

THREE THOUSAND THREE HUNDRED TWENTY-SIXTH
REGULAR AGENDA MEETING

Rutherford Hall
Village Hall
May 14, 2019

A Regular Meeting of the Board of Trustees of the Village of Scarsdale was held in Rutherford Hall in Village Hall on Tuesday, May 14, 2019 at 8:00 P.M.

Present were Mayor Samwick, Trustees Arest, Crandall, Lewis, Ross, Veron, and Waldman. Also present were Village Manager Pappalardo, Deputy Village Manager Cole, Village Attorney Sapienza-Martin, Assistant Village Manager Richards, Village Treasurer McClure, Village Clerk Conkling, Deputy Village Attorney Garrison, and Assistant to the Village Manager Ringel.

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The minutes of the Board of Trustees Regular Meeting of Tuesday, April 23, 2019 were approved on a motion entered by Trustee Ross, seconded by Trustee Crandall and carried unanimously.

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Bills & Payroll

Trustee Lewis noted that he was impressed with the level of detail that is provided with the bills and payroll; a large and significant amount of documentation that facilitates this review.

Trustee Lewis reported that he had audited the Abstract of Claims dated May 14, 2019 in the amount of \$945,432.05 which includes \$6,601.80 in Library Claims previously audited by a Trustee of the Library Board which were found to be in order and he moved that such payment be ratified.

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

RESOLVED, that the Abstract of Claims dated May 14, 2019 in the amount of \$945,432.05 is hereby approved.

Trustee Lewis then reported that he had examined the payment of bills made in advance of a Board of Trustees audit totaling \$851,586.10 which were found to be in order and he moved that such payments be ratified.

Upon motion duly made by Trustee Lewis 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 \$851,586.10 is hereby ratified.

Mayor's Comments

Mayor Samwick stated "There are four items I would like to discuss this evening:

I would like to start by thanking two important Village volunteer organizations for their long-standing valuable contributions to our community. The League of Women Voters of Scarsdale and the Scarsdale Forum have been serving our community for over 90 years and about 115 years, respectively. Thank you to all of your dedicated volunteers and the hard work you invest year-in and year-out for the betterment of our community.

First, the League recently commented, in its annual budget review, about Trustees' Conflicts of Interests. It first commended the Board for its "practice of discretionary recusal in the face of potential, real, or perceived conflicts of interest stemming from activities of Board members' spouses and immediate family members who engage in local advocacy and have volunteer roles in local organizations, boards, and councils." The League then encouraged, "Trustees to consider whether their own current activities present a potential, real, or perceived conflict that should trigger recusal from particular issues that come before the Board." We agree with the League's statement and this Board will continue to exercise diligence in the recusal of Trustees and the Mayor in the event of family or personal volunteer activities that present potential, real, or perceived conflicts with items that come before the Board. A relevant and timely example is the recusal of Trustee Crandall and myself from the Scarsdale Historical Society's economic hardship appeal that is currently before this Board. As members of the Historical Society, the applicant in this case, Trustee Crandall and I recused ourselves from this matter. We expect that similar matters will be handled in a similar fashion going forward.

Second, I would like to discuss a specific item addressed by the Forum's annual budget report – an item that is on this evening's agenda – Salary Increases for Non-Union Employees. The Board is expected to vote this evening on a resolution that proposes a 2% increase in salaries for employees that are not represented by a union. The Board performed specific diligence that is consistent with the recommendation of the Forum, namely, "salary

increases that are comparable to non-union salary increases approved in comparable communities and that are necessary to retain these employees.” The Board met in executive session to review increases in salaries of non-union employees. We discussed, among other things, increases in non-union salaries in comparable communities and that data is attached to the resolution addressing this matter this evening. There are 16 comparable communities that are reflected in the survey and all but one community has approved salary increases for non-union employees within the range of 2-3%. One community has a slightly lower percentage adjustment, at 1.5%, but also includes other potential adjustments that make a direct comparison difficult. The other point I would like to highlight is that the Forum correctly notes that this salary increase is important for employee retention – an important objective of the salary increase policy.

The Forum also noted the exclusion of the non-union salary increases “from the otherwise open and transparent” budget process. I have spoken with the Village Manager about enacting the Forum’s recommendation that non-union salary increases be included in the standard budget process and am pleased to report that, going forward, non-union salary increases will be included in the budget process.

Third, the Popham Road Fire House, also known as Fire Station #1. It is expected to reopen within the month after an extensive \$4.7 million renovation that retrofitted the fire station to house today’s larger fire apparatus, shored up structural deficiencies and generally brought the fire station to modern physical standards. The bad news, and it is not good news, is that the cost of the project was about \$700,000, or 18%, above budget. Budget overruns are a difficult reality of completing needed municipal projects in New York State. Much of the blame for recurring budget overruns is an antiquated law, known as the Wicks Law.

The Wicks Law requires separate contracts be let for general construction, electrical, plumbing and mechanical work, for any construction project estimated to cost in excess of \$1.5 million. The Wicks Law thereby requires four prime contractors for each job, all required to provide separate and costly bonds and insurances, and complicating the construction work by necessitating the Village coordinate the progression of the work among all contractors as opposed to the Village contracting with a separate General Contractor who would utilize electrical, plumbing and mechanical sub-contractors under their own control and contractual fee.

The State law also prohibits Villages and Towns from utilizing design-build construction contracts, which encourage efficient design and construction. The law allows for the use of design-build for all New York State agencies, Counties and larger cities. Under the design-build format the Village would accept all-inclusive project proposals from construction teams, including architectural, engineering, construction and construction management services, for a locked-in total project fee. This project team works in tandem on the project from design to construction completion with a common goal of completing

the work on-time and within budget. The inability of the Village to legally utilize this construction project methodology has cost the Village substantial funds, as is evidenced by the Popham Road Fire Station project.

The Village Manager and I met with the Governor's regional representative last week and we highlighted the difficulty imposed on Villages and Towns by the Wicks Law and other State-imposed limitations. While we do not expect any changes in New York State construction requirements, we will continue to fight for the right to employ more efficient construction mechanisms. In spite of these challenges, which have been in place for decades, we must continue to invest in Scarsdale's critical infrastructure, though continued capital projects to our water distribution network, sanitary sewer system, and public service buildings, to ensure a successful future for our community.

The last item I would like to discuss this evening is the implementation of a license plate reader, or LPR, and a parking app in the Village Center in the coming weeks. The new LPR will assist in parking enforcement and I would like to be sure that residents, merchants and others that visit our Village Center are aware that the LPR will be in use and will be used to enforce meter feeding violations. We will also be rolling out a new parking app within the coming weeks to provide residents, merchants and others the ability to extend their permitted time with ease and flexibility. These new technologies are expected to somewhat ease our constrained parking capacity in the Village Center and we are eager to commence their implementation. The Village Manager will have further information on the new parking app during Manager's comments. For more information on parking in the Village Center, please see the Village website – www.scarsdale.com.”

Manager's Comments

Village Manager Pappalardo stated that there are some additional comments concerning the parking app that the Mayor mentioned, and he called on Assistant Village Manager Richards for a report on this matter.

Assistant Village Manager Richards stated that “The Village of Scarsdale is pleased to announce that Pango, the parking pay by phone app, is coming very soon! Over the years, the Village has examined various parking payment methods designed to offer convenience for its residents and Village Center patrons. The Village concluded that the best approach is to simply upgrade the mechanical coin meters and offer a pay by phone app, as a convenient option to pay for parking.

After an examination of industry vendors, the Village engaged Pango in March of 2019 to offer pay by phone service in the Village Center. Pango allows customers to manage their parking experience on the pay by phone app via their mobile phone or on the Pango

website at www.mypango.com. Customers can make profile changes, add or delete vehicle information and review parking history. Additionally, the parking app provides various ways to pay for parking such as Pango Wallet supported by PayPal, Venmo and credit card.

Parking meters in the Village Center will soon be furnished with decals informing motorists of their parking zone and the steps to follow to pay by phone. Motorists are encouraged to download the app and set up an account prior to June 1st. There is also a customer care call center available to assist motorists should issues arise. The number at the call center is 1-877-697-2646. It is recommended that motorists program this number in their phone, for future use.

Pango is used in a number of communities in Westchester and implementation of Pango in the Village of Scarsdale should make parking more convenient and efficient in the local area and for Village residents.

Implementation of Pango pay by phone app in the Village of Scarsdale is scheduled for June.

Village Manager Pappalardo reported on the Westchester County Bronx River Parkway trail way upgrades. As some may recall, the Village met with Westchester County Parks and Recreation department officials in April of 2017 to discuss a capital improvement to extend the Bronx River Parkway trail way system between Crane Road and Greenacres in the Village. In addition to extending the trail way, the project included making certain that improvements would be made to the existing trails, including regrading, widening, removing invasive species and dead or dying trees with certain trees being replaced. The trail way extension through Scarsdale would be on the west side of the Bronx River Parkway so as not to be in close proximity to any Scarsdale homes on the east side. This was an accommodation afforded the Village by the County after security and privacy concerns were expressed by a number of Village residents. The proposed extension between Crane Road and Greenacres would provide a continuous 8 ½ mile pathway from Palmer Road in Bronxville to the Kensico Dam Plaza in Valhalla. The estimated cost of the project at that time was \$6.7 million. Complications with the competitive bids that came back for that scope of work required the County to value engineer the project and rebid it. This has occurred and the County recently awarded a contract to a construction company called 'Avanti', a Westchester firm. Avanti is scheduled to start the work this week, weather permitting, and that work will be supervised by the Westchester County Department of Public Works.

In addition to the trail way extension, the work includes tree and shrub clearing and removal, grading, earthwork, drainage, constructing various retaining walls, small bridges and repairs to the existing asphalt pathways. New plantings of trees and shrubs will also be

installed for additional screening and stabilization. Access staging and storage areas were selected by the County to reduce the amount of restoration along the trail way system and to keep the construction operation as efficient as possible. Some of these areas include access from Depot Place behind the Scarsdale train station which the County used when they replaced the Crane Road bridges; access and staging from the County's maintenance garage which is located on the parkway just opposite Crane Road; access from the top of southbound ramp to the Bronx River Parkway off Fenimore Road. There will be access and staging at Greenacres Avenue at Fountain Terrace. There will be a closure to the existing dirt pathway from Aqueduct Drive to the Scarsdale station when work is underway. There will also be occasional lane closures on the southbound Bronx River Parkway exits through the project construction site. The County issues notices for any lane closures, which you can find on their website. They also use the message displays on the parkway itself. The contractor will be working through the winter, weather permitting, with the project anticipated to be complete in the fall of 2020. Any questions related to this project can be directed to David DeLucia at Westchester County Parks, email djd@westchestergov.com, and his phone number is 914-231-4570. Residents may call the Village Manager's office as well with any issues or concerns.

Village Manager Pappalardo next stated that with us this evening is Fire Chief Seymour and Capital Project Director Paul Zaicek to report out relative to the three resolutions on the agenda this evening regarding the Popham Road Firehouse project transfer of money and two additional change orders – one for general construction and one for electrical. They will also give a brief update to the Board on the status of the work.

Capital Project Director Paul Zaicek approached the podium and stated that the current project is essentially completed. Yesterday and today a clean-up company came into the facility to do a thorough cleaning of the interior surfaces of the building. Tomorrow the Village's Facilities Department and Fire Department personnel will start installing and putting together all of the furniture for the entire facility. Having the Village do the installation will save the Village \$30,000. The general construction, electrical, and mechanical plumbing contractors have a punch list to complete which they were given two days ago so over the next week or two they will complete their work and be finished. The final phase is to test all of the fire alarms, sprinklers and communication systems to make sure they are operating properly before moving into the building. It is anticipated that the move in date will be within the next several weeks. The only two items that will not be completed are the handicapped lift on the west side of the building which is on order and the south side of the parking lot will not be paved until the underground storage tank is removed. Cost for the paving when it is done will be covered by the operating budget.

Mr. Zaicek stated that there are three resolutions on the agenda for the consideration of the Board this evening. One for the final general construction change orders, one for the final electrical change orders and one for the transfer of funds to make final payments to the contractors and to close out the project. The Village is responsible for buying and installing

all the finishes for the second level of the firehouse and the basement level. That scope of work was taken out of the general contractor's scope at the time of the contract award through a deduct alternate. By having the Village do that work, we have saved \$120,000. The contractor had bid \$299,000 to do the finishes for the basement and second levels. It cost the Village \$180,000 to do that work. The final construction cost for the total project including soft costs of \$4,726,640 is an 18% increase as the Mayor stated earlier. This is within industry standards of a Wicks Law project of this nature, unfortunately.

Mayor Samwick thanked Paul Zaicek, stating that it has not been an easy project. He noted that it is also very rewarding to see how the Village really rolls up its sleeves and works to try to save money on a project that was challenged – that flexibility is something that they really appreciate.

Mr. Zaicek stated that the Village's Facility Maintenance Department did a lot of this work and should be commended for their effort and the continued work they are doing at the site.

Public Comments

Mayor Samwick opened public comment at this time and reminded everyone that there is a five minute limit. A chime at four minutes will be implemented so that speakers will have a good idea of the time left for them to speak.

Robert Berg, 32 Tisdale Road, spoke about time limits for public comment at both the School Board meetings and the Village Board meetings. He noted that at their meeting last night, the School Board provided three separate public comment sections in one evening. This year the School Board has eliminated its three minute per speaker public comment limitation. He stated that he criticized the School Board many times for that limitation on public speaking. He applauded the School Board for getting rid of the time limit. He then spoke to an incident where a resident of Bradenton, Florida, was arrested and forcibly removed from a City Council meeting after exceeding his three minute public comment time limit.

Mayor Samwick stated that he has addressed the concept behind the comment time limit before, however, he stated that he wanted to make some clarifications. First, he hoped that the Board has never portrayed annoyance – one of the most important things they do is listen. Secondly, public comment is a forum where it is very important that there is a very clear sense of fairness, equitability, and no favoritism. Mayor Samwick stated that he has researched extensively and was not just of other municipalities or other groups that have municipal interests at heart, it is balancing municipal needs and resident needs and not just the resident that is speaking but the residents in the audience and the importance of consistency. This is not being done in a manner that is haphazard and it is not targeted.

People should be treated fairly and equitably and they should know what to expect and where they will be when they come to public. This is only one way of the many ways the Board communicates with the public. Next Wednesday, on May 22nd, the he and the Village Manager will be at the Girl Scout House having another informal session where they will sit down with residents.

Again, Mayor Samwick stated that it is important for there to be consistency in the way that the time limit is applied.

Mr. Berg then requested that he finish his comments, and did so.

Janet Korins, 49 Ogden Road, stated that she is asking for the Board's help this evening regarding the proposal to install lights at Butler Field. She stated that Maroon and White is proposing a very generous gift to the Board of Education - \$800,000 – to install permanent lights. She stated that there is tremendous pressure to approve this proposal quickly before the all the issues and concerns are addressed and the concerns of neighbors are being minimized. She is not confident that the School District will respect their rights as homeowners with a strict and enforceable usage policy. Therefore, she stated that they would like to request clarification from the Village to find out what the legal framework is that can be applied to protect residents' rights. Regular evening and night time use of the field is very different during the week and very burdensome for those who can hear the noise from their homes. Their concerns are being trivialized by a large and vocal group that is pushing for these lights. The neighbors are concerned that the School will not follow the Village's local law regarding noise, etc.

Julie Zhu, 11 Harcourt Road, spoke in regard to the proposal of the installment of lights at Butler Field. She noted that her house will not be directly affected by the lights. However, she became involved with this because she received some information back in January and attended neighborhood discussions. She stated that she agrees with Ms. Korins' comments. She stated that the neighbors living in proximity to Butler Field have been good neighbors even though there are certain noises on the weekend and occasionally at night. She urged the Board to watch the School Board meeting video from last evening. She stated that she left the meeting with no doubt in her mind that maximum usage every night will be promoted and will happen. Being a good neighbor is a two-way street. She also stated that installation of the lights would set an important precedent. She noted that in her opinion, the crux of the problem is the shortage of artificial turf fields.

Darlene Lefrancois, 255 Nelson Road, stated that she was speaking this evening not only as a resident but as the Co-Chair of the Scarsdale Forum Sustainability Committee. She stated that the committee has issued a full report in September 2018 and then a supplementary report which was recently forwarded to the Board. She stated that they really need the Village to codify a policy of organic landscape management. The use of pesticides needs to be stopped and undue use of artificial fertilizers. She stated that she is also a

physician; an internist and noted the activities she engages in as such. Dr. Lefrancois did state that the community has done a phenomenal job in practicing organic landscape management. However, they do not want to leave this to the ‘whims’ of future people in office, contractors, etc. An enduring solution is needed for this; they would like a Committee of the Whole meeting scheduled on this subject.

Madelaine Eppenstein, 18 Autenrieth Road, thanked the Board for their attention to this matter discussed by Dr. Lefrancois. She reiterated from the reports the rationale for the proposed policy. She quoted from the report stating ‘practices alone to not provide sufficient safeguards for the longer term. Adoption of a sustainable landscape management policy that avoids the use of toxic pesticides is necessary to insure operational continuity and to institutionalize best and least harmful practices regardless of changes in Village management, personnel and variations in landscape management practices that might result from such personnel changes. To be effective over the long term, current practiced should become official formal policy similar to Westchester County pesticide regulations covering County property and New York State regulations covering the schools.’

Robert Harrison, 65 Fox Meadow Road, stated that he would be speaking primarily this evening as the 35 year volunteer Director of the Scarsdale Summer Youth Tennis League. The program is held at the Scarsdale Middle School tennis courts. The total number of participants in the spring league that they had for 15 years, the Summer League is going on its 35th year – there were close to 25,000 individual participants over that period. Additionally, every 7th grader in the Middle School has tennis in their Physical Education program. The Village has been providing tennis lessons for adults and youth at the Middle School tennis courts for a number of years. The 35th season is coming up this July – the program is run from 6pm to 8 pm, four nights per week for boys and girls from age 6-18 years. He stated that the program needs some help and is looking for some parent volunteers for the July session. He can be reached at 914-725-0962 and his email address is proscars@aol.com.

Mr. Harrison also noted that he supports Mr. Berg’s comments made earlier this evening regarding the public comment time restraints of 5 minutes per speaker. He did stated that there should be some time limits on public speakers, however.

Michelle Sterling, Brayton Road, stated that she would like to speak about the joint report submitted by the Municipal Services and Sustainability Committee of the Scarsdale Forum. Although the Village now treats its properties in an organic manner, without pesticides, the committee would like this to be made a policy. If there is a change in staff, a new staff person cannot decide to do things differently. This would also set Scarsdale out as a leader, as with the food waste recycling effort. Most importantly, it is for the health and safety of the residents.

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

Trustee Liaison Reports

Trustee Waldman reported that she attended the community meeting of the Drug and Alcohol Task Force on May 3, 2019 where they expressed concern over the increased use of drugs and alcohol among teens during the spring and summer months. The Board of Trustees joins the Scarsdale Drug and Alcohol Task Force in encouraging parents to remain vigilant and clearly communicate their expectations for a drug and alcohol free adolescence. According to the Center for Disease Control (CDC), alcohol remains the most commonly used and abused drug used in the United States and research shows an increase of use in the spring and summer months.

Trustee Arest announced that the Memorial Day Parade will be held on Monday, May 27th. He read an invitation sent by the Scarsdale Post 52 of the American Legion to Trustees, however he stated that the language is applicable to all residents: “Memorial Day ranks as probably one of the most important days in the annals of the American Legion. As such, we will again host this year’s remembrance to honor all those who gave the ultimate sacrifice. Your participation will be greatly appreciated. The parade date of Monday, May 27th will begin at 9:30 a.m. with the raising of the flag at Boniface Circle followed by a march through the Village. On our return to Chase Park, we will dedicate this day with your help to all those who passed to maintain our way of life. Hoping you will find the time to help us honor their heroics. For God and Country, Tom Adamo, Commander.”

Trustee Arest stated that he truly hoped that all residents will find the time to help honor their heroics and that everyone who lives in this community does value this day as a great day of remembrance and it is a really great event. He encouraged all residents to come out.

Trustee Veron stated that she has three items to report on, the first in regard to the Scarsdale Chinese Association. “As we all regularly express, this Board continues its commitment to community outreach. In keeping with that sentiment, you might recall that Mayor Samwick created a new liaison role to the Scarsdale Chinese Association, and I have the distinct pleasure of assuming that responsibility. The Scarsdale Chinese Association represents over 300 Scarsdale families and has experienced rapid growth over the past several years. Last week, I had the pleasure to meet with the Board, and we discussed ways to improve communication and engagement. Our Village Manager also introduced himself to the Scarsdale Chinese Association Board. We plan to connect regularly. Our Board will continue efforts to connect with the many segments of our Scarsdale community and to ensure that varied interests are represented.

The second item is in regard to the Library. The Library Board just conducted its officer elections and initiated its transition. This Board would like to extend our deep appreciation to the outgoing slate: Diane Greenwald, President; Elyse Klayman, Vice President; Felicia Block, Secretary; and Margot Milberg, Treasurer and to the entire Library Board. Under Diane's dedicated, tireless leadership, the Library Board worked nonstop to ensure all aspects of the library construction and improvement project advance seamlessly, always keeping the needs of Scarsdale residents front and center. In addition to their detailed stewardship of the construction project, ongoing programming and budget oversight, this past Library Board has significantly increased outreach to residents, ensuring our community is kept abreast of all details during this important time of transition. As a perfect example, the next edition of Bookmarks will be in the mail shortly, and there is a new more user-friendly website in soft launch. I also want to underscore our appreciation for Library Director Beth Bermel's leadership as well as the commitment of her staff during this pivotal time.

The Library Board has elected a new slate of officers: Elyse Klayman, President; Margot Milberg, Vice President; Diane Greenwald, Secretary; and Financial Officer, Gary Katz. In addition the Board has expanded, adding two new members: Laura Liu and Svati Shashank. Continuing Board members are Alan Bey, Deb Morel and Felicia Block. We thank all our committed volunteers for their service.

Last, the Freightway meeting. Finally, on behalf of this entire Board, I would like to invite you to the Freightway status update and community engagement meeting set for tomorrow evening at 7:00 pm right here in Rutherford Hall. At that meeting, we will share with you where we are in the site redevelopment process and we will provide an outline for where we're heading. It is a great opportunity to get up to speed on the project, to meet our newly-hired planning team, and to provide essential public input."

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Trustee Arest

Upon motion entered by Trustee Arest, and seconded by Trustee Crandall, Revising Internal Policy #502 – Expense Accounts was approved by the vote indicated below:

WHEREAS, the Village's Internal Policies require updating from time-to-time; and

WHEREAS, the Internal Policy #502 – Expense Accounts, was last revised by resolution of the Board of Trustees on October 12, 2004; and

WHEREAS, various house-keeping edits are presently necessary, as well as clarification of non-reimbursable employee-incurred expenses

(Section 2.6), so as to explicitly exclude intra-Village travel reimbursement; now, therefore, be it

RESOLVED, that the proposed revisions to Internal Policy #502 – Expense Accounts, dated May 14, 2019, is hereby approved.

<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 Lewis

Upon motion entered by Trustee Lewis, and seconded by Trustee Veron, the following resolution regarding Acceptance of a Gift – Arborvitae Plantings - was approved by a unanimous vote:

WHEREAS, in conjunction with the construction of a new home at 23 Butler Road resulting in a change in the view shed from the residence at 2 Oak Lane, Diane Greenwald, the homeowner at 2 Oak Lane, is desirous of replacing certain natural screening on her property along the common property line with 23 Butler Road and has contacted the Village to offer to donate and transfer the existing screening, consisting of six Green Giant Arborvitae, to the Village for replanting as natural screening of the Brite Avenue Tennis Courts, adjacent to both aforementioned properties; and

WHEREAS, the screening along the tennis courts will not adversely impact the current use or maintenance of the tennis facilities and will help afford an enhanced measure of privacy for both the adjacent homeowners and tennis players; and

WHEREAS, the proposed gift of six arborvitae, including professional landscaping services to relocate and plant the trees in their new location, is estimated at \$7,600; and

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

RESOLVED, that the Board of Trustees hereby accepts the gift of six Green Giant Arborvitae and the labor cost of transplanting same, with a total estimated value of \$7,600; and be it further

RESOLVED, that the Board of Trustees hereby extends their thanks and appreciation to the Greenwald family for this generous gift to the Village.

Trustee Ross

Upon motion entered by Trustee Ross and seconded by Trustee Crandall, the following resolution regarding the Purchase of a Used 2003 GMC/Seagrave Fire Utility/Rescue Truck was approved by the vote indicated below:

WHEREAS, the Village of Scarsdale Fire Department is committed to the protection and preservation of life, property, and the environment from the adverse effects of fire and hazardous conditions through fire prevention, education, suppression, and training; and

WHEREAS, the scope and complexity of today’s fire service continues to evolve, requiring fire department personnel to be better trained and prepared to respond to a greater scope and magnitude of emergencies; and

WHEREAS, Vehicle #2437, a 1998 Chevrolet bus, has become unreliable and is experiencing escalating maintenance costs, while at the same time the Fire Department has expressed need for a vehicle capable of carrying equipment needed at specialized emergency events, such as hazardous material, trench collapse, confined space and building collapse incidents, a vehicle estimated to cost approximately \$160,000; and

WHEREAS, Fire Department staff endeavor to find alternative ways in acquiring essential equipment and apparatus in a fiscally responsible manner; and

WHEREAS, monitoring the used vehicle market, Fire Department staff discovered a pre-owned 2003 GMC/Seagrave Fire Utility Rescue Truck for sale through FF1 Fire Apparatus of Sparta, NJ, that would meet our local needs; and

WHEREAS, upon completing an inspection of the Rescue Truck and determining it to be in overall good mechanical condition, a negotiated sale price of \$23,500 was agreed upon; now, therefore, be it

RESOLVED, that the Village Board of Trustees hereby authorizes the Village Manager to execute the attached agreement, in substantially the same form as attached hereto, for the purchase of a 2003 GMC/Seagrave Fire Utility/Rescue Truck, VIN # J8DE5B14647902393 for the amount of \$23,500 from FF1 Fire Apparatus of Sparta, NJ; and be it further

RESOLVED, that the funding utilized to purchase this vehicle includes a \$15,000 allocation from the Fire Department Gift Account #TE 93-.09, and an \$8,500 allocation from the FY18/19 Fire Department Operating Budget.

AYES

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

NAYS

None

ABSENT

None

Mayor Samwick thanked Fire Chief Seymour for taking this approach in regard to the purchase of the equipment; it was very creative and beneficial to the community. The Board appreciates the work that the Fire Chief and his staff are doing in that regard.

Trustee Ross echoed the Mayor’s gratitude. The savings here was very substantial.

Upon motion entered by Trustee Ross, and seconded by Trustee Crandall, the following resolution regarding Transfer of Funds for Popham Road Firehouse Project Closeout was approved by the vote indicated below:

- WHEREAS,** the Popham Road Station #1 Firehouse Renovation Project is now substantially complete with the Fire Department scheduled for re-occupancy this month; and
- WHEREAS,** the Project construction commenced on February 27, 2017, subsequent to the award of four separate prime contracts pursuant to NYS competitive bidding laws, and has experienced a number of unanticipated field conditions and associated redesigns extending the project timeline while increasing project costs; and
- WHEREAS,** a series of prior change orders have been approved and funded, but for a remaining obligation of \$154,672.62 associated with those prior change orders, as detailed in the attached staff memorandum; and
- WHEREAS,** to complete the Project's close-out, the final change orders summarized in the attached memo, which total \$188,467.38, as well as the prior remaining obligation of \$154,672.62, require additional Village Board appropriation in the total amount of \$343,140, which results in a final Project cost of \$4,726,640, representing an approximate 18% increase over the original Project budget; and
- WHEREAS,** pursuant to the provisions of Section 5-520 of the New York State Village Law, the Board of Trustees, by resolution, may transfer funds from existing and unexpended balances, from a contingent account, from available cash surplus or unanticipated revenues within a fund, or by borrowing; now, therefore, be it
- RESOLVED,** that the cost of said change orders, additions and modifications be charged to the Popham Road Firehouse Renovation Project Capital Budget Account #H-3497-962-2014-043B; and be it further
- RESOLVED,** that pursuant to Village Law 5-520, the additional \$343,140.00 required to close out the project shall be funded from transfers as follows:
- | | |
|-----------|---|
| \$ 42,733 | from H-9500-950 9510-.0 - Trans to General Fund, representing premium on the January 2014 bond issue designated for interest expense on the issue |
| \$ 42,733 | to H-9999 9999-9999 – Unassigned Fund Balance; and |
| \$ 42,733 | to A-1000-030 2801-05 – Inter-Fund Revenue Capital; and |

\$ 42,733 to A-9999 9999-9999 Unassigned Fund Balance;
and
\$ 7,996 from H-1997-961 2017-105 – Public Building-Project
Planning
\$ 7,996 to H-3497-962 2014-043B Popham Road Firehouse
Renovation;
and
\$ 75,000 from A-9999 9999-9999 Available Balance
(Underground Storage Tank allocation); and
\$ 100,000 from A-9999 9999-9999 Available Balance from Debt
Smoothing allocation; and
\$ 160,144 from A-9999 9999-9999 Unassigned General Fund
balance (the \$42,733 included); and

With subtotal of \$335,144 transferred as follows:

\$ 335,144 to A-9500-950 9550-.0 - Transfer to Capital Fund; and
\$ 335,144 to H-1000-030 5031-01 – Transfer from General Fund;
and
\$ 335,144 to H-3497-962 2014-034B Popham Road Firehouse
Renovation.

RESOLVED, that the Village Manager is hereby authorized to undertake all associated administrative acts as required, and the Village Treasurer is hereby authorized and directed to make the necessary Capital Fund transfers.

<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		

Before voting on the above resolution, Trustee Arest thanked Paul Zaicek and Fire Chief Seymour, stating that this was a complicated project. The Board agrees that even with best efforts and knowledge of the unfortunate constraints that we find ourselves under, with larger projects we can always learn from hindsight and that is why he is appreciative of the Village Manager’s willingness and intent to conduct an after action report on this project for the Board. He hoped this could help staff and this Board, as well as future Boards in many important future projects that this Village will face.

Upon motion entered by Trustee Ross, and seconded by Trustee Crandall, the following resolution regarding Change Orders for Modifications to VM Contract #1209 – General Construction, Popham Road Firehouse Renovation Project was approved by the vote indicated below:

- WHEREAS,** on January 10, 2017, the Village Board of Trustees awarded VM Contract # 1209 – General Construction, Popham Road Firehouse Renovation project, to the lowest responsible bidder, Specialty Construction Systems, Inc., Mount Vernon, NY for a total contract award of \$2,246,400; and
- WHEREAS,** during the course of construction, certain modifications to the general construction portion of the Popham Road Firehouse project were necessary in response to field conditions encountered; and
- WHEREAS,** in accordance with Section 2.9 of the Village’s Internal Control Policy, on July 15, 2017, the Village Manager authorized additions and modifications to VM Contract #1209 – General Construction, totaling \$174,005.13 (Change Orders# SCS-01 & #SCS-02), followed by Village Board approval of additions and modifications totaling \$34,750 (Change Orders# SCS-03 thru #SCS-08) on April 24, 2018, and Village Board approval of additions and modifications totaling \$3,240 (Change Orders# SCS-09 thru #SCS-16) having yielded a revised General Construction contract amount of \$2,458,395.13; and
- WHEREAS,** a combination of encountering certain unforeseen field conditions during construction and the addition of certain project features increased the scope of the original contract scope of services, necessitating change orders; and
- WHEREAS,** the final change order requests, SCS-17, SCS-18, and SCS-19, represent a total increase of \$14,400, as described in the attached memo, have been reviewed and negotiated by Village staff and Grigg and Davis Engineers, the Village’s project engineer and construction management firm, and are deemed reasonable for the scope of work proposed, and require the approval of the Village Board pursuant to Section 2.9 of the Village’s Internal Control Policy; and
- WHEREAS,** the combined net total of \$226,395.13 for all VM Contract #1209 - General Construction change orders to-date, yields a revised General

Construction contract total of \$2,472,795.13, or a 10.08% increase over budget; now, therefore, be it

RESOLVED, that in accordance with Section 2.9 of the Village of Scarsdale Internal Control Policy, change orders SCS-17, SCS-18, and SCS-19, totaling \$14,400, as described in the attached, are herein authorized for VM Contract #1209 - General Construction, Popham Road Firehouse Renovation project; and be it further

RESOLVED, that the cost of said additions and modifications be charged to the Popham Road Firehouse Renovation Project Capital Budget Account #H-3497-962-2014-043B; and be it further

RESOLVED, that the Village Manager is hereby authorized to undertake all administrative acts required pursuant to the terms of the contract.

<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		

Upon motion entered by Trustee Ross, and seconded by Trustee Crandall, the following resolution regarding Change Orders for Modifications to VM Contract #1210 – Electrical, Popham Road Firehouse Renovation Project was approved by the vote indicated below:

WHEREAS, on January 10, 2017, the Village Board of Trustees awarded VM Contract # 1210 – Electrical, Popham Road Firehouse Renovation project, to the lowest responsible bidder, Talt Electric, 410 5th Avenue, New Rochelle, NY for a total contract award of \$474,000; and

WHEREAS, during the course of construction, certain modifications to the Electrical portion of the Popham Road Firehouse project were necessary in response to field conditions encountered and the addition of certain project features that increased the scope of the

original contract scope of services, said changes necessitating certain change orders; and

WHEREAS, in accordance with Section 2.9 of the Village’s Internal Control Policy, on December 5, 2018, the Village Manager authorized additions and modifications to VM Contract #1210 – Electrical, totaling \$65,440.68 (Change Orders Talt-01 thru Talt-06), having yielded a revised Electrical contract amount of \$539,440.68; and

WHEREAS, change order requests Talt-07 thru Talt-14, with a net total increase of \$39,840.60, as described in the attached memo, have been reviewed and negotiated by Village staff and Grigg and Davis Engineers, the Village’s project engineer and construction management firm, and are deemed reasonable for the scope of work proposed, requiring the approval of the Village Board pursuant to Section 2.9 of the Village’s Internal Control Policy; and

WHEREAS, the combined net total of \$105,281.28 for all VM Contract #1210 - Electrical change orders to-date, yields a revised Electrical contract total of \$579,281.28, or a 22.21% increase over budget; now, therefore, be it

RESOLVED, that in accordance with Section 2.9 of the Village of Scarsdale Internal Control Policy, change orders Talt-07 thru Talt-14, totaling \$39,840.60, as described in the attached memorandum, are herein authorized for VM Contract #1210 - Electrical, Popham Road Firehouse Renovation Project; and be it further

RESOLVED, that the cost of said additions and modifications be charged to the Popham Road Firehouse Renovation Project Capital Budget Account #H-3497-962-2014-043B; and be it further

RESOLVED, that the Village Manager is hereby authorized to undertake all associated administrative acts as required, and the Village Treasurer is hereby authorized and directed to make the necessary Capital Fund transfer.

AYES

Trustee Arest
Trustee Crandall
Trustee Lewis
Trustee Ross
Trustee Veron

NAYS

None

ABSENT

None

Trustee Waldman
Mayor Samwick

Trustee Veron

Before reading the below resolution regarding the Farmer's Market Agreement, Trustee Veron stated that she wanted to draw the community's attention to the modification in hours, the Farmer's Market will be held from 10:00 am until 2:30 pm. The second modification is that the Village Green Market will not be entitled to any form of restitution or reimbursement for its work from the Village.

Upon motion entered by Trustee Veron, and seconded by Trustee Ross, the following resolution regarding Authorization to Execute a Professional Service Agreement – Farmers Market was approved by the vote indicated below:

- WHEREAS,** farmers markets are used by many municipalities as a tool to help energize their downtowns by increasing pedestrian traffic to the area thereby supporting and sustaining retail and service businesses; and
- WHEREAS,** in the fall of 2017 the Village commenced a pilot Market at Boniface Circle to determine if Scarsdale residents would support such a market and to provide an opportunity to garner experience and resident feedback to develop a future Market that would best meet the community's needs; and
- WHEREAS,** On Thursday, September 7, 2017 the Village unveiled the Pilot Fall Farmers Market, which included various vendors selling produce, crafts and prepared foods as operated by Village Green Markets, through Corinna Makris, Farmers Market Manager; and
- WHEREAS,** the Village successfully operated the Market through Village Green Markets in 2018 and is desirous of continuing with the same arrangement in 2019; and
- WHEREAS,** the Village has prepared a Professional Services Agreement with Corinna Makris, of Village Green Markets, to use Boniface Circle for the Farmers Market under the terms and conditions specified by the Village, now therefore, be it
- RESOLVED,** that the Village Manager is herein authorized to enter into a Professional Service Agreement with Corinna Makris, of Village

Green Markets, in substantially the same form as attached hereto, to manage and operate the “Scarsdale Farmers Market” on Boniface Circle, Thursdays from May 23, 2019 – November 14, 2019.

<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 Waldman

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

- WHEREAS,** the Village Board of Trustees (Village Board) has traditionally adopted annual salary increases for department heads and other non-union personnel not represented by collective bargaining agreements; and
- WHEREAS,** in the recent past, the Village Board has approved an approximate 2% increase for department heads and other non-union personnel, while also providing discretionary authority to the Village Manager relative to certain salary adjustments for employee retention purposes; and
- WHEREAS,** the State of New York has been persistent with its policy to control the growth of local property taxes having adopted legislation this year making the 2% property tax cap permanent, while failing to provide any meaningful mandate relief for local governments; and
- WHEREAS,** in addition, the State has not enabled local governments to pursue other non-property tax revenue sources and has systematically reduced State aid to municipalities including eliminating the long-standing AIM funding, in the State budget for 2019 -2020, with funding to now be provided by the County of Westchester utilizing

anticipated additional revenues through a newly approved New York State sales tax on internet sales; and

- WHEREAS,** the lack of State aid and ability to secure additional non-property tax revenues results in a great challenge for local officials in governing towns and villages, and an over-reliance on the property tax; and
- WHEREAS,** Recent changes to the Federal Tax Code reducing and capping the State and Local Income Tax (SALT) exemptions have also adversely impacted many Scarsdale homeowners; and
- WHEREAS,** in sensitivity of these developments and their effect on Scarsdale residents, Village Budgets over the past several years, including the recently adopted fiscal year 2019-2020 budget, have been prepared to reflect these impacts by staying close or within the annual tax levy cap, while maintaining current levels of services; and
- WHEREAS,** the collective bargaining negotiations in progress with the CSEA Village Hall, CSEA Library, and Scarsdale Police Benevolent Association, are intended to be within the budgetary parameters established by the Village Board for the fiscal year 2019-2020 Adopted Budget; and
- WHEREAS,** the Village Board has approved collective bargaining agreements with the International Brotherhood of Teamsters (IBT) Public Works and IBT Facilities Maintenance, which contained salary increases of 2% for fiscal year 2019-2020; and
- WHEREAS,** while respecting the collective bargaining process in the State of New York, the Village Board, respectfully, expresses its wish that the bargaining units and all employees recognize the burden faced by Scarsdale homeowners relative to the recent reductions in Federal income SALT deductions and those of the Village Board with its efforts to balance adherence to the permanent 2% property tax cap while meeting the service demands of the community; and
- WHEREAS,** the Village Board convened in a work session on April 23, 2019 to consider annual salary increases for non-union employees, reviewing negotiated settlements with Scarsdale's collective bargaining units, current employment cost indices for state and local government employees, and year-to-year salary increases approved for non-union employees in other Westchester municipalities, an analysis of which is provided in a memorandum attached hereto, and in its effort to be

sincere, reasonable and reflective of this environment relative to wage increases for its unrepresented employees, the Board is amenable to approving a 2% salary increase for department heads and non-union employees effective June 1, 2019; now therefore be it

RESOLVED, that the Village Board herein approves a 2% salary increase for department heads and non-union employees effective June 1, 2019; and be it further

RESOLVED, that the Village Manager may make certain salary adjustments beyond the 2% provided as deemed necessary for employee retention purposes, said adjustments to be judicial in nature with the additional expense remaining within the 2019-2020 adopted budget appropriations.

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

Before abstaining from the vote on the resolution above, Trustee Lewis stated that the Board is justifiably proud of the dedication and excellent work of all personnel; their effort makes the Village a wonderful place to live. “Excellent performance and hard work are qualities we extoll and seek to reward. The 2% salary increases are reasonable in the context of the analysis labeled “Westchester Municipal Phone Survey Results”. I will abstain from the vote on this resolution for reasons that relate to data and process. These are discussion points that can be debated from a variety of perspectives and I readily acknowledge that there is no one best answer. I would have benefited from a more detailed peer review that would have helped us understand our cost structure for these positions when compared to municipalities that deliver comparable services at a comparable level of quality for communities of comparable size. It is very helpful to understand how our salary increases compare to those communities. In addition, I think more direct comparisons of cost structure would be useful as well. We want to retain our top performing personnel and our professional leadership and budget should have that flexibility to make those judgements supported by good data. I think the policy discussion would benefit from an amount noted in the resolution that will be used for retention purposes. Thank you. I abstain.”

Written Communications

Village Clerk Conkling reported that five (5) communications have been received since the last regular Board of Trustees meeting from the following:

- A communication from several Scarsdale residents concerning the proposed installation of lights at Butler Field.
- An email from M. Portes regarding non-electric leaf blowers.
- An email from Susan Levine concerning the gas powered leaf blower ban.
- The Scarsdale Forum Supplemental Report on Sustainable Landscape Management Policy Recommendation submitted by the Scarsdale Forum Sustainability Committee.
- The Scarsdale Forum Report of the Fiscal Affairs Committee on the Village's 2019-2020 Budget.

* * * * *

There being no further business to come before the Board, on a motion entered by Trustee Veron, seconded by Trustee Ross and carried unanimously, the meeting adjourned at 9:37 P.M.

Donna M. Conkling
Village Clerk