

THREE THOUSAND THREE HUNDRED TWELFTH
REGULAR MEETING

Rutherford Hall
Village Hall
October 9, 2018

A Regular Meeting of the Board of Trustees of the Village of Scarsdale was held in the Trustees' Room in Village Hall on Tuesday, October 9, 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, and Village Clerk Conkling.

The minutes of the Board of Trustees Regular Meeting of Tuesday, September 25, 2018 were approved on a motion entered by Trustee Crandall, seconded by Trustee Finger and carried unanimously.

Bills & Payroll

Trustee Arest reported that he had examined the payment of bills made in advance of a Board of Trustees audit totaling \$74,579.39 which were found to be in order and he moved that such payments be ratified.

Upon motion duly made by Trustee Arest 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 \$74,579.39 is hereby ratified.

Trustee Arest further reported that he had audited the Abstract of Claims dated October 9, 2018 in the amount of \$901,706.79 which includes \$4,240.46 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 Arest and seconded by Trustee Ross, the following resolution was adopted unanimously:

RESOLVED, that the Abstract of Claims dated October 9, 2018 in the amount of \$901,706.79 is hereby approved.

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Mayor's Comments

Mayor Hochvert stated that on September 27th, he visited Simone Kestelman's art gallery. She was the artist who had previously had her exhibit, 'Pearls in the Park' in Chase Park. He stated that her latest gallery exhibition involves human emotions. Ms. Kestelman is a member of the Scarsdale Arts Council.

On September 28th, Mayor Hochvert stated that he visited with one of the County Legislators, Mary Jane Shimsky to summarize what they had both heard at a meeting with the Public Service Commission (PSC) who came to the United Westchester Executive Committee meeting. Discussion included the sharing of different storm forecasts with different utility companies so that the proper number of crews are available in each affected area.

Mayor Hochvert stated that he and Trustee Veron attended a meeting with representatives from the Scarsdale Police Department and the Scarsdale School District to discuss safety. Trustee Veron will discuss this further in her liaison reports.

On October 3rd, Mayor Hochvert stated that he performed a wedding ceremony for a lovely couple; and on October 4th he had an opportunity to share the State of the Village with the Scarsdale Forum. There were only two questions, one of which the Village Manager responded to, and the other was in regard to roads which Trustee Veron will also address in her liaison reports.

On October 5th, he and Trustee Crandall met with Melanie Spivak, the President of 2 neighborhood associations. Ms. Spivak shared with them that there was a bit of confusion over the selection for a dog park. Mayor Hochvert stated that it is not the case that only Weinberg has been considered and mentioned other locations. Part of the reason for this confusion is that the information was on one of the websites in the Village, and has been corrected since. Several locations have been looked at over the last several months. The Board needs more information on the Weinberg Nature Center location because it is the most complicated. Other locations are already a park location, although they are surrounded by residential homes in some cases.

Later that day, he stated that he attended the delayed grand opening of 7-11 convenience store. He welcomed them to the downtown and noted that in one year, the Village will revisit to see if they are still welcome – will the neighbors be upset? Will the

business handle the e-cigarettes according to the laws of the County? He stated that he made those comments publicly to them and he was assured that they would abide by the laws.

On Saturday, October 6th, Mayor Hochvert stated that he held a telephone conference that he set up with a Yale freshman who was taking a civics course and had chosen Scarsdale for the subject of his study.

The Scarsdale Concours event was held on Sunday, October 7th, which Trustee Veron will report on.

Mayor Hochvert stated that he fastened a checkerboard to one of the picnic tables in Chase Park so that anyone can use them, and then visit the Village center afterwards.

Mayor Hochvert spoke about the concerns surrounding leaves in the street. He read from a memo from the Police Department which states that the Highway Department will be issuing Village Code summonses for preparation of waste(s) for collection - putting piles of leaves in the street. Every violator will be issued a warning prior to the Highway Department issuing a summons. Piles of leaves in the street present safety issues; they also get washed into the storm drains during storm events. He urged residents to have the leaves raked to the edge of the property where they will be collected. During business hours, Monday through Friday, from 9:00 AM to 3:45 PM, complainants are advised to call the Highway Department at 722-1150 and report the violation. During other times a violation of the Code can be reported at 722-1200 and a patrol unit will be sent to confirm the violation.

Mayor Hochvert noted that the Village is managing traffic to eliminate occurrences such as the fatality that occurred on Fenimore Road.

Mayor Hochvert has received more information on a project that Metro North is proposing. The whole area of the station will be improved beginning in 2019. Metro North has sent some information material to the Village and a public meeting will be scheduled so that those who regularly use that area will understand what is being proposed.

Lastly, Mayor Hochvert stated that he received a request to announce that Jackie's Walk for Huntington's Disease will be held between 10:00 AM and 1:00 PM in Glen Island Park in New Rochelle.

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Manager's Comments:

Village Manager Pappalardo discussed a recent assignment the Village received from Moody's Investment Services in conjunction with a planned \$11.4 million bond issue that the Village will be going out to market for this month. That is \$9.9 million for the library renovation project and \$1.46 million for Ardsley Road Storage Tank. Moody's reviewed the Village's financial position and have re-affirmed the Triple A rating in conjunction with the debt issuance. They summarized that the Village's financial position is strong and stable with ample reserves relative to sector medians. The Village's moderate debt and pension burdens are manageable fixed costs. The rating outlook again is stable and reflects their expectation that the Village's strong, wealthy tax base, conservative budgeting practices and ample reserves will continue to support the overall credit profile. The Village's robust, primarily residential \$9.8 billion dollar tax base has grown at a 4% average annual rate in recent years and is now above pre-recession highs. The Village's financial situation is excellent and it will be getting the benefit of a Triple A bond rating when they go out to market in a couple of weeks.

Village Manager Pappalardo next discussed a storm related situation with the recent weather events that have occurred, as it relates to Drake-Edgewood. He stated that over the past ten years, the Village has been working with Westchester County, the City of New Rochelle, and its consulting engineer to study the sanitary system as it discharges to the County trunk system in the Hutchinson River. The Village has performed flow analysis smoke testing and closed circuit television investigations in the system and has performed hundreds of feet of sanitary sewer lining and other related repairs that were identified through the miles of closed circuit television inspections that were done. The Village has committed hundreds of hours of staff time and \$200,000 in expenses for these repairs. The investigations have also identified a number of illicit private storm water connections in the sanitary sewer system that were corrected through Village intervention and cooperation of the homeowners. The entire system of the Drake Edgewood neighborhood has been cleaned and televised in the past six years. All of these efforts were performed towards the goal of reducing inflow and infiltration. Although this has helped to mitigate, the Village is still experiencing system surcharges during extreme rainfalls. They believe that this is indicative of a result of some private connections that still exist as well as river water entering the County storm sewer system. As many may know, the Hutchinson River begins in the Village of Scarsdale on Drake Road and meanders through private properties bordered by the City of New Rochelle and Town of Eastchester. The river is not owned by the State, the County or the Village, as the river empties into navigable waters of the United States it is ultimately under the control of the US Army Corps of Engineers. Many of the homeowners along the river own to the center line of the river on their side and in accordance with the Scarsdale Village Code are responsible for maintaining the riverbed and banks and keeping the area from obstructions that would impede the river flow. There are a few sections that are within the domain of the Village to maintain as it crosses public land

and similar area that are the responsibility of the Town of Eastchester and the City of New Rochelle.

Village Manager Pappalardo stated that the three communities have made many attempts over the years to assist in some manual cleanup efforts with the Village and City periodically taking turns to clean the riverbed to insure proper flow. There was a lawsuit that occurred a number of years ago on the New Rochelle side of the river where one of the residents claimed property damage against the City as a result of these cleaning efforts and the municipal activity on private property ceased at that point for legal reasons.

The City of New Rochelle, the Village of Scarsdale and the Town of Eastchester have been successful in the last few years in obtaining \$3.5 million in grant money between the State and the County to attempt to desilt the riverbed from Scarsdale and New Rochelle to Eastchester and to stabilize the banks for that entire stretch. If some neighbors do the work and others don't through the entire section, flooding will still be a problem. It is a very complicated project because of that – easements will be needed, rights of access from the property owners in order to access their properties – legal and survey work will be necessary. It is also complicated because of multiple municipalities involved in trying to make this happen.

Village Manager Pappalardo stated that it is obvious at this time that the Hutchinson River needs a much more aggressive cleaning and improvements. The Village has been working with the County and the State; we have this grant money – the work will include infrastructure improvements by installing larger culverts – there are four of them – through the public roadways to improve storm water flows and to mitigate many of the flooding and nuisance water experienced during small and large rainfall. The process of selecting an engineering consultant to perform the necessary engineering analysis and prepare cost estimates is in progress. This week, municipal engineering staff reviewed the proposals submitted pursuant to an RFP process and we've narrowed the group down to three firms to be interviewed over the next couple of weeks; then the engineering consulting firm will be selected.

Village Manager Pappalardo stated that he wanted to give the Board an update – there are some people in the audience who would like to discuss some of the continuing issues that they are having, especially during heavy rainfall.

Mayor Hochvert stated that he has walked the Hutchinson River and the neighbors on both sides are not caring for the growth and the growth ends over and into the river and blocks flow. This raises the level of the water that is there even before a rainfall and makes it flood more quickly. This is on both sides – both the New Rochelle and Scarsdale sides. He stated that he will see if the Village can ask those people on the Scarsdale side to make sure that we don't have growth which ultimately ends up forming little islands in the middle of

the river. He also saw tons of debris, much of which has been thrown there by landscapers. There is some care that can be done to mitigate flooding.

Trustee Finger stated that the project the Village Manager was referring to took a long time for the City of New Rochelle and Town of Eastchester to get on board with. This shows how what happens downstream has an impact everywhere. Scarsdale has been on this project for several years and has finally gotten cooperation from the other two municipalities. He stated that it is important to do what we can and this is a good example of the Village staff being proactive and obtaining a grant.

Village Manager Pappalardo stated that this is a different methodology of trying to mitigate flooding here in the Hutchinson River than there was when looking at the Bronx River and South Fox Meadow Project because the Village had property upstream in Scarsdale to detain the storm water and then meter flow it out when the storm subsided to the Bronx River. The Bronx River is a problem; it cannot hold the water anymore, it is silted over and the water was backing up into our sewer system into the private properties. This project is completely opposite. The culverts are going to be enlarged and the riverbed will be cleaned, widened in some places, and stabilize the banks so the water can get out of Scarsdale as fast as possible, out of New Rochelle, and into Eastchester where they do have the receiving waters that can handle that flow at that rate – we have done all the engineering work. Without the cooperation of the other two municipalities and all the homes along the riverbed, it would be complicated. He stated that it is the most complicated project that he has been on in his years in Scarsdale; the Village is certainly committed to seeing it through.

Mayor Hochvert stated that since the properties on one side are Scarsdale and the other side is New Rochelle, he has made a note to send the Mayor of New Rochelle a message to ask for his help on the New Rochelle side keeping that growth out of the river.

Trustee Committee and Liaison Reports

Trustee Crandall reported that the Scarsdale Edgemont Family Counseling Service was recently re-accredited by the Council on Accreditation, an international, independent, nonprofit, human service accrediting organization. She extended her congratulations to Family Counseling on this high achievement.

On October 3rd, Trustee Crandall stated that she attended the Scarsdale Community Youth Services Project Meeting of Community Partners together with Village Manager Steve Pappalardo. School District Superintendent Thomas Hagerman and Board of Education President Scott Silberfein represented the Scarsdale School District. Scarsdale Family Counseling Director Jay Genova updated us on caseloads, staffing and recent activities. Scarsdale Family Counseling Board of Director President Susan Greenberg was also present.

Trustee Crandall stated that on October 5th, the Drug & Alcohol Task Force presented a program on Youth Driving While Under the Influence of Marijuana. Westchester County Police Officer Jack Brito covered all the bases from the new types of marijuana to the legal impact of an arrest for driving while under the influence. The program was taped and should be available shortly on one of the local public television channels. This is information all residents need to know, regardless of age.

Trustee Crandall next reported that the Scarsdale Conservation Advisory Council recently published another helpful article on Scarsdale10583: "This Fall, Mow (Don't Blow) Your Leaves". The article can also be found on the Village website www.scarsdale.com and, of course, while you're there, sign up for Notify Me.

Trustee Crandall announced that the Halloween Window Painting and Costume Parade is just around the corner. The Scarsdale Parks and Recreation Department will be holding the annual Halloween Window Painting program on Sunday, October 21st from 9:00 AM until 4:00 PM. The deadline to register for Halloween window painting is Tuesday, October 16th – as windows are limited, registration is on a first come, first serve basis. You may register on line at www.scarsdale.com/recreation. For questions, call the Recreation Department at 722-1160. On Wednesday, October 31st, (Halloween), the costume parade will be held in the Village at Chase Park. The parade line up begins at 3:45 PM in front of Chase Park. The parade will start at 4:00 PM.

Trustee Crandall continued, stating that next week, the Safe Coalition, previously known as the Coalition on Family Violence & Healthy Relationships, will be holding its Community Meeting on Wednesday, October 19th at 9:00 AM in the Scarsdale High School meeting room 170-172. This public program will present highlights from a Center for Disease Control report on Violence Prevention: Connecting the Dots. The public is invited to this free, educational event.

Trustee Crandall then stated that it was her honor to present a Proclamation declaring this the "Year of the Bird" to the local Audubon Chapter. She requested that the representatives of the Bronx River Sound Shore Audubon Society join her at the podium where she read the following Proclamation:

PROCLAMATION

Whereas, the Migratory Bird Treaty Act, the most powerful and important bird-protection law ever passed, was a law created in response to the extinction or near-extinction of a number of bird species, many of which were hunted either for sport or for their feathers; and

Whereas, the Village of Scarsdale is located at a geographic nexus of the Atlantic Flyway bird migration route and nesting distribution for numbers of species, which for tens of thousands of years, since the end of the last ice age, have migrated to and through the area, including the now extinct Passenger Pigeon, which once numbered in the billions but declined to zero in response to habitat destruction and over-hunting, with the last surviving member of the species, Martha, having died in 1914 at the Cincinnati Zoological Gardens; and

Whereas, on an annual basis, more than 200 different bird species of various colors, shapes, and sizes continue to frequent the New York City metropolitan area, including threatened or endangered species, such as the Peregrine Falcon, and more frequently observed neighborhood birds, such as Robins; and

Whereas, delighting us with their colors, graceful flight, and delicate songs, birds capture our attention and stir our imaginations, serving as daily reminders of our individual and collective responsibilities to serve as stewards of the earth and all of its inhabitants, embracing Aldo Leopold's land ethic, "A thing is right when it tends to preserve the integrity, stability, and beauty of the biotic community. It is wrong when it tends otherwise;" and

Whereas, 2018 marks the centennial of the Migratory Bird Treaty Act and it is just and proper to recognize and celebrate this landmark wildlife and habitat protection law;

Now, therefore, I, Dan Hochvert, Mayor of the Village of Scarsdale, hereby proclaim the year 2018 as

Year of the Bird

in the Village of Scarsdale and herein encourage all residents to join in celebrating by planting native plants and trees to support local species of birds, as well as to learn about and teach others of the importance of birds, particularly as indicators of the broader health of the world in which we live and the success of our efforts in tending to do what Aldo Leopold would consider the right things.

Trustee Crandall stated that she would like to give credit to Deputy Village Manager Robert Cole for drafting this incredible proclamation.

Sandra Morrissey, President of the Bronx River Sound Shore Audubon Society was present and introduced Diane Morrison, Secretary, and Doug Bloom, Vice President. She stated that they are very happy and grateful that the Mayor has made this the Year of the Bird in Scarsdale. She stated that Deputy Village Manager Cole's writing of the Proclamation was wonderful and expressed how important birds are. This is really a celebration of the 100th year of migratory birds species act, and noted that birds are always

under increasing threats. On Saturday, October 20th their Audubon Chapter is having a celebration of the Year of the Bird which will be held at Greenburgh Nature Center. The event will be held from 10 AM to 12 PM. She invited everyone to attend.

Mr. Bloom added that if anyone goes out bird watching, there is a listing of trips on their website that are being held through June 2019. The website address is www.brssaudubon.org. The next trip is on October 21st to the marshlands at Read Sanctuary.

Trustee Finger reported that the Law Committee met earlier this evening to discuss a proposed amendment to the Village Code regarding streets, sidewalks and public spaces; in particular, dealing with permits to obstruct. This includes obstructing the right of way, including signs and items of that nature. There have been some general comments about the use of the right of way, lack of aesthetics associated with signage and other obstructions. The Board is not addressing those issues in the resolution, but it was called to the Board's attention that it would be helpful to amend the Code to include a provision giving a time frame that allows the Village Engineer to approve some type of obstruction. The resolution was approved by the Law Committee and will probably be on the Board's agenda for the next meeting. At that point the Board would be setting a public hearing.

Trustee Arest reported as liaison to the League of Women Voters, stating that he had the privilege of attending their membership coffee this morning. He was asked to discuss Village issues before the Board now as well as anticipated issues over the coming months. There were great questions and good conversation. He appreciated their attention and their time and stated he looks forward to attending their next event. He announced the League's 2018 Food for Thought Annual Luncheon which will be held on November 1st at the Scarsdale Golf Club – for more information, interested persons should visit their website at www.lwvs.org. The featured speaker will be Linda Greenhouse, a lecturer at Yale Law School and a former Supreme Court correspondent for the New York Times.

Trustee Arest shared his appreciation for staff, particularly the Village Manager and his office, the Village Treasurer and her office. It is their collective hard work that leads to the smart fiscal planning that allows the Village to keep its Triple A rating and a stable outlook. On behalf of himself and the Board, as well as the community, he again shared his appreciation.

Trustee Veron reported that a Municipal Services meeting was held earlier this evening to discuss roads. She stated that the Board takes the condition of the roads very seriously and is vigilant about understanding what it takes to optimize the roadway conditions. The Board received a very detailed and thorough explanation this evening on the re-pavement program from the Superintendent of Public Works Benny Salanitro, and Village Engineer David Goessl. They explained to the Board what it takes to keep the roads at a satisfactory level. Roadway expenditures over the past ten years were also discussed.

The Village made a recent decision to consciously spend money on road repaving; from 2007 onward, road spending had been less. This meeting was taped and she encouraged residents to educate themselves in regard to road work. They addressed most of the fair and poor condition roads which would be an impact to the budget. The Board would like to hear from the public on how they would like to have their tax dollars spent.

With respect to roads and the library, Trustee Veron stated that DPW paved the Library Loft parking lot, doing an overnight turnaround. She thanked DPW for performing this work so quickly for patrons of the library.

Trustee Veron announced that there will be a Land Use Committee meeting to discuss high priority items including matters that are of interest to all of the Land Use boards, as well as discussions on clearcutting, and best practices across other communities with respect to how to use our laws to help control oversized homes.

As Police Commissioner, Trustee Veron reported on school safety. She stated that she has been meeting with the Police Chief, and she and the Mayor had a joint meeting with the School Board President as well as the District office and Family Counseling. The goal is to forge a more extensive communication pathway so that they can meet on a regular basis to talk about public safety issues. With the appointment of a school security officer, they would like to introduce themselves to him and to enable him to have a dialogue with them.

Trustee Veron next discussed the Village Center, stating that the funds from the Scarsdale Concours went to the Scarsdale PBA, the Scarsdale Volunteer Ambulance Corps, and the Scarsdale Edgemont Family Counseling Service. The newest excitement is that DeCicco's is taking over the former bank space on the corner by East Parkway and is in the middle of renovating that space. There will be more produce, more prepared foods, space to sit down and dine, salad and hot food; and the goal is to renovate the entire supermarket so that there will be an updated clean place to enjoy. They will also be investigating outdoor seating.

Trustee Callaghan reported as liaison to the Advisory Council on Senior Citizens, stating that he attended its monthly meeting. The main event was a presentation by the Superintendent of Public Works, Benny Salanitro. He explained to the Council what the DPW actually does and what departments they are made up of. Several questions were raised about participation of Village departments in the recent storm event – Police, Fire, and DPW. The staff in these three departments are all well trained in NEMS – National Emergency Management System. This means they are all on the same page to arrest loss of property and injury to life. Citizens should be aware of the caliber and quality of the staff the Village has in these departments, and their 'lightning speed' response to unforeseen circumstances.

Trustee Callaghan next reported as Fire Commissioner, stating that the Fire Fair will be held on Saturday, October 20th at the Crossway Field. This is an all-day event, primarily for children. All sorts of exciting things will happen, it is a very full day. Last year approximately 1,500 people attended the fair.

Now that it is time to change the clocks, Trustee Callaghan stated that it is also time to change your battery in your smoke detector. The batteries in the smoke detectors should be changed out every five years because the radiation and heat that makes them 'sound' wears out. The same goes for fire extinguishers; get rid of them every five years. For those residents who have hard wired systems, those devices should be changed every ten years with the exception of if they are tested every year by a qualified service, they may stay in place.

Public Comments:

Dimah Yanovsky, 50 Barry Road, spoke about the flooding that occurred during the last storm event. He passed around photos showing the sewer 'bubbling up' at the end of the road. He had other pictures from further up the road showing a similar situation. He stated that they have had multiple floodings of the sewer system, but it has become more frequent every time there is a big rain. He asked if there would be some way to compel residents to clean up their area of the riverbank that they are responsible for. He stated that it is awful that they have to live through this every time it rains with the sewage bubbling up in the roads and homes. This is a high priority issue to resolve.

Claire Leone, 2 Eastwoods Lane, stated that they have had flooding at their house since they moved in approximately 40 years ago. She stated they have also had sewer flooding. However, the last flood was the worst as it came so quickly. She spoke about all of the precautions they have taken over the years to mitigate the worst of the flooding. She noted that during a heavy rain, Sprague Road floods over at the bottom.

Lewis Leone, 2 Eastwoods Lane, stated that when he was younger he was able to dig out the stream. Years ago, the school kids would come up the river every year and dig it out. He also spoke to the various methods they used to mitigate flooding in their home and on their property. He expressed his hope that these issues would receive high priority and was happy to hear that something is being done about it.

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

Trustee Finger stated that he appreciated the public comments tonight; although he is aware that there is a general flooding issue, he was not aware of how severe it apparently

continues to be. He noted that he was one of the students that went through the area years ago and did the dredging.

Village Manager Pappalardo echoed Trustee Finger's comments; he appreciates what the residents are living with and no one is happy about it. He stated that there has been a lot of work that has been done but ultimately the solution is the project that he spoke about. We may have to readjust and think about doing some work in that river in the interim as he did not think that the project is going to result in a shovel in the ground in a time frame that the residents are going to be able to live with, because there will most likely be another storm. The recent rain event was very significant; the Village received approximately 5" of rain in less than a 24 hour period – a 50 to 75 yr. storm event. It was the worst rain event that has occurred in the Village since Superstorm Sandy. The Village has done some things in the river and has worked with residents, and has worked with the adjacent municipalities, but the residents are still experiencing problems. He suggested that they protect themselves with the backflow devices. This particular event was a storm event, rain water that got into the sanitary sewers, and over ran the sanitary sewer system. You can clear the river of obstructions – the section at the dead end of Sprague Road – that section between Sprague and the first home as you go downstream, is Scarsdale/New Rochelle responsibility. He said he would see if there is anything the Village can do out there before the weather turns. He again stated that they appreciate the residents coming out and telling them what they are living with.

Trustee Finger stated that he felt it would help to clean the whole area at Sprague Road. He stated that the infiltration from the sanitary sewer is an ongoing project that the Village has allocated substantial monies for and anticipates continuing to allocate substantial funds to try to solve the problem of water getting into the sanitary sewer. Putting aside the Hutchinson River drainage, the Village has allocated substantial monies and resources going forward to deal with that issue. The Board is on top of that issue for the whole community and hopefully it will abate as we proceed with these projects.

Village Manager Pappalardo stated that the Village is studying the sanitary sewer systems as well. We have studied the Mamaroneck Valley and will be studying the Bronx River Valley and the Hutchinson Valley – both sanitary and storm sewers.

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 - \$34,667.00.

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: \$34,667.00 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 \$34,667.00 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.

Before the vote on the above resolution, Trustee Ross added a grateful, personal note, stating that he reads similar resolutions to this one frequently but with a different number each time, meaning that the Friends of the Scarsdale Library have made quite a number of very generous gifts that are very important in proving our public library. He stated that the language in the resolution does state that the Board is very grateful – he knows that the Board and the community are very grateful for the job the Friends are doing.

Upon motion entered by Trustee Ross, and seconded by Trustee Finger, the following resolution regarding Opposing the IRS Proposed Rule Published August 27, 2018, Regarding Charitable Contributions in Exchange for State or Local Tax Credits was approved by the vote indicated below:

- WHEREAS,** in response to the Federal Tax Cuts and Jobs Act (TCJA), the State of New York enacted legislation as part of its FY2019 Budget that authorized counties, local governments, and school districts to establish a charitable gifts reserve fund that may be used to defray some of the costs related to public education, healthcare, or other public service provided by that entity; and
- WHEREAS,** the State of New York also enacted legislation allowing counties, local governments, and public school districts the option to authorize by means of resolution a real property tax credit of up to 95% of the amount of a property owner's monetary contribution(s) to an established charitable reserve fund during the "associated credit year;" and
- WHEREAS,** individual taxpayers may be incentivized to contribute generously to these charitable funds out of the expectation that the pairing of an increased charitable deduction at the federal level combined with a real property tax credit at the local level may mitigate the effects of the new \$10,000 cap on state and local tax deductions imposed by TCJA; and
- WHEREAS,** an Internal Revenue Service (IRS) Proposed Rule was published in the Federal Register on August 27, 2018, concerning the federal income tax treatment of payments made by taxpayers for which the taxpayer receives a corresponding credit against their state and/or local taxes; and

WHEREAS, the Proposed Rule stipulates that a taxpayer who makes a contribution to a charitable reserve fund and subsequently receives a state or local tax credit that exceeds 15 percent of the contribution must reduce his or her charitable deduction by the amount of any tax credit he or she received at the state or local level; and

WHEREAS, state, county, and local entities have expressed confusion, doubt, and skepticism on the Proposed Rule and have raised questions as to whether they constitute an arbitrary and capricious interpretation of federal tax law, particularly in the context of the treatment of existing state tax credit programs that pre-date the TCJA and the stated preservation of the deductibility of contributions made by businesses; and

WHEREAS, the IRS has invited the public to submit comments on the Proposed Rule no later than October 11, 2018; now, therefore, be it

RESOLVED, that the IRS Proposed Rule published in the federal register on August 27, 2018, dramatically impairs the incentives for individual taxpayers to make contributions to these charitable reserve funds as established by law in the State of New York and, in doing so, impairs the mission of these funds, namely providing a high-quality public education to all Scarsdale children and supporting public services that are critical to the health, welfare, and safety of all Scarsdale residents; and be it further

RESOLVED, that the IRS Proposed Rule published in the federal register on August 27, 2018, provides arbitrary and unfair distinctions between deductions for individuals compared to deductions for businesses, and contributions to support public education compared to contributions to support private education, as well as insufficient clarity on many topics; and be it further

RESOLVED, that it is necessary and appropriate to modify the IRS Proposed Rule to provide additional clarity for Scarsdale taxpayers and to eliminate any arbitrary and capricious distinctions between classes of taxpayers that unfairly disadvantage Scarsdale taxpayers; and be it further

RESOLVED, that the Village of Scarsdale shall seek to collaborate with other state, county, or local government entities to publicly express these concerns and to advocate for fair regulations and equitable, principled interpretation of federal tax law that recognizes and

rewards the value of contributions in support of essential public education and services, no matter whether the contributor is an individual or a business, or whether the charitable entity is public or private, and to that end the Scarsdale Village Board of Trustees hereby authorizes an appropriation of up to \$1,000 to participate in a coalition of potentially impacted parties represented by the law firm, Baker McKenzie; and be it further

RESOLVED, that staff is directed to enter, as public comment, a certified copy of this Resolution into the public record associated with Docket # REG-112176-18, Contributions in Exchange for State or Local Tax Credits, as well as any other proceeding deemed by staff as necessary or appropriate.

<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 Finger thanked and acknowledged Assemblywoman Amy Paulin for leading the charge on this and Tim Foley of her staff who have been very proactive in pursuing this and similar resolutions in communities throughout the area as well as the initial impetus in getting this firm involved and trying to help our taxpayers and citizens.

Mayor Hochvert stated that Assemblywoman Paulin is a Co-Chair of this effort with Assemblyman Buchwald and he felt taking the lead on something this valuable, they should both get a lot of credit and the Village is joining hundreds of others throughout the country in this effort. The IRS is clearly biased; there are places in this country that have these same charitable contributions and they receive credit for them and they are used just the way the State of New York would use our contributions.

Trustee Ross added that in some of the other programs, contributions in support of private institutions are found eligible, whereas in our case a contribution in support of a public institution is not. He found that inconsistency particularly disturbing.

Municipal Services Committee

Upon motion entered by Trustee Veron, and seconded by Trustee Finger, the following resolution regarding Number of Taxicabs to be Licensed in the Village of Scarsdale for 2019 was approved by a unanimous vote:

WHEREAS, Village staff has reviewed the necessary areas of taxi service in accordance with Article II, Section 272-3 of the Village Code in order to recommend the number of taxicabs to be licensed in the year 2019; and

WHEREAS, the Village Board of Trustees approved the issuance of up to twenty-five taxicab licenses in 2018, with the Village Clerk having issued twenty-three based on demand; and

WHEREAS, considering variables including population, train ridership data, and the number of 2018 licenses sold, as well as the absence of public testimony at the September 25th taxicab licensing public hearing to the contrary, Village staff has determined that twenty-five taxicab licenses is adequate for the proper supply of service throughout the Village in 2019; now, therefore, be it

RESOLVED, that pursuant to Article II, Section 272-3 of the Scarsdale Village Code, the number of taxicab licenses to be issued in 2019 shall be set at twenty-five; and be it further

RESOLVED, that the Village Clerk is hereby authorized to issue said licenses in accordance with the provisions of the Village Code.

Trustee Finger explained that this is a referral of the proposed zoning amendments that have the subject of various Law Committee and Land Use Committee meetings regarding the limitation of sales of vape products and guns to a certain zone and other restrictions in the Village. This resolution will refer the matter to the Planning Board to review and comment on. The Village Board is waiving the 60 day period and upon a report coming back from the Planning Board, the Village Board will take it up again, schedule and hold a Public Hearing and then make a decision. If limiting these items is something that those that are watching tonight think it is a good idea, he asked that they send an email or come to one of the meetings.

Upon motion entered by Trustee Finger, and seconded by Trustee Crandall, the following resolution regarding Referral of Proposed Zoning Amendments to the Planning Board was approved by the vote indicated below:

WHEREAS, the Village Board is considering certain amendments to the Zoning Code, Scarsdale Village Code Chapter 310, attached hereto; and

WHEREAS, Scarsdale Village Code §77-2 requires the Village Board to refer to the Planning Board for review and comment all proposed changes to the Village Code provisions on zoning; now, therefore, be it

RESOLVED that the Village Board herein refers the proposed amendments to Scarsdale Village Code Chapter 310 to the Planning Board for review and comment, and waives the 60 day requirement for the Planning Board to report to the Village Board.

AYES

NAYS

ABSENT

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

None

None

Upon motion entered by Trustee Veron and seconded by Trustee Crandall, the following resolution regarding Authorization to Retain Material Testing and Inspection Services for the Scarsdale Library Renovation and Expansion Project was approved by the vote indicated below:

WHEREAS, the Scarsdale Public Library Renovation and Expansion construction contracts were awarded by the Village Board of Trustees on June 26, 2018, and construction commenced on August 13, 2018; and

WHEREAS, in order to ensure the construction contractors are performing quality work and using materials specified in the respective Village construction contracts, the services of an independent testing laboratory/geotechnical firm must be retained by the Village; and

WHEREAS, in July 2018 the Village prepared a Material Testing & Inspection Services Request for Proposals (RFP), with copies of the RFP sent to vendors experienced in this type of work; and

WHEREAS, the nature and number of tests and inspections required is dependent on certain variables including site conditions and project sequencing,

which renders lump sum bid comparisons futile to accurately assemble, therefore proposals were reviewed on the basis of estimated quantities of inspections and testing established by Savin Engineers, the Village's contracted construction management consultant; and

WHEREAS, the RFP ultimately provided for a schedule of costs for 27 separate inspection and testing service activities, with six proposals having been received by the July 20, 2018 deadline; and

WHEREAS, based on Savin Engineers estimated quantities it was determined that the lowest responsible proposal of \$62,400 was submitted by Fairfield Testing, 525 John Street, Bridgeport Ct 06604, as identified on Savin Engineer's bid tabulation spreadsheet, attached hereto and made a part hereof; and

WHEREAS, a total appropriation of \$80,000 of Library Capital Campaign / Gift Funds are provided in the FY 17/18 Library Capital Budget under Account # HL-7497-964-2018-079G for the Library Renovation & Expansion Inspection / Monitoring Services; now therefore be it

RESOLVED, that the Village Manager is herein authorized to enter into a professional service agreement with Fairfield Testing, 525 John Street, Bridgeport Ct 06604, to provide Material Testing and Inspection Services for the Scarsdale Library Addition & Expansion project in accordance with unit bid pricing identified in their response to the Village's Request for Proposals, and further listed on the bid tabulation spreadsheet, attached hereto and made a part hereof; and be it further

RESOLVED, that the estimated cost of \$62,400 associated with said professional service agreement work be charged to the Library Material Testing and Inspection Services Capital Budget Account # HL-7497-964-2018-079G; and be it further

RESOLVED, that the Village Manager is herein authorized to utilize this \$80,000 Capital Budget appropriation in accordance with the Material Testing and Inspection Services pursuant to this professional service agreement and the Village Internal Control Policy, and to undertake all administrative acts as may be required in order to effectuate this work.

AYES

NAYS

ABSENT

Trustee Arest	None	None
Trustee Callaghan		
Trustee Crandall		
Trustee Finger		
Trustee Ross		
Trustee Veron		
Mayor Hochvert		

Written Communications

The Village Clerk reported that seventeen (17) communications have been received since the last regular Board of Trustees meeting:

- An email from David Han concerning a stop sign request.
- An email from Susan Levine regarding gas powered leaf blowers.
- Fifteen (15) emails were received regarding the installation of a dog park in the Village.

Village Clerk Conkling noted that all written communications may be viewed on the Village's website at www.scarsdale.com under the Village Board of Trustees or Village Clerk section.

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 9:25 P.M.

Donna M. Conkling
Village Clerk