

**THREE THOUSAND TWO HUNDRED EIGHTY-FIRST****REGULAR MEETING**

Rutherford Hall  
 Village Hall  
 May 23, 2017

A Regular Meeting of the Board of Trustees of the Village of Scarsdale was held in Rutherford Hall in Village Hall on Tuesday, May 23, 2017 at 8:00 P.M.

Present were Mayor Hochvert, Trustees Callaghan, Finger, Pekarek, Ross, Samwick, and Veron. Also present were Acting Village Manager Cole, Village Attorney Esannason, Deputy Village Attorney Garrison, Village Treasurer McClure, and Village Clerk Conkling.

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The minutes of the Board of Trustees Regular Meeting of Tuesday, May 9, 2017 were approved on a motion entered by Trustee Finger, seconded by Trustee Samwick, and carried unanimously.

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**Bills & Payroll**

Trustee Ross reported that he had audited the Abstract of Claims dated May 23, 2017 in the amount of \$1,180,628.01 which includes \$57,786.02 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 Pekarek, the following resolution was adopted unanimously:

**RESOLVED**, that the Abstract of Claims dated May 23, 2017 in the amount of \$1,180,628.01 is hereby approved.

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**Mayor's Comments**

Mayor Hochvert reminded everyone that starting on June 1, 2017 through September 30, 2017, gasoline operated leaf blowers are prohibited under the Village Code. He asked residents to advise their landscapers.

Mayor Hochvert noted that on Sunday, several of the Board members attended an Interfaith Council event in Chase Park which was very well attended. Andrea Stuart-Cousins joined them and shared some thoughts with those in attendance. There were approximately 6-8 religious institutions represented at the event.

Last Thursday the Scarsdale Forum had an event that was prepared by the Scarsdale Community Support Council. The event was held in the Scott Room at the Scarsdale Library. This was an interactive discussion regarding strengthening community and exploring what every individual can do to improve their neighborhoods and community as a whole. There will be more activities sponsored in the future by the Scarsdale Community Support Council on that same subject.

Mayor Hochvert stated that he had the privilege of attending an Eagle Scout Honor Court on Mother's Day, Sunday, May 7<sup>th</sup>. There were three Scarsdale Boy Scouts that have achieved Eagle Scout rank. There were so many candidates for Eagle Scouts it was decided to break the event into two sessions. There will be another Eagle Scout Honor Court on Sunday, June 11<sup>th</sup>. Mayor Hochvert noted that there appears to be an increase in leadership capabilities and volunteership.

On the same day as the Eagle Scout Honor Court, there is also a Girl Scout Gold Award Ceremony – another indication of the younger residents stepping up as volunteers and leaders.

Last Wednesday, Government Scout Day was held in the Village. Nine middle school Girl Scouts took a tour of Village Hall and met with several Department Heads. Mayor Hochvert stated that he is delighted to have an opportunity to work with the younger residents.

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Mayor Hochvert next asked Trustee Finger to read the following proclamation as he has been leading the effort regarding gun control.

Trustee Finger thanked the Moms Demand Action for Gun Sense in America, Westchester Chapter, present this evening for the ribbons signifying Gun Violence Awareness Day, and noted that the Board is happy to be a part of the recognition of this issue:

### **Proclamation Re: National Gun Violence Awareness Day**

**WHEREAS**, the daily killings and injuries of Americans by Gun Violence constitute a significant public safety and health concern in this country and it is

desirable that our local communities promote substantive conversation of this issue with a goal of reducing the occurrence of Gun Violence; and

**Whereas**, many communities have declared Friday, June 2, 2017 as **National Gun Violence Awareness Day** to honor and remember victims and survivors of Gun Violence and to increase awareness among their residents about Gun Violence and its effects on human lives; and

**Whereas**, this day was inspired by Hadiya Pendleton who was a victim of Gun Violence weeks after marching in President Obama's second inaugural parade; and

**Whereas**, Ms. Pendleton was born on June 2, and her classmates decided to commemorate her life by wearing the color orange, a color that symbolizes the value of human life; and

**Whereas**, the Village of Scarsdale believes it is vital to increase awareness, among its residents, about Gun Violence and honor the lives of Americans such as Hadiya Pendleton who have been victimized by Gun Violence; and

**Whereas**, the Village of Scarsdale encourages all of its residents to reflect upon Gun Violence and join the members of Moms Demand Action for Gun Sense in America, Westchester Chapter, and citizens around the country by wearing orange on June 2<sup>nd</sup>.

**Now, Therefore**, Dan Hochvert, Mayor of the Village of Scarsdale, does hereby proclaim Friday, June 2, 2017 to be

### **National Gun Violence Awareness Day**

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

Mayor Hochvert noted that the members of Moms Demand Action for Gun Sense in America have been tying orange ribbons to the light posts in the Village Center to highlight the day of June 2<sup>nd</sup>.

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### Manager's Comments

Acting Village Manager Rob Cole stated that the only item he has to discuss this evening is the presentation of the Stormwater Phase II Notice of Intent Annual Report for

March 10, 2016 through March 9, 2017. He stated that “Dave Goessel, our Village Engineer, is here this evening to present a summary of the Village’s Phase II Annual Stormwater Management Report, which we are mandated to complete and submit to the New York State Department of Environmental Conservation. Before Mr. Goessel begins, I am going to provide some relevant context and background information.

The United States Environmental Protection Agency, or EPA, has found that polluted stormwater runoff flows into municipal separate storm sewer systems, referred to as “MS4s”, ultimately getting discharged into local rivers and streams without treatment.

While studies have shown that non-point source pollution, presently unregulated pollution that is carried by stormwater flowing across land and impervious surfaces directly into water bodies, constitutes the most significant source of water quality impairment to rivers, lakes, and estuaries, it is not surprising that municipal point sources, including MS4s, constitute the second most significant source of impairment. After all, unregulated non-point source pollution also flows into municipal storm sewer systems, which then collect and transport it to a regulated “point-source” – the end of a discharge pipe, which then triggers requirements of the National Pollutant Discharge Elimination System, also referred to as the NPDES.

As authorized by the Clean Water Act, the NPDES stormwater program was created to regulate point-source pollution, thereby reducing the frequency and severity of water quality impairment problems. Phase I of the program was launched in 1990 and it focused on medium and large MS4s, those serving populations of 100,000 or more; in 2000, Phase II was launched, expanding program coverage to any MS4 not already covered by Phase I. As a consequence, Scarsdale is now subject to Phase II MS4 regulations.

Common urban area pollutants found in stormwater include oil and grease from roadways, pesticides from lawns, sediment from construction sites, and carelessly discarded trash, including a plethora of plastic containers and wrappings, as well as other litter. When deposited into nearby waterways through MS4 discharges, these pollutants impair the waterways, thereby discouraging or precluding recreational use of the resource, contaminating drinking water supplies, and degrading the habitats and life cycles for fish and other aquatic organisms, as well as terrestrial wildlife.

Operators of regulated MS4s, including Scarsdale, are required to incorporate Best Management Practices so as to:

- Reduce the discharge of pollutants to the “maximum extent practicable” (MEP);
- Protect water quality; and
- Satisfy the appropriate water quality requirements of the Clean Water Act.

Implementation requires the pursuit of measureable goals associated with each of six specified Minimum Control Measures, which include:

1. Public Education and Outreach;
2. Public Participation and Involvement;
3. Illicit Discharge Detection and Elimination;
4. Construction Site Runoff Control;
5. Post Construction Runoff Control;
6. Pollution Prevention and Good Housekeeping.

As an MS4, the Village of Scarsdale must report its activities annually to the New York State Department of Environmental Conservation, which administers the Phase II program on behalf of the EPA. The Phase II Annual Report describes Scarsdale's implementation activities associated with each of the six minimum control measures, and must be filed with the State by June 1<sup>st</sup> each year, as well as be reported publically at a Village Board meeting, which is what we are doing this tonight.

To that end, Dave Goessel, our Village Engineer, is here this evening and will now summarize this year's report for you."

David Goessl, Village Engineer, approached the podium and gave the following report:

"Good evening Mr. Mayor, fellow Trustees, staff and all of you in attendance. My original plan was to go over some of the history and some of the development of the MS4 requirements with the EPA, to the State and the local level. But I am going to skip that because Rob gave a very good history on it. So now I am going to focus on the report and some of the highlights.

The authority to administer the Clean Water Act along with "Phase I and II" stormwater regulations, as enacted, can be delegated to an individual state, as is the case with New York State.

In order to maintain conformance with the Phase II program and the State Pollutant Discharge Elimination System (SPDES) General Permit for stormwater discharges from MS4s, the Village must comply with six minimum control measures that serve as the basis for this permit.

As a community with an MS4, the Village is required to submit an "Annual Report" to the NYSDEC to demonstrate compliance with these minimum measures. This compliance required the Village to adopt local laws to prohibit illicit discharges, activities and connections to the storm sewer system, and to regulate land development activities by stipulating the implementation of stormwater management standards in site design. Chapter 254 of Village Code is the main source for compliance. Stormwater Pollution Prevention Plans (SWPPP's) and Stormwater Management and Erosion Control Plans (SWEC's) are the primary documents of stormwater management design. The General Permit also

required the Village to develop a Stormwater Management Program Plan (SWMP plan) that addresses how the regulated MS4 will comply with all six minimum control measures.

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

The Village of Scarsdale has in the past, used the services of Dolph Rotfeld Engineering to prepare the annual MS4 report. The same holds true for this report year. The report is comprehensive and input from multiple Village resources is required. Village staff from the Manager's Office, Department of Public Works, Building and Engineering all contribute in some form drafting the report. Dolph Rotfeld Engineering compiles the input and submits to the DEC on the Village's behalf. Each year, the final submission is readily available on the Village's website and in the offices of Village Clerk and Village Engineer.

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

Minimum Measure 1 – Public Education and Outreach

This category is designed to inform the public about negative impacts to our stormwater system:

- The recently installed electronic kiosk in the lobby of Village Hall continues to show informational slides that repeat on a segmented loop.
- Stormwater plans, informative tips and links to key references are posted to our Stormwater Management section of the Village website
- Informing residents of leaf mulching and receiving voluntary participation continues to provide benefits to our drainage system by reducing the volume of leaves that may enter the system.
- In an annual mailing to 5,900 resident from the Sanitation division of Public Works, invaluable knowledge and information on refuse recycling was provided.
- The informational signs at the newly constructed Library rain garden project and the stenciling or tagging of municipal catch basins are other example of public education and outreach.
- Lastly, the Village this past year, also sent out a questionnaire that was distributed to residents and local business owners to determine their understanding of stormwater management in the Village.

Minimum Measure 2 – Public Involvement/Participation

This minimum measure takes the next step in education, and gets the public involved with stormwater improvement:

- The Village hosts and encourages Arbor Day plantings in various parks and open spaces and cleanup days.
- The Village, through the Parks and Recreation Department continues to encourage residential participation of the County's rain harvesting program. This past report year up to date, our records indicate that 49 residents elected to install rain barrels.
- For the folks in the crown, the presentation of this annual report and open discussion is another form of public participation.
- Lastly, voluntary groups such as the Friends of Scarsdale and the Conservation Advisory Council are other public venues which often promote the message of the Village when it comes to environmental concerns, education and involvement.

#### Minimum Measure 3 – Illicit Discharge Detection and Elimination

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

- During this reporting period, the Village inspected and screened several outfalls for abnormal dry weather flows.
- The Building and Engineering Department staff are trained in detecting illicit discharges and are continually inspecting properties. (One property owner, not to be named, was recently given a stop work notice for attempting to develop within a wetland buffer causing illicit discharges through construction activities and installation of physical pipes.)
- The Village has continued to cooperate with the US EPA and NYS Office of Attorney General on past detected illicit discharges found along the Bronx River Valley.

#### Minimum Measure 4 – Construction Site Stormwater Runoff Control

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

- During this reporting period, one project in the Village has been authorized for disturbance of more than one acre. That project was the Crane-Berkley restoration project.
- Two other projects that continued to operate under State permits were the Heathcote Manor development at 2, 4 and 6 Weaver Street and the 20,000 square foot residential development at 8 Heathcote Road.

Minimum Measure 5 – Post Construction Stormwater Management

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

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

Minimum Measure 6 – Stormwater Management for Municipal Operations

This last category is often referred to a municipality's "housekeeping program".

Under this minimum measure the Village reported that:

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

This concludes the summary of this year's MS4 submittal to NYS. If anyone have any questions, I would be happy to answer."

Acting Village Manager Cole thanked Village Engineer Goessl for his report. He stated that he felt it was rather interesting that the history of stormwater has been engineers trying to move water away from development sites as quickly and as effectively as possible. In recent years you are seeing a transition in the opposite direction. To control stormwater we are keeping it where the rain falls instead of trying to send it somewhere else; reducing impervious surfaces, reducing turf grass and replacing it with native grasses.

Mayor Hochvert noted that he should speak to someone on the School Board to see if they can team up on this subject, not just in public but with the school children.

Trustee Pekarek stated that in speaking of retaining water on your land, and mitigating the effects of nitrogen in your stormwater, you can recycle your grass. When you mow your lawn, you just leave your grass on the lawn – it will help your lawn because it will absorb more water and it will help the environment.

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Mayor Hochvert noted that Trustee Liaison Reports and Other Committee Reports have been put in place on the Agenda for the next item of business.

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#### Other Committee Reports

None.

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#### Liaison Reports

Trustee Samwick stated that this morning he had the pleasure of walking around downtown; specifically around the Freightway parking garage. It was difficult walking around the Freightway garage and looking at its current condition. This is something that could present a very real and tangible cost to the Village. As the Freightway Steering Committee begins, he would like to have everyone aware of it and would like everyone to participate. There will be another meeting on May 31<sup>st</sup> at 7:00 P.M., and they will also have their first public workshop on June 12<sup>th</sup> at 7:00 P.M. For more information on this, interested parties should go to [www.scarsdale.com/fw](http://www.scarsdale.com/fw) - there is a website that is up and there is a flyer that talks about the public workshop that will be held. Any commentary or questions, or if you would like to rsvp to the workshop or any of the events -- everything is open to the public – you can email [freightwaystudy@scarsdale.com](mailto:freightwaystudy@scarsdale.com) . There will be another public walking tour.

Mayor Hochvert stated that there is a flyer that asks for an rsvp for the public workshop which will be held in Village Hall.

Trustee Finger stated that in regard to the Proclamation that was read this evening, a Law Committee meeting was held earlier. The Law Committee is currently exploring legislation that will restrict retail gun sales to perhaps a certain particular area of the Village. The Law Committee has requested legislation to be drafted; two meetings have already been

held. The legislation is expected to be prepared shortly. There will be an extensive process and it could eventually come back to the Board. All meetings will be open to the public for comments. Residents should look for meetings that will be posted on the Village's website if they are interested in this topic and would like to attend the meetings.

Trustee Veron gave an update on the Communications Committee. She stated that the Committee would like to pilot an e-blast. They will first pilot the e-blast within their group to make sure it will be easy to use and navigate. They are also getting ready to launch a survey to all residents about the quality and quantity of communications received from Village government and how residents wish to be engaged.

Trustee Veron next reported on the Advisory Council on Parks and Recreation, stating that the PRC had a very productive meeting. They entertained the recommendation from ISOs – they would like to gift AEDs to our Village fields. It is just the beginning of the conversation but it was a very productive conversation. Their recommendation will go in front of the PRC, and then ultimately to the Village. The second topic that was discussed the goal of reducing the pressure and stress on our youth so that they are happy to play sports and not feel it is too onerous playing five days a week without a break. One consideration is to ease the requirement for travel soccer players' grades 3-5 to play rec soccer. Trustee Veron also stated that the Scarsdale Arts Council presented a recommendation that we have an art installation in Chase Park. She thanked the Scarsdale Arts Council, as well as the Friends of the Scarsdale Parks, the Conservations Advisory Council, the Teen Center and many other organizations that pulled together to create the Village's first 'Rock the Dale' event in the Village Center on Friday. Finally, she reported that the Scarsdale Alcohol and Drugs Task Force invited Helen Morehouse, who is Executive Director of the Student Assistant Services, to speak. She noted that the Drug and Alcohol Task Force is incorporating best practices to educate the community regarding the dangers of drugs and alcohol misuse. A discussion was held on the coalition and prevention strategies against gateway drugs.

Trustee Callaghan stated that the Advisory Council on Scarsdale Senior Citizens met recently, and the discussion centered on increasing senior citizen participation in Village activities and coming up with more creative programs which they will be discussing next year to involve the senior citizens. More will be coming up about that in the fall/winter.

Trustee Callaghan stated that he attended a meeting with the Teen Center Board. There was an enhanced discussion regarding new ways of funding the Teen Center and bringing new activities to it, to hopefully increase attendance by teens in the community. This will be discussed in more detail in the fall.

Trustee Pekarek announced a workshop and screening of a film called "Escalation". This will be held at the Scarsdale Library on Wednesday, May 31<sup>st</sup> at 7:30 P.M. It is a collaboration between the Library and the Teen Center on the topic of unhealthy

relationships. The movie will illuminate the warning signs of unhealthy and potentially dangerous relationships. The question is how do we change this, with the ultimate goal of how do we end relationship violence. There will be a panel discussion which will include Scarsdale Edgemont Family Counseling Services, the One Love organization, Assemblywoman Amy Paulin, and the Scarsdale Police Department will be there.

Mayor Hochvert thanked the Trustees for their liaison reports.

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### Public Comment

**Patricia Colella**, 180 Bradley Road, on behalf of the Westchester Chapter of Moms Demand Action for Gun Sense in America, stated that she would like to thank Mayor Hochvert for officially proclaiming Friday, June 2, 2017, to be National Gun Violence Awareness Day in the Village of Scarsdale. On that day, thousands of Americans will wear orange to honor the victims and survivors of gun violence. She thanked everyone for wearing their orange ribbon this evening and urged them to wear it again on Friday, June 2<sup>nd</sup>. Orange ribbons will be placed around lampposts in the Village in honor of National Gun Violence Awareness Day. Wear Orange has grown into a National Movement, set into action by friends of a young girl, whose birthday is on June 2<sup>nd</sup>, was shot and killed in 2012 only days after marching in President Obama's Inauguration Parade.

Ms. Colella stated that last year, over 150,000 cities declared June 2<sup>nd</sup> as Gun Violence Awareness Day. Moms Demand Action for Gun Sense in America was formed in the wake of the tragedy at Sandy Hook. Ms. Colella stated that statistics show that gun violence kills 93 Americans every day. Her group advocates for stronger laws and policies to effect change. Ms. Colella also urged residents to advocate against proposed state legislation called "Concealed Carry Reciprocity," which if adopted would permit those with concealed firearm licenses from other states with much lower standards to carry concealed weapons into New York State. In at least 12 States, there is no background check or permit required to carry a concealed loaded weapon in public. For more information, she urged people to go to [www.everytown.org](http://www.everytown.org) to read a detailed analysis of the current legislation on gun safety.

Ms. Colella submitted her written statement to be made part of the record.

**Diane Greenwald**, 2 Oak Lane, President, Scarsdale Library, stated that on behalf of the Library Board she would like to report on the forward progress of the Library project. On the Board's agenda this evening are resolutions to approve contracts with Dattner Architects and Savin Engineers. The Library's negotiations with Dattner Architects for Design Development took several months, but the end result was a positive one for the Village. She stated that Savin Engineers will act as the Library's representative in all aspects of the project. The Library Board voted in full approval of the Dattner and Savin contracts.

In total, these projects represent approximately \$380,000 below their budget. Ms. Greenwald thanked Library Director Beth Bermal and Paul Zaicek, Village Project Manager for their professional capabilities leading them through this expansive project. She also thanked the Library Building Committee. She also thanked Village Manager Pappalardo, Deputy Village Manager Cole, and Village Attorney Esannason, whose careful review and support put them over the finish line. She thanked the Board of Trustees for their help and support.

**Robert Harrison**, 65 Fox Meadow Road, stated that as he had mentioned at the last meeting, it is the 33<sup>rd</sup> season of the Scarsdale Youth Summer Tennis League. The program starts on Monday, July 10<sup>th</sup>; it is a four week program, four nights a week. The brochure for the spring and summer programs from the Recreation Department went out a few weeks ago. The applications will be accessible on the Recreation Department's website later this week. Eligible youths are between the ages of 6-18 years. The last few years have been great; there have been over 60 of Scarsdale's youth participating in the program, which is a match play program, not a teaching program. The fee is \$50.00 – included in that fee is a t-shirt, a pizza and ice cream party at the end of the program, participation trophies, and a tournament. If anyone has any questions they can contact him at 914-725-0962. He also announced an opportunity for high school seniors or college students to work as meet directors and he is interviewing now for those positions. Anyone interested in the position should call him or email him at [proscars@aol.com](mailto:proscars@aol.com).

Mr. Harrison stated that he was glad to hear Trustee Samwick mention the tour of the Freightway site this morning. It was excellent – there were about 17 people there including two consultants. A handout was given to those in attendance – a very interesting and informative tour and the consultants were excellent in bringing out a lot of interesting development opportunities for the site.

Mr. Harrison stated that at the last meeting, the Mayor gave an extended speech about the upcoming Tentative Assessment Roll on June 1<sup>st</sup>. He stated that he has offered to help people with their grievance filings at no cost. He said that he sent an email to the Village Attorney to clarify some items and he was told that any request for legal advice was improper. He stated that he does not have 'clients'. He wanted to be able to go to Village Hall and inspect the law books; he felt that the law books were paid for by Scarsdale taxpayers and should be available for residents to examine. He had also asked that the Village Attorney provide the sections of Real Property Tax Law that apply to filing the grievances. He stated that the Village Attorney and the Assessor should provide advice to Scarsdale residents. They are not looking for legal advice; just factual information. He hoped that the Village Attorney would let him look at the law books or just provide him with those provisions in the law that he is seeking.

Village Attorney Esannason stated that the information Mr. Harrison is looking for is on the New York State Real Property Tax website.

Mr. Harrison stated that he wants to go to Village Hall and look at the books that the taxpayers pay for. Those books should be available to any resident. He will file a FOIL if he needs to.

Village Attorney Esannason stated that just because you are a taxpayer doesn't entitle you to utilize, for example, police cars, fire trucks, or backhoes. You have to understand and respect the fact that there are boundaries. It can't be expected that he would assist and help someone defend a determination that the Village has made.

Mr. Harrison stated that they just need to know what provision to use and he will look at the books in the conference room. He asked the Mayor to instruct the Attorney to allow residents to look at the law books. He is just looking for access to Village property paid for by the taxpayers.

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

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#### Finance Committee

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

General fund appropriations were 84.00% spent as of April 2017 as compared to 83.79% in 2015-2016. The Village refunded the balance of the 2009 debt issue which added a book expense of \$7,094,558 to expenditures and \$6,295,000 to revenue.

General Fund Revenues other than property taxes are \$16,208,615 through April 2017, excluding the revenue of \$6,295,000 related to the bond refunding. This is a decrease of \$1,087,233 from the 2015-2016 figure of \$17,331,784. The 2015-16 revenue items included \$628,000 from the sale of 3 Edgewood, State Aid of \$133,000 (final reimbursement for Hurricane Sandy) and \$337,500 in Sewer Rent fees. Mortgage tax receipts, while down from last year, are expected to meet our current estimate of \$1,750,000. Building Permit revenue (included in License and Permit revenue) is down \$210,100 from last year and overall License and Permit revenue is down \$61,700. Parking revenue is improved almost \$60,400. Court fines are down \$90,700. Recreation Department revenue decreased \$189,300 due to decreased enrollment in some programs. However, there are some offsetting reductions in Recreation Department expense. Rental income increased \$15,000 partially offsetting the drop in Departmental Fees of \$34,100. Tax penalties and delinquent tax collections increased \$158,600. The increase in delinquent tax collections is non-recurring as revenue from tax penalties will decline as the balance of delinquent taxes has

been reduced. It should be noted that prior year receipts included non-recurring income of \$1,098,000 from the sources mentioned above. Year to date income is \$221,352 above budget.

The actual collection of Village taxes through April 30, 2017 is at 99.78%. This is an increase of 16 basis points from last year's collection rate.

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Upon motion entered by Trustee Finger, and seconded by Trustee Samwick, the following resolution regarding Acceptance of Gifts 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,** the following donations have been offered to the Scarsdale Public Library Addition and Renovation Capital Improvement Project: Carol Stix in honor of her late husband, Edgar Stix - \$10,000 and Lindsay and Jordan Zaken - \$25,000; and

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

**RESOLVED,** that the Village Board hereby accepts the following gifts toward the Scarsdale Public Library Master Plan Improvement Project: \$10,000 from Carol Stix and \$25,000 from Lindsay and Jordan Zaken; and be it further

**RESOLVED,** that the Village Treasurer take the necessary steps to complete the transaction and accept these financial gifts totaling \$35,000 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 Carol Stix in honor of her late husband, Edgar Stix, and to Lindsay and Jordan Zaken for their generosity and commitment to the Scarsdale Public Library and the community it serves.

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Fire Commissioner

Upon motion entered by Trustee Callaghan, and seconded by Trustee Samwick, the following resolution regarding the Award of VM Contract #1220 – Fire Apparatus Maintenance Services was approved by the vote indicated below:

- WHEREAS,** the Village of Scarsdale Fire Department is committed to the protection and preservation of life, property, and the environment from the adverse effects of fire and hazardous conditions through fire prevention, education, suppression, and training; and
- WHEREAS,** due to the mechanical and operational complexities of the Village Fire Department apparatuses, the Village contracts for certain repairs, service, and preventative maintenance work; and
- WHEREAS,** these Village contracts require the bidders to be able to facilitate a NYS Heavy Truck inspection, facilitate third party pump, aerial, and ground ladder testing during annual preventative maintenance on each apparatus, as well as be able to respond within 24 hours for emergency repairs, thus necessitating a business operating within close proximity to Scarsdale, with said certifications and geographic requirements limiting the number of available and qualified bidders; and
- WHEREAS,** the Village Manager reports that he publicly advertised for the receipt of bids on April 28, 2017, under VM Contract #1220 - Fire Apparatus Maintenance Services, while also distributing said packet to eight vendors; and
- WHEREAS,** on the bid opening date of May 16, 2017, three bids were received, as reflected in the attached bid tabulation sheet; and
- WHEREAS,** Hudson Valley Fire Equipment LLC, 69 Fields Lane, Brewster, NY, 10509, presented the lowest responsive bid based on stated unit bid prices, also having met all bid specifications and possessing excellent references for similar services; now, therefore, be it
- RESOLVED,** that VM Contract #1220 - Fire Apparatus Maintenance Services be awarded to Hudson Valley Fire Equipment LLC at the hourly service and trip rate charges identified on the VM contract #1220 bid tabulation sheet attached hereto and made a part hereof, with total

repair and maintenance expenses not to exceed FY 2017/18 budget appropriations in the Department of Public Works Central Maintenance Garage Internal Service Fund vehicle maintenance account, MG 1640 OPS RPR 400 464, and the FY 2017/18 Fire Department Operating Budget; and be it further

**RESOLVED**, that the Village Manager is hereby authorized and directed to execute VM Contract #1220 - Fire Apparatus Maintenance Services on behalf of the Village of Scarsdale with Hudson Valley Fire Equipment LLC, 69 Fields Lane, Brewster, NY, 10509, for a period of one year, in an amount not to exceed available funds, with the option to extend said contract for two additional one-year periods at the Village Manager’s discretion.

<u>AYES</u>	<u>NAYS</u>	<u>ABSENT</u>
Trustee Callaghan	None	None
Trustee Finger		
Trustee Pekarek		
Trustee Ross		
Trustee Samwick		
Trustee Veron		
Mayor Hochvert		

Trustee Callaghan stated that Hudson Valley Fire Equipment can respond in less than 24 hours for repairs to the fire apparatus. The fleet is old and needs repair quickly. This company is located in Brewster and the other two bidders were located on Long Island. The Village will be purchasing two new vehicles from Seagrave. This vendor is the sole representative of Seagrave Fire Engines.

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Land Use Committee

Upon motion entered by Trustee Samwick, and seconded by Trustee Veron, the following resolution regarding SEQRA Review and Determination: Sale of Village Owned Real Property at 32 Ferncliff Road was approved by the vote indicated below:

**WHEREAS:** 32 Ferncliff Road, identified on the Village Tax Map as Section 11, Block 10, Lot 61 & 62, is located on the east side of Ferncliff Road; and

**WHEREAS:** the property, located in the A-4 (7,500 sq. ft.) zoning district, totals 10,454 sq. ft. according to the Assessor’s records and is improved

with single family house built in 1928 consisting of 2,195 square feet; and

**WHEREAS:** the Village of Scarsdale assumed ownership of the property on December 19, 2013 through the foreclosure of certain property tax liens; and

**WHEREAS:** the Village is desirous of selling the property pursuant to a Request For Proposal process as it serves no current or future municipal purpose; and

**WHEREAS:** any future renovation or development of the property will be accomplished in accordance with the existing Village zoning code and land use regulations; and

**WHEREAS:** the Village Board of Trustees has considered the proposed sale of 32 Ferncliff Road pursuant to the State Environmental Quality Review Act and Chapter 152 of the Village Code; now therefore be it

**RESOLVED:** that after careful evaluation of the information included in the Short Environmental Assessment Form, attached hereto and made a part hereof, the Village Board of Trustees has determined that the sale of Village owned real property at 32 Ferncliff Road is an Unlisted action pursuant to Chapter 152 of the Village Code and 6 NYCRR 617.2(ak) and further determined that the proposed sale will have no significant adverse impact on the environment.

<u>AYES</u>	<u>NAYS</u>	<u>ABSENT</u>
Trustee Callaghan	None	None
Trustee Finger		
Trustee Pekarek		
Trustee Ross		
Trustee Samwick		
Trustee Veron		
Mayor Hochvert		

\* \* \* \* \*

Upon motion entered by Trustee Samwick, and seconded by Trustee Pekarek, the following resolution regarding Acceptance of Bid for Sale of 32 Ferncliff Road was approved by the vote indicated below:

**WHEREAS,** on December 19, 2013, the Village of Scarsdale gained title to 32 Ferncliff Road upon foreclosure of certain tax liens subsequent to a number of court appeals by the previous owner ultimately denied by the Appellate Division, allowing the Village to proceed with the sale of the property; and

**WHEREAS,** Village staff prepared a Request For Proposal (RFP) for the sale of the property (attached) and distributed and published said RFP on April 3, 2017, on the Village website, in the Scarsdale Inquirer, Westchester Business Journal and sent notification letters to 16 local developers; and

**WHEREAS,** on the bid opening date of Monday, May 9, 2017, seven bids were received and subsequently analyzed by staff who found that Dominic Marchese, 505 West Street, Harrison, NY 10528, was the highest and most favorable bidder with the submission of a purchase price of \$956,300 (attached); now, therefore, be it

**RESOLVED,** that the Village of Scarsdale Board of Trustees, herein, declares the property at 32 Ferncliff Road to be of surplus with no future governmental use; and be it further

**RESOLVED,** that the Village Board, pursuant to the RFP, accepts the submission of Dominic Marchese, 505 West Street, Harrison, NY 10528 for the purchase of Village owned property at 32 Ferncliff Road, identified on the Village of Scarsdale Tax Map as Section 11, Block 10, Lots 61 & 62, and that the deposits of the unsuccessful responders be returned; and be it further

**RESOLVED,** that the Village Manager and Village Attorney are herein authorized to take any and all administrative acts necessary to convey and transfer the property to Dominic Marchese, 505 West Street, Harrison, NY 10528, the successful bidder, within thirty (30) days of this resolution in accordance with the RFP; and be it further

**RESOLVED,** that the proceeds of sale be credited to the General Fund Balance designated for further transfer to the Capital Project Fund.

AYES

Trustee Callaghan  
Trustee Finger  
Trustee Pekarek  
Trustee Ross

NAYS

None

ABSENT

None

Trustee Samwick  
Trustee Veron  
Mayor Hochvert

\* \* \* \* \*

Upon motion entered by Trustee Veron, and seconded by Trustee Pekarek, the following resolution regarding the Scarsdale Chamber of Commerce Annual Sidewalk Sale was approved by a unanimous vote:

- WHEREAS,** the Scarsdale Chamber of Commerce has requested permission to hold its annual Sidewalk Sale in the Village Center on Thursday, July 27, Friday, July 28, and Saturday, July 29, 2017, from 10AM-5PM each day; and
- WHEREAS,** the Scarsdale Chamber of Commerce and participants in the Sidewalk Sale agree to furnish public liability insurance in a form and amount satisfactory to the Village Attorney, naming the Village of Scarsdale as an additional insured against any and all claims, damages, or causes of action resulting from the use of Village-owned property; and
- WHEREAS,** all other licenses and permits relative to tents, assembly, amusement devices and sale of food must be secured by merchants and vendors prior to the event and be in the possession of the merchants during the event; and
- WHEREAS,** upon completion of the event, the participants will restore all public areas utilized to the same condition as before the Sidewalk Sale; now, therefore, be it
- RESOLVED,** that the Scarsdale Chamber of Commerce is hereby authorized to utilize the Village-owned sidewalks located in the Village Center for the purpose of holding its annual public Sidewalk Sale on Thursday July 27, Friday, July 28, and Saturday, July 29, 2017 from 10AM-5PM each day; and be it further
- RESOLVED,** that the Scarsdale Chamber of Commerce and the Sidewalk Sale participants shall furnish public liability insurance in accordance with the applicable whereas clause contained in this resolution prior to their participation in the event; and be it further
- RESOLVED,** that the \$125.00 tent permit fee in conjunction with the 2017 Sidewalk Sale is herein waived by the Village Board, subject to

participating merchants filing an application with the Fire Department and obtaining subsequent approval pursuant to an inspection by the Fire Inspector or other authorized Department personnel; and be it further

**RESOLVED**, that the Village Manager is herein authorized to execute the attached Village Event Permit form.

\* \* \* \* \*

Before reading the above resolution, Trustee Veron recognized Jason Wilson who has been the President of the Chamber of Commerce. He has taken a job where he spends most of his time out of Scarsdale. He has been diligent in ensuring that the transition of the Chamber of Commerce occurs smoothly, and as new leadership is awaited, he is overseeing the Sidewalk Sale even though he spends virtually no time in Scarsdale. Trustee Veron stated that she appreciates his commitment and his volunteerism.

\* \* \* \* \*

#### Municipal Services Committee

Before reading the resolution below, Trustee Veron stated that the Cable Television Commission has been working very diligently on the cable franchise negotiations with Verizon. She stated that there are hundreds of thousands of dollars that are at stake. The Cable Television Commission believes that this will equip the Village to proceed with the most relevant information with negotiations.

Upon motion entered by Trustee Veron, and seconded by Trustee Samwick, the following resolution regarding a Professional Services Agreement for a Cable Television Needs Assessment was approved by the vote indicated below:

**WHEREAS**, the Village of Scarsdale is presently undertaking cable franchise negotiations with Verizon, also anticipating similar negotiations to commence with Altice (formerly Cablevision) in the near future; and

**WHEREAS**, the New York State Department of Public Service advises, and the Village's franchise negotiations legal counsel, Best Best & Krieger, confirms, that a Cable Television (CATV) Needs Assessment is both a necessary and prudent undertaking in order to identify and have resolved through the negotiations process any weaknesses in the service provider's current service plan; and

**WHEREAS,** § 275-7 of the Scarsdale Village Code, entitled Franchise Agreements, authorizes the Scarsdale Cable Commission (Commission) to negotiate franchise agreements with all cable operators who desire to supply cable service to residents, businesses and others located within the Village, further directing the Commission to ensure regulatory compliance while also maximizing other community benefits attached thereto; and

**WHEREAS,** the Commission’s inquiry into consultants best qualified to complete a CATV Needs Assessment identified a single national leader with extensive experience and demonstrated success, The Buske Group, Sacramento, CA, which they then requested to submit a proposal; and

**WHEREAS,** following local reference checks and further negotiations surrounding the required scope of services and associated fee, the Scarsdale Cable Commission recommends, and both Village franchise legal counsel and staff concur, that The Buske Group be awarded a professional services agreement to complete a CATV Needs Assessment for a fee not to exceed \$23,760; now, therefore, be it

**RESOLVED,** that the Village Manager is herein authorized to execute an agreement, in substantially the same form as attached hereto, with The Buske Group, 4808 T Street, Sacramento, CA, 95819, for a CATV Needs Assessment; and be it further

**RESOLVED,** that the costs associated with this agreement be funded through a combination of \$6,760 in available balances in the FY2016/17 Village Manager’s Cable Office budget, Account #A-1230-Cable-Admin-400-499, and \$17,000 appropriated for FY 2017/18 in Capital Account # H-1997-961 2018-107, for a total not to exceed \$23,760.00.

<u>AYES</u>	<u>NAYS</u>	<u>ABSENT</u>
Trustee Callaghan	None	None
Trustee Finger		
Trustee Pekarek		
Trustee Ross		
Trustee Samwick		
Trustee Veron		
Mayor Hochvert		

\*\*\*\*\*

Before the reading of the next resolution regarding Architectural Design Services for the Scarsdale Library Project, Mayor Hochvert requested that Paul Zaicek, Village Project Manager to share some information as to why there were changes in the expenses associated with both this and the Construction Management Services.

Mr. Zaicek stated that back in December, the Village Board authorized a \$9.9 million bond for the Library renovations project. The original agreement with Dattner Architects was \$1,116,000 for design services. Through a stipulation in the agreement that if the design development phase did not commence in six months of the schematic design approval and submission, the remaining portion of the contract would be renegotiated and revised. The schematic design report was submitted by Dattner and accepted by the Village in July 2015. The Village staff and the Library Building Committee have been negotiating a revised contract over the last several months. He stated that they believe that at the point they are at now, the contract is fair and has gone through many changes. The revised contract is for \$1,298,000.53.

Mr. Zaicek continued, stating the reason for the change in the contract covered two main points: The escalation of Dattner's technical services over the last two years, and when the contract was first approved, there was a combination of new construction and renovations. At the end of the more recent schematic design, there was a 12% increase of renovated space in the scope of the project. Based on that increase, and the escalation of their professional services, Dattner is requesting a revised proposal.

Mayor Hochvert then asked Mr. Zaicek to speak to the Construction Management Services agreement with Savin Engineers, also on this evening's agenda.

Mr. Zaicek stated that based on the required multiple construction contracts and the size and complexity of the project the Village believes it is necessary to hire a construction management firm to assist with the design and oversee the construction of the project. The Village staff and the Library Building Committee put together a Request for Proposal (RFP) for construction management services. Five proposals were received. The Village staff and the Library Building Committee interviewed four of those companies. Of those companies they felt were qualified was Savin Engineers who proposed a total of \$583,000 for their services. Savin will be the eyes and ears of the Village during construction; they will manage all the contractors, do daily inspections of the work making sure the work is being done in accordance with the construction documents, negotiate change orders, to include a few of their proposed construction management services. Based on the interviews, references, and proposal, Savin Engineers is best suited for this project.

Mayor Hochvert asked Mr. Zaicek to say a few words as to why the lower bid of Park East was not selected.

Mr. Zaicek stated that Park East had a preconstruction cost of \$60,000. They didn't break out the man hours they would be spending on site during construction. It is believed that Park East underestimated the amount for time spent on the construction site. Savin Engineers averaged approximately 17 to 20 hours a week and the Village believes that this is the effort needed on the site to do a thorough job. They did not believe that Park East submitted a proposal in the best interest of the Village.

Trustee Samwick stated that the architectural contract that was originally done two/three years ago represented 9.3% of the total original budget, not just the hard cost portion of the budget. The revised comparable number is 7.3%, so is it fair to say that the change in scope is really responsible for the entire change of the Dattner budget as we see it?

Mr. Zaicek replied affirmatively that it does predominately relate to the change in scope. The escalation of fees also had an effect on the change.

Trustee Samwick stated that on a percentage basis, it looks like it is more favorable to the Library and the Village. He also stated that the contract does permit the owner (Library) to terminate for convenience and without cause, which is a very significant component of the contract. He congratulated the Library Building Committee who did a very good job managing this part of the process.

Mayor Hochvert stated that the Village and the Library has a great deal of leverage to insure that the architect does do all of the work that is expected.

Upon motion entered by Trustee Veron, and seconded by Trustee Pekarek, the following resolution regarding the Scarsdale Public Library Addition and Renovation Project – Architectural Design Services – First Amendment to Contract and Exhibits 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 which will 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, inviting and comfortable environment; 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,** on September 11, 2014 the Village sent out a Request for Proposal (RFP) for Phase II Design Services, to evaluate, refine and further develop the master plan and includes performing pre-schematic design, schematic design, design development, construction bid document preparation services and bid analysis; and
- WHEREAS,** at their meeting on December 8, 2014 the Scarsdale Public Library Board approved the selection of Dattner Architects, New York, NY (Dattner) pending the successful contract negotiation by Village Hall staff and Village of Scarsdale Board of Trustees agreement authorization; and
- WHEREAS,** on March 10, 2015, the Village Board of Trustees authorized the Village Manager to execute a professional services agreement, on behalf of the Village of Scarsdale with said Dattner Architects, 1385 Broadway, New York, NY 10018, said agreement executed on March 13, 2015, with funding approved for pre-schematic and schematic design phases in the amount of \$300,816.36 utilizing the available funds generated by the project capital fund raising campaign; and that the Village will not proceed with design development, construction documents and bid analysis phases until the necessary funds are secured through the capital campaign; and
- WHEREAS,** the original contract stipulated that should a pause between the Schematic Design and Design Development phases exceed 180 days, the contract would be re-negotiated and amended for the remaining portions of the contract; and
- WHEREAS,** the Schematic Design Report was completed and approved by the Village in July 2015 resulting in a delay between the schematic design phase and the commencement of the design development phase in excess of the allotted 180 days, necessitating the re-negotiation of the balance of the contract scope including the design development, construction documents and bid phase services; and
- WHEREAS,** after the Village Board of Trustees authorized a \$9,900,000 bond resolution on December 13, 2016 to pay part of the approximate \$17,900,000 addition and renovation project cost, and the fundraising efforts resumed, the Library Building Committee and Village staff re-opened discussions with Dattner Architects for the remaining portions of the Phase II design services; and

**WHEREAS,** after more than three months of negotiations, the Library Board approved, in similar form, the attached First Amendment to the Contract and Exhibits at a special meeting held on May 15, 2017; and

**WHEREAS,** the proposed revised fees for the Design Development Phase, and the Construction Documents & Bid Services Phase are \$410,346.17 and \$586,838, respectively, yielding a total revised design agreement of \$1,298,000.53, or 9.3% of the estimated construction cost of \$14,000,000; and

**WHEREAS,** while higher than the original 2015 estimate, the proposed \$1,298,000.53 total design fee is within budget and represents a collaborative effort between the design firm, Dattner, and Village and Library staff to contain costs in order to stay within the design fee budget supporting the Village Board's \$9,900,000 bond authorization and associated total project cost of \$17,900,000; and

**WHEREAS,** adequate Capital Campaign Gift Funds are allocated in the Village's Library Capital Project Budget and Plan for the cost of the Library Addition and Renovation Design Services, and the Capital Campaign has generated over \$3,040,000 to date allowing for the funding and completion of the design development, construction document preparation and bid services phases; and

**WHEREAS,** Dattner submitted a Standard Form of Agreement between the Owner and Architect which the Library Building Committee, Village Attorney, and Village staff reviewed and revised, and all believe that the agreement, as amended, represents reasonable costs for the scope of work within industry standards; now therefore be it

**RESOLVED,** that the Village Board of Trustees hereby authorizes the Village Manager to execute the First Amendment to Contract & Exhibits as attached hereto, on behalf of the Village of Scarsdale, to the March 13, 2015 architectural design agreement with Dattner Architects, 1385 Broadway, New York, NY 10018, at a cost of \$997,184.17 for the design development phase, contract bid document preparation phase and bid services phase, resulting in a total revised design agreement of \$1,298,000.53; and be it further

**RESOLVED,** that all costs associated with this work be funded utilizing available balances in the Library Capital Campaign Fund; Capital Budget Account # HL-7497-964-2015-076FR; and be it further

**RESOLVED**, that the Village Manager is herein authorized to undertake administrative acts that may be required pursuant to the terms of the agreement.

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

\* \* \* \* \*

Upon motion entered by Trustee Veron, and seconded by Trustee Samwick, the following resolution regarding Authorization to Execute a Professional Services Agreement with Savin Engineers, P.C., to Provide Construction Management Services for the Scarsdale Public Library Building Addition and Renovation Project was approved by the vote indicated below:

**WHEREAS**, Dattner Architects (Dattner), New York, NY, the architectural firm under contract with the Village of Scarsdale (Village) for the Scarsdale Public Library Building Addition and Renovation Project (Project), completed the pre-schematic and schematic project design phases in July 2015 for the planned 8,800 sq. ft. expansion and 31,000 sq. ft. renovation to the Library; and

**WHEREAS**, the Project currently includes an expansion to the west side of the Building for a reading gallery and young adult room, an addition to the east side of the building to house an entry vestibule, café and meeting rooms, renovation to the remaining existing areas of the building to fit the programmatic and functional needs of the Library, new interior finishes, furniture and equipment and upgrades/replacement of the mechanical, electrical, plumbing, and information technology infrastructure systems; and

**WHEREAS**, due to the estimated construction cost of this municipal building improvement Project, public bidding is required pursuant to Section 101 of the New York State General Municipal Law (Wick’s Law) necessitating the preparation and award of multiple contracts for each of the building trades necessary which include general construction, electrical, plumbing and HVAC; said Wick’s Law involved with this project, bidding must be conducted in accordance with Section 101 of the New York State General

Municipal Law (Wick's Law) and the complexity of this project will require a substantial amount of construction supervision and coordination; and

**WHEREAS**, in accordance with the Wicks Law requirements and other aspects of the project site and existing building conditions, the Library Addition and Renovation Project is one of the more complex projects the Village has undertaken and will require a substantial amount of construction supervision and coordination; and

**WHEREAS**, accordingly, the Library Building Committee, consisting of Village staff, Library Director, Library Board personnel and Library Capital Campaign personnel, prepared a Request for Proposals (RFP) for Construction Management (CM) Services to assist the Village during the pre-construction and construction phases of the Project; and

**WHEREAS**, the preconstruction phase services encompass the review of design and construction bid documents to provide value engineering, the preparation of cost estimates, coordination of bid documents between the four construction disciplines, and a review and analysis of the bids and evaluations of the contractor's qualifications; and

**WHEREAS**, the construction phase services includes the assignment of a full-time qualified project superintendent to work on the job site to; coordinate and inspect the construction work and the construction payment activity, maintain administrative staff to expedite record keeping and administrative procedures, and the assignment and supervision of a project manager to schedule and preside over periodic construction progress meetings while providing monthly progress reports to the Village; and

**WHEREAS**, on March 10, 2017 the Village forwarded the Construction Management RFP to eleven construction management companies and on the proposal due date of April 5, 2017 five proposals were received; and

**WHEREAS**, on March 19, 2017 the Library Building Committee interviewed four of the construction management companies with each company providing a brief presentation outlining their qualifications and demonstrating their knowledge of the Project followed by a question and answer period; and

**WHEREAS**, based on the proposals received, interviews conducted, demonstrated qualifications and experience providing construction management services for similar projects, and the positive references received from former municipal clients, the Library Building Committee and Village

staff recommend that the Village execute a professional services agreement with Savin Engineers, P.C., 3 Campus Drive, Pleasantville, NY for construction management services for the Scarsdale Public Library Addition and Renovation Project for a total of \$583,000; and

**WHEREAS**, adequate funds are budgeted for these construction management services and available in the FY 16/17 & FY 17/18 Library Capital Budgets, through the use of Capital Campaign/Gift Funds; and

**WHEREAS**, the Library Board, at its May 15, 2017 meeting, approved the award of the construction management professional services agreement with Savin Engineers, P.C.; now therefore be it

**RESOLVED**, that the Village Manager is herein authorized to execute a professional services agreement in substantially the same form as attached hereto, with Savin Engineers, P.C., 3 Campus Drive, Pleasantville, NY 10570, to provide construction management services for the Scarsdale Public Library Addition and Renovation Project at a total cost of \$583,000; and be it further

**RESOLVED**, that all costs associated with this work be funded utilizing available balances in the Library Capital Campaign Fund charged to Capital Budget Account # HL-7497-964-2018-078-GF; and be it further

**RESOLVED**, that the Village Manager is herein authorized to undertake administrative acts that may be required pursuant to the terms of the agreement.

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

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Personnel Committee

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

**WHEREAS,** the Village Board of Trustees (Village Board) has traditionally adopted annual salary increases for department heads and other non-union personnel not represented by collective bargaining agreements; and

**WHEREAS,** for the last eight (8) consecutive fiscal years the Village Board has approved an approximate 2% increase for department heads and other non-union personnel; and

**WHEREAS,** despite continued lack of New York State funding support for local governments and increasing costs of operations associated with non-locally controlled factors, the adopted 2017-2018 Budget reflects a high degree of fiscal discipline, including maintenance of existing service levels, funding for important capital projects, prudent management of our unrestricted fund balance, and responsible staff wage adjustments for six of the seven collective bargaining units; and

**WHEREAS,** the Village Board has approved successor collective bargaining agreements with the Scarsdale Police Benevolence Association, Civil Service Employees Association (CSEA) Village Hall, CSEA Library, the International Brotherhood of Teamsters (IBT) Public Works and Facilities Maintenance Units, and IBT School Crossing Guards which contain salary increases ranging from 2% to 3% for 2017-2018 with other adjustments that are within the 2017-2018 Budget; and

**WHEREAS,** negotiations have commenced with the Uniformed Firefighters Association of Scarsdale (UFFA) and are intended to conclude within the budgetary parameters established by the Village Board for the fiscal year 2017-2018 Budget; now, therefore, be it

**RESOLVED,** that while respecting the collective bargaining process and the Taylor Law of the State of New York, the Village Board, respectfully, expresses its wish that the bargaining units and all employees recognize the great burden faced by local governments and the Village Board's effort to be sincere, reasonable and reflective of the environment with wage settlements for its employees and, herein, approves a 2% salary increase for department heads and non-union employees effective June 1, 2017, and as may be determined by the Village Manager.

AYES

Trustee Callaghan

NAYS

None

ABSENT

None

Trustee Finger  
 Trustee Pekarek  
 Trustee Ross  
 Trustee Samwick  
 Trustee Veron  
 Mayor Hochvert

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Mayor Hochvert noted that so that no one is confused by the last sentence of the foregoing resolution, 'as may be determined by the Village Manager', 2% has been allocated based on the number of employees and their salaries; however, he has the right and the flexibility if there are conditions where an employee has been outstanding he may decide that a particular employee will get a little more than 2%. Someone who has not worked as long or has had some time off may get a little less than 2%. However, the Village Manager stays within the budgeted 2%.

\*\*\*\*\*

Upon motion entered by Trustee Ross, and seconded by Trustee Finger, the following resolution regarding an Appointment to the Advisory Council on Parks and Recreation was approved by a unanimous vote:

**WHEREAS**, in accordance with the Constitution of the Advisory Council on Parks and Recreation, the Council shall consist of nine members appointed by the Village Board for two-year terms; and

**WHEREAS**, a vacancy exists on the Council and the Village Board's Personnel Committee, at their May 9, 2017 meeting, reviewed and discussed the resume of Jennifer Barrett as a candidate to fill said vacancy and herein recommends to the Full Board that Ms. Barrett be appointed to the Council for a term ending on April 1, 2019; now, therefore, be it

**RESOLVED**, that Jennifer Barrett, 6 Kensington Road, is herein appointed to the Advisory Council on Parks and Recreation for a term expiring April 1, 2019, or until such time as a successor is appointed.

\*\*\*\*\*

Upon motion entered by Trustee Ross, and seconded by Trustee Pekarek, the following resolution regarding an Appointment to the Conservation Advisory Council was approved by a unanimous vote:

**WHEREAS,** In accordance with Section 21-1 of the Scarsdale Village Code, the Conservation Advisory Council (CAC) shall consist of nine members appointed by the Village Board for two-year terms; and

**WHEREAS,** a vacancy currently exists on the Council and the Village Board's Personnel Committee, at their May 9, 2017 meeting, reviewed and discussed the resume of Seema Jaggi as a candidate to fill said vacancy and herein recommends to the Full Board that Ms. Jaggi be appointed to the Council for a term ending on April 1, 2019; now, therefore, be it

**RESOLVED,** that Semma Jaggi, 14 Overhill Road is herein appointed to the Conservation Advisory Council for a term expiring April 1, 2019, or until such time as a successor is appointed.

\* \* \* \* \*

Police Commissioner

Upon motion entered by Trustee Pekarek, and seconded by Trustee Samwick, the following resolution regarding an Administrative Recognition Award for Sergeant Craig Carroll was approved by a unanimous vote:

**WHEREAS,** the members of the Scarsdale Police Department are relied upon to protect and assure safety and welfare of the citizens of the Village of Scarsdale; and

**WHEREAS,** when a police officer performs his/her duties in an especially professional and outstanding manner, such conduct should be commended; and

**WHEREAS,** on March 13, 2015, Sergeant Craig Carroll met and interviewed a student at Fairleigh Dickerson University, the victim of Aggravated Harassment and a Hate crime; and

**WHEREAS,** upon completing court orders to obtain telephone records on April 22, 2015, and May 8, 2015, Sergeant Carroll was able to identify a suspect's telephone number; and

**WHEREAS,** the phone records identified the account holder as a person from East Hanover, NJ; and

**WHEREAS,** upon analyzing the telephone data and Facebook records of the suspect, Sergeant Carroll was able to interview and secure a confession from the suspect; and

**WHEREAS,** Sergeant Carroll's thorough investigation coupled with his interview of the suspect resulted in the subject's arrest; and

**WHEREAS,** the Police Department Awards Committee has recommended that Sergeant Carroll receive the Administrative Recognition Award; now, therefore, be it

**RESOLVED,** that the Village Board hereby conveys the Administrative Recognition Award to Sergeant Craig Carroll and thanks him for his commitment to Scarsdale's public safety.

\* \* \* \* \*

Upon motion entered by Trustee Pekarek, and seconded by Trustee Veron, the following resolution regarding an Exceptional Duty Medal for Detective Patricia Arcesi was approved by a unanimous vote:

**WHEREAS,** the members of the Scarsdale Police Department are relied upon to protect and assure safety and welfare of the citizens of the Village of Scarsdale; and

**WHEREAS,** when a police officer performs his/her duties in an especially professional and outstanding manner, such conduct should be commended; and

**WHEREAS,** on November 26, 2014, at approximately 12:58 a.m., Detective Patricia Arcesi promptly responded to the report of a burglar alarm at Fox Meadow School; and

**WHEREAS,** upon checking the exterior of the school, Detective Arcesi observed a front office broken window and heard noises in an adjacent bush, then ordering an individual to come out of the bushes; and

**WHEREAS,** upon further investigation, the suspect admitted to breaking the window, entering the school, and breaking into and stealing money from a safe located inside the school; and

**WHEREAS,** Detective Arcesi secured the suspect and crime scene, thereby preserving vital evidence for the case; and

**WHEREAS,** as a result of her quick actions and thorough attention to detail, the suspect was apprehended, the crime scene was secured, and the stolen money was recovered; and

**WHEREAS,** the Police Department Awards Committee has recommended that Detective Arcesi receive the Honorable Service Medal; now, therefore, be it

**RESOLVED,** that the Village Board hereby award the Honorable Service Medal to Detective Patricia Arcesi and thanks her for her commitment to Scarsdale's public safety.

\* \* \* \* \*

Upon motion entered by Trustee Pekarek, and seconded by Trustee Finger, the following resolution regarding a Lifesaving Medal for Police Officer John Boggi was approved by a unanimous vote:

**WHEREAS,** the members of the Scarsdale Police Department are relied upon to protect and assure safety and welfare of the citizens of the Village of Scarsdale; and

**WHEREAS,** when a police officer performs his/her duties in an especially professional and outstanding manner, such conduct should be commended; and

**WHEREAS,** on November 10, 2015, Police Officer John Boggi responded to call reporting that an individual was experiencing anaphylactic shock; and

**WHEREAS,** upon his arrival on-scene, the individual was reported to be experiencing an allergic reaction to penicillin, having gone into shock and losing consciousness; and

**WHEREAS,** Police Officer Boggi immediately administered an Epi-Pen injection into the victim's thigh, resulting in the individual regaining consciousness and displaying improved breathing; and

**WHEREAS,** in the opinion of White Plains Hospital emergency room medical personnel, Officer Boggi's quick and decisive actions saved the victim's life; and

**WHEREAS,** the Police Department Awards Committee has recommended that

Police Officer Boggi receive the Department's Life Saving Award;  
now, therefore, be it

**RESOLVED**, that the Village Board hereby conveys the Life Saving Medal Award to Police Officer John Boggi and thanks him for his commitment to Scarsdale's public safety.

\* \* \* \* \*

Upon motion entered by Trustee Pekarek, and seconded by Trustee Veron, the following resolution regarding Awarding Lifesaving Medals to Sergeant Brendan Kellaheer, Police Officer Michael Coyne, Police Officer Christopher Moleski, and Police Officer Lamar Wilcher, and Conveying Village Board Recognitions to Mr. Al Garavito (SVAC) and Mr. James Gross (SVAC) was approved by a unanimous vote:

**WHEREAS**, the members of the Scarsdale Police Department are relied upon to protect and assure safety and welfare of the citizens of the Village of Scarsdale; and

**WHEREAS**, when a police officer performs his/her duties in an especially professional and outstanding manner, such conduct should be commended; and

**WHEREAS**, on March 19, 2015, at or about 12:31 a.m., Sergeant Brendan Kellaheer received a 911 call from a resident indicating that her husband was unresponsive and not breathing; and

**WHEREAS**, Sgt. Kellaheer was able to calm the resident and instruct her on how to initiate cardiopulmonary resuscitation or CPR until help arrived; and

**WHEREAS**, Police Officers Coyne, Moleski, and Wilcher quickly responded, encountering an unresponsive individual with no detectable pulse; and

**WHEREAS**, Police Officers Coyne and Wilcher initiated C.P.R while Police Officer Moleski applied the automated external defibrillator or AED; and

**WHEREAS**, after a series of chest compressions, rescue breaths, and AED applications, the unresponsive individual began to breathe on his own; and

**WHEREAS,** SVAC crew members, Al Garavito and James Gross, promptly arrived on-scene and continued to administer care, determining the patient was maintaining his own heart rhythm and ultimately transporting the patient to White Plains Hospital, where he continued to be treated for what was deemed to be a heart attack; and

**WHEREAS,** the White Plains Hospital medical personnel determined that the victim would not have survived his cardiac arrest if not for the emergency care provided by the aforementioned emergency response and medical personnel; and

**WHEREAS,** the Police Department Awards Committee has recommended that Sergeant Kellaheer and Police Officers Coyne, Moleski, and Wilcher receive the Department's Life Saving Award, and that SVAC members Garavito and Gross receive Village Board Recognitions; now, therefore, be it

**RESOLVED,** that the Village Board recognizes the contributions each of Scarsdale emergency response and medical personnel toward protecting the public safety, health and welfare of Scarsdale residents, and hereby awards Life Saving Medals to Sergeant Brendan Kellaheer and Police Officers Michael Coyne, Christopher Moleski, and Lamar Wilcher, and conveys Village Board Recognitions to SVAC members Al Garavito and James Gross.

\* \* \* \* \*

#### Recreation Committee

Upon motion entered by Trustee Callaghan and seconded by Trustee Veron, the following resolution regarding Authorization for the Scarsdale Arts Council Art Exhibit in Chase Park was approved by a unanimous vote:

**WHEREAS,** the Scarsdale Arts Council (Council) is a not-for-profit organization that works to instill a sense of civic pride in Scarsdale's artistic and cultural amenities, and to raise public awareness and participation in local arts programs; and

**WHEREAS,** to generate interest, excitement, and vitality in the Village Center, the Council wishes to sponsor and place temporary art exhibits in Chase Park featuring an oversized "Pearl Necklace" to be draped from a tree, and a collection of five boulders to be painted by Scarsdale community members; and

**WHEREAS,** the proposed Chase Park art exhibits will be maintained by the Council throughout the display period, approximately Memorial Day 2017 to Labor Day 2017, and the Council shall decommission the exhibits thereafter, in accordance with other conditions outlined in the attached agreement; and

**WHEREAS,** the Council presented their art exhibition concept to the Advisory Council on Parks & Recreation (PRC) on May 17, 2017, with the PRC having endorsed the concept and agreeing that its installation in such a prominent location with high visibility would support the Council's stated goals and constitutes an appropriate use for Chase Park; now, therefore, be it

**RESOLVED,** the Village Board of Trustees hereby authorizes the Village Manager to execute the attached agreement with the Scarsdale Arts Council authorizing the five painted boulders and "Pearl Necklace" exhibits to be displayed in Chase Park from approximately Memorial Day, May 29, 2017 to Labor Day September 4, 2017; and be it further

**RESOLVED,** that the Scarsdale Arts Council and the artist, Simone Kesteleman, release the Village from any liability associated with the aforementioned art display in Chase Park, as further detailed in the attached agreement.

\* \* \* \* \*

#### Written Communications

All communications received that are written to the Mayor and Board of Trustees can be viewed on the Village's website, [www.scarsdale.com](http://www.scarsdale.com) under the Board of Trustees or Village Clerk section.

Village Clerk Conkling reported that one (1) communication was received since the last regular Board of Trustees meeting from the following:

- An email from Susan Levine, Ardmore Road, regarding the Village's Leaf Blower regulations.

\* \* \* \* \*

Future Meeting Schedule

- *Tuesday, June 6, 2017* – Committee of the Whole Meeting – 7:30 P.M. – Trustees’ Room
- *Tuesday, June 13, 2017* – Committee of the Whole Meeting – 6:30 P.M. – Trustees’ Room
- *Tuesday, June 13, 2017* – Agenda Meeting – 7:30 P.M. – Trustees’ Room
- *Tuesday, June 13, 2017* – Village Board Meeting – 8:00 P.M. – Rutherford Hall

Village Hall Schedule

- *Monday, May 29, 2017* – Memorial Day – Village Hall Closed

\* \* \* \* \*

There being no further business to come before the Board, the meeting was adjourned at 10:00 P.M. on a motion entered by Trustee Samwick, seconded by Trustee Pekarek and carried unanimously.

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Donna M. Conkling  
Village Clerk