

THREE THOUSAND THREE HUNDRED TENTH

REGULAR MEETING

Rutherford Hall
Village Hall
September 12, 2018

A Regular Meeting of the Board of Trustees of the Village of Scarsdale was held in the Trustees' Room in Village Hall on Wednesday, September 12, 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, Village Attorney Martin, Assistant Village Manager Richards, Deputy Village Attorney Garrison, Village Treasurer McClure, Village Clerk Conkling and Assistant to the Village Manager Ringel.

The minutes of the Board of Trustees Limited Agenda Meeting of Tuesday, August 28, 2018 were approved on a motion entered by Trustee Crandall, seconded by Trustee Finger and carried unanimously.

Bills & Payroll

Trustee Ross reported that he had audited the Abstract of Claims dated September 12, 2018 in the amount of \$557,776.21 which includes \$72,152.13 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 Ross and seconded by Trustee Finger, the following resolution was adopted unanimously:

RESOLVED, that the Abstract of Claims dated September 12, 2018 in the amount of \$557,776.21 is hereby approved.

Trustee Ross further reported that he had examined the payment of bills made in advance of a Board of Trustees audit totaling \$251,425.28 which were found to be in order and he moved that such payments be ratified.

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

RESOLVED, that payment of claims made in advance of a Board of Trustees audit totaling \$251,425.28 is hereby ratified.

* * * * *

Mayor's Comments

Mayor Hochvert reported that he had the pleasure of officiating at three weddings in the last week and a half. He stated at least one of the people graduated from Scarsdale High School and a couple of them still had their parents still living in Scarsdale. He noted that one of the brides flew in from Israel with her mother and father. He added that he found it interesting there was an Iranian groom and a Pakistani bride – very unusual, but their families live in Scarsdale which speaks to the diversity in the Village.

On August 15th, there was an Executive meeting on the Con Edison situation held with Assemblyman David Buchwald. The Executive committee agreed that communication needs to be undertaken with the Public Service Commission and the staff. This has been scheduled for September 20th. His expectation is that they will find ways to encourage the Public Service Commission to have a tighter relationship between the local municipalities and the crews that work here. This should speed up the process of power restoration.

Mayor Hochvert stated that there was also a shared services discussion which was a public meeting he and Trustees Arest and Crandall attended. The entire group of municipalities assembled at the County Center auditorium and voted unanimously in favor of a shared services plan that was sent along to the Governor. None of those shared services are required but the Village Manager had given him some items to check off for those things the Village would be interested in. The list will be sent to him indicating what all of the municipalities have done. This is something that will be discussed as the Board develops the next budget.

Lastly, Mayor Hochvert stated that he wanted to remind the community that tomorrow is Primary Election Day and the polls are open from 6:00 a.m. to 9:00 p.m.

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Manager's Comments:

Village Manager Pappalardo reported on infrastructure work occurring around the Village. He stated that the new Con Edison gas main has been installed on Scarsdale Avenue. The remaining work includes the crossover of the eight service laterals on Scarsdale Avenue from the old main to this new main that was installed. The old main will be abandoned in place. They are estimating another 7-10 days of night work to complete,

weather permitting. The Village stipulated curb to curb resurfacing of Scarsdale Avenue once all the work is completed. Those details and logistics have yet to be worked out.

Village Manager Pappalardo stated that there is a gas main installation taking place on Post Road as well, separate from the resurfacing work. Con Edison's contractor just began to saw cut for the trenching and excavation for the new gas main which is scheduled for installation along the southbound outermost lane of Post Road between Boulevard and Sprague. The estimated time for completion of this work is 8 weeks. There are time restrictions stipulated on the permit for the school pick up and drop off times with work resuming into the evening hours.

There is another gas main installation being done by Con Edison at Hamilton and Richelieu. The contractor has just begun to saw cut for trenching there as well. The work is progressing during the daytime hours. They have had some road closures and more are expected. The estimated time for completion is 6 weeks with some overtime into the evening hours.

Village Manager Pappalardo stated that Weaver Street had a major gas transmission main installation on the south end by the Town of Mamaroneck border. They are currently tying in the customers to the gas main and once Con Edison completes that work, the Westchester County Department of Public Works is scheduled with the contractor to resurface the entire stretch of the County owned section of Weaver Street, which runs from Daisy Farm Road out by Crossway to the Town of Mamaroneck line – approximately Cornell Road. The balance of Route 125/Weaver Street is owned by New York State. All other sections of Route 125 impacted by the gas main replacement will be resurfaced by Con Edison's contractor. At a later date the gas transmission line installation work is expected to continue down Griffen Avenue onto Grant Park and through Fenimore Road into the Town of Mamaroneck and eventually into the Village of Mamaroneck. Con Edison has yet to apply for permits for this work and for that phase.

Regarding the resurfacing Route 22, or Post Road in Scarsdale, the resurfacing operation continued last night after a break on Sunday and Monday to respect the Jewish holiday. The work will continue each night, weather permitting, over the next 8-10 days prior to completion. The State and its contractor plan on resurfacing one lane at a time progressing from south to north, from the Eastchester line towards White Plains. The wet summer and not working on the holidays has their schedule slightly behind the original schedule. Once all of Post Road is resurfaced, the team will resurface the approaches of the various side roads where necessary. Pavement marking placement and catch basin cleaning are expected to begin immediately upon completion of the road resurfacing and continue to be performed overnight. The State is working towards completing the entire project by the end of September.

Village Manager Pappalardo reported on the Reeves Newsome water fluoride system grant award which is on the Village Board agenda this evening. Last year, staff had reported on a grant award from the New York State Department of Health for the Village to conduct an engineering report to review and analyze the existing fluoride infrastructure at the Reeves Newsome pump station. The completed report revealed necessary system upgrades to continue the provision of fluorinated water which is an identified goal of the State Department of Health. The rehabilitation improvements identified in the report include the replacement of the underground fluoride storage tank and all associated piping, rebuilding the fluoride injection chamber at an estimated cost of \$260,000. In April of this year, the Village submitted a grant application to the Department of Health to construct the improvement identified in this study for 100% of the cost. The Village was notified on August 23rd that the grant application was successful and the Village will be awarded the \$260,000 grant to complete the work. A grant agreement proffered to the Village by the New York State Department of Health is included in the Board's agenda this evening. The contract term runs from October 1, 2018 through June 30, 2020 which should be enough time to complete the construction and obtain all necessary health department inspections and approvals. The Village received the letter of support for their grant application from New York State Assemblywoman Amy Paulin who wrote to him afterwards expressing her congratulations on the award while acknowledging the importance of continuing fluoridation of the drinking water to advance good oral health for Scarsdale residents. Upon execution of the grant agreement, the Village will conduct a request for proposal process to engage a qualified engineering consulting firm to prepare the necessary design documents for regulatory review. He stated that he anticipates awarding construction documents roughly one year from now.

Trustee Committee and Liaison Reports

Trustee Arest stated that he would like to take this opportunity to remind residents that although most Board and Council appointments are made in April of every year, the Village is always collecting resident applications and he encouraged anyone thinking of volunteering to apply. If one takes the time to look on line, they will see that there may be a Board or Council that will interest them. If unsure, residents should contact him. Previously a member of the Ad Hoc Committee on Communications, which Trustee Veron Chairs, Trustee Arest stated that he now works with the committee in his capacity as Personnel Committee Chair. The Ad Hoc Committee on Communications is working on a revamp of the Village's website to improve the content of the Boards and Councils webpage from a potential resident volunteer's perspective. Those efforts should be on display in the next 2-3 months and he stated he is very excited about the direction in which it is heading.

Lastly, Trustee Arest stated that he has had the pleasure of working with the Cable Television Commission as its liaison. The Commission is a group of hard working resident

volunteers with impressive technical know-how. He stated that he has a letter from the Commission's Chair, Michael Rubin. Mr. Rubin told him he could read this letter regarding the proposed transfer from the CATV special reserve account that appears on the Board's agenda this evening. Trustee Arest read from Mr. Rubin's letter:

"Dear Trustee Arest,

I write you as the Trustee-Liaison to the Scarsdale Cable Television Commission I am privileged to serve on as its Chairman.

The Commission understands the Village will vote tonight on a resolution to transfer \$334,518 from the CATV Special Reserve Account to the CATV Equipment Account. We also understand the purpose for this transfer is to formally allocate the use of these funds specifically, and for the limited purposes of, acquisition and installation of CATV authorized equipment during Scarsdale Public Library's major Renovation and Addition Project and for its use by the library and the Commission thereafter.

For many years the Commission has believed the proposed use of the above funds at our public library will best serve the needs of Scarsdale by enabling its residents, in their homes, television access to many of the library's programs and resources through the Village's public access cable system. In so doing, Scarsdale will join many of our neighboring municipalities who today provide these same services to their residents. The Commission looks forward to working with the Village and the Library to identify the highest and best uses of these funds.

The Commission wholly endorses the use of these funds in support of the Scarsdale Public Library project for the purposes set forth above.

Respectfully submitted,

Scarsdale Cable Television Commission
Michael Rubin, Chair"

Trustee congratulated the Commission for seeing the hard work and planning in its advisory capacity one step closer to fruition. He looks forward to continuing to work with them on this endeavor, and of course the very important franchise negotiations.

Mayor Hochvert asked Trustee Arest how he would prefer residents to contact him with any questions regarding Boards and Councils membership. Trustee Arest stated that they may contact him via email: justinarest.scarsdaletrustee@gmail.com.

Trustee Veron reported on happenings in the Village Center. As Land Use Committee Chair, there is progress on the Freightway site. Residents should know that an

RFP has been issued for a topographical survey of the site and just this morning a pre-submission meeting was held for those interested in submitting for the RFEI. For those who are not familiar with the process, she stated that the goal of the RFEI is to understand the qualifications and experience of interested developers and secondly to provide relevant input that will help staff as they develop an RFP for the Freightway site. The meeting this morning was very well attended. Village Manager Pappalardo, Assistant Village Manager Richards and Village Planner Marrinan ran the meeting and fielded questions. Results of that first step of the process will be available on October 15th. She stated that she will continue to give the community updates on the Freightway project. It is hoped that a draft RFP will begin early in the winter.

Trustee Veron stated that there has been much progress in the Village Center in terms of eliminating vacancies. The Village Center is thriving and she encourages residents to welcome the new owners of the Bronx River Bookstore. She stated that they are very eager to meet with residents; they have a soft opening, and residents can go in to buy books. She stated that this tenant was encouraged to lease space as a response to residents who expressed a strong desire for a bookstore in the Village Center. She stated that the former Wuji space is going to be reconfigured to accommodate an Italian/Mediterranean restaurant. Again, that new tenant is in keeping with what the residents have expressed an interest in.

Trustee Veron stated that there is tremendous energy surrounding the SBA (Scarsdale Business Alliance) and the Village – there is a huge theme of collaboration in everything they are doing.

Trustee Callaghan reported as liaison to the Advisory Council on Senior Citizens, stating that they will be having Village Department Heads attend a monthly meeting to explain what they do and how they do it. The first Department Head to present to the Council will be Superintendent of Public Works Benny Salanitro.

Trustee Callaghan next reported as liaison to the Advisory Council on Human Relations, stating that Chair Jennifer Fischman put together a very nice mission statement. She would like this group to reach into all other committees in the Village from a human relations point of view.

Regarding the Fire Department, Trustee Callaghan stated that a new firefighter has been hired and will be sworn in soon. He also stated that the Fire Department put on a very fine program honoring 9/11 and what it meant. He stated that he was very impressed with the input from both Trustees Finger and Veron. It is a day to celebrate courage and valor. He thanked everyone that attended.

As liaison to Scarsdale Edgemont Family Counseling Service, Trustee Crandall stated that she is also the Village Board member of the Coalition on Family Violence and Healthy Relationships. She stated that they met this morning and voted to change the name to the

Safe Coalition: Kids, Families, Community. This group brings together representatives from various local groups to raise awareness of the different types of violence that impact our residents of all ages. The Coalition also seeks to coordinate helpful resources and strengthen the delivery of inter-community services. This group is chaired by Lauren Pomerantz, Licensed Clinical Social Worker, with Scarsdale Edgemont Family Counseling.

Coalition member Pastor Pete Jones of Hitchcock Presbyterian Church cordially invites all interested residents to share Sunday, September 30th with a mother who sadly lost her child at Sandy Hook Elementary School. Nelba Marquez-Greene will be speaking during the 10:30 a.m. service and again after the 11:45 a.m. Community Lunch. There will also be a panel presentation including Lauren Pomerantz, the Safe Coalition Chair. Reservations are essential, they are expecting a large turnout. There is a \$10.00 per person or \$25.00 per family charge for lunch. Email Hitchcockpresby@msn.com for further details. Trustee Crandall stated that anyone interested can also look at the Hitchcock Presbyterian Church's website for more information.

Trustee Finger stated that he attended the Overhill Neighborhood Association Fall Festival party this weekend. He stated that it was well attended and he participated in a number of discussions of concerns which will be followed up on.

Trustee Finger further stated that earlier this evening, there was a joint meeting of the Sustainability and Law Committees regarding further proposed amendments to the Tree Law dealing essentially with clear cutting. There were a number of comments at that meeting and generally speaking, the proposal is to try to address clear cutting. This is something that the community has been requesting. He stated that it is anticipated to have another committee meeting in the not too distant future.

Public Comments:

Robert Harrison, 65 Fox Meadow Road, asked the Village Manager about the paving specifications for the resurfacing of Post Road. He wanted to know how much of a layer of asphalt is being used – 1, 2, or 3 inches.

Village Manager Pappalardo responded to Mr. Harrison, stating that he can get that information for him, but added that they are putting down a binder course and an overlay course – they are doing a nice job.

Mr. Harrison thought then that he had only seen the first course which seemed a little thin.

Mayor Hochvert added that he had the same thought but he learned that it is the binder course that they are seeing.

Mr. Harrison then asked about an item on the agenda; the acceptance of a gift for the Scarsdale Public Library addition and renovation project. He stated that in reading through the resolution, it states that the original construction cost of \$18,400,000 is to be funded by a bond of \$9.9 million with private donations raised of \$7.5 million. In the next clause it mentions that on June 26th the Village Board awarded a library construction contract which contributed to an increase in the overall project cost now totaling \$20,176,755. That seems to compare with the \$18,400,000 previously. With the 5% construction cost contingency, total available funding is \$20,275,501. Mr. Harrison asked if there were any comments on whether any additional monies have been raised by the Library Capital Campaign. He was wondering where the additional money is coming from.

Mayor Hochvert stated that the Board will respond to his comments after all public comments are heard.

Nilofer Kreonidis, 33 Carman Road, stated that she is concerned about the Distributed Antenna Systems project which she understood has not yet been approved or even in the beginning stages. She stated that she is aware that Rye won its lawsuit, so it can't be sued by Crown Castle. She would like to know where Scarsdale is on this and what has been done about it so far.

Mayor Hochvert again noted that the Board will respond to this comment after all public comments are heard.

Ms. Kreonidis also stated that she is aware that smart meters are going to be installed relatively soon in the Village. There is an opt-out where you can pay \$10 per month to not have a smart meter. However, she was wondering if there was an effort to make the public aware of this issue. She noted that there is a new documentary entitled 'Take Back Your Power' which can be found at takebackyourpower.net and is streaming for free right now. It is very good and it gives a non-industry viewpoint which she feels is valuable. There is another documentary which is called 'Generation Zapped' which is on Amazon and you have to pay for that one.

The third issue of concern to Ms. Kreonidis is wifi exposure in the schools which has just exploded. According to the documentary, France was one of the first countries to really start using wifi in the schools and they have seen that there has been enough health effects that they are either now going completely wired instead of having wifi or they are just eliminating it altogether.

Ms. Kreonidis stated that these are three large issues; then you can add the cell phone tower issues as well depending on where you live and work which can impact your

health as well. She asked if there was a commission or committee being formed to discuss wifi.

Mayor Hochvert spoke about the Distributed Antenna Systems (DAS). He stated that there are Federal requirements that limit what municipalities can do regarding the placement of DAS. However, there is a section in the Village Code which does limit the placement of the DAS. There is direction coming from the FCC which probably will be challenged, but it proposes to eliminate the power of the local municipalities on the limitation of distribution. The Village has written to its congress representatives in opposition to this. In regard to wifi in schools, the Village has no control over that. He suggested that Ms. Kreonidis attend a School Board meeting to voice her concerns.

Village Manager Pappalardo addressed Mr. Harrison's question regarding the difference in the cost of \$18.4 million for the library project and the \$20,176,755 actual cost when construction contracts were awarded by the Board. He stated that when the construction went out to bid, the contracts for all four prime contractors in the aggregate were increased by the difference between \$20 million and \$18.4 million which is about \$1.7 million. They had to come up with that additional funding, and that funding came from the fund balances in the Library fund and also a number of charitable trust funds that the Library had – there were sufficient balances in them. There was \$150,000 - \$200,000 in Village monies to fund work at the Supply Field that was added in but that was always considered a 100% Village cost to do that renovation for a temporary library facility. The Library came up with all the additional funding to award the contracts, and that is outside of the additional fundraising that is continuing through the Campaign Committee/Friends of the Scarsdale Library.

Mayor Hochvert added that the \$9.9 million bond issuance does not change, to insure that people understand that.

Finance Committee

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

WHEREAS, the Scarsdale Library Board completed a Master Plan dated June 10, 2013, which identifies a number of building renovations and additions that will increase the capacity of the library to provide a broader range of rapidly evolving library services while maintaining popular traditional collections and programs by offering a more balanced utilization of the building space within a safe, attractive and

inviting comfortable environment, said master plan supported by the Scarsdale Village Board of Trustees via resolution dated April 8, 2014 (attached); and

WHEREAS, the improvements identified in the Master Plan will transform the Library into a multi-purpose community asset for future generations, maintain its preeminent status among free public libraries in the County and State, enhance its technological capacity to further library services and create a physical environment that will be a welcoming and versatile learning center; and

WHEREAS, the Scarsdale Public Library Board, at their October 21, 2013 meeting, authorized the retention of the fund raising consulting firm of Plan A Advisors, P.O. Box 165, Thornwood, NY 10594, to design and conduct a capital campaign to implement such a project, subsequently identified in the July 20, 2015, Schematic Design Report prepared by Dattner Architects, at an estimated construction cost of \$16,500,000 and total project cost of approximately \$19,500,000; and

WHEREAS, in accordance with a Village Board request at a March 07, 2016, Committee of the Whole meeting, the Library Board and Architect value engineered the schematic design plans, reducing the total project cost to \$17,900,000, as identified in Option A-1 (attached), which the Architect presented at the July 19, 2016, Committee of the Whole meeting; and

WHEREAS, on December 13, 2016, the Village Board of Trustees authorized a \$9,900,000 bond to pay part of the \$17,900,000 addition and renovation of the existing Scarsdale Public Library Building, with the remainder of the \$17,900,000 to be paid by private donations and grants; and

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

WHEREAS, on February 13, 2018, the Village Board amended the December 2016 Bond Resolution (attached) to provide for an increased total library addition and renovation construction cost of \$18,400,000, to be funded by a \$9,900,000 bond combined with \$500,000 from funds

previously appropriated from the Village and the Library unassigned fund balances for the Supply Field temporary library and professional service contracts, respectively, and \$7,500,000 to be paid from private donations and grants, including the aforementioned \$500,000 State and Municipal Facilities Program grant; and

WHEREAS, on June 26, 2018, the Village Board awarded library construction contracts which contributed to an increase in the overall project cost, now totaling an estimated \$20,176,755, inclusive of a 5% construction cost contingency, with total available funding of \$20,275,501, reflecting new Library General Fund and Trust Fund transfers and an additional \$500,000 in donations through the Library Capital Campaign, which brings the fundraising total to \$8,000,000; and

WHEREAS, the following donation has been offered to the Scarsdale Public Library Addition and Renovation Capital Improvement Project: Friends of the Scarsdale Library - \$22,334.00.

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

RESOLVED, that the Village Board hereby accepts the following gift toward the Scarsdale Public Library Master Plan Improvement Project: \$22,334.00 from the Friends of the Scarsdale Library; and be it further

RESOLVED, that the Village Treasurer take the necessary steps to complete the transaction and accept the financial gift totaling \$22,334.00 and deposit said funds into the Library Capital Campaign Account; and be it further

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

Upon motion entered by Trustee Ross, and seconded by Trustee Veron, the following resolution regarding Transfer of Funds from the CATV Special Reserve Account to the CATV

Supportive Improvements Associated with the Library Renovation and Addition Project was approved by the vote indicated below:

WHEREAS, the Scarsdale Library Board completed a Master Plan dated June 10, 2013, which identifies a number of building renovations and additions that will increase the capacity of the library to provide a broader range of rapidly evolving library services while maintaining popular traditional collections and programs by offering a more balanced utilization of the building space within a safe, attractive and inviting comfortable environment, said Master Plan supported by the Scarsdale Village Board of Trustees via resolution dated April 8, 2014 (attached); and

WHEREAS, the improvements identified in the Master Plan will transform the Library into a multi-purpose community asset for future generations, maintain its preeminent status among free public libraries in the County and State, enhance its technological capacity to further library services, and create a physical environment that will be a welcoming and versatile learning center; and

WHEREAS, the Scarsdale Public Library is a popular community gathering place and the venue for many educational and other programs of public interest for persons of all ages and backgrounds, making it an ideal location for increased investment into cable television technologies not only capable of producing high quality government access programming for on-air broadcast, but also offering significantly expanded access for Scarsdale residents, businesses, and organizations to the technology and equipment necessary to create original content for broadcast on our public access channels; now, therefore, be it

RESOLVED, that \$334,518 of Franchise Agreement restricted-use funding be transferred from the CATV Special Reserve Account to the CATV Equipment Account for purchase and installation of qualifying CATV-supportive improvements in connection with the Library Renovation and Addition Project, as follows:

From: H 909-.08, CATV Special Reserve Account; Amount: \$334,518
To: H-1997-961-2019-106, Cable TV Equipment; Amount: \$334,518.

AYES

Trustee Arest

Trustee Callaghan

NAYS

None

ABSENT

None

Trustee Crandall
 Trustee Finger
 Trustee Ross
 Trustee Veron
 Mayor Hochvert

Law Committee

Upon motion entered by Trustee Finger and seconded by Trustee Ross, the following resolution regarding Authorization to Execute a License Agreement – 7 Colvin Road was approved by the vote indicated below:

- WHEREAS,** Novisi Nirschl and Michael Nirschl (hereinafter “Licensee”) are the current owners of certain real property known as 7 Colvin Road, identified on the official tax map of the Village of Scarsdale as Section 05, Block 06, Lot 26 (hereinafter “Property”); and
- WHEREAS,** the Licensee is desirous of planting and maintaining a row of 23 “Manhattan” Euonymus shrubs to provide screening and privacy, 17 of which are proposed to be planted five feet from the curb on the grass portion of the Village right-of-way along the property line of Colvin Road; and
- WHEREAS,** the Licensee has an existing walkway that runs in a straight line from the house to Colvin Road and encroaches upon the grass area of the Village right-of-way; and
- WHEREAS,** the Licensee has requested that the Village Board approve a license agreement to legalize the encroachment to permit the use and maintenance, at the Licensee’s expense, of the existing walkway and new landscape in the Village right-of-way, placed in accordance with the associated plans dated April 6, 2018, and June 14, 2018, respectively, attached as “Exhibit A” of the License Agreement, attached hereto and made a part hereof; and
- WHEREAS,** the Village Engineer visually inspected the area and recommended to the Village Attorney the granting of a revocable license agreement, as the walkway and landscape would not create a visual or other obstruction or hazard, said recommendation conditioned upon the Licensee complying with certain conditions and requirements set forth in the License Agreement; and

- WHEREAS,** the Licensee is responsible for all future maintenance and repairs of the walkway and landscape in the Village right-of-way; and
- WHEREAS,** Licensee will indemnify and hold harmless the Village in all actions, claims, judgments, costs, or expenses arising from said installation, maintenance, and use of the walkway and shrubs, providing the Village with a certificate of liability insurance at limits approved by the Village Attorney, also naming the Village as an additional insured; and
- WHEREAS,** the granting of said revocable License Agreement will not interfere with the Village's present and future use and maintenance of said Village right-of-way; now, therefore, be it
- RESOLVED,** that the Village Manager is herein authorized to execute a revocable license agreement, in substantially the same form as attached hereto, with Novisi Nirschl and Michael Nirschl of 7 Colvin Road, Scarsdale, NY 10583, to maintain a stone walkway and install a row of shrubs partially located in the Village right-of-way, placed in accordance with the associated plans attached as "Exhibit A" of said License Agreement; and be it further
- RESOLVED,** that Licensee herein agrees to indemnify and hold the Village of Scarsdale harmless in all actions, claims, judgments, costs, or expenses arising from said installation, maintenance, and use of the walkway and shrubs, and to provide the Village with a certificate of insurance at limits approved by the Village Attorney, also naming the Village as an additional insured; and be it further
- RESOLVED,** Licensee shall pay to the Village of Scarsdale the sum of \$1,000.00 as an administrative fee associated with the preparation and execution of the license agreement, as well as an annual maintenance fee of \$150.00 on a moving forward basis, while the Village agrees to waive the additional \$250.00 base fee reflected in the Village FY 2018-2019 Village Wide Fees and Charges Schedule, as the request for the License Agreement was made, as well as paid for, prior to authorization of the new fee schedule.

AYES

Trustee Arest
Trustee Callaghan
Trustee Crandall

NAYS

None

ABSENT

None

Trustee Finger
 Trustee Ross
 Trustee Veron
 Mayor Hochvert

Trustee Finger explained that the next resolution concerns the scheduling of a public hearing on a local law to amend Chapter 290 of the Scarsdale Village Code entitled Vehicles and Traffic. This amendment will include a specific designation of parking spaces supplemented with a charger for electric parking vehicles. It is expected that electric car chargers will be installed in the Freightway garage. Trustee Finger commended staff for having received yet another grant from New York State; in this case it will cover 50% of cost of installation of the chargers.

Upon motion entered by Trustee Finger and seconded by Trustee Ross, the following resolution regarding Calling for a Public Hearing on a Local Law to Amend Chapter 290 of the Scarsdale Village Code Entitled Vehicles and Traffic 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, September 25, 2018, at 8:00 p.m. to consider a proposed local law to amend Chapter 290 of the Scarsdale Village Code, entitled Vehicles and Traffic; and be it further

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

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

Municipal Services Committee

Upon motion entered by Trustee Veron and seconded by Trustee Finger, the following resolution regarding Calling for a Public Hearing on the Number of Taxicabs to be Licensed in 2019 was approved by the vote indicated below:

RESOLVED, that a Public Hearing is hereby called by the Board of Trustees of the Village of Scarsdale to be held in Rutherford Hall in Village Hall on Tuesday, September 25, 2018, at 8:00 pm in Rutherford Hall in the Village of Scarsdale to determine the number of taxicabs to be licensed in Scarsdale in 2019, pursuant to Section 272-3 of the Village Code; and be it further

RESOLVED, that the Village Clerk is directed to advertise said Public Hearing.

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

Upon motion entered by Trustee Veron and seconded by Trustee Finger, the following resolution regarding the Award of Design, Engineering, Bidding, and Construction Administration Professional Services Agreement for Rehabilitation of the Boniface Water Tank was approved by the vote indicated below:

WHEREAS, due to a combination of age and need to maintain compliance with certain State and Federal guidelines, the 1,700,000 gallon Boniface Water Storage Tank, located on Garden Road, must be evaluated for rehabilitation needs and updated accordingly; and

WHEREAS, the specialized nature of water tank regulations and rehabilitation requirements necessitate engagement of a professional engineering firm to provide a suite of technical services, including such items as design, engineering, procurement, and construction administration services, among others detailed in the agreement; and

WHEREAS, on April 23, 2018, a Request for Proposals was distributed directly to five well-qualified firms with demonstrated experience in the specialized area of water tank rehabilitation, resulting in three bids having been received by the May 15, 2018, due date, as follows:

GHD: \$122,500
 Woodward & Curran: \$179,100
 H2M Architects and Engineers: \$196,291; and

WHEREAS, the lowest bidder, GHD, demonstrated in a follow-up interview a thorough understanding of the project requirements, expressed confidence in their submitted bid, and their professional references for similar projects all provided positive recommendations; and

WHEREAS, consistent with the adopted FY 2018-19 Village Capital Budget and Plan, there are sufficient funds available to award this agreement, as well as to fund up to \$8,000 in project contingencies as recommended by the Water Superintendent and further detailed in a June 20, 2018 memorandum, attached hereto and made a part hereof; now, therefore, be it

RESOLVED, that the Village Manager is hereby authorized and directed to execute a professional services agreement on behalf of the Village of Scarsdale with GHD, One Remington Park Drive, Cazenovia, NY 13035, in the amount of \$130,500, as well as to undertake administrative acts as may be required under the terms of the agreement.

<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		

Trustee Veron stated that the next resolution was detailed by Village Manager Pappalardo earlier in the meeting regarding authorization to execute a New York State Department of Health Water Fluoridation Construction Grant.

Upon motion entered by Trustee Veron and seconded by Trustee Crandall, the following resolution regarding Authorization to Execute a New York State Department of Health Water Fluoridation Construction Grant was approved by the vote indicated below:

WHEREAS, the Village of Scarsdale Water Department provides fluoride treated potable water to approximately 22,500 people, consisting of both Village residents and residents of Eastchester Water District #1; and

WHEREAS, the Village of Scarsdale has been providing fluoridated water to its residents since 1985 from its Reeves Newsom Pump Station; and

WHEREAS, the American Dental Association states that “Community water fluoridation is so effective at preventing tooth decay that the Centers for Disease Control and Prevention named it one of the 10 great public health achievements of the 20th century;” and

WHEREAS, in 2017 the Village received a New York State Department of Health (NYSDOH) grant supporting an engineering study to examine the condition and remaining useful life of the Reeves Newsom Pumping Station fluoride infrastructure, having identified certain deficiencies requiring capital investment; and

WHEREAS, based on findings from the 2017 study and with the expressed support of Assemblywoman Amy Paulin, the Village applied for a \$260,000 NYSDOH capital project grant, having recently received notification of the NYSDOH’s intent to award the requested funding, which does not require a local match; and

WHEREAS, the New York State Health Department has proffered a grant agreement for execution by the Village; now, therefore, be it

RESOLVED, that the Village Manager is herein authorized to execute a NYSDOH Grant agreement, in substantially the same form as attached hereto, for funding related to the replacement of the underground fluoride bulk storage tank at the Reeves Newsom Pump Station, and other related improvements, as outlined in Attachment C - Work Plan summary of the contract; and be it further

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

RESOLVED, that the Mayor and Village Board of Trustees express thanks to the NYSDOH and Assemblywoman Amy Paulin for their efforts to support local community water fluoridation.

<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 voting in favor of the above resolution, Trustee Finger stated that this is the third item on the agenda this evening where the staff has procured funding for half, 80% or 100% of projects. He stated that it is much appreciated.

Village Manager Pappalardo stated that this particular grant was two parts and Assistant to the Village Manager Ringel and Water Superintendent Johnson worked very hard and very closely. They obtained the \$20,000 grant to do the study at no cost to the Village. They participated in webinars; Mr. Ringel stayed on top of the Department of Health and they both did a very nice job in preparing the grant agreement.

Written Communications

The Village Clerk reported that one (1) communication has been received since the last regular Board of Trustees meeting:

- An email from Kevin and Wade Han concerning a stop sign request.

There being no further business to come before the Board, on a motion entered by Trustee Finger, seconded by Trustee Veron and carried unanimously, the meeting adjourned at 8:53 P.M.

Donna M. Conkling
Village Clerk