Hall Schedule

- *Monday, May 28, 2018* – Memorial Day – Village Hall Closed

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There being no further business to come before the Board, a motion was entered by Mayor Hochvert to move into Executive Session to discuss Personnel matters at 9:46 P.M., seconded by Trustee Finger and carried unanimously.

Donna M. Conkling
Village Clerk