

THREE THOUSAND THREE HUNDRED FIFTH
REGULAR MEETING

Rutherford Hall
Village Hall
June 26, 2018

A Regular Meeting of the Board of Trustees of the Village of Scarsdale was held in Rutherford Hall in Village Hall on Tuesday, June 26, 2018 at 8:00 P.M.

Present were Mayor Hochvert, Trustees Arest, Callaghan, Crandall, Finger, Ross, and Veron. Also present were Village Manager Pappalardo, Village Attorney Esannason, Deputy Village Attorney Garrison, Village Treasurer McClure, Village Clerk Conkling, and Assistant to the Village Manager Ringel.

The minutes of the Board of Trustees Regular Meeting of Tuesday, June 12, 2018 were approved on a motion entered by Trustee Finger, seconded by Trustee Crandall and carried unanimously.

Bills & Payroll

Trustee Veron reported that she had audited the Abstract of Claims dated June 26, 2018 in the amount of \$1,276,368.19 which includes \$52,523.30 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 Veron and seconded by Trustee Finger, the following resolution was adopted unanimously:

RESOLVED, that the Abstract of Claims dated June 26, 2018 in the amount of \$1,276,368.19 is hereby approved.

Mayor's Comments

Mayor Hochvert reported Trustee Crandall will report on a meeting they attended on the 14th regarding keeping the Sprain Brook and the Bronx River cleaner than they have

been. That evening, he visited the Country Bank to help them observe their 30th anniversary in that location. Although they are not in Scarsdale, they serve the Scarsdale community. He stated that on the 18th, he and Trustee Callaghan were invited to the Fox Meadow School observation of its 90th anniversary. At this time, he learned they were losing their principal and their assistant principal, which is a great loss. Mayor Hochvert stated that he had been very impressed with Duncan Wilson. He stated that they had a magnificent show.

Mayor Hochvert continued with his report, stating that all members of the Village Board attended the Boards and Councils reception on June 20th, which as usual was a wonderful event. This is an opportunity for the Board to make sure they meet with and speak to all of the people who are on the Boards and Councils.

On June 21st, he and the Village Manager sat down with a local team of Con Edison personnel to talk about better ways in which to operate. At that same meeting, it was noted that Con Edison has hired a contractor to install another evolution of meters which will help them find out remotely and more specifically when the power is on or off. A schedule will be submitted to the Village which will indicate where and when this meters will be installed in the Village. This project is expected to be completed sometime in 2020. Once the schedule is submitted the information will be shared with the community.

Mayor Hochvert stated that last Saturday he met with a group of young scouts who joined with an Eagle Scout candidate; the group distributed two large piles of woodchips within 6 hours on the pathway located at the library end of the path between the library parking lot and Dean Field. The path had been lined with downed trees which the group carried out; they also removed many vines at the south end (Dean Field) to clear the pathway. They also removed knotweed so that the path was more visible at the library end. Two bags of trash was also collected along the trail. Mayor Hochvert stated that this trail is now in better shape than it has been in a long time.

Mayor Hochvert spoke regarding retiring Village Attorney Esannason, stating that he has appreciated the advice that Wayne has always provided to the Village Board and staff. The work that Mr. Esannason has done has always been done in a conservative manner that protects the Village from his perspective. Mayor Hochvert noted that without this, the Village would most likely be behind the eight ball in a number of cases. He stated that he truly appreciated the work that Mr. Esannason has done.

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Village Manager's Comments

Village Manager Pappalardo recognized Village Treasurer Mary Lou McClure to speak on the New York State Charitable Gift Reserve Fund that the Village Board adopted via Local Law. The Village tax bills will be mailed shortly.

Village Treasurer McClure stated that the Treasurer's Department has been working to implement the necessary changes to the tax collection software to enable them to properly record any charitable gift contributions. The Village tax bills will be mailed on Friday. For those taxpayers who prepaid their taxes in December, their tax bills will reflect the prepaid taxes so there will be a very small balance due on those bills. The software has been changed to accommodate any contributions under the new law. She noted that the Treasurer's office, working with the IT Department is putting information up on the website under the Treasurer's Department. There will be a note in all of the tax bills directing residents where to go on the website that will have summary information, questions and answers, appropriate forms that New York State has provided and a computation form that the Village has developed. She reiterated that anyone with any questions or comments should feel free to call the Treasurer's Department at 722-1170.

Village Manager Pappalardo reported on the Federal surface water treatment requirements. He stated that for the past 2 ½ years, the Village, as a member of Water District No. 1, has been distributing a notice in the quarterly water bills informing water users of the US EPA's long term enhanced surface water treatment rule which requires ultraviolet disinfection of water to target microorganisms referred to as cryptosporidium. The drinking water was safe to drink; however, it did not mean the EPA's enhanced standards. Pursuant to an EPA Consent Order, District No. 1 has been constructing two ultraviolet treatment facilities in separate locations in White Plains, each separately serving one or more of the four communities in the water district. He stated that he is happy to report that the treatment plant serving the Village was recently completed, tested and approved and placed into service. The Village is now receiving compliant enhanced UV treated water through the Reeves Newsome pumping station. As such, water customers will no longer receive the quarterly warning notices starting with the August 1st quarterly billing. Instead, the Village is planning to include the County's press release in the August billing announcing the UV plant completion and the EPA compliant water. The press release will be posted as part of the June 27th edition of the Scarsdale Official which will be on the Village website.

As a follow up to the Mayor's comments regarding the Village Attorney, Village Manager Pappalardo stated that he would like to make a few comments as well. He stated that Wayne Esannason has been an invaluable member of the Village administration during his tenure as the Village Attorney. He has counseled many Village Boards and Land Use Boards on all municipal matters before them while defending the actions of these decision making bodies in court when necessary. Wayne has also judicially managed the use of

special counsel when necessary in certain specialized areas such as telecommunications and the environment to guide the Village to successful legal outcomes. Wayne has provided legal guidance and counseling to the staff on a daily basis on everything from the Freedom of Information Law, interpreting municipal bidding laws and contracts; recently the Governor's Executive Order on the prepayment of property taxes and, in addition, what the Village Treasurer just discussed in regard to the latest State law regarding the Charitable Gift Fund for property tax credits. He has drafted many of our existing local laws during his 19 year tenure as Village Attorney. In addition, Wayne has been available to the Boards and staff at any time necessary to provide guidance and advice including during emergency crisis situations as events unfolded. He stated that he has always appreciated Wayne's thoughtful and researched advice and legal judgement; but more importantly his affinity for Scarsdale and protecting the Village's best interest. On a personal note, he stated that he has known Wayne for over 30 years and will miss him as a colleague and friend. He thanked Wayne for a job well done.

Village Manager Pappalardo stated that the Board is considering a resolution on the agenda this evening to employ a replacement for Wayne. The individual, Angela Sapienza-Martin, is currently serving as the Human Resource Director. Her consideration for the position was based on a recommendation he made to the Board in accordance with the Village Code. He stated that Angela graduated from law school cum laude in 2009; she interned at a White Plains law firm during that period of time, prior to being hired as Scarsdale's Assistant, then Deputy Village Attorney for roughly three years, from 2009 to 2012. She was appointed as Scarsdale's Human Resources Director in December of 2012. Angela's succession to the Village Attorney position has been contemplated during her tenure as Human Resources Director. As such, internal appointments and promotions are preferred to preserve continuity and retain exemplary employees familiar with the Village government and the community at large. In Angela's case, she possesses a unique skill set that will benefit the Village now and for many years to come. Through her role as HR Director, Angela has interfaced and formed, guided and developed respectful working relationships with Village Department Heads and staff. She has proven herself to be forthright, factual, credible and dependable. As such, in her Staff Assistant's role, she can hit the ground running as Village Attorney allowing for a seamless transition from the staff's perspective. Furthermore, Angela understands the workings of the Village government, specifically the roles and responsibilities of the Village Board, Land Use Boards, and Administration, as well as appropriate and effective interaction with residents which she has accomplished frequently during her six year tenure with the Village. Angela has followed the workings of the Village Board closely as HR Director and has a working knowledge of the recent, past and current issues before the Village Board. As Assistant to the Scarsdale Village Attorney, Angela performed the task of Justice Court, prosecution, and has an intimate knowledge and understanding of both the Justice Court and the Village Attorney's office. The Law Department works closely with the Human Resources Department on investigation and settlement of tort and property damage claims. Angela understands the process and execution from both departments. Angela's transition to the Attorney's office

and continued presence on the 3rd floor in Village Hall will significantly enhance and accelerate the education and learning curve of a new HR Director. Her ability to perform all functions of the HR position will provide the new HR Director invaluable mentoring and assistance. As expected, the recruitment and hiring a new HR Director will take two to four weeks and perhaps two months before a new person begins working. Having Angela in the Attorney's office will facilitate what could be a disruptive transition as Angela will essentially manage both offices in the interim. We can expect to maintain certain cost savings in the use of outside counsel as well with Angela serving as Village Attorney due to her legal background in the five years Angela has served as HR Director, labor counsel fees were reduced by roughly \$227,000 for the previous five year period. This equates to annual savings of roughly 38% or \$45,000. The existing ancillary budgetary benefit of reduced dependency on outside legal counsel will be maintained as Angela will continue to provide assistance to the new HR Director in this regard. Having worked closely with Angela during her tenure with the Village, he stated he had no doubt that she possesses the requisite background, training skills, personal and professional attributes to be an outstanding Village Attorney.

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Trustee Committee and Liaison Reports

Trustee Veron gave an update on the Communication Committee's initiatives. They are working on involving more of the community in utilizing the 'Notify Me' aspect of the Village's website. Postcards will be distributed at the Scarsdale Pool for the July 4th holiday encouraging residents to sign up for 'Notify Me'. Similarly, the Library will provide post cards with this information as well. She stated that they are hoping to increase the number of people using this service. The Communications Committee is working diligently throughout the summer.

Trustee Veron next spoke about the Library transition and communication effort in order to insure a smooth transition of the location of services for the community. Community members should have received their postcard; she thanked the Library Board for championing the incredible campaign to communicate with residents. The Library is officially closed as of Saturday, June 23rd and is on schedule to open at the Library Loft on July 5th at 8:00 a.m. She stated that it is exciting for her to have a set of resolutions before the Board regarding the award of bids for the Library construction. The Village is moving ahead with the will and desire of the entire community to have an incredible resource for years to come. In addition, the Library has developed bookmarks that lists information on all the neighboring libraries. The collaboration amongst all of the groups – Library Staff, DPW, Recreation, Village Staff, and Westchester Library System in order to insure the transition cannot be over appreciated since it has been a tremendous effort.

Trustee Veron noted that for returns, book and media drops are still open at Olmsted through July 4th and returns can also be placed in any other Westchester Library location. Starting July 5th there will be a book drop outside of the Supply Field building. She stated that the Library group is focused on not only the construction project and fund raising, but also insuring that residents get top notch service and it is a testament to the incredible efforts that they are still making.

Trustee Veron stated that this evening the Board had a discussion concerning a report they received back from the consultant on the Sanitary Sewer Evaluation Study. The infrastructure of sewers was built in the early 1900's and is in dire need of replacement. The consultant identified areas of infiltration and inflow which requires rehabilitation work. Residents should expect to continue to hear about the work that will be commencing and should be aware that the Village is tending to this problem but it will be a long ongoing process.

Trustee Veron stated that she had an opportunity today, along with Trustee Crandall to go to a ribbon cutting at the Ambassador recognizing a beautiful outdoor space for seniors who are residents of the Ambassador.

Trustee Veron noted that the Scarsdale Business Alliance is preparing for the Sidewalk Sale which will be discussed closer to that scheduled date.

Lastly, she extended her deepest appreciation to Wayne Esannason for his 19 years of service and commitment to all of us. His dedication shows through in everything he does; he cares enormously about individuals and the Village at large. His expertise has guided the Board. She thanked him for devoting so much of his time and energy to the Village.

Mayor Hochvert added a comment regarding the Sanitary Sewer Evaluation Study. He stated that the report from the consultant the Board heard today is for only one-third of the Village's sewer system. There is still another large piece to have analyzed and an estimation done of how much it would take to do the remaining approximate two-thirds.

Trustee Callaghan reported on a celebration of Flag Day on June 14th and stated that Trustee Crandall gave a very lovely statement of her family's history of suppression which was very moving and very interesting. He thanked her for her speech and stated that those in attendance appreciated it also.

Trustee Callaghan next reported on the Advisory Council for Scarsdale Senior Citizens. The Council had their last meeting until after the summer. In the future, various department heads will be brought in to explain their roles in the Village government to the members of the Council. Some concerns that the members have are the amount of construction going on in the Village, and how the streets in their area are clogged with small

construction equipment. This creates problems for people walking in the area. Also, some of the seniors who reside in Fox Meadow and Greenacres raised a concern that dog droppings are being put in the gardeners' bag. In certain parts of the Village there are no waste receptacles where the dog droppings can be placed.

Trustee Callaghan next reported on the Council on People with Disabilities. He stated that they are a very active group and they are looking into a wide range of life conditions that affect seniors and the youth in this community. More information will be forthcoming in the fall.

Trustee Crandall gave the following report: "Have you noticed anything different at the Scarsdale Public Library? Thanks to a donation of professional transplanting services by arborist Mike McGowan of Bartlett Tree Experts, two specimen trees were recently moved to safe locations away from the construction site. One is a flowering dogwood that was donated by the Scarsdale League of Women Voters. The other is a specimen cut leaf Japanese maple that had previously been moved by Bartlett to the Library when it was donated by Laura and Ehud Gelblum. Once again, many hands helped with the project. Library Director Beth Bermel coordinated the timing. Madelaine Eppenstein and Cynthia Roberts from the Friends of Scarsdale Parks selected the new planting sites. Village Projects Manager Paul Zaicek, Director of Public Works Benny Salanitro and his assistant Tyler Seifert arranged for additional labor, mulching, re-seeding the lawn and watering. The Village Highway Laborers were Tim Minique, Stephen Giorgio, Richard Marques and Nicholas Gazzola. The Bartlett Transplanting team included Celso Cabral, Fabio Ramirez-Mendes and Santos Moreno. So, the next time you go to the pond, take a look. And, take a moment to appreciate the generosity and hard work that went into moving two very special trees.

On June 13th, I attended the Scarsdale Edgemont Family Counseling Service's Annual Meeting. Family Counseling has been serving our community for more than 95 years. They provide counseling services and supportive programs to local individuals and families in all stages of life. You may be familiar with their Youth Outreach workers in our Middle and High Schools. For more information, please visit their website at www.sfcsinc.org

On June 14th, Mayor Hochvert and I attended a joint meeting of the County Board of Legislature's Bronx River and Saw Mill River Advisory Boards. We learned from the Bronx River Alliance that floating trash, fecal bacteria and low oxygen are the three biggest issues. They asked each community within the Bronx River watershed to help stop garbage from entering storm drains. What can you do? Cover your recycling containers on windy days. Pick up litter and by all means, clean up after your dogs, even if you're in a natural area like Butler Woods. The run off contaminates the water. Small actions add up. Please be part of the solution. Leave our Village better than how you found it.

Finally, I would also like to thank Wayne Esannason for his years of service as our Village Attorney. I have learned a lot from Wayne as a regular citizen who paid attention to certain matters over the years, and I was looking forward to working with him as a Trustee. I understand, Wayne, it's time for you to move on; I wish you well. I feel your shoes will be tough to fill and I'll certainly miss you and wish you the best."

Trustee Finger echoed the comments that were just said to Mr. Esannason by everyone. One thing that has struck him the last few years that he has been on the Board is Wayne's accessibility. He has always made him comfortable and given him good advice, and he appreciates his willingness to be accessible all the time – weekends, and pretty much whenever. The advice was good, but more importantly, it was readily available. He thanked Wayne and wished him good luck.

Trustee Ross stated that he doesn't even remember how long he has been working with Wayne. In his mind, Wayne is a Scarsdale fixture. Analyzing the broad range of legal issues facing the Village, getting advice and explanations where needed and responding to the concerns of residents. His broad knowledge of the law and the ins and outs of Village government, his judgement in interpreting the law and advising the Board regarding possible changes to the Village Code, and his concern for the wellbeing of the Village and its residents has always been evident in the extremely high quality of your service. Trustee Ross stated that he knows that Wayne is retiring for personal reasons and he wished him the best of everything during this stage of his life and career. He thanked him for his service to Scarsdale.

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Public Hearing

Trustee Finger opened the Public Hearing to consider the submission of an application for a Westchester County Community Development Block Grant for renovations to the interior and exterior of 2 Drake Road. He stated that this application was in the Board agenda package and discussed at the last meeting.

There being no public comments offered, Trustee Finger closed the public hearing.

Upon motion entered by Trustee Finger, seconded by Trustee Ross, the following resolution regarding an Application for Community Development Block Grant – 2 Drake Road was adopted by the vote indicated below:

WHEREAS, The Village of Scarsdale ("Village") has been a member of the Westchester Urban County Consortium since its inception in 1976, which is the agency responsible for managing, planning, and coordinating the U.S. Department of Housing and Urban

Development’s Community Development Block Grant Program (CDBG); and

WHEREAS, Scarsdale’s participation over the years has been beneficial to numerous communities involved in the Westchester Consortium through inclusion of our community’s housing and population figures in HUD’s calculations and resulting funding allocation determinations; and

WHEREAS, the Village owns certain real property known as 2 Drake Road (“Premises”), which is improved with a one-family home, identified on the Village of Scarsdale Tax Map as Section 11, Block 12, Lot 2; and

WHEREAS, the subject property has been leased by the Village since 1987 to Westchester County for homeless family housing in furtherance of the County’s Social Services Program and related initiatives; and

WHEREAS, certain improvements to the home are currently necessary, including replacement of all the windows, painting the interior and exterior of the home, and reconstruction of an exterior wall, with an estimated total project cost of \$52,130; and

WHEREAS, the Village is desirous of submitting an application to the Westchester County Department of Planning for CDBG funds to support this project in the amount of \$52,130, inclusive of a 50% Village match, which may be offset, in part, through in-kind services; now, therefore, be it

RESOLVED, that the Village Board of Trustees hereby authorizes the Village Manager to submit a CDBG application to the Westchester County Department of Planning for the 2 Drake Road Restoration Project in substantially the same form attached hereto, and in the event of a successful grant application, to perform all necessary administrative acts associated with execution of the CDBG contract and subsequent authorization of the necessary work at 2 Drake Road.

AYES

Trustee Arest
Trustee Callaghan
Trustee Crandall
Trustee Finger
Trustee Ross

NAYS

None

ABSENT

None

Trustee Veron
Mayor Hochvert

Trustee Finger then opened the Public Hearing to consider the submission of an application for a Westchester County Community Development Block Grant for interior improvements and restoration of the Wayside Cottage, located at 1039 Post Road. He stated that this is a similar application as the foregoing one; some work was done in the past under similar circumstances, but the County has not had a CDB grants available for some time and now that it does, the Village would like apply for one for this site.

Alyse Streicher, President, Junior League of Central Westchester, stated that the Junior League of Westchester would like to express its support for the Wayside Cottage exterior restoration work and interior improvements. She stated that the JLCW has been headquartered at the site and has been custodian of the property. The JLCW has served the community from this location for more than 70 years. Working collaboratively with social services partners they identify needs and deliver services throughout the community. She highlighted a few of their recent projects which included partnerships with the Westchester County Diaper Bank, Family Services of Westchester and the Head Start Program in White Plains, and partnered with the FSW Sharing Shelf on a project entitled the 'Teen Boutique'. Many of the projects are either planned, organized, or take place at Wayside Cottage. In addition, Wayside Cottage served as a seminar location for the Real G.I.R.L.S. Academy. The JLCW has been honored to be the custodian of Wayside Cottage. In the last five years the JLCW has also invested in the property with a kitchen and bathroom renovation to update and modernize equipment.

There being no further public comments offered, Trustee Finger closed the public hearing.

Upon motion entered by Trustee Finger, seconded by Trustee Ross, the following resolution regarding an Application for Community Development Block Grant – Wayside Cottage Restoration Project – Phase II was adopted by the vote indicated below:

WHEREAS, the Wayside Cottage ("Cottage"), deeded to the Village of Scarsdale by Emily O. Butler in 1919, is listed on the National Register of Historic Places and leased to the Junior League of Central Westchester for its headquarters, office space and assembly room; and

WHEREAS, the Cottage, a public resource with historical and architectural significance, periodically requires certain exterior and interior repairs,

restorations, and improvements in order to preserve the property and its historical characteristics; and

WHEREAS, in 2004, the Village engaged the architectural services of Jan Hird Pokorny Associates (JHPA), New York, NY., a firm with considerable experience in historic building restoration projects, to investigate the cottage and prepare an Assessment Report, said report completed and submitted in May 2005 outlining the scope of restoration and replacement work to be performed; and

WHEREAS, the work consisted of all exterior building elements, including windows, siding, wood trim, front porch, roof, doors and chimney, and was estimated by JHPA to cost \$495,000 to construct, said estimate subsequently increased to \$609,700 in November 2006 based on construction cost increases and the inclusion of design fees; and

WHEREAS, certain interior elements including electrical service upgrades, lighting and asbestos removal were also reported to the Village by JHPA, but were not included in the Assessment Report or cost estimate; and

WHEREAS, due to budgetary constraints, the identified Cottage restoration and replacement work was prioritized with Phase I comprising the exterior elements and Phase II primarily interior work. Phase I construction commencing in December 2007 and was completed in November 2008 at a total cost of \$569,759.08 (\$64,236.21 design and \$505,522.87 construction) funded through a \$250,000 New York State Dormitory Authority Grant, a \$100,000 Westchester County Community Development Block Grant (CDBG) and \$219,059.08 in Village capital funding; and

WHEREAS, as identified in the Capital Budget, the Village is currently planning for the Phase II work identified by JPHA which consists of disassembling and reconstructing a rear terrace, upgrading cottage doors for security and accessibility, upgrading existing electrical services and exterior lighting, restoring existing interior flooring, restoring interior plaster finishes, and performing asbestos abatement as necessary; and

WHEREAS, the estimated cost of these Phase II improvements is identified on the attached Project Budget prepared in conjunction with JHPA, which includes contingencies for general conditions and construction; and

WHEREAS, the Village is desirous of submitting an application to the Westchester County Department of Planning for CDBG funds for this project in the amount of \$524,024.25 with the Village committing the required match of 50% up to \$250,000 including cash and in-kind services; now, therefore, be it

RESOLVED, that the Village Board of Trustees hereby authorizes the Village Manager to submit a CDBG application to the Westchester County Department of Planning for the Wayside Cottage Restoration Project Phase II, in substantially the same form and in accordance with the JHPA Project Budget Estimate dated May 30, 2018, attached hereto, and made a part hereof, and perform all necessary administrative acts associated with the completion of this application and the CDBG contract, should the Village be awarded a grant; and be it further

RESOLVED, that the Village Board of Trustees supports and encourages the Village Manager to seek additional grant opportunities for this project.

<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		

Before the roll call, Mayor Hochvert shared the fact that he and his wife were married at Wayside Cottage.

Public Comment

Mayor Hochvert opened the meeting to public comment at this time and asked that all comments be limited to five (5) minutes.

Gregory Kirchoff, resident of Edgewood and volunteer of a local ambulance corps, spoke on behalf of Robert Berg, who could not be present tonight and read Mr. Berg’s statement on the appointment of the new Village Attorney. In his statement, Mr. Berg noted that in a prior statement before the Board, he requested that the Village appoint an

Advisory Committee including attorneys residing in the Village to conduct a search for a new Village Attorney. However, in this evening's Board agenda packet there is a resolution appointing Angela Sapienza Martin to the position of Village Attorney. Ms. Sapienza Martin currently serves as the Director of Human Resources, and is an attorney with a law degree from Pace University of Law. He notes that her employee contract is very generous. He went over her work experience, stating that she has had no public visibility, does HR work for the Village and conducts the labor negotiations for the Village. He further stated that she does not appear to have any experience in the fields of litigation, criminal law, land law, constitutional law, revaluation or any issue concerning complex issues. In his statement, Mr. Berg stated that he doubted the Village considered any other candidate.

Bob Selvaggio, Rochambeau Road, thanked Village Attorney Esannason for his 19 years of service and congratulated him on his retirement. He noted that Mr. Esannason handled some very difficult issues and did it with great dignity. Mr. Selvaggio stated that he is the owner of a financial consulting firm in mid-town Manhattan and stated that he frequently hires analysts with Masters Degrees in Financial Engineering from Columbia, Cornell, and NYU. When he is looking to hire he looks at many CV's, check references and interview no fewer than five candidates. As a Scarsdale resident and taxpayer, he stated that he expects no less diligence from the Village elected officials in a selection process for an important role such as the Village Attorney. He stated that there is no evidence that a formal search is or has been underway for a replacement. A search process should be underway for a qualified replacement of Village Attorney Esannason.

Zoe Berg, 32 Tisdale Road, gave the following comments regarding DAS antennas:

“As you may remember, I stood here two weeks ago to express my concerns regarding the potential deployment and installation of DAS antennas throughout Scarsdale. Wendi Li, another Scarsdale resident, also expressed her concerns about DAS antennas. Why? Because DAS antennas are dangerous devices that should not be placed near schools or residences. Period. I'll tell you why. But for now, let me begin with a short anecdote.

I contacted Mayor Hochvert three times last week to schedule a meeting with him, myself, and a wireless radiation expert, Patricia Wood, Founder and Executive Director of Grassroots Environmental Education. The intent of the meeting was to help educate our Mayor about the biological hazards associated with chronic, low-level exposure to wireless radiation before taking a meeting with any telecommunications firm looking to install DAS antennas in our community, not after.

Long story short, he refused to meet with us...three times. Our Mayor said there are conflicting opinions about wireless radiation and that he's knowledgeable about the issue because when he was in the workforce he was in contact with some FCC scientists. Unfortunately, Dan's remarks do little to comfort me. First, these two 6-inch digests of recent, peer-reviewed, scientific studies, studies conducted by people that don't have a

financial stake in the wireless industry, contain indisputable science illustrating a correlation between wireless radiation exposure and adverse health impacts.

Secondly, the FCC is a captured agency, an agency that has been run by telecom industry executives over the past three administrations. With all due respect, I have no confidence that the FCC is protecting public health the way they should be. Secondly, when the FCC establishing their now outdated wireless radiation standards and recommendations, they did not take into consideration any of the robust, growing of body of science that dispels their position that there are only thermal effects from exposure. Certainly, the world's leading wireless radiation researchers, like the Head of Reproductive Sciences at Yale Medical School, Hugh Taylor, the Director and Principal Investigator at the Center for Family and Community Health at UC Berkeley, Joel Moskowitz, Dr. Martha Herbert at Harvard University, Dr. Devra Davis, a leading toxicologist, and the World Health Organization, would share my sentiment towards the FCC. So, to drive this point home, our Mayor's argument that he knows enough about wireless because he's spoken to FCC insiders has no teeth.

Third, Mayor Hochvert has repeatedly reminded me in public and in emails that the installation of DAS antennas is a federally pre-empted area. Yes, I know that. What I have repeatedly said in response is that the Village has legal authority to accept or decline whatever contract they please. If the Village has properly prepared for the meeting and fully educated about the health concerns associated with wireless exposure beforehand, then the Village can review the contract with the scrutiny it demands. If the contract calls for putting antennas near schools and residences, the Village can and should say, "No, we aren't signing anything unless you revise your placement plans for these systems. We don't want them near schools or residences due to health concerns." Then that company can either be receptive to our needs or lose the business. It's not complicated and it's completely legal.

To conclude, DAS antennas would emit more localized, amplified concentrations of wireless, involuntary exposing thousands of residents to a 2B carcinogen. I implore our Mayor and our Board of Trustees to take this DAS antenna issue very seriously. We are talking about malignant brain tumors, behavioral disorders, and DNA damage. We are talking about our kids, our families. We have the opportunity to be proactive, operate via the precautionary principle, get educated, and safeguard the health and wellbeing of our residents. This is not a small issue, and I think the size of these digests are a testament to that.

So I must ask you, Mayor Hochvert, why have you refused three times to meet with a wireless expert and myself about installing this potentially harmful technology all over town?" Ms. Berg asked if Mayor Hochvert or the Board would like to comment.

Mayor Hochvert stated that the Board will wait until all the comments are finished and they will then respond.

Robert Harrison, 65 Fox Meadow Road, spoke as the volunteer director for 34 years for the Scarsdale Summer Youth Tennis League. He thanked Bob Kaczmarek, Assistant Superintendent of the Recreation Department for his help with the program in terms of publicizing it and sending email blasts to residents. Mr. Harrison stated that the 34th season of the Scarsdale Summer Youth Tennis League will begin on Tuesday, July 10th at the Middle School tennis courts. This program is for boys and girls from the ages of 6 through 18 years old. Round robin matches are played on four weekday evenings, Monday through Thursday from 6:00 p.m. to 8:00 p.m. for four weeks. All skill levels are welcome, including beginner, novice, intermediate, and advanced. The players can come every night or pick nights of their choosing. They can play for one or two hours. A maximum of 32 hours of play can be attained over the four weeks for a total sum of \$50.00, which includes players also getting a participation trophy, a tennis league t-shirt, and the program is concluded with a fun tennis tournament and have a pizza and ice cream party. He urged youth and parents to sign up for the Summer Youth Tennis League now – he can be contacted at 914-646-4054 or by email at proscars@aol.com. Applications can be picked up at the Recreation Department and at all the tennis courts and outdoor pool office. At scarsdale.com/recreation, an application can be downloaded.

Mr. Harrison congratulated Mr. Esannason for his service to the Village and wished him well in his future endeavors.

Mr. Harrison also noted that it is very cold in this room and encouraged the Village Manager to turn the temperature up and save the Village costs to the taxpayers.

In response to Ms. Berg's comments, Mayor Hochvert stated that he had asked for patience at this time because the Board does not have a specific proposal from Crown Castle yet in regard to the DAS antennas; further, it is their responsibility to defend their view against the evidence that points to radiation danger from these devices. When the Board receives a firm proposal, the Board will inquire of experts' opinions from both sides of the argument.

Trustee Finger read one section of the Federal law, which he felt would alleviate some confusion – 47 U.S. Code Annotated, Section 332, Subsection C, Subsection 7, IV – “No State or Local Government or instrumentality thereof may regulate the placement, construction and modification of personal wireless service facilities on the basis of environmental effects of radiofrequency emissions to the extent that such facilities comply with the Commission's regulations concerning such emissions.” Therefore, Trustee Finger stated that the Board has to receive the proposal, make sure that they comply with the regulations, and the Board will have its own consultants to aid in that determination. There are items the Board can consider and items they may not consider. There will be other opportunities to discuss this, however, as the Board moves forward in that discussion, anyone interested in participating in discussions should look at that section of Federal law.

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

Mayor Hochvert

Upon motion entered by Mayor Hochvert, and seconded by Trustee Ross, the following resolution regarding the Appointment of a Marriage Officer was approved by a unanimous vote:

WHEREAS, Pursuant to the provisions of Section 11-c of the New York State Domestic Relations Law, the Mayor may appoint Marriage Officers authorized to solemnize marriages in Scarsdale; and

WHEREAS, in accordance with the April 14, 2017 Annual Meeting Resolution the Mayor appointed two marriage officers, as ratified by the Village Board of Trustees, for two year terms ending April 1, 2019; and

WHEREAS, the Mayor is desirous of appointing another marriage officer for a two year term retroactive to April 10, 2018 and ending April 6, 2020; and

WHEREAS, Jane Veron, 20 Tompkins Road, Scarsdale, N.Y. has expressed an interest in serving in this capacity; now therefore be it

RESOLVED, that Jane Veron, 20 Tompkins Road, is hereby appointed as a Marriage Officer effective retroactive to April 10, 2018 and ending April 06, 2020, in accordance with the Village official year; and be it further;

RESOLVED, that as Marriage Officer, Jane Veron shall receive no compensation for performing her duties.

Trustee Callaghan stated that he has noted Trustee Veron to be very service oriented and she has given a lot to the community. He is sure that in this position, Trustee Veron will be exemplary.

Before reading the next resolution to appoint the Village Attorney, Mayor Hochvert stated that he could echo the Village Manager's comments regarding the candidate, and this Village Board did have a lot of discussion about the person who has sought an Attorney position. On a personal note, he has had enough interaction with Ms. Sapienza Martin to know that she is not guided by another person; she is an individual thinker, she looks at arguments on both sides of an issue and finds the one she believes is the best one for the Village residents and supports that position. He stated that he has seen her results in negotiations with some very aggressive unions and contrary to the comment earlier, his belief is that in those negotiations she served the Village very well.

Upon motion entered by Mayor Hochvert, and seconded by Trustee Finger, the following resolution regarding the Appointment the Village Attorney was approved by the vote indicated below:

- WHEREAS,** pursuant to the provisions 4-400 of the Village Law, the Mayor re-appointed Wayne Esannason as the Village Attorney, as ratified by the Village Board on April 10, 2018 for the official year of the Village; and
- WHEREAS,** effective June 30, 2018 Mr. Esannason is retiring from the Village after twenty-six years of dedicated service, nineteen years of which he served as the Village Attorney; and
- WHEREAS,** pursuant to Appendix 318-4A of the Scarsdale Village Code, it is the recommendation of the Village Manager to the Mayor that Angela Sapienza-Martin be considered to fill the unexpired term of Mr. Esannason; and
- WHEREAS,** the Personnel Committee met on June 5, 2018 to interview Ms. Sapienza-Martin, and again on June 20, 2018 to discuss Ms. Sapienza-Martin's candidacy to fill the unexpired term of Mr. Esannason; and
- WHEREAS,** the Mayor recommends to the Full Board pursuant to the provisions of 4-400 of the Village Law that Ms. Sapienza-Martin be appointed to serve the unexpired term of Mr. Esannason as the Village Attorney, and said appointment necessitating the execution of an employment agreement; now therefore be it
- RESOLVED,** that pursuant to §4-400 of the Village Law and Appendix 318-4A of the Scarsdale Village Code, Angela Sapienza-Martin is herein appointed to the position of Village Attorney for the Village of

Scarsdale effective June 30, 2018 for the remainder of the current official year, and be it further

RESOLVED, that Village Manager Stephen M. Pappalardo is herein authorized to execute the Employment Agreement, attached hereto, between the Village of Scarsdale and Angela Sapienza-Martin.

AYES

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

NAYS

Trustee Arest

ABSENT

None

Before his vote on the foregoing resolution, Trustee Arest made the following statement: "I have tried very hard to put the vote we are about to take into context. I do not think it is overly dramatic to assume that this vote will be one of the more impactful during my two year term. I think it could also be my most difficult. At the onset, I should thank my colleagues for their time and respect throughout the meetings and discussions on this issue. I think our interactions are proof that fundamental disagreements and civility are not mutually exclusive. I would like to thank Ms. Sapienza Martin for her willingness to step up and offer her services to the Village in a new role. I have had very little interaction with her, but in my brief encounters, as well as from references that I have received from those that have worked with her, I have been nothing but impressed. My hope is that, if she is approved this evening, she will grow into a superb Village Attorney and be someone I can look to for counsel. And beyond that, I think she is someone that understands the role of the Village Attorney and who will be willing to discuss and debate issues with the understanding that such discourse might actually make our positions that much stronger. Unfortunately, I do not have a crystal ball, and therefore, while I want nothing but to believe that she is the right person at the right time, because of limited information I must make my decision based on the process. Decisions in isolation might appear most prudent with hindsight, but if we look at a range of decisions as well as decisions that need to be made in the future, what is often the most important consideration is not the decision itself, but how the decision is made. That is why process is so very important to me and that is why I will not be able to support the resolution that is before us. Unfortunately, I do not believe that the steps that have brought us to where we are this evening meet a standard required for the role in question. I understand that my colleagues on the Board may feel differently and I respect that we can have different views. In the end, all of us sitting up here act in a way that we believe is in the best interest of Scarsdale. And should Ms. Sapienza Martin be approved,

please do not confuse my opposition to this resolution with the idea that I will not do everything in my power to ensure that she succeeds. With that, I vote nay.”

Trustee Callaghan also offered a statement before his vote: “Before I vote aye, I would like to have a few comments, please. First of all, thank you Counsel, for your time and I wish you would do three things for me in your retirement: Live much, laugh much, and love much. As the Kenny Rogers song goes, through the years, Counselor, you never let us down. Thank you for your service.

On to the Aye – Scarsdale is a very remarkable community in modern terms and that remarkableness rests with our Village Manager. He’s been with us almost 30 years; he’s served 22 Mayors and 22 Boards – his depth of perception of what this Village needs to succeed is indeed remarkable. The two young fellows that got up and talked about getting resumes – our Code really states a successive management philosophy. Village Manager Pappalardo is our Chief Operations Officer. He looks to the inside first and he finds Angela. He knows what she can do. Based on his knowledge and his experience in this community he goes to our Mayor. Our Mayor listens, examines the evidence, and he goes to the Board. Huge corporations work this way. Their Chief Executive Officer, would be Mr. Pappalardo, makes a recommendation to the President of the company, to the Chief Executive, who in turn goes to the Chairman of the Board. That would be our Mayor. The Mayor looks at it and that Chairman has a very wide experience. Not only of that corporation, but of business in general. The Aye mostly rests with our Village Manager’s depth of perception and quality of expression in the talents of Angela. Thank you very much, Stephen, I appreciate that. I vote ‘Aye’.

Trustee Crandall stated that she would like to offer her comments: “As my fellow Trustee Justin Arest noted, process is certainly important and I share his concerns but I also – I gave this a lot of thought – for those of you that don’t know, I am a retired attorney. I retired in 1995. But during the time that I worked, I was in litigation, I had experience in court and other arbitration settings, etc., so I have an idea as to what’s important in a lawyer. Through my volunteer work in Scarsdale, my experience with Mr. Esannason, and from observing his interactions with all of you and the community, the other part that is important is hard to measure at times – the attorney’s temperament. Can they get along with others? Can they express themselves? We did interview Angela, she presented very well. I asked her what I thought to be a couple of tough questions and I was impressed with her answers. In this time where many of us are concerned about our future tax bills, it’s also important that we have a Village government that runs efficiently. In my opinion, by hiring from within, someone we know, someone who is highly regarded by a variety of people both within and with out Village Hall, I believe that Angela will, as our new Village Attorney, make it possible for our staff to operate more efficiently. That’s important. But if we were to bring in someone new, there would be a period of upheaval before things smoothed out again. As far as having an independent voice, well that’s the job of us as Village Trustees. In the event we don’t agree with something, we hear from our Village Attorney, we can certainly ask for

an opinion from outside counsel, we can turn to any of our fellow residents who are experts in whatever area might be in question. So there is certainly a role for volunteers to play. We all need to help with research and reasoning but we need to have civil discussions on whatever the future topics might be. For the day to day operations of the Village, I do believe that Angela is uniquely qualified so although I share the reservations that Trustee Arest mentioned with respect to process, I am satisfied that she will do a good job and therefore I vote Aye.”

Trustee Finger had a few brief comments before voting: “I generally agree with what Trustee Callaghan and Trustee Crandall said; I understand Trustee Arest’s comments. I’m fortunate that I’ve worked with Ms. Sapienza Martin for several years and have great confidence in her. The only thing I would take a moment to correct Trustee Arest on is when he said that she would grow into the Village Attorney position. I actually think that she will be an excellent Village Attorney starting immediately. So with that in mind I have no hesitation to vote ‘Aye’ in favor of her appointment.”

Trustee Ross stated that he would also like to make a few brief comments before his vote: “I am of course aware that there are those in the Village who question this decision, disagreeing with the outcome or process that led to it, or both. I’ve considered their opinions and acknowledge that they’ve made some reasonable arguments. After careful deliberation, however, taking all relative factors into consideration, including Ms. Sapienza Martin’s demonstrated ability, experience and knowledge of Village affairs and the forethought that brings us to this juncture. Balancing these positive factors against the counter arguments, I believe that this is the decision that is best for the Village. I recognize and accept the responsibility I bear for this decision and realize that it will and should be subject to scrutiny in the months and years to come. I look forward to Ms. Sapienza Martin’s service as Village Attorney and recognizing the range of challenges she will face, believe that in that role she will continue to serve us well and accordingly, I vote ‘Aye’.

Trustee Veron stated “Our job is to insure the long term health of the Village. We want to retain our best employees along with their vast institutional knowledge. We also want the Village to evolve with the times to insure that we keep up to date and ask the right questions. Our Board has deliberated extensively on this matter and has weighed a multitude of factors. We’ve also taken into consideration succession planning as initiated by prior Boards and current staff. We are in an enviable place in having before us a candidate who is uniquely positioned to serve our Village. As Village Trustee, I have seen Angela in action under very stressful situations and very complicated environments. Angela is smart, direct, tenacious, fair, and unflappable. She fulfills her duties with the highest level of professionalism and in my experiences on the Board she has provided us with excellent counsel. Angela knows the Village and she knows our residents. She has the perfect blend of Village specific knowledge, positive temperament and strong experience. Most municipalities can’t even hope to approximate such a high level of in house expertise. I am confident that Angela will serve our Village well and I vote ‘Aye’.”

Mayor Hochvert stated “I could repeat everything I’ve heard including Trustee Arest’s concerns but I think we’ve had other views and I vote ‘Aye’.”

Municipal Services Committee

Trustee Veron stated that before reading the following resolutions regarding the Library renovation and expansion project, she wanted to read everyone’s name that was on the Library Board so that are acknowledged: Felecia Block, Elyse Klayman, Steve Kessler, Gary Katz, Margot Milberg, Deb Morel, Diane Greenwald; and Beth Bermel, Paul Zaicek, and Terry Singer and her entire Committee have been working tirelessly.

Upon motion entered by Trustee Veron, and seconded by Trustee Finger, the following resolution to Award VM Contract #1228 – General Construction, Public Library Renovation and Expansion Project was approved by the vote indicated below:

- WHEREAS,** Dattner Architects (Dattner), the Village’s contracted design firm for the Scarsdale Library Expansion and Renovation Project, completed the necessary construction bid documents in January 2018; and
- WHEREAS,** 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 under separate contracts; and
- WHEREAS,** the Village advertised in the Scarsdale Inquirer on March 16, 2018, for bids pursuant to VM Contract #1228 – General Construction, Scarsdale Public Library Renovation and Expansion Project, having also announced the solicitation through Construction Data News, Reed Construction Data, Dodge Reports, and BidNet, the New York State procurement system; and
- WHEREAS,** the bids for the VM Contract #1228 – General Construction were opened on April 24, 2018, with a total of six bids received, as summarized in the attached bid tabulation; and
- WHEREAS,** the lowest responsible bid for VM Contract #1228 – General Construction was received from Niram Inc., 4 East Frederick Place, Cedar Knolls, NJ 07927, for the base bid of \$10,487,000, which was further reduced by \$180,000 to \$10,307,000 in response to the

Village’s choice to select Bid Alternate No. 5, a deduction for eliminating the west addition metal roof overhang; and

WHEREAS, Savin Engineers (Savin), the Village’s construction management firm for the project, and staff met with Niram, Inc., at the project site to review the project scope in detail, with Niram, Inc., having confirmed their clear understanding of the project requirements and having expressed high confidence in their bid proposal; and

WHEREAS, in consensus with Savin’s written recommendation (attached), staff recommends awarding VM Contract #1228 – General Construction to Niram Inc., 4 East Frederick Place, Cedar Knolls, NJ 07927, for the total value of \$10,307,000, comprised of the base bid of \$10,487,000 and the \$180,000 deduction associated with Bid Alternate No.5; and

WHEREAS, as described in detail on page seven of the attached staff memo, there are adequate funds available to support award of this contract, with total project costs now estimated at \$20,176,755, inclusive of a 5% construction cost contingency, and total available funding of \$20,275,501; now, therefore, be it

RESOLVED, that VM Contract # 1228 – General Construction, Public Library Renovation and Expansion Project, be awarded to the lowest responsible bidder, Niram, Inc., 4 East Frederick Place, Cedar Knolls, NJ 07927, for a total contract award of \$10,307,000, inclusive of Bid Alternate No. 5, a \$180,000 deduction from the base bid of \$10,487,000; and be it further

RESOLVED, that the cost of same be charged to the appropriate Library Capital Construction Account, as designated by the Village Treasurer; and be it further

RESOLVED, that the Village Manager is hereby authorized and directed to execute VM Contract # 1228 – General Construction on behalf of the Village of Scarsdale with Niram, Inc., and to undertake administrative acts as may be required under the terms of the contract.

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

Trustee Veron
Mayor Hochvert

Upon motion entered by Trustee Veron, and seconded by Trustee Finger, the following resolution Awarding VM Contract #1230 – Plumbing, Public Library Renovation and Expansion Project was approved by the vote indicated below:

- WHEREAS,** Dattner Architects (Dattner), the Village’s contracted design firm for the Scarsdale Library Expansion and Renovation Project, completed the necessary construction bid documents in January 2018; and
- WHEREAS,** 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 under separate contracts; and
- WHEREAS,** the Village advertised in the Scarsdale Inquirer on March 16, 2018, for bids pursuant to VM Contract #1230 – Plumbing, Scarsdale Public Library Renovation and Expansion Project, having also announced the solicitation through Construction Data News, Reed Construction Data, Dodge Reports, and BidNet, the New York State procurement system; and
- WHEREAS,** the bids for VM Contract #1230 – Plumbing were opened on April 24, 2018, with a total of two bids received, as summarized in the attached bid tabulation; and
- WHEREAS,** the lowest responsible bid for VM Contract #1230 – Plumbing was received from S & L Plumbing & Heating Corp., 56 Lafayette Avenue, White Plains, NY 10603, for the base bid of \$874,190; and
- WHEREAS,** Savin Engineers (Savin), the Village’s construction management firm for the project, and staff met with S & L Plumbing & Heating Corp. (S & L) at the project site to review the project scope in detail, with S & L having confirmed their clear understanding of the project requirements and having expressed high confidence in their bid proposal; and
- WHEREAS,** in consensus with Savin’s written recommendation (attached), staff recommends awarding VM Contract #1230 – Plumbing to S & L

Plumbing & Heating Corp., 56 Lafayette Avenue, White Plains, NY 10603, for the base bid of \$874,190; and

WHEREAS, as described in detail on page seven of the attached staff memo, there are adequate funds available to support award of this contract, with total project costs now estimated at \$20,176,755, inclusive of a 5% construction cost contingency, and total available funding of \$20,275,501; now, therefore, be it

RESOLVED, that VM Contract # 1230 – Plumbing, Scarsdale Public Library Renovation and Expansion Project, be awarded to the lowest responsible bidder, S & L Plumbing & Heating Corp., 56 Lafayette Avenue, White Plains, NY 10603, for a total contract amount of \$874,190, and be it further

RESOLVED, that the cost of same be charged to the appropriate Library Capital Construction Account, as designated by the Village Treasurer; and be it further

RESOLVED, that the Village Manager is hereby authorized and directed to execute VM Contract #1230 – Plumbing on behalf of the Village of Scarsdale with S & L Plumbing & Heating Corp and to undertake administrative acts as may be required under the terms of the contract.

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

Upon motion entered by Trustee Veron, and seconded by Trustee Finger, the following resolution Awarding VM Contract #1244 – Electrical, Public Library Renovation and Expansion Project was approved by the vote indicated below:

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

- WHEREAS,** 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 under separate contracts; and
- WHEREAS,** the Village advertised in the Scarsdale Inquirer on March 16, 2018, for bids pursuant to VM Contract #1229 – Electrical, Scarsdale Public Library Renovation and Expansion Project, having also announced the solicitation through Construction Data News, Reed Construction Data, Dodge Reports, and BidNet, the New York State procurement system; and
- WHEREAS,** the bids for VM Contract #1229 – Electrical were opened on April 24, 2018, with a total of six bids received, as summarized in the attached bid tabulation; and
- WHEREAS,** arising from a fatal flaw in the procurement process, the Village Board rejected all bids by way of Resolution (attached) at their regular meeting held on May 08, 2018; and
- WHEREAS,** the Electrical drawings and specifications were revised by Dattner and the Village advertised for rebids pursuant VM Contract # 1244 – Electrical, Scarsdale Public Library Renovation and Expansion, on May 11, 2018; and
- WHEREAS,** the rebids for VM Contract # 1244 – Electrical were opened on June 05, 2018, resulting in three bids, with the lowest responsible bidder, Healy Electric Contracting, Inc. (Healy Electric), 4 Fisher Lane, White Plains, NY 10603, having presented a base bid of \$2,233,000; and
- WHEREAS,** Savin Engineers (Savin), the Village's construction management firm for the project, and staff met with Healy Electric at the project site to review the project scope in detail, with Healy having confirmed their clear understanding of the project requirements and expressed high confidence in their bid proposal; and
- WHEREAS,** in consensus with Savin's written recommendation (attached), staff recommends awarding VM Contract #1244 – Electric to Healy Electric Contracting, Inc. (Healy Electric), 4 Fisher Lane, White Plains, NY 10603, for the base bid of \$2,233,000; and
- WHEREAS,** as described in detail on page seven of the attached staff memo, there are adequate funds available to support award of this contract, with

total project costs now estimated at \$20,176,755, inclusive of a 5% construction cost contingency, and total available funding of \$20,275,501; now, therefore, be it

RESOLVED, that VM Contract # 1244 – Electric, Public Library Renovation and Expansion Project, be awarded to the lowest responsible bidder, Healy Electric Contracting, Inc., 4 Fisher Lane, White Plains, NY 10603, for a total amount of \$2,233,000; and be it further

RESOLVED, that the cost of same be charged to the appropriate Library Capital Construction Account, as designated by the Village Treasurer; and be it further

RESOLVED, that the Village Manager is hereby authorized and directed to execute VM Contract #1244 – Electric on behalf of the Village of Scarsdale with Healy Electric Contracting, Inc. and to undertake administrative acts as may be required under the terms of the contract.

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

Upon motion entered by Trustee Veron, and seconded by Trustee Finger, the following resolution Awarding VM Contract #1245 –Mechanical, Public Library Renovation and Expansion Project was approved by the vote indicated below:

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

WHEREAS, 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 under separate contracts; and

WHEREAS, the Village advertised in the Scarsdale Inquirer on March 16, 2018, for bids pursuant to VM Contract #1231 Mechanical - Scarsdale Public

Library Renovation and Expansion Project, having also announced the solicitation through Construction Data News, Reed Construction Data, Dodge Reports, and BidNet, the New York State procurement system; and

- WHEREAS,** the bids for VM Contract # 1231 – Mechanical were opened on April 24, 2018, with a total of six bids received, as summarized in the attached bid tabulation; and
- WHEREAS,** arising from a fatal flaw in the procurement process, the Village Board rejected all bids by way of Resolution (attached) at their regular meeting held on May 08, 2018; and
- WHEREAS,** the Mechanical drawings and specifications were revised by Dattner and the Village advertised for rebids pursuant to VM Contract # 1245 – Mechanical, Scarsdale Public Library Renovation and Expansion May 11, 2018; and
- WHEREAS,** the rebids for VM Contract # 1245 – Mechanical were opened on June 05, 2018, resulting in six bids, with the lowest responsible bidder, ABM A/C & Heating Inc. (ABM), 11 West Cross Street, Hawthorne, NY 10532, having presented a base bid of \$1,810,000; and
- WHEREAS,** Savin Engineers (Savin), the Village’s construction management firm for the project, and staff met with ABM at the project site to review the project scope in detail, with ABM having confirmed their clear understanding of the project requirements and having expressed high confidence in their bid proposal; and
- WHEREAS,** in consensus with Savin’s written recommendation (attached), staff recommends awarding VM Contract # 1245 – Mechanical to ABM A/C & Heating Inc. (ABM), 11 West Cross Street, Hawthorne, NY 10532, for the base bid of \$1,810,000; and
- WHEREAS,** as described in detail on page seven of the attached staff memo, there are adequate funds available to support award of this contract, with total project costs now estimated at \$20,176,755, inclusive of a 5% construction cost contingency, and total available funding of \$20,275,501; now, therefore, be it
- RESOLVED,** that VM Contract # 1245 – Mechanical, Public Library Renovation and Expansion project, be awarded to the lowest responsible bidder,

ABM A/C & Heating Inc., 11 West Cross Street, Hawthorne, NY 10532, for a total contract award of \$1,810,000, and be it further

RESOLVED, that the cost of same be charged to the appropriate Library Capital Construction Account, as designated by the Village Treasurer; and be it further

RESOLVED, that the Village Manager is hereby authorized and directed to execute VM Contract #1245 – Mechanical on behalf of the Village of Scarsdale with ABM A/C & Heating Inc. and to undertake administrative acts as may be required under the terms of the contract.

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

Personnel Committee

Upon motion entered by Trustee Arest, and seconded by Trustee Crandall, the following resolution regarding an Appointment to the Advisory Council on Senior Citizens was approved by a unanimous vote:

WHEREAS, the Advisory Council on Scarsdale Senior Citizens (Council) was created in 1985 by Resolution of the Village Board of Trustees to advise and assist the Village Board in matters concerning the senior citizens of the Village of Scarsdale; and

WHEREAS, pursuant to the Council’s Constitution, membership shall be comprised of such number of Scarsdale residents as may be appointed by the Village Board, each for a two-year term; and

WHEREAS, the Village Board’s Personnel Committee met on June 20, 2018, and discussed the application of Naomi Lipman, 1186 Post Road, for a position on the Advisory Council on Scarsdale Senior Citizens; and

WHEREAS, the Personnel Committee recommends to the full Village Board that Naomi Lipman be appointed to serve as a member of the Council; now, therefore, be it

RESOLVED, that Naomi Lipman, 1186 Post Road, is hereby appointed to the Advisory Council on Scarsdale Senior Citizens for a term effective immediately and ending April 6, 2020, or until such time as a successor is appointed.

Recreation Committee

Upon motion entered by Trustee Callaghan, and seconded by Trustee Finger, the following resolution regarding Authorization to Execute an Agreement with the South East Consortium for Special Services, Inc. was approved by the vote indicated below:

WHEREAS, the South East Consortium for Special Services, Inc. is a voluntary not-for-profit corporation whose sole purpose is to provide therapeutic recreation services to Westchester County youth and adults with physical, developmental, learning and emotional disabilities; and

WHEREAS, the Consortium provides these services through an inter-municipal agreement with the member municipalities of the City of Rye, Towns of Eastchester, Pelham and Mamaroneck, the Villages of Bronxville, Mamaroneck, Port Chester, Rye Brook and Tuckahoe, and the Town/Villages of Harrison, and Scarsdale; and

WHEREAS, the Village has participated in this program since its inception 35 years ago and has found it to be a very beneficial and successful endeavor; and

WHEREAS, the Village of Scarsdale's cost to participate in the Consortium for 2018 is \$16,334, which remains unchanged year to year; now, therefore, be it

RESOLVED, that the Village Manager is hereby authorized and directed to execute a one-year renewal agreement with the South East Consortium for Special Services, Inc., to provide special recreation programs for disabled individuals in Scarsdale, in substantially the same form as attached hereto, and to undertake administrative acts as may be required under the terms of the agreement; and be it further

RESOLVED, that the 2018 program year cost of \$16,334 be charged to the Recreation Department Operating Budget Account #A-7020- REC-DISAB-400-499.

<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 spoke in regard to the Library contracts approved earlier, stating that both the electrical and mechanical contracts had to be rebid which was done due to reasons found during the process. In retrospect, it worked out well for the Village because they saved roughly \$43,000 on the electrical and \$40,000 on the mechanical contracts.

Written Communications

The Village Clerk reported that five (5) communications have been received since the last regular Board of Trustees meeting:

- An email from Mayra Kirkendall Rodriguez regarding roadways in Scarsdale.
- An email from Frank Murtha regarding lawn signs.
- An email from Josh Frankel concerning the Village Board Meeting format.
- Two emails from Susan Levine regarding house numbers; a response from the Mayor is attached.

Future Meeting Schedule

- *Tuesday, July 10, 2018* – Law Committee Meeting– 6:00 P.M. – Trustees’ Room
- *Tuesday, July 10, 2018* – Joint Law & Sustainability Committee Meeting (immediately following Law Committee Meeting) – Trustees’ Room

- *Tuesday, July 10, 2018* – Agenda Meeting– 7:30 P.M. – Rutherford Hall
- *Tuesday, July 10, 2018* – Village Board Meeting– 8:00 P.M. – Rutherford Hall
- *Wednesday, July 12, 2018* – Executive Session re: 6 Fenimore Road – 6:00 P.M. –
Rutherford Hall
- *Tuesday, July 24, 2018* – Limited Agenda Meeting– 8:30 A.M. – Trustees’ Room

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Village Hall Schedule

- Wednesday, July 4, 2018 – Independence Day – Village Hall Closed

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There being no further business to come before the Board, on a motion entered by Trustee Finger, seconded by Trustee Ross and carried unanimously, the meeting adjourned at 9:37 P.M.

Donna M. Conkling
Village Clerk