

Village of Scarsdale



Marc Samwick, Mayor

*Stephen M. Pappalardo,
Village Manager*

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Jane E. Veron

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Rochelle Waldman

Village Board Limited Agenda
December 24, 2019
Village Board Meeting - 8:30 AM – Trustees Room

Action

Roll Call

Pledge of Allegiance

Minutes

- Village Board Meeting of December 10, 2019

Bills

- Trustee Waldman

Agenda Items

Trustee Arest

- Statements of Expense & Revenue for June 2019 – November 2019

Future Meeting Schedule

Tuesday, January 14, 2020

- 7:30 PM Agenda Committee
- 8:00 PM Village Board Meeting

Village Hall Schedule

Tuesday, December 24, 2019

- Christmas Eve– Village Hall Closed at 12:30 PM

Wednesday, December 25, 2019

- Christmas Day – Village Hall Closed

Tuesday, December 31, 2019

- New Year's Eve (Observed) – Village Hall Closed at 12:30 PM

Wednesday, January 1, 2020

- New Year's Day – Village Hall Closed

THREE THOUSAND THREE HUNDRED FORTIETH
REGULAR MEETING

Rutherford Hall
Village Hall
December 10, 2019

A Regular Meeting of the Board of Trustees of the Village of Scarsdale was held in Rutherford Hall in Village Hall on Tuesday, December 10, 2019 at 8:12 P.M.

Present were Mayor Samwick, Trustees Arest, Crandall, Lewis, Ross, Veron, and Waldman. Also present were Village Manager Stephen Pappalardo, Deputy Village Manager Cole, Assistant Village Manager Richards, Acting Village Attorney Esannason, Village Treasurer McClure, Village Clerk Conkling, and Assistant to the Village Manager Katzin.

The minutes of the Regular Board of Trustees Meeting of Tuesday, November 26, 2019 were approved on a motion entered by Trustee Ross, seconded by Trustee Crandall and carried unanimously.

Bills & Payroll

Trustee Veron reported that she had audited the Abstract of Claims dated December 10, 2019 in the amount of \$1,300,165.03 which includes \$23,973.53 in Library Claims previously audited by a Trustee of the Library Board which were found to be in order and she moved that such payment be ratified.

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

RESOLVED, that the Abstract of Claims dated December 10, 2019 in the amount of \$1,300,165.03 is hereby approved.

Trustee Veron then reported that she had examined the payment of bills made in advance of a Board of Trustees audit totaling \$985,645.78 which were found to be in order and he moved that such payments be ratified.

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

RESOLVED, that payment of claims made in advance of a Board of Trustees audit totaling \$985,645.78 is hereby ratified.

Trustee Veron reported that she had audited the Abstract of Claims dated December 11, 2019 in the amount of \$349,473.50 which includes \$39,181.20 in Library Claims previously audited by a Trustee of the Library Board which were found to be in order and she moved that such payment be ratified.

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

RESOLVED, that the Abstract of Claims dated December 11, 2019 in the amount of \$349,473.50 is hereby approved.

Mayor's Comments

Mayor Samwick stated that "I would like to speak primarily about the *Freightway Community Meeting* that is going to be held tomorrow. There will be a community meeting tomorrow evening at 7:00 p.m., here in Rutherford Hall to discuss the potential redevelopment of the Freightway site. We will hear from the two finalist developer teams, each of which will present their preliminary development concepts. The community will then have an opportunity to convey its priorities and preferences regarding the potential redevelopment of the Freightway site.

The Village is in the midst of a lengthy and diligent process to discuss alternatives to the aging Freightway parking garage. This effort began in earnest with the formation of the Freightway Steering Committee in 2017 – nearly three years ago. The Committee conducted an extensive community outreach effort that reached over 750 residents and other stakeholders and found widespread interest in pursuing a redevelopment of the parking garage – which is currently in need of about \$2.5 million of repair and renovation work with more investment to follow.

There is every reason for the Village to pursue a process to evaluate the opportunity to redevelop the Freightway site. The primary objectives of this effort are to: (i) improve commuter parking, (ii) bring vibrancy to the Village Center, and (iii) provide a net positive fiscal impact to the Village and School District.

The redevelopment of Freightway is not a *fait accompli*. To the contrary, the Village is in the midst of a deliberate, lengthy, thoughtful and open process that is designed to engage the community in the discussion of its priorities and preferences for the potential redevelopment as well as to determine the course of action that is best for Scarsdale at this time. In fact, the Village Board is not on a singular path to develop the Freightway site – we are on a path to investigate whether development of the site is preferable to investing taxpayer funds into this aging parking structure.

To put it plainly, this is not a done deal. The Board does not intend to complete a development if fiscal impacts on the Village and School District are detrimental. The Board does not intend to complete a development if the schools will be unduly harmed. The Board is composed of residents and we care about the same things that the community cares about.

We understand the natural inclination to want information today and to make a decision. A development of this importance will take time to come together, however, and progress will be iterative. For example, school impacts cannot be evaluated until the number of residential units and the composition of those units is known.

Tomorrow is the first of many steps of evaluating the preliminary development concepts. The development concept will evolve and the process will play out over an extended period of time and there will be many opportunities for community input. We ask that you recognize that we are proceeding with a process to continue to see how things play out before making a judgment. That is what the Board is doing. If a development project is beneficial and we continue to see a productive path forward, we will continue the process. If we see that the project will yield results that do not achieve our goals, then we will stop the process and repair the garage.

We encourage you to start by attending the community meeting tomorrow and to also stay engaged in the process as the project is refined over time.

We want to hear from you and have established a dedicated email address: freightway@scarsdale.com. We have also upgraded the Freightway section of the Village website, which can be found on a direct link on the front page of the Village website: www.scarsdale.com or directly at www.scarsdale.com/freightway.

We look forward to seeing you tomorrow evening and to hearing from you throughout the Freightway process.

I would also like to very quickly announce “Coffee with the Mayor/Freightway Selection Committee of the Board. I will be joined by Trustees Veron and Arest at

Starbucks on East Parkway at the Village Center Train Station next Tuesday, December 17th from 5:30 pm until 7:00 pm. We welcome the community to join us for a less formal discussion of items that matter to you, including the potential redevelopment of the Freightway parking garage. We look forward to seeing you at Starbucks on Tuesday, December 17th at 5:30 pm.”

Manager's Comments

Village Manager Pappalardo stated that he had one notable comment for this evening. He stated that he wanted to announce to the Board and community that Scarsdale's long-time Senior Citizen Coordinator and resident here in Scarsdale, Kathleen Hurwitz, was inducted into the Westchester County Senior Citizen Hall of Fame at a ceremony held last week on December 6th in Tarrytown. The award is given annually to recognize seniors who have given of their time and energy to improve the quality of life in their communities. A total of 74 seniors were honored this year. Kathy was recognized for her work on behalf of the Scarsdale Seniors Program, which Kathy organizes and administers the varied programs for Scarsdale Seniors at the Girl Scout House, Public Library, and various field trips that she organizes. She keeps seniors abreast of such activities and other opportunities for programs and senior citizens available in Scarsdale through the drafting of the monthly senior newsletter, Scarsdale Senior Happenings. She also liaisons on behalf of the seniors with the government and other organizations on their behalf. Mr. Pappalardo then read briefly from the award application that the Village submitted on Kathy's behalf – “Through Kathy's 20 years of service with the Village of Scarsdale acting as the part-time Senior Coordinator, she has brought a wealth of knowledge and enthusiasm to the programming opportunities presented to the senior population in the Village of Scarsdale. Kathy spends countless hours searching new and exciting trip programming opportunities to enrich the lives of the Scarsdale senior club members. She provides them with relevant education, physical fitness, and socialization options that stimulate the spirit, mind and body of those she serves. Kathy continually searches for new programming ideas to keep the 310 registered members invested in the programs that she offers.”

Village Manager Pappalardo reported that he and Recreation Superintendent Brian Gray were fortunate to be able to attend the event. He stated that Kathy was quite humble, but very happy in accepting her award and he and Brian were pleased by this well-deserved recognition. He congratulated Ms. Hurwitz for this honor.

Mayor Samwick requested that Village Manager Pappalardo inform Ms. Hurwitz that he extends his congratulations as well.

Public Comments

Mayor Samwick opened public comment at this time. He reminded those present that they are welcome to step forward and that there is a five minute limit. There will be a chime after four minutes to alert the speaker that one minute remains for any further comment.

David Raizen, President, Scarsdale Volunteer Ambulance Corps (SVAC), reported that he has disappointing news – the ambulance corps fund drive is a bomb this year. As of this afternoon, there has been an 8% response from the residents. The goal for the fund drive annually is \$250,000 and they have just hit the \$80,000 mark, which includes one anonymous donation of \$35,000. He gave some background on the SVAC, stating that they survive on donations and soft billing for services rendered. He noted that the largest expense that the SVAC has is the paid paramedic who is on duty 24 hours a day, 7 days a week. There are several volunteer paramedics who fill in for the second and third ambulance when needed. They provide a service to the Village that is top notch and if the Village had to pay for three ambulances it would probably be a \$3 million bill. They provide a service that is far above and beyond the neighboring communities.

Mr. Raizen stated that the lack of response to the fund drive comes back to what he thinks is the same issue – he thinks that the residents believe that the ambulance corps is funded by tax dollars. He has tried hard to deliver the message that this is not the case; however, he feels that he has been unsuccessful in delivering that message. The ambulance corps is self-sufficient. He stated that the lack of financial support is very disappointing. He noted that there was a letter written to the editor of the Scarsdale Inquirer this week about the SVAC and what they have done over the past 50 years. He stated that he is happy to speak to anyone that would like to talk about it. He noted that the SVAC is going to have a huge expense in the next two years, which is a requirement to replace all of their defibrillators. That expense will be almost \$250,000. A poor fund drive and operating in the red is going to be a problem. They have to come up with a way of getting the message out that they are not supported by the Town and is enlisting the help of the Board. He noted that they have applied yearly for FEMA grants to obtain defibrillators. He stated that New Rochelle, Greenburgh, etc., have gotten all of their defibrillators replaced by the FEMA grants. Nita Lowey has tried to help the SVAC in this regard, but they have not been successful.

Mr. Raizen stated that there are over 100 volunteers in the SVAC that want to do the right thing and put in hundreds, if not thousands of hours per year supporting and coming to the aid of the community.

Mayor Samwick thanked Mr. Raizen for the work that he does and that the SVAC does. Not only is it the best value in the Village, but the service provided is exemplary. Even though the 8% number does not show it, the only thing he hears about the ambulance corps is positive accolades and a lot of them. He stated that the Village could do a small part here right now; the

Village publishes the Scarsdale Official within a day or two of every Board meeting and the need to raise awareness of the financial needs of the SVAC can be included in this issue.

Mr. Raizen stated that he is absolutely convinced that SVAC is paid for by the Village. He cannot get the message through.

Mayor Samwick stated that the Village will try to help and informed Mr. Raizen that from where the Board sits, they love everything the ambulance corps is doing.

Mr. Raizen stated that they are working on a 50th anniversary party and will be back to report more.

Robert Berg, 32 Tisdale Road, stated that he just received the SVAC solicitation letter in the mail today and stated that he will be writing a check this evening.

He expressed his concern over the way the Board is handling the Freightway Development Project, particularly by meeting in Executive Sessions on matters that should be aired in public. He cited several instances such as the Ryan revaluation of 2016, over budget and delayed capital projects such as the Popham Road firehouse renovation costing taxpayers over \$4 ½ million, and the Village Attorney fiasco where Ms. Martin keeps her raise despite her demotion from Village Attorney to HR Director. In regard to Freightway, despite the Board's protestations that it is seeking public input on the project, the Board has micromanaged the process entirely in secret to the point where two finalists have already been selected without the public knowing anything about what the Trustees and the two developers have in mind.

Mr. Berg continued, stating that the Board has refused to identify the two losing bidders of the project or the proposals submitted by them. Village residents are entitled to know which bidders were rejected and why. After selecting the two finalists two weeks ago, the Board has still refused to disclose to residents of what the finalists are proposing so that residents can attend the meeting tomorrow evening somewhat prepared to ask intelligent questions. The Board just doesn't want to provide any information to the public to allow residents to prepare for tomorrow night's meeting and the Board wants to allow the developers to present their marketing pitch to the residents unencumbered by any knowledge of the facts in advance.

Mr. Berg noted that there is one development group as a finalist that has one or more Scarsdale residents as principals, Scarsdale residents' architecture firms involved, and former long term Village Manager working as a consultant to the group. Though there is nothing necessarily improper about the makeup of the group, the potential for conflicts of interest between this finalist and this Board and Village staff are enormous.

Mr. Berg stated that it was his understanding that the Board does not want the residents questioning the developers at the meeting tomorrow night about their finances and the economics of their proposals. However, that is the only thing that matters. The only reason to

move forward with the Freightway project is if it lowers everyone's property taxes. If the two finalists cannot provide a strong case to achieve that goal to Scarsdale residents there is no point in going any further. Residents should be able to ask the finalists the right questions and challenge their assumptions.

Mr. Berg further stated that the Mayor informed him that both finalists propose to build a parking structure and between 200-250 apartment units which would be mostly rental apartments. No member of the public has stated that the goal of the Freightway project would involve the construction of the parking facility and a massive apartment complex. How can the Village proceed with these finalists without determining the will of the residents? Does anyone want 250 rental apartments in downtown Scarsdale paying very little in property taxes while overcrowding Fox Meadow Elementary School and the Metro North platforms at rush hour? There should be a community forum to discuss these proposals before picking a preferred developer for a project that will destroy the Village.

Mayor Samwick stated that he addressed a number of Mr. Berg's comments in his opening remarks, a number will be addressed tomorrow and over time. He stated that the things that Mr. Berg is concerned about, the Board is concerned about as well. It is not the Board's goal to ruin this Town in any way shape or form. The Board has an alternative; they can both spend more money and fix the garage which they very well may do, but the Board views it as their fiduciary responsibility to look at the alternative and play it out before making that determination. If along that process it becomes clear that one direction or the other is going to happen, the Board will acknowledge.

Mr. Berg responded, stating that the problem is that the Board has gone down a path to pick a finalist for a proposal that no one in the Village has contemplated as a preferred choice. There are other alternatives, such as building a WestMed type medical center there that would not impact the schools at all and provide substantial tax revenues for the Village, and traffic for the downtown area. The Board is too far down the road in a narrow manner, which is a ridiculous way to proceed.

Mayor Samwick stated that this effort started not only with the 2010 Comprehensive Plan for the Village Center, but really in 2017 with the formation of a Steering Committee to evaluate this, the retention of a planning firm that is expert in this area, and an extensive effort to communicate with the community about what its priorities are. All of this has to happen in the confines of what market realities are. They have to look at something that has an overlap between market realities and what the community is willing to live with. That is why there is a meeting tomorrow.

Mr. Berg stated that the Board gave the developers free range to develop their wish list – residential is on the top of their wish list as it is the best way for them to make money.

Mayor Samwick stated that it is also what the market dictates in order to have a development take place. This process plays out over an extended period of time so every component of this is evolutionary. The Board is engaging the community to hear from them and if the opinion is that there are too many units, the Board will evaluate ways to potentially change that. The Board is looking to do something that works. If it doesn't work, they won't do it. Site level diligence has not yet occurred, which means environmental site assessment. It means what is the buildability of the site, and until someone has the designation of being the preferred developer, they are not willing to spend the money that it will take to do all the diligence that needs to happen. Once the Board designates the developer, the developer has the comfort and they are willing to spend the money and proceed through the process. The Board understands the desire to want the answers to these questions today; however, it is not possible. The Board does not have the information with which to judge these things today. We have preliminary information which is indicative of moving forward.

Mr. Berg stated that the Board could evaluate the impact from the apartment housing on schools and everything else from the information the Board has from the two semifinalists and whether or not it is economically beneficial to taxpayers. The Board could do an analysis at this point and have a good understanding as to whether this would benefit taxpayers or not.

Mayor Samwick responded that so far the indications they have are favorable or else they would have stopped the process. The planners continue to work on that and refine it. Right now there is no preferred developer; once there is one, the Village is in a much better position to have open and frank discussions. When people are negotiating against one another, it is counterproductive for the Village. The Board is not keeping this information at bay for any reason other than it would be detrimental to the Village's position.

Mr. Berg reiterated that he had serious doubts that the Village could ever generate sufficient tax revenue from the apartment housing for homeowners to make this a viable project.

Mayor Samwick stated that for him the question is, what is the net fiscal impact of doing this or not doing this – it is that simple.

Zoe Berg, 32 Tisdale Road, stated that she wanted to address the looming 5G rollout in Scarsdale, although she knows that the Village has not yet been approached by any telecommunications companies regarding small cell transmitter proposals. She stated that she wanted the Board to be cognizant of the risks posed by this technology. She informed the Board that there has been scientific research on the biological impacts associated with exposure to wireless radiation. She cited research that connected carcinogenesis associated with chronic low level exposure to wireless radiation, and that was only 2G, 3G wireless radiation frequencies. Unlike 2G, 3G, and 4G, the 5G frequencies travel much shorter distances. This would require a dense configuration of the small cell transmitters in very close proximity to the public presenting health risks, property value concerns, cyber security concerns, etc. She noted

that Swiss Re has recently in its 2019 Annual Emerging Risk report classified 5G as a high impact liability risk.

Ms. Berg stated that she sent the Mayor and Village Manager a sample municipal code regarding small cell deployment. She encouraged the Village to consider that sooner rather than later; imposing the safeguards prior to a submission would be beneficial to the community.

Mayor Samwick thanked Ms. Berg for all the work she has been doing in this regard.

Robert Harrison, 65 Fox Meadow Road, thanked the Mayor for spending additional time discussing the Freightway issue with Mr. Berg.

Mr. Harrison stated his family has been an annual contributor to the SVAC for many years. He urged people to ‘dig into their pockets’ and help David Raizen and the SVAC to meet their \$250,000 goal.

Mr. Harrison next discussed the proposed Scarsdale Middle School Comfort Station for which there is a resolution before the Board this evening. He stated that he was a little concerned that this project should be paid by the parkland deposit fund which builders contribute to when processing subdivisions. He felt it would be important that someone explain why this fund cannot be used for this project. He was also concerned about the expense of \$32,350 for LAN Associates to provide engineering and architectural design services for this project. He felt this was too much money. He thought that the School Board should kick in some funds, but he also did not want to hold up the project.

Mr. Harrison noted that the Board will be voting on a new Village Attorney this evening for \$95,000 annually, which sounds like a big number to him. When he asked if there was any connection between one of the names of this firm, ‘Fingar’ and a prior Trustee’s name that was ‘Finger’, he was informed that there was not.

Mr. Harrison next asked about the resolution on the agenda this evening entitled “Appropriation of the Life-to-Date Interest Income from the Pro-Rata Revenue Derived from Contributions to the Library Capital Project” and whether the Village is getting interest on the donations.

Mr. Harrison congratulated Jay Allen of Scarsdale, who has signed on to play golf at Penn State on a full scholarship. He noted that there was an article in the Scarsdale Inquirer about Mr. Allen on the front page with a photo of him with his family. He stated that he was in contact with the father today and they are hoping to get together to become part of the Penn State nation.

Mr. Harrison stated that he had the honor of attending the annual United Jewish Appeal Wall Street Division dinner at the Waldorf last night. There was a record crowd in

attendance of 2,000 people. The keynote speaker was a young man from Scarsdale, Andrew Ross Sorkin. He stated that he gave a fabulous speech. He congratulated Mr. Sorkin.

Village Manager Pappalardo responded to Mr. Harrison's comment regarding the fee for the engineering and architectural firm for the Scarsdale Middle School Comfort Station. He stated that this comfort station would be built on School District property. Any structures that are built on School District property have to go through a process which involves the New York State Education Department. The NYS Education Department has prescribed requirements for applications that need to be submitted. So much so that the RFP was sent to 8 firms that were on a pre-qualified list from the NYS Education Department because they understand the process and the State had added them to their list because they are qualified to perform under the procedures that are required for that. The Village received four proposals back, a Village group of staff members interviewed all four and for the reasons identified in the memorandum, LAN Associates was very competitive and was chosen. The Village has had a number of conversations with the School administration because they have varied and wide experience in dealing with the NYS Education Department, most recently with the Greenacres Elementary School. Also, they have their professional that they use and they will help us with the submission and have the people they use also review the submission before the Village submits it. The project will be built with Village staff, so that balance of funding that we have for construction is going to pay for both the labor and the materials.

Mr. Harrison thanked Village Manager Pappalardo for the explanation.

As no further comments were offered, the Mayor closed the Public Comment portion of the meeting.

Trustee Liaison Reports

Trustee Waldman reported that the Aging in Place Initiative of the Scarsdale Edgemont Family Counseling Service presents "Coffee and conversation Holiday party." This will feature talented dance professionals from Fred Astaire's Studios and it will be catered from "Chefs for Seniors". This will take place Monday, December 16, 2019 at 12:30 pm at the Girl Scout House, 37 Wayside Lane. For more information, please contact Mary Ellen Sanger, the Aging in Place Coordinator at 914-723-3281 or by email at msanger@sfcsinc.org.

Trustee Waldman next reported on the Drug and Alcohol Task Force, stating that they will be presenting a social posting panel discussion tomorrow, December 11th, 9:30 am at the Scarsdale High School Little Theater. All community members are invited to attend this valuable discussion. The panelists will be Susan Brownville Vega, Assistant District Attorney of Westchester County; Chief Andrew Matturro of the Scarsdale Police

Department; Detective Jason Bronstein who is the Community Resource Officer of the Scarsdale Police Department; and Dr. James Bregman, an Emergency Room Physician from White Plains Hospital. The panel discussion will be moderated by Emily Valerio, Director of Community Services for Scarsdale Edgemont Family Counseling Services. For more information, email datfscarsdale@gmail.com.

Trustee Veron stated “This past Friday the Village hosted our now annual Light the Dale event in the Village Center. It was widely attended with tremendous holiday spirit. A big thank you to Village staff including Assistant Village Manager Ingrid Richards - she was our point person extraordinaire who ensured that we continued the Village’s lights beautification effort and oversaw the entire event. Brian Gray, our head of PRC, was the master of ceremonies, and he and his staff coordinated the activities. Chief Matturro and the Police Department kept us safe and handed out hot cocoa. Chief Seymour and the Fire Department transported Santa in style. Jeff Coleman, Superintendent of Public Works and all the members of DPW worked behind the scenes to make this event happen. We also want to acknowledge the donation of the menorah from Westchester Reform Temple and appreciate the participation from the Weinberg Nature Center and the Scarsdale Public Library. Library Director Beth Bermel said that the Library staff was thrilled to see so many familiar faces who were eager to reconnect and expressed excitement for our new library.

In keeping with my report on holiday celebrations, on Sunday I joined Arthur Manor Neighborhood Association at their holiday sing and tree lighting event at Davis Park. Neighbors generously donated their time, effort, cookies, cakes and dumplings, and Santa Claus arrived in a 1946 antique fire truck. The best part was that new and old connections were made among Arthur Manor neighbors.”

Trustee Lewis

Upon motion entered by Trustee Lewis, and seconded by Trustee Crandall, the following resolution regarding Authorization to Execute a Revocable License Agreement for the Operation of a Valet Service at the Freightway Garage was approved by the vote indicated below:

WHEREAS, parking in the Village center during peak usage periods, including morning and evening commutes, has the potential to be frustrating for residents, and can unnecessarily add to traffic congestion, thus it is in the Village’s best interest to maximize available parking within our existing constraints, promote the orderly and safe flow of traffic during peak commuter periods, and to provide for the highest

practical level of resident convenience in their parking experience;
and

WHEREAS, in order to support orderly, efficient, and convenient parking at Freightway Garage during peak usage periods, ProPark America (ProPark), 7 Washington Avenue, Hastings-on-Hudson, NY 10706, has operated a valet parking service at the Freightway Open Lot and Level 1A of the Freightway Garage since 2007, pursuant to successive agreements approved by the Village Board; and

WHEREAS, in recognition of the level of service provided by ProPark to Scarsdale commuters and others, their responsiveness to Village requests, and the absence of competitive alternatives, as evidenced through the RFP conducted in advance of the 2015 renewal, as well as recognizing the complexity and uncertainty surrounding the potential redevelopment of the Freightway Site, a factor calling for an established positive working relationship with the valet provider; and

WHEREAS, in order to maintain continuity and quality of service, as well best position the Village for potential Freightway Site redevelopment, staff have negotiated a one-year renewal Agreement with ProPark, inclusive of a 4% increase in the licensing fee and providing for moderate customer rate increases, as described in the attached Agreement; now, therefore, be it

RESOLVED, that the Village Manager is herein authorized to execute a License Agreement with ProPark America, 7 Washington Avenue, Hastings-on-Hudson, NY 10706, in substantially the same form as attached hereto, to operate a valet parking service at the Village-owned Freightway Open Lot and Level 1A of the Freightway Garage in accordance with the terms and conditions of said Agreement, and is further authorized to undertake administrative acts as may be required pursuant to the terms of the Agreement.

AYES

Trustee Arest
Trustee Crandall
Trustee Lewis
Trustee Ross
Trustee Veron
Trustee Waldman
Mayor Samwick

NAYS

None

ABSENT

None

Trustee Ross

Trustee Ross stated that the Board will be voting on a change in the way the Village receives legal services. Up to this point, we have always had a Village Attorney on staff based in Village Hall. This arrangement served the Village well. However, after much deliberation, the Board has a resolution to retain an outside law firm as its primary source of legal counsel. This resolution is the product of serious thought, both as the change from in-house to outside counsel and as to firm chosen to represent the Village. The availability of a team of attorneys with a range of specialties will afford the Village a breadth of expertise that would be difficult to achieve under our current arrangement. Moreover, the retainer agreement that has been negotiated provides for the delivery of services at a very reasonable cost. Prior to the Board settling on a law firm, three firms were interviewed and evaluated by a committee appointed by and including the Mayor, and also including two Village Trustees, both of whom are attorneys, the Village Manager, and a former Village Attorney. The firms' qualifications and proposed staffing of Village work was scrutinized. The entire Village Board then interviewed the two firms recommended by the committee for further consideration. References with respect to those firms were contacted, the proposals they provided were reviewed and the firm McCarthy Fingar, LLP was selected. This firm currently serves as Village Attorney of four other Villages in Westchester County and has served as special counsel in a number of other municipalities. It has been verified that McCarthy Fingar provides excellent service to all those municipalities and Trustee Ross stated that he is confident that they will do the same for Scarsdale.

As a member of the Board and the selection committee, Trustee Ross stated that he was particularly impressed with the emphasis the attorneys at McCarthy Fingar placed on making the appropriate legal expertise and skills available to their municipal clients as and when required. This is a feature he was looking for in a firm seeking to serve as general counsel to the Village. He concluded from their discussions with McCarthy Fingar and the input received from their references that the firm's attorneys are accustomed to the particular demands that a relatively small municipality faces and in turn places on its counsel and the attorneys working together and supporting one another appeared able to deliver the necessary services on a timely and cost effective basis, balancing the demands of their various clients. On balance, he stated that he felt this change would be of substantial benefit to the Village. Upon approval of this resolution, Trustee Ross stated that he looks forward to a productive relationship with the firm and its attorneys.

Upon motion entered by Trustee Ross, and seconded by Trustee Lewis, the following resolution regarding the Appointment of Village Attorney was approved by the vote indicated below:

- WHEREAS,** on October 22, 2019, pursuant to the provisions 4-400 of the Village Law, the Mayor appointed Wayne Esannason Acting Village Attorney, as ratified by the Village Board, for the official year of the Village or until such time as a successor is appointed, while the Village Board endeavored to identify and recruit a qualified law firm to fill the position of Village Attorney; and
- WHEREAS,** the Mayor formed a committee comprised of himself, two Village Board members, the Village Manager, and a former Village Attorney to select and interview law firms for the Village Attorney position; and
- WHEREAS,** the committee interviewed three law firms, having recommended two of the three to the Full Board for their consideration; and
- WHEREAS,** the Village Board met on October 29, 2019, and November 12, 2019, to interview the two firms and review their proposals; and
- WHEREAS,** the Mayor recommends to the Full Board, pursuant to the provisions of 4-400 of the Village Law, that McCarthy Fingar LLP, White Plains, NY, be appointed to serve as the Village Attorney, with said appointment necessitating the execution of an engagement letter; now, therefore, be it
- RESOLVED,** that pursuant to §4-400 of the Village Law and Appendix 318-4A of the Scarsdale Village Code, McCarthy Fingar LLP, White Plains, NY, is herein appointed to the position of Village Attorney for the Village of Scarsdale effective January 01, 2020, for the balance of the official year, or until such time as a successor is appointed; and be it further
- RESOLVED,** that the Village Manager is herein authorized to execute the Engagement Letter, attached hereto, between the Village of Scarsdale and McCarthy Fingar LLP.

AYES

Trustee Arest
 Trustee Crandall
 Trustee Lewis
 Trustee Ross
 Trustee Veron
 Trustee Waldman
 Mayor Samwick

NAYS

None

ABSENT

None

Before voting on the above resolution, Trustee Arest thanked Trustee Ross for leading the search.

Trustee Lewis also complimented Trustee Ross and the committee, as well as his fellow Board members for their very thorough conversations that took place – very detailed and analytical. It was a very thorough review.

Trustee Veron echoed Trustees Lewis and Arest's comments. She thanked Trustee Ross for leading them in this charge.

Trustee Waldman also thanked Trustee Ross.

Mayor Samwick noted that this is a change, and this is something they are looking to do differently. They did think long and hard about it and believe that there are real benefits to having the breadth of expertise and knowledge and experience that the firm brings.

Upon motion entered by Trustee Ross, and seconded by Trustee Crandall, the following resolution regarding Authorization to Execute a Lease Agreement with Verizon, New York, Inc. was approved by the vote indicated below:

- WHEREAS,** the New York Telephone Company (d/b/a "NYNEX") and the Village of Scarsdale entered into a lease agreement in 1995 to lease a portion of Village-owned land (approximately 620 square feet), on the easterly side of the curve connecting Weaver Street and Crossway, identified on the Village Tax Map as Section 22, Block 1, Lot 3, for the location of telecommunications switching cabinets; and
- WHEREAS,** the ten-year term of the original lease expired on June 30, 2005, with the most recent renewal having expired on June 30, 2019; and
- WHEREAS,** Verizon has expressed interest in renewing the lease for a one-year term with an option for one additional year, having indicated uncertainty of their long-term need to continue the lease; and
- WHEREAS,** staff has negotiated the desired one-year lease with an option to renew for one additional year, inclusive of annual rent in the amount of \$31,024.65, representing a 21.67% rent increase from the immediately preceding 2014 agreement of \$25,500.00, as well as an annual escalation on the Agreement anniversary date equal to four percent (4.00%) or the increase in the Consumer Price Index (CPI),

whichever is greater, but in no case shall the annual increase exceed eight percent (8.00%); now, therefore, be it

RESOLVED, that the Village Manager is herein authorized, contingent upon receipt of the appropriate certificate of insurance, to execute a renewal lease agreement with Verizon, New York, Inc., in substantially the same form as attached hereto; and be it further

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

<u>AYES</u>	<u>NAYS</u>	<u>ABSENT</u>
Trustee Arest	None	None
Trustee Crandall		
Trustee Lewis		
Trustee Ross		
Trustee Veron		
Trustee Waldman		
Mayor Samwick		

Trustee Veron

Upon motion entered by Trustee Veron, and seconded by Trustee Crandall, the following resolution regarding Appropriation of the Life-to-Date Interest Income from the Pro-Rata Revenue Derived from Contributions to the Library Capital Project was approved by the vote indicated below:

WHEREAS, the Library Capital Campaign account has derived interest income from various revenue sources, including donations, state grants, transfers from the General Fund, and transfers from the Children’s Room Endowment; and

WHEREAS, donations account for 76.27% of the total revenue deposited in the Library Capital Campaign account; and

WHEREAS, including all revenue sources, the life-to-date interest income in the project account is \$101,745.06, of which \$77,601.13 is allocable to the 76.27% pro-rata share of donations; and

WHEREAS, consistent with Generally Accepted Accounting Principles (GAAP), in order to utilize the pro-rata interest income from the donations for the project, the Board of Trustees must appropriate the interest income to the project; and

WHEREAS, residual interest income from all other aforementioned revenue sources shall be transferred to the General Fund at project completion; now, therefore, be it

RESOLVED, that the Village Board of Trustees hereby appropriates \$77,601.13, representing the life-to-date interest income derived from donations, to the Library Capital Campaign Project.

AYES

Trustee Arest
Trustee Crandall
Trustee Lewis
Trustee Ross
Trustee Veron
Trustee Waldman
Mayor Samwick

NAYS

None

ABSENT

None

Trustee Waldman

Upon motion entered by Trustee Waldman, and seconded by Trustee Veron, the following resolution regarding a Professional Services Agreement to Provide Architectural and Engineering Services and Transfer of Assigned General Fund Balance for the Middle School Comfort Station Project was approved by the vote below:

WHEREAS, the Village of Scarsdale Department of Parks, Recreation and Conservation owns and maintains six tennis courts along the north easterly corner of the Scarsdale Middle School, located at 134 Mamaroneck Road, with interscholastic youth sports activities utilizing the adjacent Scarsdale Union Free School District (SUFSD) athletic fields; and

WHEREAS, sanitation facilities for recreational users of the tennis courts and athletic fields are presently provided by a portable toilet vendor pursuant to an agreement entered into by the Village and SUFSD, though it has been recognized a more appropriate, permanent sanitation facility solution is needed; and

WHEREAS, the Village and SUFSD collaboratively developed the concept of a Middle School Comfort Station to meet not only the sanitation facility needs, but also other recreation-oriented space needs, such as athletic equipment storage, a station for an attendant who verifies permitted tennis users, and a temporary place of refuse during inclement weather; and

WHEREAS, in view of the requirements imposed by the New York State Education Department (NYSED), the approving agency for new or improved facilities proposed on school grounds, experienced engineering and architectural and services are required to design the structure in accordance with the NYSED guidelines; and

WHEREAS, staff distributed request for proposals in September 2019 to eight qualified architectural and engineering firms possessing the requisite school design and construction experience, with four proposals returned by the due date; and

WHEREAS, following a thorough review of the proposals and interviews with the firms, as further detailed in the memo attached hereto, staff recommends award of a professional services agreement in the amount of \$32,350, including \$3,600 for on-site inspection costs, to LAN Associates, Engineering, Planning, Architecture, Surveying LLP, (LAN), 252 Main Street, Goshen, NY 10924, for the Middle School Comfort Station architectural and engineering design services; now therefore be it

RESOLVED, that the Village Manager is herein authorized to enter into a professional service agreement, in substantially the same form as attached hereto, with LAN Associates, Engineering, Planning, Architecture, Surveying LLP, 252 Main Street, Goshen, NY 10924, in the amount of \$32,350, including \$3,600 for on-site inspection costs, for the Middle School Comfort Station Project; and be it further

RESOLVED, that the Village Manager take all necessary administrative acts associated with this agreement; and be it further

RESOLVED, that the sum of \$15,000, currently available in Capital Budget Account H-7197-964 2019-004 - Middle School Comfort Station Project, be utilized to fund these architectural and engineering services; and be it further

RESOLVED, that the Village Board transfer \$135,000 from the audited General Fund Balance Assigned for Transfer to Capital, to the Capital Fund Account H-7197-964 2019-004, providing a total appropriation of \$150,000 for the Middle School Comfort Station Project.

AYES

Trustee Arest
Trustee Crandall
Trustee Lewis
Trustee Ross
Trustee Veron
Trustee Waldman
Mayor Samwick

NAYS

None

ABSENT

None

Trustee Arest stated that he would like to point out to the community that because a license agreement will be required between the School District and the Village, this will come to the Board for a vote to approve such an agreement before construction can begin. This will also be another opportunity for the Board to review the results from the architectural and engineering services.

Written Communications

Village Clerk Conkling reported that fifteen (15) communications have been received since the last regular Board of Trustees meeting. All written communications may be viewed on the Village's website at www.scarsdale.com.

- An email from Zoe Berg regarding Small Cell 5-G Enabled Wireless Transmitters. A response from the Mayor is included.
- An email from Ron Hartman concerning his recent water bill. A response from the Mayor is included.
- An email from Frances Sabadie regarding the Village Attorney position; a response from the Mayor is included.
- An email from Greg Schwend with questions concerning sanitary sewer backup and overflow.
- Eleven emails were received from the following residents concerning the Freightway Development Project; included are responses from the Mayor to all:
 - Claire Yang
 - Jingqing & Shang Jin Wei
 - Mayra Kirkendall Rodriguez (3 emails)

- Robert Berg
- Sarah Bell
- Xin Liu
- Yangzhou Hu & Xinyu He
- Yanrong Kang
- Yiming

* * * * *

There being no further business to come before the Board, the meeting was adjourned at 9:20 P.M on a motion entered by Trustee Crandall, seconded by Trustee Ross and carried unanimously.

Respectfully submitted,

Donna M. Conkling
Village Clerk