

THREE THOUSAND THREE HUNDRED FORTY-FIFTH

REGULAR MEETING

Rutherford Hall
Village Hall
February 25, 2020

A Regular Meeting of the Board of Trustees of the Village of Scarsdale was held in Rutherford Hall in Village Hall on Tuesday, February 25, 2020 in Rutherford Hall at 8:00 p.m.

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

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Trustee Arest entered a motion at 8:03 p.m. to amend the agenda this evening to conduct a Town Board meeting first as there is only one resolution which some of the attendees at this meeting have come to witness, seconded by Trustee Crandall and carried unanimously.

At 8:15 p.m., following the adjournment of the Special Town meeting, the Village Board of Trustees meeting resumed at this time.

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Minutes

The minutes of the Regular Board of Trustees Meeting of Tuesday, February 11, 2020 were approved on a motion entered by Trustee Crandall, seconded by Trustee Veron and carried unanimously.

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Bills & Payroll

Trustee Waldman reported that she had audited the Abstract of Claims dated February 25, 2020 in the amount of \$2,150,421.54 which includes \$81,598.52 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 Waldman and seconded by Trustee Crandall, the following resolution was adopted unanimously:

RESOLVED, that the Abstract of Claims dated February 25, 2020 in the amount of \$2,150,421.54 is hereby approved.

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Mayor's Comments

Mayor Samwick offered the following comments:

“The Board recently received an update that the total amount spent to date over a three-year period on the potential redevelopment of the Freightway parking garage is approximately \$282,000. The three component pieces of that amount are approximately: (i) \$85,000 for the Visioning Study that started in 2017 and was completed in 2018; (ii) \$82,000 for legal costs, which include review and preparation of the Request for Expressions of Interest and the Request for Proposals as well as ongoing legal advice and guidance to the Board; and (iii) \$115,000 to the planning consultant that drafted the RFP, analyzed the responses to the RFEI and RFP, performed a number of analyses requested by the Board, attended numerous meetings and provided ongoing advice and counsel. The significance of this project to the Village warrants the meaningful time spent by the Board, Village staff, resident members of the Steering Committee and consultants, and money, devoted to it to date.

With that said, the Board recognizes its fiduciary responsibilities with respect to taxpayer dollars as well as to the future of our Village Center and, specifically, this critical piece of Village-owned property. The Board will continue to have that concern in mind as it address issues related to this question in the future.

I would like to remind the community that the Board paused the Freightway process based on overall Board and public dissatisfaction with the proposals submitted to date and to provide the public with an additional opportunity to be heard. Only after the Board has evaluated the community's comments will the Board discuss what might come next. To be clear, the Board has no specific plan or timeline with respect to Freightway. As we have stated on many occasions, the net fiscal impact of any development at Freightway must be unambiguously positive for current Village residents and taxpayers, the School District and not harm the quality of the education that our children receive. The Village Board continues to abide by that pledge to the community and we will continue to endeavor to balance future dollars spent on Freightway with the potential to enhance the Village Center in a productive and responsible manner.

Shifting gears, the State of the Village was presented on February 13th. While I do not want to repeat the address, which is available in full on the Village website, I think it is important to convey some of the main themes of the address this evening.

I am pleased to report that the state of the Village is strong.

By at least one prominent external measure, the Village is in excellent financial shape, as Moody's has once again reaffirmed the Village's AAA credit rating.

Reinvesting in our community is a major pillar of Scarsdale's long-term management plan and there are no shortages of projects to discuss. The following projects represent major highlights over the past year: (i) the public library renovation and expansion is continuing and is expected to reopen later in 2020, (ii) 6.5 miles or over 8% of Village roads were paved, (iii) the conversion of over 1,500 streetlights to energy-efficient LED light fixtures has been completed, (iv) the Popham Road Fire Station renovation and modernization is complete and the Fire Department is currently operating at the new fire station, (v) the Board recently adopted the New York State Climate Smart Communities pledge, positioning the Village for further environmental initiatives as well as new NYS grant opportunities, (vi) the Village reached a major milestone of recycling over 1 million pounds of food scraps in December, as well as (vii) continuous investment in our infrastructure for potable water, storm water, and sanitary sewers and much more.

Looking forward, required investments in the Village's water system are expected to cost \$34 million in addition to the over \$10 million invested over just the past four years. The Village will continue to seek grant funding where available to cover water system investments but there will be meaningful costs that must be paid by water system customers, namely our residents.

The Board clearly recognizes the burden placed on residents by recent water rate increases and has paused further rate increases in the FY20-21 budget pending the results of the Master Plan of the Water Distribution System that will commence within the coming months. During this time, the Village plans to engage a water rate consultant to assist us with creating a long-term water rate structure that balances the capital needs with well thought out responsible rate increases to our customers. The Village will provide regular updates on the important work being done on our water system and the Master Plan will be posted online upon its completion.

Other planned Village capital projects include work on the sanitary sewer distribution system, our iconic pool complex, the Heathcote Road Bridge, traffic safety and calming measures, the Hutchinson River Flood Mitigation project and cyber security, among other things.

The Village Board is acutely aware of the issues with retail vacancies in our Village Center. Our Village Center is a crown jewel of Scarsdale and the Village is committed to working collaboratively with property owners, tenants and residents to create a vibrant hub for our community to enjoy. The Scarsdale Business Alliance has quickly become an invaluable partner in improving our Village Center and we continue to seek more opportunities to enhance the Village.

One of the challenges of running the Village is effectively communicating with the community – both inbound and outbound. We encourage residents to: (i) visit the Village website and sign up for the Scarsdale Official and other items on Notify Me, (ii) attend Board meetings or less formal Coffees with the Mayor, and (iii) email your elected officials. We want to hear from you and we are listening.

One of the many great things about Scarsdale is our nonpartisan political system. Over 100 years ago, Scarsdale put in place an early form of its political system to combat the bitter partisan feuding of the day. The nonpartisan system has evolved continuously and has stood the test of time as our Village has become a model that many communities seek to emulate.

Our system encourages a wide diversity of thought and lively debate that is based on mutual respect and active listening. We seek extensive community input and we strive to build consensus. We benefit from having our elected leaders represent the community as a whole without embedded interests and we strive to maintain a high degree of integrity. Our nonpartisan system encourages a wider range of participants that might not otherwise volunteer their time to serve the community. As a direct result of our political system, we have avoided corruption, graft, nepotism, campaign finance debts and unscrupulous business dealings in Scarsdale. Our form of government is not perfect, but it has proved over the decades to be well suited for dealing with matters of shared community concerns and the delivery of municipal services desired by residents.

Scarsdale is a wonderful place to live and raise a family – it has been for a very long time and I have no doubt that it will continue to remain so given the natural beauty of our Village in a Park, pervasive spirit of volunteerism, outstanding school system, high level of municipal services, close proximity to New York City and successful track record of our nonpartisan system.

I am pleased to mention that the next Coffee with the Mayor will be Tuesday, March 3rd at 6-7:30 p.m. at Starbucks in the Village Center. I am very happy that Trustee Crandall will be joining me. All are welcome and encouraged to join us to share their views on Village matters.

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Manager's Comments

Village Manager Stephen Pappalardo stated that he would like to give the following brief statement this evening on local efforts with regard to the CoronaVirus.

“As we’ve all been following the daily reports on the CoVID-19 infectious disease, better known as the Corona Virus, I thought I would update the Board and community on the current situation within the Village of Scarsdale. Like all other local governments in Westchester, the Village does not employ a health department, as we all utilize the Westchester County Health Department for health related issues within our jurisdictions. The County Health Department is further informed and guided by the New York State Health Department and in the case of CoronaVirus, the Center for Disease Control as well. The County Health Department has held press conferences on the Coronavirus, and provided frequent updates on the County’s website as the health related issues and actions unfold. They have also provided guidance to local government First Responders on the safe and proper handling of service calls. The Scarsdale School District has also been guided in this regard with specific instructions provided by the NYS Health Department which are currently in effect. A copy of the District’s current protocol is included on the front page of

its website with the NYSDOH detailed guidance document included. Please know that Scarsdale's Chief of Police meets frequently with the District's Head of Security and the District's Director of Special Education and Student Services and matters such as this and will continue to do so as this CoronaVirus situation develops.

“Currently there are no known cases of the CoronaVirus in New York State and to both the County and NYS Health Departments report that the risk to residents and students is very low. The New York/New Jersey area airports have taken precautions with travelers returning from certain countries with known CoronaVirus cases, to complete questionnaires about their travels, symptoms and contact information upon arrival. Protocols are in place for travelers deemed at risk from self-home isolation to video monitoring of individuals placed on home isolation for the 14 day incubation period. There have been no CoronaVirus cases in Westchester, but should a traveler be recognized as high risk for the Virus, they would be subject to an involuntary home quarantine and Westchester County's Emergency Response Agency, referred to as 60 Control, and would be notified. 60 Control in turn would notify the local Police Department of the presence of this case within their municipality.

Please know that Scarsdale's local emergency response departments, specifically the Police and Fire Departments and the Scarsdale Volunteer Ambulance Corps (SVAC), met three weeks ago, and in conjunction with the County Health Department's specific product guidance, equipped their departmental personnel with protective gear, including gloves, eye protection, masks, and a certified disposable respirator. Additionally, based on NYS and County Health Department best management practices, the Police Department's Patrol Lieutenant issued a Patrol Bulletin on February 5th on handling Suspected CoronaVirus Dispatch and Response calls. Calls for patient conditions involving fever, respiratory issues, cough, shortness of breath, flu like symptoms or general malaise, now require the dispatcher to ask if the individual had recently traveled abroad to one of the high risk areas. If answered in the affirmative, SVAC and Police Department will be dispatched with SVAC personnel responsible for handling the patients. SVAC will also notify the receiving hospital of a potential infected patient in route. In addition, if there were other parties present and in contact with the patient, the Police Department will immediately contact the County Health Department to report. I would also mention that Scarsdale Police Chief Matturro hosted a meeting today with more than a dozen local Police Chiefs to discuss, amongst other items, the Coronavirus and this response protocol is consistent throughout the County.

Additionally, the Village's Police Department maintains our so-called “Best Aid” Intermunicipal agreement with Eastchester, Bronxville and Tuckahoe to activate a Joint Coverage Action Plan if warranted amongst these jurisdictions.

Please note that as of today there are 53 confirmed cases of the Coronavirus in the United States, with none in NYS. That being the case, Coronavirus is a real threat, evolving on a daily basis, and should be taken very seriously. However, as stated by the County Health Commissioner, through maintaining proper awareness, staying informed and taking proactive measures, like washing your hands frequently and vigorously for 20 seconds each time, you can significantly help to prevent yourself from infection. Thank you.”

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Public Comments

At this time, Mayor Samwick opened public comment; he reminded everyone that there is a five minute limit; a chime will sound after four minutes. There will be a second public comment period at the end of the meeting as well.

Robert Berg, 32 Tisdale Road, stated that he is a non-partisan candidate for Village Trustee of the Voters Choice Party in the upcoming Village Election to be held on March 18th.

Mr. Berg stated that at the last Village Board meeting held on February 11th, he noted that he asked the Board for the number of comments the Village has received and where and when the comments would be made available to the public. He did not get an answer at that time and now, two weeks later would like to have an answer.

Both Mayor Samwick and Village Manager Pappalardo did not have the information available as to the number of comments received. However, Mayor Samwick stated that as he mentioned two weeks ago, the process by which the comments are being evaluated which is by having staff take a look at all of them. The comments would not just be aggregated and put into one place, but sorted through and analyzed as to specific issues. This is a more complex analysis that takes longer to do. Mayor Samwick stressed that this Board has not made any decisions on the Freightway issue.

Mr. Berg stated that no one is asking for the comments to be separated into categories, they just want to review all of the comments.

Mayor Samwick stated that the comments will be made available to the public; however there is not a set time for their release as they are being evaluated now. The comments are not being withheld; the Board has not seen them either.

Mr. Berg next stated that at the last meeting he had asked how much had been spent to date on lawyers and consultants in respect to the Freightway project. He submitted a FOIL request and the Village Manager responded to same. He stated that the total encumbered amount is \$317,619.55. In August 2017, Desmond, a consultant hired by the Village conducted a condition survey of Freightway, determining that Freightway needs approximately \$2.3 million in repairs. The amount paid for that study was not included in the amount provided by the Village Manager.

Village Manager Pappalardo stated that this expense was considered part of the Capital Budget and could or could not be considered part of the Freightway project. However, he stated that he believed that cost was less than \$10,000. He stated that he would get that information for Mr. Berg.

Mr. Berg then asked if the Freightway condition survey had been updated; Village Manager Pappalardo stated that he would have to ask the Village Engineer – as far as he knows, this has not yet been done.

Mr. Berg noted that AKRF initially was only to charge \$50,000 for its work in regard to reviewing the design of the Freightway project; now the fee to date is \$117,503. Additionally the Village has paid a land surveyor \$15,835 to conduct a survey of the Freightway property. Finally, he stated that the Village has encumbered to pay the law firm of McCullough Goldberger and Staudt \$100,000 to date.

Mr. Berg stated that the Board has spent nearly \$325,000 and there is no specific plan or time line.

Mayor Samwick stated that the amount spent that Mr. Berg mentioned are amounts spent and encumbered. Encumbered may or may not be spent. The number that has been spent is less than \$300,000. He further stated that the significance of this project to this Village warrants meaningful time spent by the Board, staff, members of the Steering Committee and consultants to date. This is a critical Village asset.

Mayra Kirkendall-Rodriguez, Fox Meadow Road, stated that she is the campaign chair of the Voters Choice Party 2020 Trustee candidates Bob Berg, Sean Cohen, and Robert Selvaggio. She invited the Mayor, Board of Trustees and all Scarsdale residents to come to meet the Voters Choice party candidates this Sunday, March 1st at Bob Berg's home. RSVP voterschoiceparty@gmail.com. She also invited everyone to their Town Hall Freightway Redevelopment and Scarsdale Sustainability on March 12th at 7:30 pm at Scarsdale Village Hall. The candidates have accepted the invitation of the League of Women Voters to participate in the candidate forum on March 5th at 7:30 pm also at Village Hall.

Ms. Kirkendall-Rodriguez stated that she feels very lucky to live in the United States and here in Scarsdale where they have the freedom of speech to discuss important municipal issues and to have the legal right to create political parties and give voters a choice. Here in Scarsdale is the Scarsdale Citizens Non Partisan Party of which the Mayor and all of the Trustees are members. They are selected by the Citizens Nominating Committee – those members run for office. The CNC has their own process where they are not allowed to ask any questions of the potential candidates. The Voters Choice Party, of which she is currently the Campaign Chair believes that candidates should be vetted by the people directly. There are a number of events and private meetings so the residents can vet the candidates. She stated that the slate of candidates on the Voters Choice Party ballot are longtime residents of Scarsdale and are dedicated to keeping the small town character of Scarsdale, clean and safe streets and parks and affordability for all residents.

Ms. Kirkendall-Rodriguez listed her volunteer activities in numerous Scarsdale Organizations which she noted has allowed her to meet a diversity of residents from all over the world. She stated that the Voters Choice Party candidates stated that municipal challenges must be faced with a political process that is quality of life and data driven, more welcoming and inclusive of all residents. She stated that Village Hall lacks a long term financial plan nor has the Village created a downtown revitalization or Freightway redevelopment plan that should be presented to all residents for input. Change is needed at Village Hall. Their platform is that they believe in insuring that the Village does not commit to Freightway redevelopment or other municipal projects without undertaking thorough due diligence. They also believe in affecting a political process that is transparent, responsive to residents' needs, accountable to taxpayers and offer a more congenial and open process for residents. In addition, they believe in keeping an

eye Scarsdale's fiscal sustainability and maintaining tax levels no higher than they are today. She added other items on the Voters Choice Party's platform to improve the quality of life in Scarsdale.

Ms. Kirkendall Rodriguez wished everyone a peaceful Lenten season beginning tomorrow on Ash Wednesday.

Robert Harrison, 65 Fox Meadow Road, speaking as the Chair of the Scarsdale Taxpayer Alert, complimented Mayor Samwick on his State of the Village presentation before the Scarsdale Forum. He stated that it was a terrific speech and wished that it could have been videotaped.

Mayor Samwick stated that the text of his State of the Village presentation is available on the Village's website, www.scarsdale.com.

Mr. Harrison stated that the Board is doing a good job on the Village budget. He noted that the School budget is currently at a 3.15% increase which in his opinion should be decreased. He further stated that he was glad that Village Manager Pappalardo discussed the serious situation surrounding the CoronaVirus.

As there were no further comments, Mr. Samwick closed the public comment session at this time.

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Trustee Liaison Reports

Trustee Crandall stated that she was looking forward to joining Mayor Samwick at "Coffee with the Mayor" to be held at Starbucks on Tuesday, March 3rd at 6:00p.m.

Trustee Crandall continued, stating that "starting This Monday, March 1, 2020, a new bag waste reduction law will take effect in all of New York State. This new law bans stores from giving out plastic carryout bags. There are a few exemptions for items like produce and some pharmaceuticals. Our local merchants are prepared. They are not charging any fee for paper. Westchester County, however, may impose a 5 cent fee on paper bags at some point in the future. We will let you know when that happens.

As a consumer, you can help the environment by Bringing Your Own Bag when you shop. Every time you use a reusable bag, or simply say "no" to a paper bag, you are doing your part to prevent litter and waste. As always, the goal is zero waste. Every effort counts. For more information see <https://www.dec.ny.gov/chemical/50034.html>

On another note, the Friends of the Scarsdale Parks have been working with Brian Gray, the Village Superintendent of Parks, Recreation and Conservation on planning the 6th annual Community Planting Day for Saturday, May 2nd. The focus is on restoring the trees removed for a storm water engineering project along the South Fox Meadow Brook in Harwood Park. Stay tuned for more details."

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Trustee Arest

Trustee Arest reported on the statements of expense and revenue for the various funds of the Village for the first eight months of fiscal year 201-2020.

General fund appropriations were 64.16% spent as of January, 2020 as compared to 65.58% in 2018-2019.

General Fund Revenues other than property taxes are \$11,360,937 through January 2020 compared with \$11,292,585 in the first eight months of last year. This represents an increase of \$68,078 from 2018-2019. Overall revenue from Special Assessments and Delinquent Tax collections increased \$53,978. Gross receipts taxes are down \$27,500. Sales tax receipts increased \$138,600 reflecting the increase in the County Sales Tax rate that took effect in August. Building Permit revenue (included in License and Permit category) increased \$81,100 from last year related to a large receipt. Again, overall, (inclusive of building permits), License and Permit revenue is up \$104,500. The largest impacts in the Insurance Recovery and Equipment sales of \$200,500 are in the reimbursement for special details which is up \$64,200 from last year and the receipt of over \$94,100 from Con Edison for paving reimbursement. Parking revenue is flat. Investment earnings declined \$65,400 reflecting lower rates and longer maturities. While Recreation revenue improved \$29,900, Departmental Revenue declined \$90,700 since 2018-2019 was impacted by a late snow reimbursement and there were significant purchases of food recycling materials and disposal fees. Mortgage Tax dropped \$279,700, Court fines are down \$105,700 and State aid is down \$134,200 as New York State has changed the timing of the AIM aid to the end of the fiscal years (Town and Village). The decline in property rentals reflects a timing difference in the receipts and the expiration of some leases.

The actual collection of Village taxes through January, 2020 is at 99.46%. This is down 13 basis points from last year's collection rate.

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Trustee Arest introduced the following resolution, stating "the Village, Board and Staff, is always looking at Fees and Charges to ensure that they are reasonable for those that are directly impacted, adequate to offset the costs associated with providing a various service, and of course fair to the community. These fees and charges provide the Village with important non-property tax revenues.

As part of the significant time spent drafting, reviewing and modifying the 2020-2021 budget, certain line items in the Village-Wide Fees and Charges Schedule were either created or modified. New fees were added within the Village Clerk, DPW and Land Use Board categories and recognize areas where compensation for services rendered to specific applicants had not previously been recouped or in terms of legal fees for specific applications, adapts our system to our new contractual agreement with our Village Attorney.

For fees that were modified, either under the Village Clerk or Parking, these fees either had not been increased for some time and were updated or were determined to be unbalanced and in need of calibration. One late fee was modified to be more fair, understandable and encourage compliance.”

Upon motion entered by Trustee Arest, and seconded by Trustee Veron, the following resolution as amended regarding Establishing Fiscal Year 2020-21 Village-Wide Fees and Charges was adopted by the voted indicated below:

WHEREAS, Local Law # 4 of 1976 states that all fees and charges be established at least once a year by resolution of the Village Board of Trustees; and

WHEREAS, on an annual basis, the Village reviews its schedule of Village-Wide Fees and Charges relative to current operating costs, chronology of previous increases, and the completion of comparative municipal surveys in conjunction with review and discussion with the Board of Trustees as part of the annual budget review process; and

WHEREAS, for Fiscal Year 2020-21, fee modifications are provided for:

Village Clerk:

- Facility Rental Fee
- Dog License Fees
 - Spayed/Neutered
 - Unspayed/Unneutered (4 months +)
 - Late Permit Renewal Fee

Department of Public Works & Village Engineer:

- Hourly Inspection Fee – Construction, Engineering

Planning Board, BOA, BAR & CHP:

- Planning & Zoning Bd. Legal Review Fee

Parking:

- Parking Permits
 - Freightway Resident Annual Permit
 - Freightway Resident Semi-Annual Permit
 - Freightway Non-Resident Annual Permit
 - Freightway Non-Resident Semi-Annual Permit
 - Scarsdale Merchant Annual Permit
 - Scarsdale Merchant Semi-Annual Permit; and

WHEREAS, the Village Board reviewed and discussed the proposed FY 2020-21 Village-Wide Fees & Charges Schedule at their budget meetings on January 29 and February 10, 2020, recommending at the February 10, 2020 meeting, that the Full Board approve the revised Schedule attached hereto dated February 11, 2020; now, therefore, be it

RESOLVED, that the FY 2020-21 Village-Wide Fees & Charges Schedule dated February 11, 2020, attached hereto and made a part hereof, is herein adopted, effective June 01, 2020, with the exception of the Planning & Zoning Bd. Legal Review Fee, which shall take effect beginning March 01, 2020 for the March 2020 Planning Board meeting; and be it further

RESOLVED, that the Village Clerk is hereby directed to publish notice of the changes to the Village-Wide Fees and Charges Schedule.

AYES

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

NAYS

None

ABSENT

Trustee Lewis

Trustee Crandall

Upon motion entered by Trustee Crandall, and seconded by Trustee Ross, the following resolution regarding Authorization to Approve Rental of Leaf Transfer Parking Lot at Crossway Field was approved by the vote indicated below:

WHEREAS, in order to provide parking for law enforcement personnel working the 2020 US Open Golf Tournament at Winged Foot Golf Club, Mamaroneck, NY, the United States Golf Association (USGA) approached the Village regarding the rental of the leaf transfer parking lot at Crossway Field from Monday, June 15, 2020, through Sunday, June 21, 2020; and

WHEREAS, during the summer months, the 80 space leaf transfer parking lot is infrequently used as overflow parking for Scarsdale Pool Complex patrons on rare occasions when the onsite Pool Lot is full; and

WHEREAS, the Recreation Superintendent is confident that the Village can adequately handle parking for Pool patrons and other Parks, Recreation and Conservation operations, while accommodating the USGA's parking request and assisting the contiguous Town of Mamaroneck, who is hosting this major golf tournament; and

WHEREAS, the USGA and the Village of Scarsdale have negotiated a proposed License Agreement for the exclusive use of the 80 parking spaces, for a licensing fee of \$3,000, which is consistent with parking rates for this event as provided to the County of Westchester County; now, therefore, be it

RESOLVED, that the Village Manager is hereby authorized to enter into a license agreement with the USGA, in substantially the same form as attached hereto, for the use of 80 parking spaces within the leaf transfer parking lot at Crossway Field from Monday, June 15, 2020, through Sunday, June 21, 2020, for the daily parking by law enforcement officials who will be shuttled once a day to and from the Winged Foot Golf Club; and be it further

RESOLVED, that the USGA shall pay the Village an advanced fee of \$3,000 for the use of said leaf transfer lot in accordance with all other provisions identified in the license agreement.

AYES

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

NAYS

None

ABSENT

Trustee Lewis

Trustee Ross

Trustee Ross stated that before presenting this resolution, he pointed out that the agreement originally attached to the resolution included a few erroneous references to the School District, which has now been corrected to refer to the Village.

Upon motion entered by Trustee Ross, and seconded by Trustee Crandall, the following resolution regarding Authorization to Execute an Intermunicipal Agreement with Westchester County for the Use of Voting Machines was approved by the vote indicated below:

WHEREAS, the Village of Scarsdale (“Village”) will conduct the Annual Village Election on Wednesday, March 18, 2020, necessitating the use of the Westchester County Board of Elections’ voting equipment in connection with said election; and

WHEREAS, the Westchester County Board of Elections (“County”) has prepared a formal Agreement with respect to the use of said equipment, a copy of which is attached hereto and made a part hereof; and

WHEREAS, pursuant to the terms of the Agreement, the County will provide the use of six Optical Scan Voting Machines, one Ballot Marking Device, and three Privacy Booths, as well as the technicians necessary to operate the voting systems; and

WHEREAS, the Village will be responsible for costs associated with transporting the equipment, ballot printing, provision of election inspection personnel, and obtaining appropriate insurance, as detailed in the Agreement; and

WHEREAS, the Village Attorney has reviewed the attached Agreement and approved as to form; now, therefore, be it

RESOLVED, that the Village Board of Trustees herein authorizes the Village Manager to execute the attached Intermunicipal Agreement with the County of Westchester, in substantially the same form as attached hereto, for the use of voting equipment in connection with the March 18, 2020 Village Election, as detailed in the Agreement.

AYES

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

NAYS

None

ABSENT

Trustee Lewis

Upon motion entered by Trustee Ross, and seconded by Trustee Veron, the following resolution Requesting Amendments to New York State Criminal Justice Reforms was approved by the vote indicated below:

WHEREAS, in 2019 the New York State legislature adopted certain amendments to New York’s criminal justice statutes, and while it was widely recognized that some reform was warranted, several of the adopted changes in the laws, specifically as they pertain to discovery, are overly broad and vague, resulting in unintended consequences at the municipal government level; and

WHEREAS, the shortened time period in which prosecutors must disclose evidence to defendants and the broad expansion of the matters to which such discovery mandates apply are likely to result in significant budgetary, property tax, and justice implications for municipalities, including the Village of Scarsdale, relative to police department and local justice court operations; and

- WHEREAS,** the discovery reforms mandate prosecutors disclose all evidence to the defense within 15 days of arraignment for criminal charges, even if the defendant is not in custody; and
- WHEREAS,** enlarging the scope of material that a prosecutor must review and deliver within 15 days of arraignment may overwhelm the ability of Village Police and Justice Court personnel to prosecute cases while managing misdemeanor and felony caseloads, including the prosecution of vehicle and traffic and local code violations in compliance with the new discovery mandates; and
- WHEREAS,** arraignment must now take place within 20 days of desk appearance ticket issuance, which could result in the Village Justice Court convening more frequently; and
- WHEREAS,** any savings associated with these reforms will accrue to Westchester County relative to the reduction of defendants in the County jail; and
- WHEREAS,** the Village is already challenged with operating within the now-permanent 2% tax cap, managing numerous unfunded mandates and the fact that we have not received an increase in general purpose state aid (AIM funding) in 11 years; now, therefore, be it
- RESOLVED,** that the Village of Scarsdale supports the following set of amendments proposed by the New York State Conference of Mayors, consistent with the intent of the criminal justice reforms while allowing for more effective and affordable implementation:
1. Ensure that cities and villages are provided with additional financial and operational support to offset the cost of these mandated measures;
 2. Allow 60 days for prosecutors to disclose evidence to the defense for criminal charges;
 3. Exclude from the accelerated discovery requirements any charge not involving a misdemeanor or felony;
 4. Adjust the 20-day arraignment requirement to accommodate local courts that meet on a monthly basis; and
 5. Allow prosecutors to withhold sensitive information, such as victim contact information, without having to obtain a court order; and be it further
- RESOLVED,** that this duly adopted resolution of the Village of Scarsdale be forwarded to Governor Andrew Cuomo, Senate Majority Leader and

Scarsdale’s Senate Representative Andrea Stewart-Cousins, Assembly Speaker Carl Heastie, and Scarsdale’s Assemblywoman Amy Paulin.

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

Upon motion entered by Trustee Veron, and seconded by Trustee Crandall, 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 Master Plan, dated June 10, 2013, supported by the Scarsdale Village Board of Trustees via resolution dated April 8, 2014, identified a number of building renovations and additions that would 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 constituting a welcoming and versatile learning center; and

WHEREAS, the Library Addition and Renovation Project is anticipated to cost \$21,740,217, inclusive of furniture and shelving, with over \$8,000,000 in project funding already raised through the Library Capital Campaign, courtesy of the philanthropy exhibited by Scarsdale residents; and

WHEREAS, the following donation has been offered to the Scarsdale Public Library Addition and Renovation Capital Improvement Project: Friends of the Scarsdale Library - \$76,670.91; \$500.00 from the Carol K. Pforzheimer and Carl A. Pforzheimer Fund; and, \$500.00 from the Gellin Zalaznick Foundation, Inc.; and

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

RESOLVED, that the Village Board hereby accepts the following gifts toward the Scarsdale Public Library Addition and Renovation Project:

\$76,670.91 the Friends of the Scarsdale Library; \$500.00 from the Carol K. Pforzheimer and Carl A. Pforzheimer Fund; \$500.00 from the Gellin Zalaznick Foundation, Inc.; and be it further

RESOLVED, that the Village Treasurer take the necessary steps to complete the transaction and accept the financial gift totaling \$77,670.91 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, the Carol K. Pforzheimer and Carl A. Pforzheimer Fund, and the Gellin Zalaznick Foundation, Inc., for their generosity and commitment to the Scarsdale Public Library and the community it serves.

Before reading the resolution, Trustee Veron noted that just as last year, with the first Annual Scarsdale Music Festival, the Scarsdale Art Association outdoor art show is held simultaneously, providing an enhanced experience for those attending.

Upon motion entered by Trustee Veron, and seconded by Trustee Crandall, the following resolution regarding the Scarsdale Art Association Annual Outdoor Art Show in Chase Park was approved by the vote indicated below:

WHEREAS, the Scarsdale Art Association has held an Annual Outdoor Art Show in Chase Park for over 19 years, which has been well received by the community; and

WHEREAS, the event organizers recently filed a permit application to hold the 2020 Outdoor Art Show in Chase Park on Saturday, September 12, 2020, and Sunday, September 13, 2020; and

WHEREAS, upon completion of the event, the participants will restore all public areas utilized to the same condition as they existed before the Outdoor Art Show; now, therefore, be it

RESOLVED, that, pursuant to Chapter 240 of the Scarsdale Village Code, the Village Manager is hereby authorized to issue a special event permit to the Scarsdale Art Association to utilize the Village-owned Chase Park for the purpose of holding the Outdoor Art Show on Saturday, September 12, 2020, and Sunday, September 13, 2020.

AYES

Trustee Arest
Trustee Crandall
Trustee Ross
Trustee Veron

NAYS

None

ABSENT

Trustee Lewis

Trustee Waldman
Mayor Samwick

Trustee Waldman

Upon motion entered by Trustee Waldman, and seconded by Trustee Arest, the following resolution regarding Authorization to Conduct the 50th Annual 15K/4M Road Races was approved by the vote indicated below:

WHEREAS, for the past 50 years, the Village of Scarsdale Parks, Recreation and Conservation Department has partnered with the Scarsdale Antiques Running Club to sponsor an annual 15K, 4-mile, and Kids Fun Run road races on the same day in the Fox Meadow and Greenacres neighborhoods; and

WHEREAS, this year’s race is proposed for Sunday, March 29, 2020, from approximately 9:00 AM to 12:30 PM, as per the attached special event application and accompanying course map; and

WHEREAS, the Scarsdale Police Department and Village Manager recommend Village Board approval of the application, inclusive of necessary staff support activities, such as implementing traffic control activities and measures, event management, and public notification of race day detours; now, therefore, be it

RESOLVED, that the Board of Trustees of the Village of Scarsdale herein approves the Parks, Recreation, and Conservation Department application to conduct the 50th annual 15K, 4-mile, and Kids Fun Run road races on Sunday, March 29, 2020, in the Fox Meadow and Greenacres neighborhoods in accordance with the course map attached hereto and inclusive of necessary staff support functions, public outreach and event management.

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

NAYS
None

ABSENT
Trustee Lewis

Written Communications

Village Clerk Conkling reported that five (5) 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:

- Two (2) emails from John Gliedman regarding traffic safety at intersections, as well as questions relating to the frequency of meetings of the Traffic Safety Committee. Mayor Samwick's responses are included.
- An email from Polly Klein requesting sanitation box pick up once per week. Mayor Samwick's response is included.
- An email from Michael Levine with his additional comments regarding the proposed Freightway project.
- An email from Mayra Kirkendall Rodriguez regarding the proposed Freightway redevelopment, including an updated petition in opposition to the project. A response from Mayor Samwick is included.

Public Comments

Mayor Samwick opened the second public comment session, noting that the same guidelines apply for time limits for speakers as the initial public comment period.

Mayra Kirkendall-Rodriguez, Fox Meadow Road, stated that there is no official non-partisan system in Village government in Scarsdale or anywhere in the United States. She was concerned that residents would become confused by any comments referring to the non-partisan party as a system. She stated that the system refers to a single political party, the Scarsdale Citizens Non Partisan Party, which has ruled Scarsdale government for the last 109 years. She stated that this is not an official system. Citizens are permitted to create political parties. She noted that she volunteered in the Scarsdale Procedure Committee in order to give a few recommendations on how to improve the Citizens Nominating Committee, which selects the candidates for Trustees and Mayors behind closed doors. The Procedure Committee did not agree with her recommendations.

Ms. Kirkendall-Rodriguez stated that the Voters Choice Party is also non-partisan. She urged everyone to vote on March 18th at the Scarsdale Congregational Church from 6:00 a.m. through 9:00 p.m. She again wished everyone a peaceful Lenten season.

Robert Harrison, 65 Fox Meadow Road, again speaking as the Chair of the Scarsdale Taxpayer Alert, offered his congratulations to the new Assessor appointed earlier this evening. In regard to the expenses concerning the Freightway redevelopment project that Mr. Berg commented this evening, he stated that he has always been concerned about what the Village spends on consultants. He urged the Board to keep these expenses down.

Mr. Harrison next commented on the resolution concerning the parking for the law enforcement officials working at the USGA tournament at the Winged Foot Golf Club, stating that the Village could have requested a larger payment to permit the use of the Leaf Transfer Parking lot.

Mr. Harrison again stated that it would have good to have the Mayor’s State of the Village speech on the Village’s cable channel and questioned why this media is not being utilized. Mayor Samwick informed Mr. Harrison that there has been a staffing change in the Cable office. Once a permanent replacement has been hired for that office, normal operations will resume.

Mr. Harrison ended by stating that Penn State will be holding their famous dance marathon this weekend – students will dance for 48 hours without sitting down to raise money to fight pediatric cancer at the Hershey Medical Center in Hershey, Pennsylvania. There are currently 25 Scarsdale students at Penn State. He stated that they raised \$11.6 million this year.

There being no further comments, Mayor Samwick closed the second public comment session at this time.

Future Meeting Schedule

- *Monday, March 9, 2020* – 6:15 PM – Joint Village/School Board Meeting - Scarsdale High School, 2 Brewster Road, Rm. 170-72
- *Monday, March 9, 2020* – Village Board Work Session re: Personnel/Boards & Councils – Trustees Room
- *Tuesday, March 10, 2020* – 6:00 PM – Village Board Work Session (Land Use: Bulk Review Committee) – Trustees’ Room
- *Tuesday, March 10, 2020* – 7:30 PM – Agenda Committee Meeting – Trustees’ Room
- *Tuesday, March 10, 2020* – 8:00 PM – Village Board Meeting – Rutherford Hall

FY 2020/21 Budget Discussions

Briefing Sessions – 3rd Floor Meeting Room

- Thursday, February 27, 2020 – 7:00 PM – Operating Budget
- Wednesday, March 4, 2020 – 7:00 PM – Capital Budget

There being no further business to come before the Board, the meeting was adjourned at 9:24 PM on a motion entered by Trustee Ross, seconded by Trustee Veron and carried unanimously.

Respectfully submitted,

Donna M. Conkling
Village Clerk