

**THREE THOUSAND TWO HUNDRED NINETIETH**

**REGULAR MEETING**

Rutherford Hall  
Village Hall  
October 10, 2017

A Regular Meeting of the Board of Trustees of the Village of Scarsdale was held in Rutherford Hall in Village Hall on Tuesday, October 10, 2017 at 8:00 P.M.

Present were Mayor Hochvert, Trustees Finger, Pekarek, Ross, Samwick and Veron. Also present were Village Manager Pappalardo, Deputy Village Manager Cole, Village Attorney Esannason, Assistant Village Manager Richards, Deputy Village Attorney Garrison, Village Treasurer

McClure, Village Clerk Conkling, and Assistant to the Village Manager Ringel.

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The minutes of the Board of Trustees Regular Meeting of Tuesday, September 26, 2017 were approved on a motion entered by Trustee Pekarek, seconded by Trustee Samwick, and carried unanimously.

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**Bills & Payroll**

Trustee Pekarek reported that she had audited the Abstract of Claims dated October 10, 2017 in the amount of \$371,541.94 which includes \$21,537.34 in Library Claims previously audited by a Trustee of the Library Board which were found to be in order and she moved that such payment be ratified.

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

**RESOLVED**, that the Abstract of Claims dated October 10, 2017 in the amount of \$371,541.94 is hereby approved.

Trustee Pekarek further reported that she had examined the payment of bills made in advance of a Board of Trustees audit totaling \$983,218.07 which were found to be in order and she moved that such payments be ratified.

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

**RESOLVED**, that payment of claims made in advance of a Board of Trustees audit totaling \$101,097.27 is hereby ratified.

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Mayor Hochvert stated that the Board would deviate somewhat from the regular agenda format to accommodate the next speaker who had been at the hospital since 3:00 A.M. this morning – he recognized Mr. David Raizen, President of the Scarsdale Volunteer Ambulance Corps (SVAC).

**David Raizen** stated that he would like to update the Board on the SVAC fund raising efforts and support the resolution on this evening's agenda regarding the purchase of a new ambulance.

Mr. Raizen stated that SVAC operates three ambulances out of their site at Heathcote Five Corners and is a self-supporting volunteer ambulance corps providing emergency medical services to the Village of Scarsdale. Their annual fund drive has gone out in the last two weeks. Their two main sources of funding are the fund drive and billing for services. He stated that they need residents to assist them with the fund drive, which accounts for approximately half of their operating budget. The fund drive from the last few years has been mediocre and they are hoping for a good response this year.

Mr. Raizen provided an update on the educational program SVAC is running; their EMT training center has been very successful. Every class has met the minimum requirements and 95%+ have been successful in graduating.

Mr. Raizen continued, stating that as part of their operating agreement with the Village, every four years the Village purchases a new vehicle for SVAC. There is a resolution on the Board's agenda this evening for the purchase of a new ambulance; he encouraged them to vote in favor of this purchase.

Trustee Pekarek noted that from personal experience utilizing SVAC for family members, the service from the medical personnel was amazing – they were respectful, quick and knowledgeable. She thanked Mr. Raizen for the services SVAC provides to the community.

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Mayor's Comments

Mayor Hochvert stated that a former Village Trustee and Scarsdale Bowl recipient with her husband, the first dual recipient of the Scarsdale Bowl, Esther C. Shay, passed away on October 2, 2017. Esther served two terms as Trustee from 1987 to 1991. She was active in the Scarsdale League of Women Voters and her father, Warren Cunningham, was the first Mayor (President) from 1927 to 1928 in the Village of Scarsdale. Esther and her husband lived on Rectory Lane South during her Village Board years.

Mayor Hochvert requested a moment of silence for Esther Shay at this time.

Mayor Hochvert reported that a week ago Monday, there was a Scarsdale Neighborhood Association Presidents (SNAP) meeting. The featured speaker was Ben Boykin, who gave details to the audience on County projects. One of these items included at \$34 million project that included \$6 million study and plan to investigate a compost site somewhere within the County. This would have to be approved by the NYS Comptroller which could take quite a long time. He stated that he contacted the local State representatives to see if that waiting period could be shortened.

Mayor Hochvert complimented the Scarsdale Concours on a wonderful event. He stated that the turnout was outstanding, both in terms of the cars that were exhibited and the attendees. The funds raised in connection with this event are in turn contributed back to Scarsdale.

Mayor Hochvert noted that three firefighters were sworn in to fill in the vacancies created by retirements. He stated that it is so nice to see young people who have done so well and their family support at the swearing in ceremony.

Last Tuesday, Mayor Hochvert stated that the groundbreaking for the temporary library space at the Supply Field building was held and it was a pleasure for him to introduce State Assemblywoman Amy Paulin. Ms. Paulin had secured a \$500,000 grant from the State so that the Supply Field building can be retrofitted as a temporary space for the library while the library renovations ensue.

Mayor Hochvert stated that he attended a Community Support Council meeting. He explained that this Council was formed in response to a series of unfortunate suicide events. They have reached out to try to build a coalition of religious persons, active volunteers, and people who can counsel. This meeting was to introduce a class being held at the high school, City 2.0, to join in as it is important to find as many connections as possible of support.

Mayor Hochvert next noted that at a meeting of the Forum last Thursday, he gave the State of the Village to the audience. Following that there was a presentation by the Downtown Revitalization Committee. This afternoon, he and Trustee Veron visited the

merchants downtown to discuss their parking needs in the Village. A lot of the merchants felt that there has been a revitalization of the downtown largely due to the Farmer's Market.

Mayor Hochvert reported that there will be two compost activities this week: Wednesday morning, the Verizon Channel, Fios 1, will be coming to shoot a video of Ron Schulhof and Michelle Sterling at the Recycling Center regarding the food waste composting program. On Friday, New York State Senator Andrea Stewart-Cousins, will also be meeting with them at the Recycling center. This composting effort has spread throughout the County. Both Assemblywoman Paulin and Senator Stewart-Cousins are bringing it to the rest of the State.

A tour of a home on Dolma Road for which a hardship appeal was heard was taken by four of the Board members. Mayor Hochvert stated that this house was built in the early 1900's and noted how differently homes are being built today.

During the summer month period while gas powered leaf blowers are not permitted under the Village Code, Mayor Hochvert stated that he learned from Police Chief Maturro that 93 citations were issued for leaf blower violations. This is the second highest number of violations for this offense on record. In 2008, 96 citations were issued. Mayor Hochvert commended the enforcement of this aspect of the Village code.

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#### Manager's Comments

Village Manager Pappalardo updated the Board and the Community on the work being done on various roadways in the Village by Con Edison. Con Edison is in varying stages of upgrading natural gas mains on Popham Road, Lockwood Road, Route 125, Secor Road, Mamaroneck Road between Palmer and Brookby, and Post Road between Olmsted and Fenimore Roads. These new gas mains will enhance service during high demand periods. In order to perform the work, Con Edison must apply for a street opening permit from the Village Engineer including the provision of adequate bonds and insurances. They are also required to hire Scarsdale police officers for directing traffic. Last week Con Edison completed the gas main installation of roughly 3200 linear feet of plastic gas main along Palmer Road/New York State Route 125 and Mamaroneck Roads. They still need to pave the affected areas on Route 125 – that road is regulated by the New York State Department of Transportation as it is a New York State road. The work on Post Road will continue for the time being with traffic control handled by the Police Department. The Village will continue to use the 'Notify Me' public announcement function on the Village's website to alert residents as to any traffic issues. Residents are always free to call Village Hall; in this particular case, he urged residents to call the Village Engineer's office at 722-1106 with any questions or concerns regarding this work.

Village Manager next promoted two of the Department of Recreation programs; the Recreation Department's annual Fall Festival will be held this Sunday, October 15<sup>th</sup> at the Scarsdale Pool Complex. Join the Weinberg Nature Center and the Recreation Department for a fun filled day with music and live animals. There will be a scarecrow making contest where families will have the chance to create their own life sized scarecrows. Advance registration is essential as space is limited. Go to the Recreation Department webpage on the Scarsdale website, [www.scarsdale.com](http://www.scarsdale.com) to register; the program can be found under the Special Events section. Food is also included with the fee. The Halloween window painting contest is scheduled for the following Sunday, October 22<sup>nd</sup> in the Village center. There will also be windows available at the Heathcote Five Corners, and perhaps at the Golden Horseshoe shopping center, depending on registration. The contest takes place from 9 am to 4 pm. The rain date will be on Monday, October 23<sup>rd</sup> from 4 pm to 7 pm. The Chamber of Commerce will co-sponsor the event and a \$100 prize award will be given to the Grand Prize winner. Winners will be honored in an awards night in November. All Scarsdale residents are eligible to register.

Mayor Hochvert stated that he believed that the westbound Popham Road will be repaved after Con Edison finishes all the hook-ups and something will be done with Post Road although it will be different because it is a State road. He noted that some of Post Road was repaved from approximately Drake Road to Richbell Road which eliminated some of the worst potholes along the edge of the road.

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#### Other Committee Reports

None.

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#### Liaison Reports

Trustee Veron reported on her attendance at a Berkley-in-Scarsdale Neighborhood Association meeting. The Berkley-in-Scarsdale residents have been working hard to maintain the beauty of the pond and neighboring area. They are working on adding new trees to replace the diseased ones that were removed and cleaning up the area. It is important for residents to know that they can play a vital role in their community through their neighborhood association.

As part of the downtown revitalization program, Trustee Veron stated that they have been talking to merchants and consumers for feedback in regard to the meter pilot program. For those that want to provide feedback, they can call 1-800-410-7120 regarding the meter experience. There is a Survey Monkey link at [www.scarsdale.com](http://www.scarsdale.com), type in the search bar

‘parking meter pilot’. For any questions, email [metertest@scarsdale.com](mailto:metertest@scarsdale.com). She stated that Assistant Village Manager Richards is working extremely hard at making sure all feedback is given to the meter vendors and addressed on site.

Trustee Veron stated that the Village has invited merchants and the business community to have an open dialogue about their parking needs on Thursday, October 19<sup>th</sup> at 6:30 pm at Village Hall.

Trustee Veron reminded the community that the Farmer’s Market will continue on Thursdays and she thanked everyone for their support of the Market which has gotten a lot of positive feedback. They are now exploring the possibility of moving the market indoors.

Trustee Veron expressed her thanks to the Communications Committee who gave a full report to the Board of Trustees. Those in attendance were Justin Arest, Lee Fischman, Dara Gruenberg, Laura Halligan, Barry Meiselman, ML Perlman, Scott Rompala, Andrew Sereysky, and Carol Silverman. The Board will discuss next steps with Village staff and will be meeting on November 13<sup>th</sup> at 6 pm.

Trustee Pekarek stated that there was a meeting of the League of Women Voters on Monday and three presentations were given; the proposed amendments to the Village Tree Code – Assistant to the Village Manager Ingrid Richards was present to discuss and explain these amendments. There was also an update from the Freightway Steering Committee – Chair Jonathan Mark and Village Planner Elizabeth Marrinan discussed this issue with those in attendance. Also discussed at this meeting was the downtown revitalization – Trustee Veron was present to discuss all of the wonderful things that are happening in this respect. There were approximately 30-40 attendees – a good turnout.

Trustee Pekarek reported that the Police Department is doing a Pink Patch project; a public awareness campaign designed to bring attention to the fight against breast cancer and to support breast cancer research organizations in combating the devastating disease. October is Breast Cancer Awareness month. The pink patches are designed to stimulate conversation within the community and to promote awareness about the early detection in the ongoing fight against the disease. The Police Department is encouraging the community to donate to whatever research organization they choose.

Trustee Pekarek reminded everyone that it is leaf season; leaf pickup will begin on October 17<sup>th</sup>. There is a press release on the Village website regarding this. She suggested that the best thing residents can do is to mulch their leaves, or they can also place them in biodegradable bags. The leaves should be placed at the edge of the property, not in the street. Leaves can also be dropped off at the Recycling Center. She stressed that the leaves should not be placed in the street or on traffic islands. This not only creates traffic hazards, but also, the leaves clog catch basins. Leaves should not be commingled with other yard waste. There are guidelines in the press release that explain how to dispose of branches,

twigs, and other yard waste. Residents can bring their leaves in biodegradable bags to the Recycling Center from 8 am to 3 pm, Monday through Saturday. This is free of charge to residents; landscapers may also bring leaves to the Recycling Center for a fee or at no charge if they applied for and received a public works permit prior to the commencement of the leaf season. There are still a few days to procure a permit. For more information, residents should call the Public Works Department at 722-1150.

Mayor Hochvert stated that if leaves are found in the street by the Police Department, there will be a warning citation. If the situation is repeated, the homeowner will be cited and will need to address the summons. He urged residents to keep the roads safe by keeping the leaves out of the street.

Trustee Samwick reported on the Freightway Steering Committee, stating that since May, the Steering Committee has been conducting a study to guide planning efforts for the Freightway site. The study is being conducted in a manner to elicit broad and meaningful public engagement. On September 28<sup>th</sup>, a public workshop was held; it was phenomenally done, extremely productive, and very well attended. The video of that workshop may be viewed on the Village website and he encouraged people to watch that video. There will be another public workshop on November 13<sup>th</sup> at 7 pm, venue to be determined.

Trustee Samwick commended the Village Manager, Village Engineer and staff for the excellent work done paving this year and setting the table for that work by changing legislation so that now when major road openings occur the road paving will be done curb to curb at the party's cost. An unprecedented amount of paving was done this year and he again offered his congratulations for a job well done.

Village Manager Pappalardo stated that the paving that was done in the Secor Road area was over \$300,000 worth of paving work which was reimbursed by Con Edison to the Village. The legislation is working and the Village is able to improve the roads.

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### Public Comment

**Ron Schulhof**, Springdale Road, speaking on behalf of the Ad Committee on LED Streetlights, reminded residents that the pilot LED streetlight program will be coming to a conclusion at the end of next week. Any comments or questions concerning the lights should be addressed to the committee at [LED@scarsdale.com](mailto:LED@scarsdale.com). There are pilot lights on 8 roads in Scarsdale: two locations on Mamaroneck Road – between Garden Road and Sheldrake Road and also between Myrtledale and Saxon Woods Road; Heathcote Road between Morris and Kelwynne; three locations on Post Road – Murray Hill towards Fenimore, between Crane and Wayside Lane, and between Lee and Sprague Road. There are also two locations with town and country post lights – Tisdale Road and Springdale Road

between Bansom and Benedict Road. Each location is slightly different from the other; there are signs posted on the lights. The next step after conclusion of the pilot program is that the Committee will come back to the Board with a recommendation both for this stage, meaning high traffic roads (Post Road, Mamaroneck Road, Weaver Street, and Heathcote Road from Post Road to the Five Corners), and locations with town and country fixtures which represents approximately 15% of the Village's streetlights. He noted that there is also a drop off box in Village Hall at the first floor window for comments on the LED streetlight pilot program. The Ad Hoc Committee on LED Streetlights should have their report to the Village Board by the end of October.

Mayor Hochvert thanked Mr. Schulhof for all of the work he has done on this project.

**Lena Crandall**, 227 Fox Meadow Road, informed Mr. Schulhof that she likes the LED light outside of her home. She stated she is here this evening to promote the tag and book sale to be held this weekend at the Scarsdale Woman's Club at 37 Drake Road. The hours will be on Saturday from 9 am to 3 pm, and on Sunday from 11 am to 3 pm. Admission is free. The tag sale will be high quality and well organized. The proceeds will go to local charities in Westchester. For anyone who would like more information about the Scarsdale Woman's Club, which accepts members from all over, visit the website at [www.scarsdalewomansclub.org](http://www.scarsdalewomansclub.org).

**Robert Harrison**, 65 Fox Meadow Road, distributed paperwork to the Board regarding the Scarsdale Parks, Recreation and Conservation 2017 Tennis Rules and Regulations. He said he was speaking from his years of experience as the Director of the Scarsdale Chapter of the New York Junior Tennis League and Director of the Scarsdale Youth Tennis League for 33 years. Regarding the Tennis Rules and Regulations, he noted that there has been some improvement over the past two weeks. He worked very closely with the Assistant Superintendent of Parks and Recreation, Matt Arone, and due to their efforts, the number of tennis permits sold, Adults up 8 at \$110 each (\$880); the Youth permits went up 4 at \$65 each (\$260). He and Mr. Arone have tried to see that people who use the Middle School tennis courts have permits or that they should be paying a fee of \$14.00 per player per hour (residents). Nonresidents without permits must pay \$16.00 per player per hour. He added that he felt the \$14.00 fee for residents without permits should be raised to \$15-20 and the fee for nonresidents should be \$20-25. People should be encouraged to purchase the tennis permits. Back in the 1990's there were 2,700 tennis permits purchased. The tennis permit system needs to be enforced. He also noted that there have been several instances of rogue tennis instructors who are hired by Scarsdale residents to provide private tennis lessons on the Village courts with their basket of balls versus going through the Recreation Department and hiring instructors through them. The Village receives 25% of each of those lessons. The rogue tennis instructors are violating the Village process.

Mr. Harrison noted that he has been a volunteer alumni recruiter for Penn State for 25 years. There are a lot of students interested in Penn State; he noted that there is a game against Michigan on Saturday, October 21st at 7:30 pm on ABC. However, if anyone would like to attend the game, he stated that he would be happy to obtain tickets and accommodations. He can be reached at 725-0962.

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

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Mayor

Upon motion entered by Mayor Hochvert, and seconded by Trustee Finger, the following Findings of the Village of Scarsdale Board of Trustees in connection with 26 Cooper Road was approved by the vote indicated below:

**WHEREAS,** The Murray Hill/ Middle Heathcote section residence at 26 Cooper Road, Scarsdale, New York is a two story “Arts and Craft” style home with two garages reflecting a similar style. The architect of the residence (“the building”) is unknown, but Village records show that the building was built in 1917. In 1926, the rear garage was designed by architect Frank Forster for Roy S. Durstine, who was the second owner of the property at that time; and

**WHEREAS,** an application was submitted to the Committee for Historic Preservation (CHP) to demolish the above described building pursuant to Scarsdale Village Code (SVC) §§182-5 and 182-6; and

**WHEREAS,** After the Committee for Historic Preservation held public hearings on June 20, 2017 and July 11, 2017, five of the seven members present voted, finding the subject property to be of historical importance to the community. Based on that finding, the CHP denied the issuance of a Certificate of Appropriateness to demolish. That determination requires preservation of the building and garages; and

**WHEREAS,** SVC §182-11 provides that any applicant aggrieved by a determination of the CHP may appeal to the Village’s Board of Trustees. An appeal was filed by the applicant; and

**WHEREAS,** Not bound by the record before the CHP, on September 25, 2017 the Board of Trustees held a de novo hearing to determine whether

the Building meets the criteria stated under SVC §182-5 requiring its preservation; and

**WHEREAS,** at the September 25, 2017 hearing, the applicant was represented by Lucia Chiochio from the law firm of Cuddy & Feder, and the CHP was represented by Terry Rice, Esq from the law offices of Terry Rice; and

**WHEREAS,** the Village Board reviewed the record, including written submissions from counsel, expert reports, and listened to testimony and argument from counsel, and having visited the site; now therefore be it

**RESOLVED,** that applying the criteria under SVC §182-5 the Village Board makes the following findings of fact:

*A. Whether the building is associated with events that have made a significant contribution to broad patterns of Village, regional, state, or national history;*

There is no evidence in the record from the CHP or otherwise that the subject property, 26 Cooper Road, is associated with events that would contribute to broad patterns of Village, regional, state or national history. The Village Board notes that the Building is not individually identified in the Reconnaissance Level Cultural Resource Survey Report (2012), which provides a snapshot of the Village's architectural fabric as a preliminary effort to identify buildings and areas with potential architectural or historical significance.

*B. That the building is associated with the life of a person or persons of historical significance.*

In 1917, the building was constructed by John Van Halen. Mr. Van Halen lived in the home with his wife and family, and in 1923 sold the property to Roy Durstine. Mr. Durstine was one of the founding members of BBD&O, a renowned New York City advertising and marketing firm founded in 1891. While both men were Scarsdale residents, their lives were not of such historical significance to warrant the building being landmarked.

*C. That the building is the work of a master and embodies the distinctive characteristics of a type, period, or method of construction that possess high artistic values.*

The Village Board has long held that preservation of historic buildings is a legitimate and laudable goal that promotes the economic, cultural, educational, and general welfare of the community. However, there must be a delicate balance between individual property rights and the stated goal. In conducting this balancing test, the evidence must be substantial to outweigh individual property rights. *See Village Board Decision and Order re: 53 Carmen Road (1999)*. Substantial evidence is such relevant evidence that a reasonable person might accept as adequate to support a conclusion. *Stork Restaurant v. Boland*, 282 N.Y. 256, 26 N.E.2d 247 (1940). Further, substantial evidence is proof within the record of such quality and quantity as to generate conviction in and persuade a fair and detached fact-finder that proof as a premise, a conclusion or ultimate fact may be extracted reasonably, probatively and logically. *See Gramatan Avenue Association v. State Division of Human Rights*, 45 N.Y.2d 176, 408 N.Y.S.2d 54 (1978).

Here, 26 Cooper Road was constructed by John Van Halen in 1917. The architect who designed the building is unknown. In 1923 the property was sold to Roy Durstine who later commissioned the renowned architect, Frank Foster, to design the rear garage building. Frank Foster was an American architect who studied architecture at Cooper Union and in Europe. He had a reputation for designing country houses and received numerous awards and recognition for his outstanding work as an architect. In addition to being published in various architecture and design journals, in 1931, he published a book entitled “The Work of Frank J. Foster”, which depicted some of his most important works. The question then arises whether Frank J. Foster is a master? The Village Board has given plain and ordinary meaning to the term “master”. A master is a person recognized for greatness in their field and is considered a craftsman of consummate skill whose work rises above and is distinguished from others. *See Village Board Findings re: 24 Morris Lane (2017)*. Thus, based upon the information stated herein and contained in the record, the Village Board finds that Frank J. Foster is a master.

Next we address the question whether 26 Cooper Road is the work of a master, namely Frank J. Foster? The record is clear that the architect for 26 Cooper Road is unknown. The record also reveals that the Committee on Historic Preservation (CHP) found that because the rear garage was designed by Frank J. Foster in 1923, the main building, 26 Cooper Road, must have also been designed by Frank J. Foster in 1917. Where there is no proof to support this and

having held that landmark designation requires substantial evidence, the CHP's inference and conclusion amounts to speculation, which does not equate to substantial evidence. Accordingly, the Village Board finds that the record herein is legally insufficient to warrant landmark designation of the main building at 26 Cooper Road.

Since we have determined that there is insufficient evidence to support a finding that 26 Cooper Road was designed by Frank J. Foster, a master architect, we need not reach the question of whether the building, 26 Cooper Road, embodies the distinctive characteristics of a type, period, or method of construction that possess high artistic values.

With respect to the garage, the record shows that Frank J. Foster was commissioned to design the garage in 1923. The record also contains the plans for the garage, which were signed by Mr. Foster, supporting the conclusion that the garage is the work of a master. However, the Village Board has held that not all works of a master rises to the level sufficient to warrant landmark designation. *See Village Board Findings re: 24 Morris Lane (2017).*

Here, there is no evidence to suggest that there is anything exceptional about the design of the garage. The garage has no unique architectural features. In fact, the only mention of the garage pertains to the plans that are signed by Frank J. Foster. As such, there is insufficient evidence to find that the garage itself embodies the distinctive characteristics of a type, period, or method of construction that possess high artistic values.

Moreover, this Board has already concluded that there is insufficient evidence to support landmark preservation of the main building, 26 Cooper Road, which the garage mimics architecturally. Even if the Village Board were to consider the garage as a separate and distinct matter, Chapter 182 does not contemplate this type of senseless bifurcated approach to preservation.

*D. That the building has yielded or may be likely to yield information important in prehistory or history.*

The Village Board finds nothing in the record that suggest the building or garage yielded or may yield information important in prehistory or history; and be it further

**RESOLVED**, for all of the forgoing reasons, the Village Board herein grants a Certificate of Appropriateness to the owner and/or applicant of 26 Cooper Road for the purpose of facilitating the demolition of the existing structures located therein, subject to any other requirements, rules, and regulations of the Village of Scarsdale and the Building Department.

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

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Municipal Services Committee

Upon motion entered by Trustee Veron, and seconded by Trustee Pekarek, the following resolution regarding Authorization to Lease an Ambulance for Use by the Scarsdale Volunteer Ambulance Corps (SVAC) was approved by the vote indicated below:

**WHEREAS**, New York State General Municipal Law § 122-b authorizes municipal governments to take steps that are necessary to provide general ambulatory services for their residents; and

**WHEREAS**, for many decades, the Scarsdale Volunteer Ambulance Corps (SVAC) has provided emergency medical, basic lifesaving, and advance lifesaving services in a timely and responsible fashion for the residents of the Village; and

**WHEREAS**, pursuant to the existing Operating Agreement between the Village and SVAC, the Village leases up to two ambulances for SVAC's operational use, and SCVAC may purchase the ambulance for one dollar upon lease expiration; and

**WHEREAS**, representatives of SVAC have informed Village officials that there is a need to replace one of its three ambulances, a 2010 Ford E-450; and

**WHEREAS**, the Village Board has authorized by resolution (attached) on July 11, 2017, participation in the Houston-Galveston Area Council Buy (H-GAC) governmental purchasing cooperative, with said cooperative

offering competitive pricing for the necessary replacement ambulance, a 2017 Ford E450 Type III Ambulance; now, therefore, be it

**RESOLVED**, that the Village Manager is hereby authorized to execute H-GAC Governmental Lease-Purchase Agreement No. 003-0727854-300 dated September 21, 2017, in substantially the same form as attached hereto, for a 2017 Ford E450 Type III Ambulance with TCF Equipment Finance, a division of TCF National Bank, 11100 Wayzata Blvd, Suite 801, Minnetonka, MN 55305, in principal amount not to exceed \$161,022, and total lease payments not to exceed \$171,755.84, with all costs to be charged to Account #A-9990-HUMSV-SVAC-400 499; and be it further

**RESOLVED**, that sufficient funds exist in the FY 17/18 Village Budget to provide for the first year of the four-year lease; and be it further

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

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

Both Trustees Veron and Finger lauded the services of the Scarsdale Volunteer Ambulance Corps. Trustee Veron noted that if not for SVAC, it would be very expensive for the Village to provide that service. Not only is it a phenomenal service, it is very cost effective to operate in this manner.

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Finance Committee

Upon motion entered by Trustee Finger, and seconded by Trustee Pekarek, the following resolution regarding Fiscal Year 2016-2017 Closeout Balancing Budget Transfers was approved by the vote indicated below:

**WHEREAS,** Pursuant to the provisions of Section 5-520 of the New York State Village Law, the Board of Trustees, by resolution, may transfer funds from existing and unexpended balances; from a contingent account; from available cash surplus or unanticipated revenues within a fund; or by borrowing; and

**WHEREAS,** at the end of the Village Fiscal Year 2016-2017, it is necessary to make balancing modifications to and from various accounts of already existing appropriations in the budget based on actual results of operations; and

**WHEREAS,** the final 2016-2017 audit has been completed and in all cases, there are sufficient unexpended balances in various accounts, excess revenues or fund balances available to cover the transfers; now, therefore, be it

**RESOLVED,** that pursuant to Village Law 5-520, the Board of Trustees hereby authorizes and directs the proper Village officers to modify the 2016-2017 Budget by making the following transfers:

<b>BUDGET MODIFICATIONS GENERAL FUND</b>	
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From: <u>EXISTING APPROPRIATIONS</u>	ACCOUNT #	AMOUNT
Insurance	9990.4510	153,597.00
Compensated Absences	9990.9070	250,000.00
Non-Departmental Contingent	9990.1990	89,793.00
	<b>TOTAL</b>	<b><u>493,390.00</u></b>

To:	ACCOUNT #	AMOUNT
Village Treasurer Administration Personal Services	1325.100	5,152.00
Village Treasurer Accts Bank Fees	1325.475	2,505.00
Village Assessor Administration Personal Services	1355.120	14,980.00
Village Assessor Certs Personal Services	1355.100	889.00
Village Assessor Professional Business Expenses	1355.435	804.00
Village Assessor Program Expenses	1355.459	90,593.00
Village Clerk Administration Personal Services	1410.100	1,709.00
Village Clerk Parking Personal Services	1410.100	497.00
Village Clerk Parking Personal Services Part time	1410.130	6,495.00
Village Attorney Administration Personal Services	1420.100	8,468.00
Village Attorney Administration Books & Periodicals	1420.425	6,726.00

Village Attorney Admin Professional Business Expense	1420.435	3,188.00
Village Attorney Administration Supplemental Services	1420.458	42,107.00
Human Resources Personnel Personal Services	1430.100	4,181.00
IT Department Personal Services	1680.100	699.00
Police Department Patrol Personal Services	3120.100	101,927.00
Fire Department Suppression Personal Services	3410.100	152,465.00
Fire Department Suppression Personal Services Overtime	3410.100	48,921.00
Recreations Department Administration Transaction Fees	7020.479	84.00
<b>TOTAL</b>		<b><u>492,390.00</u></b>

**ENTERPRISE FUND - POOL**

From: <u>EXISTING APPROPRIATIONS</u>	ACCOUNT #	AMOUNT
Pool Repairs to Equipment	2000.460	8,430.00
		-
		<b><u>8,430.00</u></b>
To: Pool Personal Services Part-Time	2000.130	6,261.00
Pool Benefits Social Security	2000.9030	480.00
Pool Taxes on Village Property	2000.1950	1,626.00
Pool MTA Tax	2000.1980.4	63.00
		<b><u>8,430.00</u></b>

**ENTERPRISE FUND - WATER**

From: <u>EXISTING APPROPRIATIONS</u>	ACCOUNT #	AMOUNT
Water Pump Water	8310.467	54,895.00
		-
		<b><u>54,895.00</u></b>
To: Water Administration Benefits-OPEB	8310.9089	54,887.00
Water Administration Benefits Social Security	8310.9030	8.00
		-
		<b><u>54,895.00</u></b>

**INTERNAL SERVICE FUND**

From: <u>EXISTING APPROPRIATIONS AND FUND BALANCE</u>	ACCOUNT #	AMOUNT
Garage Admin Personal Services	1640.100	15,648.00
Garage Admin Fuel, Light & Power	1640.411	10,814.00
Garage Admin Telephone	1640.453	2,000.00
Garage Admin Travel	1640.454	2,074.00
Garage Admin Repairs to Buildings	1640.461	6,874.00
Garage Admin Professional Development	1640.496	3,500.00
Garage Admin Contractual	1640.499	9,623.00
Garage Special Contingency	1640.1990	23,000.00
Garage OPS-PM Auto Supplies	1640.413	2,802.00
Garage OPS-PM Oil & Lubricants	1640.442	790.00
Garage OPS-RPR Tires & Repairs	1640.441	4,910.00
Garage OPS-RPR Repairs & Equipment	1640.460	16,405.00
Garage OPS-EQPT Equipment	1640.200	15,000.00
Garage OPS-SPRT Personal Services OT	1640.120	10,655.00
Garage Fund Balance	9999.9999	5,815.00
		-

	TOTAL	<u><b>129,910.00</b></u>
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To:	ACCOUNT #	AMOUNT
Garage Admin Benefits Life Insurance	1640.9045	14,200.00
Garage Admin Benefits OPEB Expense	1640.9089	115,461.00
Garage Admin Benefits MTA Tax	1640.1980.4	249.00
		-

	TOTAL	<u><b>129,910.00</b></u>
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<u>AYES</u>	<u>NAYS</u>	<u>ABSENT</u>
Trustee Finger	None	Trustee Callaghan
Trustee Pekarek		
Trustee Samwick		
Trustee Veron		
Mayor Hochvert		

Village Treasurer McClure clarified various issues and points in response to Trustee Samwick’s inquiry regarding the above referenced closeout balancing budget transfers, particularly with regard to the Assessor’s Department, Attorney’s Office, Fire Department, and Police Department.

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Upon motion entered by Trustee Finger, and seconded by Trustee Samwick, the following resolution to regarding Authorization to Execute an Extension and Addendum to a Professional Services Agreement for Independent Audit Services was approved by the vote indicated below:

**WHEREAS,** pursuant to New York State Municipal Finance Law, the Village must provide for an annual independent audit of the Village and Justice Court financial statements; and

**WHEREAS,** an RFP was issued on February 03, 2017, soliciting proposals from qualified firms for the required professional auditing services, with three proposals having been received by the due date, February 21, 2017; and

**WHEREAS,** pursuant to staff evaluation of the vendor proposals in accordance with the criteria identified in the RFP and discussion at a Village Board Finance Committee meeting held on March 20, 2017, the firm of PKF O'Connor Davies (PKF) was found to have served the most similar clients in terms of budget, population size, and form of government, to have performed well under prior auditing engagements with the Village of Scarsdale, and to possess the number of local professional staff necessary to complete a timely and thorough audit of our financial statements; and

**WHEREAS,** at its regular meeting held on March 28, 2017, the Village Board authorized by way of the attached resolution a professional services agreement with PKF for FY 2016-17 audit services, also attached, including options to renew the engagement for FY 2017-18 and FY 2018-19;

**WHEREAS,** both the FY 2017-18 fixed fee proposed by PKF (\$67,900) and the hourly rates for non-audit work, as prescribed in the attached addendum to the FY 2016-17 professional services agreement, remain unchanged from year one and are competitive with current industry standards; and

**WHEREAS,** in view of the foregoing, staff recommends renewing the professional services agreement with PKF pursuant to the terms and conditions of the FY 2016-17 agreement and FY 2017-18 addendum; now, therefore, be it

**RESOLVED**, that the Village Manager is herein authorized to execute the FY 2017-18 extension provided for in the FY 2016-17 professional services agreement with PKF O'Connor Davies, LLP, 500 Mamaroneck Avenue, Ste. 301, Harrison, NY, 10528, as well as to execute the associated FY 2017-18 addendum providing an hourly rate schedule; and be it further

**RESOLVED**, that all costs for such services be charged to the General Fund Budget Account No. A-1325-ADMIN-AUDIT-400 477.

AYES

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

NAYS

None

ABSENT

Trustee Callaghan

In regard to the foregoing resolution, Trustee Samwick stated that he felt the Village went through a very thorough and diligent process to retain PKF O'Connor Davies for this year and the meeting the Board held with them last month was exemplary; they are very professional and very thorough and he is very pleased with the work they are doing.

Trustee Veron spoke in support of Trustee Samwick's comments.

\* \* \* \* \*

Upon motion entered by Trustee Finger, and seconded by Trustee Samwick, 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,** the following donation has been offered to the Scarsdale Public Library Addition and Renovation Capital Improvement Project: Friends of the Scarsdale Library - \$106,888.82; 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 gift toward the Scarsdale Public Library Master Plan Improvement Project: \$106,888.82 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 this financial gift totaling \$106,888.82 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.

\* \* \* \* \*

#### Land Use Committee

Upon motion entered by Trustee Samwick, and seconded by Trustee Veron, the following resolution regarding a Subdivision Recreation Fee for 115-117 Brown Road, Section 8, Block 20, Lots 24, 27 was approved by the vote indicated below:

**WHEREAS,** Section 7-730-4 of New York State Village law authorizes planning boards to reserve land in a subdivision for park, playground, or other recreational purposes, and to take money in lieu of land in cases where suitable park lands of adequate size cannot be properly located on a subdivision plat, the amount of said money to be established by the Village Board of Trustees; and

**WHEREAS,** on August 9, 2017, the Planning Board approved the three-lot subdivision of 115-117 Brown Road, creating one additional buildable lot, after finding the proposed subdivision would not have a significant negative environmental impact pursuant to SEQRA; and

**WHEREAS,** on September 27, 2017, the Planning Board recommended a payment in lieu of contribution of land as the dedication of land for park, playground, or recreation purposes is not feasible in view of the small amount of land available in this three-lot subdivision; and

**WHEREAS,** the Village Department of Parks, Recreation and Conservation provides a variety of facilities to meet the interests and needs of the

community, including parks, playgrounds, ball fields, and an outdoor pool and has a Five-Year Capital Plan which calls for the replacement of facilities and equipment, as well as additional facilities that will be needed in the future; and

**WHEREAS,** the Village Board, on February 27, 2007, adopted the Guidelines and Fee Schedule for monetary payment in lieu of land for new building lots and determined the Recreation Fee for new lots is a range from 4% to 6% of the 2006 property value based on the zoning district; now, therefore, be it

**RESOLVED,** the Board of Trustees hereby accepts the recommendation of the Planning Board that the applicant, JAF Builders, pay to the Village an amount equal to 5.0% of the \$500,000 Guideline Value of a lot in the A-5 zoning district pursuant to the 2007 Subdivision Recreation Fee Schedule, or \$25,000, in lieu of a contribution of land for park, playground, or other recreational purposes for the one new buildable lot resulting from the subdivision of property at 115-117 Brown Road, identified on the Village tax map as Section 8, Block 20, Lots 24, 27.

AYES

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

NAYS

None

ABSENT

Trustee Callaghan

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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.

The Village Clerk reported that two (2) communications have been received since the last regular Board of Trustees meeting from the following:

- An email from Melissa Cates regarding road construction in the Village. The Mayor’s response to her concerns is included. The Mayor’s response is included.

- An email from Joan Ross Sorkin, 65 Brite Avenue in support of a ban of gun retail stores in the Village. The Mayor's response is included.

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There being no further business to come before the Board, the meeting was adjourned at 9:27 P.M. on a motion entered by Trustee Pekarek, seconded by Trustee Samwick and carried unanimously.

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Donna M. Conkling  
Village Clerk