

THREE THOUSAND THREE HUNDRED FIFTY-FIRST

REGULAR MEETING

Video Conference
Via Zoom
May 26, 2020

A Regular Meeting of the Board of Trustees of the Village of Scarsdale was held on Tuesday, May 26, 2020 via video conference (Zoom) at 7:00 p.m.

Present were Mayor Samwick and Trustees Arest, Crandall, Lewis, Ross, Veron, and Waldman. Also present were Village Manager Stephen Pappalardo, Deputy Village Manager Cole, 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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Minutes

The minutes of the Regular Board of Trustees Meeting of Tuesday, May 12, 2020 were approved on a motion entered by Trustee Crandall, seconded by Trustee Arest and carried unanimously.

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Bills & Payroll

Trustee Ross reported that he had audited the Abstract of Claims dated May 26, 2020 in the amount of \$710,452.93 which includes \$13,178.41 in Library Claims previously audited by a Trustee of the Library Board which were found to be in order and he moved that such payment be ratified.

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

RESOLVED, that the Abstract of Claims dated May 26, 2020 in the amount of \$710, 452.93 is hereby approved.

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Mayor's Comments

Mayor Samwick gave the following comments:

Phase 1 Reopening – NY Forward

“Today, we reached a milestone and have reopened in Phase 1 of the Governor’s NY Forward plan. This milestone, while significant after over two months of restrictions, remains somewhat limited. Permitted activities under Phase 1 include construction, wholesale trade, and manufacturing activities as well as curbside pickup of certain retail. Phase 1 is expected to lead to further openings in the coming weeks. Phase 2 includes a broader opening of retail along with professional services, administrative support and real estate. Personally, I am counting down the days until I can get a haircut in Phase 2. In the meantime, I will continue to rock my throwback to the 1970s. At least I take comfort in knowing that I am not alone in this extremely popular fashion trend.

Returning to the more serious impacts of COVID-19 and NY Forward, the reopening has commenced and planning for future phases has also started. Village has a role to play, particularly with respect to assisting our Village merchants to reopening and reviving their businesses. There are Village codes and other requirements that local businesses must adhere to. The Village is looking for ways to think out of the box to achieve flexible solutions to help local merchants succeed in the transition to post-COVID operations. To that end, I have asked Trustee Veron to be the point person to work with Village staff, the Scarsdale Business Alliance and local merchants to see where creative solutions may assist in reopening of businesses. I have to admit that, while eager to appoint Trustee Veron to this role, I really had very little to do with it – she had been rallying the various constituents for many weeks. Trustee Veron’s energy, enthusiasm, intelligence, creativity and knowledge of our Village make her the ideal person for this role. We look forward to this collaborative effort and the benefits that will come from this talented collective group.

Our progress reaching Phase 1 of NY Forward has been a direct result of our vigilance in following the Governor’s Executive Orders. Our future progress remains in our hands. Please continue to social distance, wear a face covering, wash your hands, and help your neighbors, especially those most at risk. Perhaps most importantly, stay home when you are not feeling well. We remain in this together and all of our actions matter – they determine the future path we will face.

EMS Week

Last week was Emergency Medical Services (EMS) Week. Scarsdale Volunteer Ambulance Corps (SVAC), which is celebrating its 50th anniversary this year, has always delivered exemplary care but they have never been more critical to our community than they have since the onset of this pandemic. SVAC's volunteers are residents of Scarsdale and its neighboring communities. These men and women are models of selflessness and Scarsdale’s motto of *non sibi*.

Many in the community mistakenly believe that SVAC is funded by the real estate taxes we pay to the Village. This is false. SVAC is primarily run on the generous donations of Scarsdale’s residents through tax deductible donation. In a typical year, SVAC relies upon such donations to respond to approximately 1,500 emergency calls.

Thank you hardly seems enough for the life-saving work of our EMS workers, and I would like to offer a way we can demonstrate our gratitude to our treasured ambulance corps, now and every year during SVAC's annual fund drive.

To learn more about [SVAC](http://www.scarsdalevac.com) or to make a much-needed contribution, please visit: <http://www.scarsdalevac.com>. Donations may also be made by mailing a check to SVAC, P.O. Box 92, Scarsdale, NY 10583. Thank you in advance for supporting our ambulance corps.

To all of our EMS workers and your families, thank you from the bottom of our hearts. Your sacrifice and dedication have helped our community immeasurably over the past 50 years and never more so than today. Scarsdale and each of its residents owe you an immeasurable debt of gratitude.

Pedestrian Safety

As we approach June and the weather continues to improve, please be cautious when driving, walking, running or bicycling. Our streets are busier than usual with more people at home. Also, as we are in Phase 1 of NY Forward, there will be increased vehicular traffic and more construction and landscaping vehicles parked on our roadways. Please slow down and remain aware of your surroundings as you travel around the Village.

Celebrations and Remembrances

This is a season of celebrations and remembrances, including Memorial Day as well as college and high school graduations. Each of these events has been muted this year. Yet we have seen creative community and family approaches to celebrate the achievements of our daughters, sons, students, friends and neighbors. Scarsdale High School teachers paraded past each senior's house and posted Class of 2020 signs with car horns blaring and teachers cheering. I have seen many families have similarly creative celebrations for the Class of 2020. While this is no substitute for Senior Options, Prom and Graduation, it is heartening to see people celebrating the achievements of our Senior Class.

We have seen similar sacrifices and family creativity for graduating college seniors. To Scarsdale's graduating classes of 2020 – this marking of your major achievement is not taking place as anyone would have expected, but please know that we remain so proud of your achievements and your future remains bright – even if may take a little longer to get started.

Lastly, Memorial Day was celebrated yesterday. While it wasn't the celebration we are accustomed to, we still took time to recall the adversity this country has faced throughout its history and we remembered the strength and unity we have repeatedly displayed. We think of those who have lost loved ones and their sacrifice, and we thank them for their service to our nation. We remember the significant price paid by those who preserved our freedom – freedom that we can have greater appreciation for as a result of the current restrictions that we are using to fight COVID-19.

While we are still firmly in the grasp of this pandemic, we must continue to have hope – hope for health, safety, and freedom. We will come out of this together as a stronger community and country.

Please take care of one another, continue to do your part to stem the tide of this disease, and be well.”

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Manager’s Comments

Village Manager Pappalardo echoed the Mayor’s comments as they relate to the Memorial Day ceremonies. He stated that it's very good news that the Governor has seen fit, and the County worked hard, and the municipalities to get to the point where we are in our phase one reopening. It’s good news for many of our local retail establishments in the Village Center, the Heathcote Five Corners and the Golden Horseshoe shopping center, who now can provide the same curbside pickup and delivery services that was previously tabbed for the so-called essential businesses that the Governor identified a few months back. Store retail operations are included in phase two of the governor's reopening plan included with the hair salons and all the other businesses in the Village. That is going to be a really great time to celebrate and based on the way this Governor has been rolling out his reopening plan. Every two weeks seems to be the time that he considers moving to the next step, so hopefully that continues and the full scale reopening of not only the retail operations, but hopefully in phase three, we get the restaurants back and we can start to really get back to some sense of normalcy on the commerce side.

Village Manager Pappalardo stated that there are some other things he wanted to talk about us as it relates to COVID-19 and Village operations. In regard to building, planning, and engineering, in preparation of construction activity fully returning as Friday, May 22nd which was this past Friday, the Village began accepting new building permit applications via drop box in front of the Village Hall which is being provided for during normal business hours from 9:00 am to 5:00 pm, or the applications can be mailed. Applications will be triaged and reviewed for building permit issuance or scheduled for a future land use board meeting. The Planning Board and the Board of Appeals will restart public meetings this week and into June, and plan at this particular point in time to maintain their bi-monthly meetings. Moving forward, building, planning, and engineering staff are communicating with applicants by phone and email. Permits available for issuance include the gamut of building, plumbing, electrical, solar, storm water and erosion control permits, tree removal permits and street opening permits. He referred the public to the Village’s website for more information. There is a press release that is quite detailed and information can be found on the individual departmental web pages.

Village Manager Pappalardo stated that the Assessment Department has also been very busy. The tentative assessment role filing date and grievance periods are all coming due in June, and the roll will be published on or before June 1st consistent with the statutory dates. He stated that residents should review their properties assessed value carefully, as it is the basis for the real estate taxes that they pay to the School District, County and the Village.

COVID-19 restrictions imposed by the State of New York largely preclude in-person viewing and inspection of the tentative role. The Village will make the role available online. He stated that resident homeowners are afforded one opportunity per year to grieve their assessed values on Grievance Day which falls on the third Tuesday of June. The Board of Assessment Review will meet on Tuesday, June 16th between the hours of 10:00 am to noon, 2:00 pm to 4:00pm, and 6:00 pm to 8:00 pm. The meeting and discussions with property owners registered to present their case to the Board will be held remotely this year via zoom. Requests for appointments must be made prior to 5:00 pm on June 12th by contacting the Assessor's office number at 722-1133, or by emailing the Assessor's office at assessor@scarsdale.com. Homeowners are encouraged to review the recent press release on the Village website for important dates and other information.

Village Manager Pappalardo continued, stating that “there is a lot happening with recreation program updates. He stated that the Village government recognizes the physical and mental health benefits of recreation and has been working in collaboration with Westchester County officials to influence rules promulgated through NYS Executive Order such that we can safely open as many facilities, activities, and programs as possible under the existing COVID-19 climate. Importantly, Executive Orders issued pursuant to a declared emergency carry significant legal weight and the Village has no discretionary authority, unless granted in the Order, to override or modify the State's regulatory measures, which are grounded in the advice and counsel of public health officials. Rather, we are required to modify facility usage rules and make difficult decisions about canceling or delaying popular recreation activities and programs in order to remain compliant with the NYS mandates.

Please note that the Village has been working diligently to expedite a return to some semblance of normalcy, including endeavoring to authorize as many recreational activities as the State will allow. Some of our programs require significant advance planning and investment. In an uncertain regulatory environment, there comes a point where our planning horizon becomes so short that the investment necessary to successfully launch a program or activity that will likely be canceled becomes too great a financial risk, particularly in view of budgetary austerity measures already instituted in response to forecasted revenue declines. With that backdrop, the most difficult decision we made last week was to cancel our Summer Camps for all age groups as well as our Sports, Soccer and Teen Travel camps. However, we remain optimistic that our weeklong camps in August or sooner may still be offered. Stay alert for future press releases and public announcements.”

As for the Municipal Pool Complex, Village Manager Pappalardo stated that “we have extended our date to fully invest budgetarily in opening the Complex until June 8th for a July 18 opening providing for a shortened permit season. Six weeks of advance planning and work, with a significant budgetary commitment, are necessary to support the proposed opening date. Thus, the pool season will be subject to cancellation if NYS or Westchester County Health officials are unable to provide a timely decision, or otherwise direct that public and commercial pools not open this year. If we are able to open, pro-rated pool permits will be made available for the shortened season. Recreation Department staff is working on a short resident survey to determine the level of interest in such a shortened season. In addition, due to the extended closure date, the Fireworks Spectacular scheduled for July 2nd, has been cancelled as well.

The good news however, is that Governor Cuomo has authorized tennis courts to reopen on a statewide basis, subject to certain public health mandates focused on social distancing and sanitization measures. In anticipation of this directive, Recreation Department maintenance crews have worked over the past few weeks to prepare the Har-Tru and Hard surface courts, allowing for our ability to officially reopen these courts this past Friday. Village personnel have prepared an operating plan that responds to each of the requirements and are accepting court reservations online. Permit holders are required to make a reservation at least one day ahead of play. Tennis play is limited to residents and their registered guests and for singles play, only. No doubles allowed. Players must check-in with the attendant before playing. Face covering is required at check-in but is optional while playing. Reports received this weekend were that a number of residents neglected to wear a face mask at check-in. All tennis permit holders are reminded to do so for everyone's health and safety. All players are required to show a photo ID or tennis permit when checking-in as well. As has always been the case, no lessons are permitted. Bathroom facilities will remain closed. A decision to prorate Village sponsored Tennis Lessons is anticipated on or about June 15th.

Village Manager Pappalardo stated that the last thing he wanted to talk about this evening is the comprehensive Village reopening plan. In response to the COVID-19 pandemic and in adherence to the Governor's various and applicable Executive Orders, the Village of Scarsdale enacted temporary emergency measures to limit and/or modify spending and operations focused on essential services relative to COVID-19 and the health, safety and welfare of the public and Village employees. As priorities and services are currently shifting to a phased reopening on a regional basis through State mandated protocols, the Village is in the process of implementing a reopening safety plan to maintain a healthy workplace for our employees and the public doing business with the Village while preventing the spread of the virus within the community. The purpose of the reopening plan is to provide guidance and to establish modified processes and procedures in response to COVID-19 and the Governor's reopening plan, and in furtherance of the Village's continued seamless and effective operations and customer service.

The plan is for Village Hall, but will be translatable to other satellite buildings. Major topic headings include: Implementing Employee Safety and Personal Preventative measures including PPE, Social Distancing, staggered work schedules and remote working to reduce people density as a safety measure; Daily documented health screenings with temperature and COVID-19 symptom checks and ongoing monitoring when necessary; Contact Tracing and disinfection of contaminated areas if necessary; Preparing the building to ensure proper social distance in workplace spaces, installation of sneeze guards at work stations located in common areas, installation of wall mounted hand sanitizers and personal safety signs on every floors, and other employee safety measures; Processes and procedures for Public access to the buildings and public safety measures, Controlled Access for safety purposes and Building cleaning protocols and schedules.

A small working group of staff has been formed to draft the Plan which involves discussions with all department heads for their input and cooperation. Staff has participated in a number of webinars on this topic as well as peer discussions within the County. The Plan will be clearly communicated to the staff and public at the appropriate time to help with

implementation success. We have already begun making certain building safety enhancements and expect to have a final reopening plan in place next month.”

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Mayor Samwick stated that the Village Board just prior to this meeting had a work session about real estate tax payments for the School District that the Town collects on their behalf, as well as discussing the Village tax payments. He stated that Trustee Arest spent an enormous amount of time on all this and worked closely with staff on it. He then asked Trustee Arest to update everyone on this before moving to public comment.

Trustee Arest stated that “in continuance of our commitment to try and do everything we can for our residents during this crisis, we had a joint Town and Village work session on splitting property tax payments for both the School and Village. It appears there was consensus from the Board to move forward with both changes to our tax collection. Short term implications were discussed as were potential medium and long term impacts. While there may be additional burdens created by this change, at the least, the short term benefits for those who need them the most at this time clearly outweigh them. While there is permanence involved with the changes, this Board is committed to monitoring impacts and reviewing them during next year's budget process.

I should note a good deal of outreach will be required to ensure our residents understand the changes if and when adopted but, to summarize the expected changes as follows:

School tax payments would now be due in two equal installments in September and in January instead of one payment in September as is currently structured. Village tax payments will also be due in equal installments in July (by August 1st) and December instead of the current requirement of no later than August 1st for that entire tax liability. There are additional costs associated with this change, including the use of lockbox services, bill redesign and printing costs, as well as possible software reprogramming charges. Loss of interest revenue is nominal in the current interest rate environment, but could be more impactful in the future. In regard to interest penalties, penalties on our residents are never a desired source of revenue but must be recognized as a line item in our budget. While a potential shortfall created by a reduction in penalties should not prevent us from acting, we do need to be aware of the possibility and plan accordingly. There is also a chance that creating a new payment structure could in fact result in more missed payments due to the introduction of a second installment. That would be an undesired and unintended consequence. This will be monitored and part of the evaluation in 2021.

Bottom line, if ultimately approved by the Board, which is expected, we hope this is a welcome benefit to many of our residents, especially during this unbelievably challenging time. It is our intention to ensure this is in place for the current year, when obviously it is needed the most. I should also note that we are proceeding under Section 925-A(2) of the New York Real Property Tax Law, which allows us during an emergency, to request a 21 day extension of the interest free tax collection window from the Governor for what is expected to be our first installment of Village taxes in July. Our Village Manager will be sending that

request out tomorrow. We are optimistic that it will be approved and hope to have more to report on this at our next Village Board meeting. Thank you.”

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Public Comments

At this time, Mayor Samwick stated that he would like to open the public comment section of the meeting. He reminded people that there is a second public comment section on the agenda at the end of the meeting, and that will take place only to the extent that we get to that point by 10:00 pm

Mayor Samwick then opened the public comment portion of the meeting.

Robert Berg, 32 Tisdale Road, stated that he participated in the work session at 6:00 pm this evening, but the Board did not allow public comment during that meeting. Therefore, he would like to make his comments about the two installment payment plans for the School and Village taxes now. He stated that it's wonderful that the Village Board is suddenly all excited about implementing the two installment payment plans for both the School and Village taxes. He stated that this was not even on the Board's radar screen until he, and his colleagues Sean Cohen and Bob Selvaggio raised it in early April after they contacted Assemblywoman Amy Paulin and Senator Andrea Stewart-Cousins, seeking their assistance in obtaining tax payment relief for suffering residents. Ms. Paulin wrote him explaining that the Village has the unilateral right to implement the two installments School text billing plan by adopting a resolution. She advised him that she was told by the Village that it would incur substantial reprogramming costs for sending two bills and handling two payments.

Mr. Berg stated that he then did a lot of legal research and other due diligence and discovered that every single town and city in Westchester has for many years adopted the two installment no penalty school tax plan so that the residents don't have to pay their school taxes all in one lump sum and they can split their payments which gives them a lot of cash flow flexibility and allows them to avoid the loan shark like late fee penalties. He stated that he raised the issue for the School Board and administration over a month ago and explained how helpful this would be for the residents, but wanted to make sure it would not impact the School District in any material way. The School Board took a look at it and the Assistant Superintendent for Business reported back that the impact on the School District would be a minimum one. However, the Village told him that there would be likely substantial reprogramming costs and that the Village would likely have to hire a new employee to handle the additional billing duties. He stated that he told the School Board that that was really not true and that no Town sends out two bills. They send out a single bill and with two payment coupons, one for each tax payment and most Towns did not even send a reminder. There are some that send an email reminder, but no one had to send two bills.

Mr. Berg stated that School Board initially decided to table the issue for this year and intended to speak with the Village about it at a future joint meeting. He stated that he told the School Board that the Village's response concerning the additional costs was nonsense

and then he wrote a strong letter emphasizing the benefits of the two installment plan to residents and urged them to help him convince the Village Board to do the right thing. A few days later at the School Board meeting, the School Board did just that. The School Board adopted a resolution at their May 14th meeting and on May 12th to have the School Board President send a letter to the Mayor recommending that the Village implement the two installments payment plan. At the Village Board's work session this evening, the Board stated that the School Board should issue a resolution, however, they did that to get that letter to the Village Board.

Mr. Berg stated that is deplorable that the Village had failed to offer this option to residents for years, like every other Town in the county does and he stated that raising Village revenues through these loan shark level penalties is a despicable practice. The only people that can't pay their property taxes on time are those who simply don't have the money. They are most financially vulnerable residents –the elderly and widows who are scraping by on social security and fixed incomes or folks who have lost their jobs when their businesses are suffering. He stated that he disagreed with the Mayor's view that the penalties are fair because most residents pay on time. With respect to Village tax, he stated that virtually every Village in Westchester County has already implemented the two payment installment plan. He stated that the Board should also adopt this immediately.

Mayor Samwick stated that he was a little bit distressed that Mr. Berg continues to refer to the penalties as loan shark-like. . As the Board has mentioned many times and at the at the work session that he attended earlier this evening, all penalties are stipulated by the State and County. They are not set by the Village in any way, shape, or form and they are uniform throughout the region.

Mayor Samwick stated that he wanted to clarify one misstatement in that Mr. Berg said that he, the Mayor had said earlier penalties are fair because most people pay on time. He stated that this is not what he said. What he said was that it wouldn't be fair to those who do pay on time, if those who paid late didn't have some penalty associated with it, and it's really an equitability argument; that's all he was saying in that regard.

Randy Whitestone, 94 Sprague Road, stated that he appreciated the 6:00 pm Board of Trustees work session, and noted that it was an interesting discussion, although he felt that it would have helped to have had some public comment during that period. He stated that he wanted to pick up on a couple of points made by Trustee Arest.

Mr. Whitestone stated that one is that he thinks it is critically important to monitor what is going on with the payments on an ongoing basis and to communicate what is going on because this is a new endeavor. This is a first time that this is being done in the Village and it is important to understand the impact that it has.

Mr. Whitestone continued, stating that the second thing that Trustee Arest said that he wanted to amplify was the importance of communicating and educating the community on what's going on with the with the changes to the payment schedule for both the Village and the school tax bills. He stated that he thinks it is really important that people understand the change, that they're reminded of the change, and that there is a very clear

sense of the timing and what they need to do – this is important to do since this is a big change.

Lastly, Mr. Whitestone stated that he wanted to ask for a little further research on the Village side of the impact of this change as it relates to Village cash flow, because he felt it will be something that will need to be monitored and clearly there's going to be some revenue diminishing from other revenue lines in the coming budget year. Cash flow is something that will be important to watch on a real time basis.

Mayor Samwick noted that the Village Treasurer has looked at cash flow and he has had discussions with her as has Trustee Arest, and she feels that it's a manageable situation. However, he stated that Mr. Whitestone has brought up a good point and he apologized that they didn't bring it up during the work session.

Robert Harrison, 65 Fox Meadow Road, complimented the Mayor for all his comments and leadership. He stated that he hoped that they can get the two payment installment for School taxes done and not delay, adding that he sent the Board an email this afternoon in that regard. He stated that he attended the School Board meeting and they had a long discussion on the installment payment program. He stated that the School Board is behind the program and he didn't think this Board should need anything further from them. There's no reason to delay as the School Board is in favor of it, and he thought that most if not all of the Trustees are in favor of this. The School Board sent this Board a letter, supported by 100% of the School Board members.

Mr. Harrison complimented Village Manager Pappalardo and his staff for managing the Village in this difficult time. He thanked the staff for taking a pay freeze and helping with the budget. He urged the School Board to do the same; he stated that he has not heard from them to it seems to be a secret as to what they're going to do, and the School Superintendent's salary is substantially higher than the Village Manager's salary.

Mr. Harrison thanked Village Clerk Conkling for her hard work and asked whether or not parking permits were on the agenda this evening for discussion.

Mr. Harrison complimented Bob Kaczmarek of the Recreation Department and Superintendent Briar Gray for their work on opening the tennis courts. He stated that he and his wife played at 11:00 am Saturday morning at the Middle School tennis courts. The young people working as attendants at the tennis courts are college students finishing their first year, high school students, and high school graduates. They're terrific and they're doing their job. He stated that he thinks the Village is collecting some tennis court revenue since people have to have sign up for their permits, which he and his wife did, and he urged everybody in town to take up tennis as a lifetime sport.

Mr. Harrison next complimented Trustee Arest, stating that he did a great job with his comments on the installment plan for School taxes. He thanked Village Treasurer McClure for all the work she did on this; these items will be very helpful to the taxpayers during this difficult period and many have even had their incomes reduced, or lost their jobs. It's a difficult time, and hopefully, things are going to get better.

Mayor Samwick responded to Mr. Harrison's question about parking permits, stating that it is not an agenda item this evening.

Village Manager Pappalardo stated that it is not a Board item, but an administrative decision.

Trustee Arest stated that an announcement regarding the extension of the parking permits was tweeted out and a press release was issued today. He asked if the Clerk could take about this briefly as it would be helpful to the community

Village Clerk Conkling stated that as most people know that purchase their parking permits every year, permit sales usually begin on June 1st for the July 1st valid date period. Staff was aware that most commuters haven't been using their permits and after some discussion and some surveys of other municipalities, a decision was made to extend the current permits that would normally expire on June 30th through to September 30th. So far the response from our current permit holders has been great, and it is helpful to extend the permit period in other ways. When we do reopen, there won't be a lot of people coming in to apply for permits and creating social distancing issues. Additionally, it appears that there will be more of a need for parking permits in September/October. We will begin accepting parking permit applications in September.

Trustee Arest stated that in addition to a great tweet, a press release was issued through Notify Me. The information is on the website as well, so any resident that may look.

There being no further public comments, Mayor Samwick closed the first public comment section of the meeting at this time.

Trustee Liaison Reports

Trustee Arest stated, "I previously mentioned evaluating potential changes to our code along varying time frames. This should apply to challenges we might face and opportunities we may find as well. In the short term, we are and must continue to act when necessary. Examples of this include the changes to our budget and financial policies such as modifying the tax collection process, working under austerity measures and allocating existing funds to contingent accounts. Uncertainty might make anything beyond short term planning difficult but does not mean it cannot or should not be done.

This pertains to impacts on our Village residents' individual and collective quality of life. I was hoping that our Village Manager was going to mention, but I understand he had lengthy and very informative comments, a request to ask their landscapers to park off the street when possible in order to minimize street parking and potential disruptions. The Scarsdale Police Department would like to remind residents that as we move Forward (with a capital F) for New York Forward and enter Phase I, there is an expectation of increased vehicle traffic. Please be aware when walking, jogging or cycling. Of course, our gasoline powered leaf blower ban goes into effect June 1 and the Police Department has been

distributing flyers on landscapers' vehicles since mid-March reminding them that the law will be enforced.

Reevaluating quality of life ordinances and finding the right balance between the needs of various stakeholders is rarely easy. But, doing so might be more important than ever as our economy opens and we move towards a new normal. As many of us, of all ages, spend more time in Scarsdale this summer, many of the noises and other nuisances that normally go unnoticed in our busy lives will be at the forefront. My request to the community at this time is for patience and participation. We need to be thoughtful in our approach and should consider the long-term ramifications of possible changes. Therefore, please be patient. But, please participate by emailing the Mayor at Mayor@Scarsdale.com. These e-mails find their way to the Board and relevant Village staff and will help guide us in determining what changes, in this case to our Code, might need to be made. I will save ideas for a work session where the full Board, staff and the public will be able to have input. The ability to make decisions for the here and now but also plan for the future is not unusual for this Board and Village Staff. It is what we do and will continue to do. This includes but is not limited to a Budget Work Session which will take place before our next board meeting.

We need to ensure that our Village is prepared to get through and out of this health crisis, but we also need to act with foresight and show how Scarsdale can do this well and be a leader. We want to ensure that our brand is strong today and into the future.

As we exit what I hope will be the most restrictive part of this pandemic, we recognize that our decisions will set us on a course to shape the Scarsdale of today, tomorrow and of 2030 and beyond. Staying the special place that Scarsdale has been into the future is what will keep our property values strong. Thank you."

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Trustee Veron stated, "I have two reports this evening. The first is on the library. Director Beth Bermel is working with other local libraries and the Village to determine how to best follow State and County health regulations to phase in physical services in addition to digital services. Patron and staff safety is a priority as she is considering what services may be offered.

As I reported last meeting, virtual programs and activities continue for Scarsdale patrons. Information can be found on the website and through other social media including Facebook, Instagram and emails. Construction is continuing at 54 Olmsted Road. The workers are following safety guidelines and work is on schedule for late fall opening.

Scarsdale Business Community

As I've been reporting since COVID hit, the Scarsdale business community has been pulling together. Merchants, property owners, the Scarsdale Business Alliance and government have convened on several occasions to discuss how best to navigate these challenging times.

As the Mayor reported, today was Westchester's Phase One reopening and the expectation is that Phase Two and Phase Three won't be far behind. As long as our metrics hold, we can expect to see much more activity in our retail hubs in June. To that end, we have begun to reimagine how to serve customers while providing safe and socially distanced experiences. We are exploring a broader use of open space, creativity around sidewalks and streetscape, making the environment pedestrian, bike and roll friendly, among many other ideas. We're brainstorming with our partners - the library, rec department and others - to bring back community. One idea is a drive in movie night, with the hopes of catering being provided by our local eateries. We're tracking the creativity around the globe, and our brainstorming to lift up all is just beginning! I've already been receiving great suggestions from residents. Please keep them coming.

What I ask of the community is to be flexible with us as we try a variety of options. We will experiment and iterate, keeping paramount the safety and welfare of employees, merchants, consumers, Village staff and neighbors. We will certainly get some things wrong, but we are hoping we get a lot right. Our goal is for Scarsdale's local businesses to generate the income they so desperately need, to deliver on the needs of their loyal customers, and to put all of our retail hubs on a path to renewal."

Trustee Arest

Trustee Arest reported on the statements of expense and revenue for the various funds of the Village for the first eleven months of fiscal year 2019-2020.

General fund appropriations were 86.26% spent as of April, 2020 as compared to 83.53% in 2018-2019.

General Fund Revenues other than property taxes are \$13,996,341 through April 2020 compared with \$14,080,089 in the first eleven months of last year. This represents a decrease of \$83,748 from 2018-2019. Overall revenue from Special Assessments and Delinquent Tax collections increased \$74,302. Gross receipts taxes are down \$37,850. Sales tax receipts increased \$365,400 reflecting the increase in the County Sales Tax rate that took effect in August. Building Permit revenue (included in License and Permit category) increased \$30,700 from last year. Again, overall, (inclusive of building permits), License and Permit revenue is up \$110,900. The largest impacts in the Insurance Recovery and Equipment sales of \$118,900 are in the reimbursement for special details which is up \$17,100 from last year and the receipt of over \$94,100 from Con Edison for paving reimbursement. Parking revenue is down \$125,700 as meter fees have dropped. Investment earnings declined \$9,200 reflecting lower rates and longer maturities. Recreation revenue dropped \$207,400 as the spring activities were cancelled due to the COVID-19 virus. Departmental Revenue declined \$147,600 since 2018-2019 was impacted by a late snow reimbursement and there was a significant drop in parking fines, also related to the COVID-19 virus and the need to shelter in place. Mortgage Tax dropped \$279,700, Court fines are down \$219,000 and State aid is down \$186,600 as New York State has changed the

timing of the AIM related aid to the end of the fiscal years (Town and Village). Revenue from property rentals is down \$32,800.

The actual collection of Village taxes through April, 2020 is at 99.68%. This is down 9 basis points from last year's collection rate.

In regard to Trustee Arest's report on the Statement of Expense and Revenue for June 2019-April 2020, Mayor Samwick commented that the April actual revenues reflect a decrease in numbers exactly in the areas that staff had anticipated and the Board was involved in, in terms of putting together reserve funds against what we're seeing. He stated that we are seeing parking revenue down, as people are not coming into the Village Center; we are seeing Court fines down as the Court is temporarily closed. He stated that they do expect that they will make up a meaningful percentage of that when the Court reopens.

Mayor Samwick continued, noting that Recreation revenue is down substantially, but it's important to look at the net number and not to look at the at the gross revenue number because there's costs associated with every dollar of revenue. But by and large, a general rule of thumb to utilize is that there's going to be about a 90% cost associated with every dollar of revenue so that the number that you'll see here is meaningfully higher than the actual impact to the Village and you'll see mortgage taxes dropped as well. He stated that one thing that's important to also note is that sales taxes have not dropped; in fact they've gone up significantly and that's counterintuitive. What it really is it reflects two distinct factors; one, it reflects that the sales tax rate in Westchester County increased last summer and we are still continuing to see some of that impact coming through – the positive impact in that sales tax revenue. And number two, sales tax represents a little over 6% of our revenue and is the largest non-property tax category of our revenue. What we have here is we have a timing issue. We have to recognize timing and what he means by that is that the payment we just received, and we're looking at this on a cash basis, reflects the end of December through the middle to end of March, period. And therefore, it does not yet reflect what we know to be the case in terms of the latter portion of March, April and May. So we will see the impact on that sales tax side but not yet at this point - that will happen over time.

Trustee Lewis

Upon motion entered by Trustee Lewis, and seconded by Trustee Ross, the following resolution regarding Authorization to Execute a Temporary Construction Easement and Waive Parking Fees was approved by the vote indicated below:

WHEREAS, the Village of Scarsdale is the owner of two properties used as commuter parking lots, one located at 14 Freightway, Scarsdale, Westchester County, NY, as shown on the tax map of the Village of Scarsdale, NY, as Section 1, Block 6, Lot 3 (“Grantor’s Property”), and the other at 0 Scarsdale Avenue, Scarsdale, Westchester County, NY, as shown on the tax map of the Village of Scarsdale, NY, as

Section 1, Block 6, Lot 5 (“Grantor’s Property”), also known as the Scarsdale Avenue Meter Lot; and

WHEREAS, Metro-North operates the Harlem Line commuter railroad between New York City and Westchester, which is in need of maintenance and repair of two crossover tracks near the Interlocking Control Point south of the Scarsdale Station, proximate to the Freightway Surface Lot and Scarsdale Avenue Meter Lot, requiring use of parking spaces in each lot, as depicted in Exhibit A, for project staging and material storage; and

WHEREAS, in view of reduced train service and associated commuter parking demands, as well as the cyclical summer slowdowns in commuter rail traffic, related to COVID-19, Metro-North wishes to advance and expedite the project in order to take advantage of the opportunity to complete the necessary work, anticipated to take between 10 to 12 weeks to complete, while also minimizing local parking and commuter inconvenience, as briefly described in Exhibit B; and

WHEREAS, it is in Scarsdale’s best interest to support Metro-North’s project objectives, including expediting local approval in order to minimize local parking and commuter impacts, and staff have negotiated a temporary easement declaration protecting our interests and duly authorizing the work to proceed, including a conditional waiver of parking space utilization fees; now, therefore, be it

RESOLVED, that the Village Manager is herein authorized to execute a temporary easement agreement in substantially the same form as attached hereto, with Metro-North Commuter Railroad Company, 420 Lexington Avenue, 11th floor, New York, NY 10170, and to undertake any administrative acts as may be necessary, including waiver of parking space utilization fees, as per the terms and conditions of the temporary easement.

<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 Arest questioned whether this agreement impacts the Village’s agreement with Propark in any way, in terms of monies that they may owe us and asked if it relieves any obligations on their part. He also asked if the Village is concerned about any liability

Deputy Village Manager Cole stated that in monitoring the lot usage for Propark, they've been parking about 20 cars a day on average, so really the number of spaces that Metro-North plans to use is inconsequential in the overall scheme of available spaces. When it comes to liability, Metro-North is required to provide the Village with a certificate of liability insurance. And in addition to that, with respect to our own physical infrastructure and its condition and potential damage, both he and Jeff Coleman, the Public Works superintendent have taken a look at the site. Jeff Coleman has gone back and photo documented conditions that are present, because although Propark is responsible for doing pavement repairs on site, we don't want to hold them accountable for damage and we certainly don't want to be stranded with costs for repair that are in some way not attributable to the work that Metro-North is responsible for. There have been a couple of walk throughs and some photo documentation. There is another walk through tomorrow with Metro-North personnel to go through these exact issues.

Trustee Arest next noted that neighborhoods that border the Village Center will be impacted by this and that there probably is no way around doing this work and not having that impact. He asked if the Village has done everything they can to insure the proper notice will be given to those neighborhood associations; do they have any kind of a hotline that residents can call with complaints. He stated that he thinks that it is very important that we have a system in place before executing this and before moving forward. He stated that he would like to hear how the Village is going to make sure we do whatever we can to make their lives better.

Deputy Village Manager Cole stated that last week the Village provided advance notification to the neighborhood association Presidents that are most proximate to the project site being Old Scarsdale Neighborhood Association and Overhill Neighborhood Association. Both neighborhood association presidents have received notice. The Village provided them with phone numbers that Metro-North has given the Village as complaint numbers to where they can call Metro-North directly. In addition to that, the Village has negotiated with Metro-North to see if they can get those lights on the site that will be much quieter. Furthermore, the Village has really placed a significant emphasis on the fact that the conditions that Metro-North is operating in are not the usual circumstances when they come into a community along their line to do infrastructure and that people have had some very significant life experiences that have caused a great deal of stress and are continuing to cause stress. So someone earlier had mentioned how that might play into noise impacts associated with the gas powered blowers and things of that nature. He stated that this noise is the gas powered blowers times 10 in some cases. What the Village has tried to do is work with Metro-North to make sure that the most significant noise impacts will happen during the day. That won't always be true, and there will be times when they're going to have to make some pretty loud construction noises in the overnight hours. However, the Village will have advance notice of those particular days and times, and they will provide that information by email notification to the same neighborhood association presidents in Overhill and Old Scarsdale.

Deputy Village Manager Cole noted that just by the very nature of the work, lifting rails and rebuilding them is going to be loud at certain points. Additionally, there's a lot of trucks over there and Metro-North has represented that they will be able to keep those

vehicles within the space the Village has allowed. However, now it turns out they can't, for whatever reason, due to COVID-19 precautions. They had brought in some extra vehicles that the Village didn't anticipate. He stated that he talked to them today about that, and informed that that they can't just do that, they have to let the Village know what is going on. He stated that he informed them that the Village was interested in and seeing the project move forward because the residents value Metro-North as an asset in the community. It helps us economically, as well as for the convenience of our residents, but at the same time, we have some very unique circumstances we're working with. He informed Metro-North that they have to be our partner and help us minimize noise, lighting disruptions and vehicular parking disruptions, and to the extent that there are some exceptions, we have to work around what might happen. The Village will do that in collaboration with Metro-North, but also with as much advanced notice as we could possibly provide to the neighborhood association. He noted that this has been thought through quite a bit.

Trustee Arest agreed that he is sure it has he appreciated that. He stated that Trustee Lewis is the liaison to the Old Scarsdale Neighborhood Associate and that he is the liaison to the Overhill Neighborhood Association and stated that they can help in terms of coordinating; however, it sounded as though Deputy Manager Cole had really thought this out and it's very much appreciated.

Deputy Village Manager Cole stated that he would be to copy Trustees Arest and Lewis on communications with to the neighborhood association presidents to let them know that the exchanges are taking place.

Trustee Lewis thanked Deputy Village Manager Cole for his work and leadership on this.

Village Manager Pappalardo stated that Deputy Village Manager Cole has been out in front of this from day one, the Village knows what is going to happen out there and the impact it's going to have on the neighborhoods. It's very important that the work is done and this is the right time to do it while all the trains aren't running as often. Otherwise, the amount of time it would take for them to complete this work would be double if they were doing it during track closures, which are really just a few hours in the middle of the night. So we hope we can get through it and Metro-North clearly understands the Village's position and Deputy Village Manager Cole just explained it. The Village will do its best to protect the residents.

Upon motion entered by Trustee Lewis, and seconded by Trustee Crandall, the following resolution regarding a Westchester County Radio Intermunicipal Agreement was approved by the vote indicated below:

WHEREAS, to support seamless radio interoperability at all multi-agency, multi-jurisdictional incidents, the Westchester County Department of Emergency Services (DES) installed a county-wide UHF trunked fire and EMS radio system in 2006 at no cost to the local government

beneficiaries, including Scarsdale, though the radio system has since become obsolete; and

WHEREAS, Westchester County is amidst upgrading the obsolete system, including not only replacing the trunked radio equipment, but also enhancing the overarching emergency communications systems used by the fire, EMS, Public Safety Answering Points (PSAPs), and Hospitals; and

WHEREAS, by way of an Intermunicipal Agreement, the County proposes to provide updated radio equipment and installation services to the Village of Scarsdale at no cost in order to support continued interoperability of emergency communications, thereby maintaining a safe and reliable means to communicate while serving the residents, workforce, and visitors in Westchester County; and

WHEREAS, it is in the Village’s best financial and public safety interest to execute the Intermunicipal Agreement, as the upgraded equipment is essential to maintaining public safety and the costs would otherwise become a local burden; now, therefore, be it

RESOLVED, that the Village Manager is herein authorized to enter into an Intermunicipal Agreement with the County of Westchester, in substantially the form as attached hereto, relative to the Village of Scarsdale’s continued participation and operation in Westchester County’s emergency radio program; and be it further

RESOLVED, that the Village Manager is herein authorized to undertake all administrative acts required pursuant to the terms of said Intermunicipal Agreement with Westchester County.

<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 Ross

Upon motion entered by Trustee Ross, and seconded by Trustee Crandall, the following resolution regarding Authorization to Execute a License Agreement – 17 Grand Park Avenue was approved by a vote of 6-0 (1 Abstention):

- WHEREAS,** Lola Tanzer and Leonard Tanzer, hereinafter “Licensees,” are the owners of a certain property known as 17 Grand Park Avenue, identified on the Village of Scarsdale Tax Map as Section 24, Block 01, Lot 6K; and
- WHEREAS,** the Licensees received appropriate land use approvals for construction of a gated entrance at 17 Grand Park Avenue, including decorative stone piers, a cobble stone driveway apron, standard call box, and Belgium block curbing; and
- WHEREAS,** as constructed, the piers and gated entry encroach between one and two feet into the Village right-of-way between the front of the home and the curblin, and a stone-ensconced call box was installed roughly 12 feet into Village right-of-way, all of which the Licensee is desirous of maintaining through a license agreement with the Village; and
- WHEREAS,** the Village Engineer has inspected these encroachments and reports via memorandum dated January 22, 2020, (attached) that the aforementioned encroachments do not present any visual obstructions or unsafe conditions; and
- WHEREAS,** the Village may accommodate the Licensee by granting a revocable license agreement to permit the Licensee to maintain and legalize the installations within the Village right-of-way, in accordance with the land survey, prepared by Gabriel Senor, P.C. dated April 24, 2019, included as Exhibit “A” of the License Agreement, attached hereto and made a part hereof, said survey reviewed and approved by the Village Engineer; and
- WHEREAS,** the Licensee is responsible for all maintenance and repairs of said encroachments in the Village right-of-way and the payment of all fees associated with any construction and inspection work; and
- WHEREAS,** Licensee will indemnify and hold harmless the Village in all actions, claims, judgments, costs, or expenses arising from said maintenance of the encroachments and provide the Village with a certificate of liability insurance naming the Village as an additional insured, at limits approved by the Village Attorney; and
- WHEREAS,** the granting of said revocable license agreement will not interfere with the Village’s present and future use and maintenance of said Village right-of-way; now, therefore, be it
- RESOLVED,** that the Village Manger is herein authorized to execute a revocable non-transferable License Agreement, in substantially the same form as attached hereto, with Lola Tanzer and Leonard Tanzer, 17 Grand Park Avenue, Scarsdale, NY 10583, to maintain a gated entry,

decorative stone piers, a cobble stone driveway apron, call box, and Belgium block curbing within the Village right-of-way in accordance with the April 24, 2019, plans and specifications reviewed and approved by the Village Engineer and attached to the License Agreement as Exhibit "A," said authorization conditioned on Licensee's submission to the Village of a certificate of liability insurance naming the Village of Scarsdale as an additional insured, at limits approved by the Village Attorney; and be it further

RESOLVED, that Licensee herein agrees to indemnify and hold the Village of Scarsdale harmless in all actions, claims, judgments, costs, or expenses arising from said installation and maintenance of said encroachments; and be it further

RESOLVED, that the Licensee shall pay the Village the sum of \$1,250.00 as an administrative fee associated with the preparation and execution of said license agreement, and an annual maintenance fee of \$150.00 moving forward pursuant to the Fiscal Year 2019/20 Village-Wide Fees and Charges schedule.

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

Before voting, Trustee Arest asked if this was just a good faith mistake that it was built on the encroachment, to which Village Manager Pappalardo replied affirmatively, that we have to take it as a good faith mistake.

Village Manager Pappalardo stated that he understands that it is frustrating and that he has had some recent conversations with the staff as it relates to what seems to be a number of times where some of these contractors working on these projects are towards the completion of their two year building permits cycle and end up on Village property. They then come back for a license agreement. He stated that there are some things that he would like to see, such as survey stake the property before they start construction and ensure that those survey stakes don't disappear during the course of construction, and take a bit of a harder line when we find out at the end of the day that they're on Village property. He stated that there'll be further discussions about that.

Trustee Arest stated that he appreciates and he understands that his team can't be everywhere. He stated that this is nothing personal and he doesn't know this applicant and is not even familiar with the property. However, he stated that it seems to happen and from working on the Zoning Board, he was trying to look at it as a precedent and also for

motivations for people as they continue to do this. However, he stated that it is hard for him when he has relatively limited information. He stated that he understands that the Village Engineer looked at this. He stated that he just wants his colleagues to know that he will be abstaining from this because he is concerned; he doesn't have enough information in order to make an informed decision, and he would welcome holding this resolution over. However, if everyone else is supportive of it, then he won't step in anyone's way.

Trustee Crandall stated that based on what she just heard from Trustee Arest, she was in favor of holding this over so that the Board can obtain more information because she agrees that the Village needs its right-of-way, respected, and we certainly need our building code respected, so she would be in favor of a holdover to obtain more information.

Village Manager Pappalardo stated that he thinks that these encroachments are fairly innocuous and that the larger picture is moving forward. He stated that he'd like a standard that is more in line with unforeseen field conditions that may arise at a job site which may require a few feet of encroachment on Village property to assist the contractor, who would otherwise have a major cost on their end or significant delays. As far as the actual encroachment itself in this particular case, he thought it was fairly innocuous. If we're going to be working internally to change that standard to be a much higher standard to come to the Village Board with a license agreement he would suggest, in this case that the Board adopt this one, let this one move on and we will work in the future to make sure that the bar is raised on the license agreement standard.

Trustee Ross stated that as he understands it, it has been essentially a matter of policy in the Village not to take a punitive approach when the encroachment did not cause any safety hazard or other discernible detriment to the Village or the public. He stated that he is not sure that he is entirely in favor of that policy, but he does believe that it is a de facto policy and it's established. If the Village is going to change it, as he thinks they may, he felt that some messaging to the public is in order. So therefore, on a going forward basis, the residents and property owners can expect to be treated differently than similarly situated property owners were in the past.

Trustee Lewis thanked Trustee Ross first for saying what he was going to probably say, and agreed 100% with what he just said, which is that this sounds like a very important item. He appreciates Trustees Arest and Crandall flagging this for the Board, but he agreed with Trustee Ross that we should not change policy, whether it be by historic precedent or otherwise ad hoc, and it feels like not moving forward in this way given the staff recommendation, would be an ad hoc reaction to it and from the standpoint of process and governance, he thought that the Board should definitely delve more deeply into this. Everybody is treated equitably and he noted that it would be wonderful if they could begin to schedule and keep track of these items that they are flagging in these meetings for follow up. He agreed with Trustees Arest and Crandall that this is an important issue, but he also agreed with Trustee Ross that the Board needs to be fair and equitable based on prior history and address this in a policy formulation framework.

Trustee Veron stated that she has watched how these matters come before the Board and they do talk about perhaps modifying policy, but she stated that she agrees with Trustee Ross in that she didn't want be unduly punitive to an individual homeowner without

studying the issue first. She stated that it doesn't seem out of character with other things that the Board has permitted. She stated that she would rather address it going forward, and agreed with Trustee Lewis in that she would like to make sure that the Board captures these agenda items and schedule them so that the Board can talk through some of the policy issues.

Trustee Crandall asked Village Manager Pappalardo if he were suggesting that staff would handle this sort of thing without this coming to the Village Board because she would not be in favor of that approach.

Village Manager Pappalardo stated that staff does not need the Village Board to guide them. If contractors stay on their property and they build in accordance with the approved plans, then you know there's no Village Board action. He stated that he is trying to make sure that these license agreements don't become pro forma for those contractors who might have an easier time by using a few feet of Village property as opposed to building on the private property and there's a lot more to it, obviously, to that and there's always particulars for every situation. He stated that this is really more about moving forward, making sure that unless there is a construction impediment that really was unknown at the time that the plans were approved or that there were unknown field condition of some sort, where they would come to the Village Board and say, here are the alternatives, we think a few feet on an encroachment would make sense in this case, it's fitting, and it works as opposed to having them do something a lot more elaborate and more time consuming. It's a reasonableness issue.

Trustee Crandall stated that her recollection of the Code is that if you know ahead of time that you want to do something in the right of way that there's a process where you come to the Building department and you ask for permission to do whatever it is in the Village right of way. They have seen that before with walkway extensions and that type of thing. However, it seems like here they say that this is already built. She stated that the Code really needs to be respected and, she'll vote in favor this time, just so that she's not being punitive. She asked Village Manager Pappalardo to convey a message to staff that we need our building code to be followed – it's there for a reason.

Village Manager Pappalardo stated that this is already in the works.

Trustee Arest stated that he remained conflicted. He stated that he respected all the comments of his colleagues and he always give deference to Village staff. In this case, he stated that he would like to believe that he has been consistent with his position that if this was private land, the outcome would not be similar to what we're doing here. And it doesn't mean its wrong and it doesn't mean we wouldn't do this and if they did come to the Board before the building was done, he just would like a little bit more information. However, he stated that he respects everyone wanting to proceed and for those reasons, and what he stated before, he will abstain.

Trustee Crandall stated that given that this is such a difficult time for everyone, her inclination is to be agreeable she will vote in favor.

Upon motion entered by Trustee Ross, and seconded by Trustee Crandall, the following resolution regarding Authorization to Execute a License Agreement – 862 Scarsdale Avenue was approved by the vote indicated below:

- WHEREAS,** Serenity Now Realty LLC, as represented by Doug Metz, hereinafter “Licensee,” is the current owner of certain real property known as 862 Scarsdale Avenue, identified on the Village Tax Map as Section 01, Block 03, Lot 23 (hereinafter “Property”); and
- WHEREAS,** the Licensee is desirous of installing and maintaining a transitional pedestrian ramp, hand railing, and related ADA-compliant improvements in the Village right-of-way in front of the Property (hereinafter “Improvements”), and has requested a License Agreement to permit the installation and maintenance of said Improvements at the Licensee’s expense in accordance with the associated plans, included as “Exhibit A” of the License Agreement, attached hereto and made a part hereof; and
- WHEREAS,** Licensee will indemnify and hold harmless the Village in all actions, claims, judgments, costs, or expenses arising from said maintenance and use of the Improvements, as well as provide the Village with a certificate of liability insurance naming the Village as an additional insured, at limits approved by the Village Attorney; and
- WHEREAS,** the Village Engineer inspected the area and recommended to the Village Attorney the granting of a revocable License Agreement, as the depicted Improvements constitute a needed public accessibility benefit and would not create a visual or other obstruction or hazard; and
- WHEREAS,** granting of said revocable License Agreement will not interfere with the Village’s present or future use and maintenance of said right-of-way; now, therefore, be it
- RESOLVED,** that the Village Manager is herein authorized to execute a revocable License Agreement, in substantially the same form as attached hereto, with Serenity Now Realty LLC, as represented by Doug Metz, to install and maintain a transitional pedestrian ramp, hand railing, and related ADA-compliant improvements in the Village right-of-way at 862 Scarsdale Avenue in accordance with the associated plans attached as “Exhibit A” of said License Agreement; and be it further
- RESOLVED,** that Licensee herein agrees to indemnify and hold the Village of Scarsdale harmless in all actions, claims, judgments, costs, or expenses arising from said installation, maintenance, and use of the Improvements, and to provide the Village with a certificate of

insurance naming the Village as an additional insured at limits approved by the Village Attorney; and be it further

RESOLVED, pursuant to the Fiscal Year 2019/20 Village-Wide Fees and Charges Schedule, the Licensee shall pay the Village the sum of \$1,250.00 as an administrative fee associated with the preparation and execution of the License Agreement, as well as an annual maintenance fee of \$150.00 for each year the encroachment remains in-place.

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

Trustee Veron

Upon motion entered by Trustee Veron, and seconded by Trustee Crandall, the following resolution regarding Additional Moving Services, VM #1241 – Scarsdale Public Library Moving Services and Transfer of Supporting Funds was approved by the vote indicated below (6-0, 1 Recusal):

WHEREAS, the Village Board approved execution of VM Contract #1241 Scarsdale Public Library Moving Services with Santiago Worldwide Moving and Storage Inc. (Santiago Moving), 614 Corporate Way, Valley Cottage, NY 10989, on June 12, 2018, in the amount of \$108,000 for moving and storage services; and

WHEREAS, pursuant to the Village Internal Control Policy, the Village Manager authorized an additional \$10,800 in fees on August 13, 2018, for moving items not included in the original scope of work, yielding a revised contract total of \$118,800; and

WHEREAS, with the estimated date of substantial project completion having moved to August 2020, seven months of additional storage is required beyond the original storage terminate date of January 16, 2020, so as to provide for storage until August 16, 2020, at a revised monthly rate of \$3,075, reflecting a \$75 per month negotiated surcharge for storage of items not included in the original scope of services, which the vendor had agreed to move into storage for an additional fee of \$965; and

WHEREAS, per letter the Additional Moving Services Change Order Letter from Santiago Moving, dated April 01, 2020, as attached hereto, the total cost of the additional services is \$22,490, resulting in a new contract total of \$141,290; and

WHEREAS, due to cost savings realized through prudent Library Budgeted personnel management during construction, there is adequate fund balance in the Library Fund to cover fees in connection with the Additional Moving Services; now, therefore, be it

RESOLVED, that the Village Manager is hereby authorized to execute the Additional Moving Services Change Order Letter, in substantially the same form as attached hereto, for a total increase of up to \$22,490, and is further authorized to undertake administrative acts as may be required under the terms of the contract; and be it further

RESOLVED, that \$22,490 in fund balance from the Library Fund be transferred to the Library Moving Services Capital Account #HL-7497-964-2018-078G.

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

Upon motion entered by Trustee Veron, and seconded by Trustee Crandall, the following resolution the Acceptance of a Gift for the Scarsdale Public Library Addition and Renovation Project was approved 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 \$21,826,433.93, 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 - \$39,166.00; and,

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

RESOLVED, that the Village Board hereby accepts the following gift toward the Scarsdale Public Library Master Plan Improvement Project: \$39,166.00 from the Friends of the Scarsdale Library; and be it further

RESOLVED, that the Village Treasurer take the necessary steps to complete the transaction and accept the financial gift totaling \$39,166.00 and deposit said funds into the Library Capital Campaign Account; and be it further

RESOLVED, that the Board of Trustees hereby extends their heartfelt thanks and great appreciation to the Friends of the Scarsdale Library for their generosity and commitment to the Scarsdale Public Library and the community it serves.

Upon motion entered by Trustee Veron, and seconded by Trustee Crandall, the following resolution regarding Transfer of Principal From Library Children's Room Endowment to Library Capital Campaign Account was approved by the vote indicated below (6-0, 1 Recusal):

WHEREAS, the Library has a non-expendable trust account entitled, "Children's Room Endowment," TN-96-.10, with a remaining principal of \$295,245; and

WHEREAS, pursuant Section 2-B of the Memorandum of Agreement for the Children's Room Endowment, dated November 26, 1996, (attached) up to 10% of the account's principal may be used annually to enhance children resources and services as is authorized by the Library Board of Trustees; and

WHEREAS, the Library Board of Trustees approved a \$29,524 transfer on January 13, 2020, from the Children's Room Endowment to the Library's Capital Campaign Account to be applied to "resources and services [for] children in connection with the building renovation project," and that the transfer must occur prior to the end of FY 2019-20 or May 31, 2020; now, therefore, be it

RESOLVED, that the Village Board herein approves the transfer of \$29,524 from the Children’s Room Endowment to the Library Capital Campaign Account, to be transferred prior to the end of FY 2019-20 or May 31, 2020.

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

Trustee Waldman

Upon motion entered by Trustee Waldman, and seconded by Trustee Crandall, the following resolution regarding Amending the FY 2020-21 Adopted Budget Allocation for Youth Services was approved by a vote of 6-0, (1 Recusal – Trustee Lewis):

WHEREAS, the Village of Scarsdale has a long-standing partnership with Scarsdale Edgemont Family Counseling Services (SFCS), 14 Harwood Court, Suite 409, Scarsdale, NY 10583, and the Scarsdale Union-Free School District in funding the SFCS Youth Services Project; and

WHEREAS, the Youth Services Project provides important community services, supported by a part-time Drug and Alcohol Task Force Coordinator, two full-time youth outreach workers assisting Scarsdale High School, and three full-time youth outreach workers assisting Scarsdale Middle School, each of whom is available to youth on a daily basis during school hours and after school and evenings for parent and youth groups and for crisis intervention; and

WHEREAS, a recent reclassification of the program’s five full-time outreach workers by the SFCS’s workers’ compensation insurance carrier, as described in the attached SFCS Budget Narrative, resulted in SFCS’s total FY 2020-21 premium increasing from \$885 to \$15,740, with SFCS requesting that the Village and School District each contribute \$3,715 of the \$14,855 funding gap in FY 20/21, and the balance made-up by SFCS directly through a combination of salary adjustments and limited line item budget cuts; and

WHEREAS, SFCS has also been retroactively billed for FY 18/19 in the amount of \$10,788 and anticipates a similar billing for FY 19/20, both of which SFCS has indicated they will be solely financially responsible

for, with future increased insurance costs to be embedded in their proposed annual program budget; and

WHEREAS, the Youth Services Partnership met via Zoom on May 6, 2020, and agreed on this financial arrangement to adequately fund these unanticipated costs, and as such, the Village Manager and Village Treasurer recommend that the \$3,715 increase to the FY 2020-21 Youth Services Contractual Expenditures Account be reallocated from the FY 2020-21 Contingency Account, yielding a total FY 20/21 commitment of \$268,646, an increase of \$10,242 or 3.96% from our FY 19/20 commitment; now, therefore, be it

RESOLVED, that the Village Manager is hereby authorized to reallocate \$3,715 from the FY 2020-21 Contingency Account, A-9990-SPCL-SPCL 500-1990, to the FY 2020-21 Youth Services Contractual Expenditures Account, A-9990-HUMSC-YOUTH-400 499, amending the FY 2020-21 allocation for the SFCS Youth Services Project to a total of \$268,646.

Upon motion entered by Trustee Waldman, and seconded by Trustee Crandall, the following resolution regarding an Appointment to the Planning Board was approved by a unanimous vote:

WHEREAS, the Planning Board consists of five members appointed by the Village Board for five-year terms; and

WHEREAS, Dan Steinberg, 14 Donellan Road, informed the Village of his desire to transition off said Board and subsequently resigned from his position of Chair and Planning Board Member, necessitating the appointment of a new Chair, while filling the vacant membership position; and

WHEREAS, on May 12, 2020, the Village Board appointed current Planning Board member John Clapp, as Planning Board Chair through April 05, 2021, or until such time as a successor is appointed; and

WHEREAS, Jack Miller, Associate Village Historian since April 09, 2019 and past Board of Architectural Review Member, is desirous of serving as a Planning Board Member to fill the vacancy created by the resignation of Dan Steinberg, for an unexpired term through April 05, 2024; and

WHEREAS, in order to serve as a Planning Board Member, Jack Miller will resign from his position as Associate Village Historian, resulting in a vacancy for his unexpired term through April 05, 2021, which will be filled through a future Village Board appointment; now, therefore, be it

RESOLVED, that Jack Miller, 45 Fayette Road, is herein appointed as a Member of the Planning Board in order to fill the unexpired term of Dan Steinberg, effective immediately for a term ending April 01, 2024, or until such time as a successor is appointed; and be it further

RESOLVED, that the Village Board will endeavor to fill the Associate Village Historian position vacancy created upon Jack Miller's appointment to the Planning Board.

Upon motion entered by Mayor Samwick, and seconded by Trustee Crandall, the following resolution regarding the Appointment of the Village Historian was approved by a unanimous vote:

WHEREAS, pursuant to New York State Arts & Cultural Affairs Law §57.07, all Villages in New York State must have an appointed Historian; and

WHEREAS, by resolution dated April 06, 2020, the appointment of Lucas Meyer, 21 Autenrieth Road, was confirmed by the Board of Trustees for a term ending April 05, 2021, or until such time as a as successor was appointed; and

WHEREAS, Lucas Meyer has indicated that he is no longer able to continue to as serve as Village Historian; and

WHEREAS, pursuant to New York State Village Law, the Mayor is responsible for appointing non-elected officers to serve the remainder of unexpired terms when these offices become vacant; and

WHEREAS, Barbara Shay MacDonald has expressed interest in serving as Historian for the Village of Scarsdale; and

WHEREAS, Ms. MacDonald has served as an Associate Village Historian for the Village of Scarsdale since April 02, 2018; now, therefore, be it

RESOLVED, that I, Mayor Marc Samwick, do hereby appoint Barbara Shay MacDonald to the Office of Village Historian to fill the unexpired term of Lucas Meyer through April 05, 2021, or until such time as a successor is appointed.

Village Clerk Conkling reported that three (3) communications have been received since the last regular Board of Trustees meeting. All written communications include responses from the Mayor, and may be viewed on the Village's website at www.scarsdale.com.

- An email from Jackie & David Irwin, 51 Drake Road, extending their appreciation for the Mayor's letters to the community.
- An email from Mark Lewis, 98 Brewster Road, in support of a two payment installment plan for the School taxes.
- An email from Nicholas Thompson, regarding increased pool funding in the 2020-2021 Village Budget and his objection to increased taxes.

Public Comment:

Mayor Samwick opened the second public comment portion of the meeting to anyone wishing to make comments.

Robert Berg, 32 Tisdale Road, stated that he forgot to mention in his earlier comments this evening about installment payments for School and Village taxes that in the Board's work session this evening they discussed the memorandum that the village Treasurer prepared with the assistance of Trustee Arest. He stated that he would like a copy of this memorandum appended to the minutes of tonight's meeting, if possible, and in the interim, he would like to be provided with a copy of this memorandum

Secondly, Mr. Berg stated that he sent the Mayor a petition signed by 147 residents requesting that the Village Board adopt the resolution authorizing the two installment billing plan for the School tax. He stated that he was sure those residents will be happy to learn that the Village Board is moving forward on that resolution and is also doing the same so with respect to Village taxes.

Next, Mr. Berg stated that he was disheartened to receive by email containing a press release from the Village Clerk this afternoon announcing that all parking permits issued by the Village have been extended until September 30, 2020. He stated that this extension includes all parking permits for Christie Place, Freightway commuter parking, and the open lots. This also includes the Scarsdale Avenue morning parking permits. He is concerned that this decision will have very substantial ramifications for the Village. There's been no advanced public discussion of this during the recent budget discussion for the Fiscal Year 2020-2021 Village Budget. He stated that parking and traffic fines are among Village sources of revenue, and the Village's permit parking lots provide the Village with significant annual revenue. In the budget that was just adopted for 2020-2021, the Village projected

Robert: In the just adopted village budget for 2020 2021 the village has projected \$1,369,150 in revenues from Village permit parking plus \$195,900 in revenues from the valet parking operations. Now, without any public discussion of the issue and without a meeting of the Board of Trustees, and without any prior notice to the public, the Village has decided to give

some residents and non-residents, about 1,000 in total who are current parking permit holders a big break. The current parking passes normally expire on June 30, 2020 but now they'll get a free three month's extension. He stated that this is very nice for these residence and nonresidents, but its going cost Scarsdale residents about \$350,000 in foregone revenue for this gift to current parking permit holders. He stated that this is going to cost every property owner increased Village taxes next year to make up for this gift. He conceded that there are certainly arguments that can be made that the current permit holders weren't able to get full value of their permits because no one's been commuting to the city since the middle of March, but this argument ignores the fact that many of the permit holders have been using the permit since July 1, 2019. Additionally, the Village has never closed its parking facilities, and permit holders have been able to use those facilities during the pandemic, including Village merchants. He stated that there are certainly valid arguments against giving an expensive freebie to some Scarsdale residents and nonresidents when the Village desperately needs the revenue. He stated that his biggest issue here is the process by which the decision was made, who made the decision to grant the three months, a three month's permit extension. He asked what data analysis was conducted to assess the economic impact of this decision. He stated that this decision was announced this afternoon with the press release, and asked why this issue wasn't on the Board's agenda for tonight's meeting so that it could be discussed at an open public meeting of the Board with public comment.

Mr. Berg stated that the public is entitled to answers to these questions. This should not be a matter left to the discretion of the Village Manager.: A \$350,000 hit to Village revenues in these desperate times is too large to be made by the Village Manager on his own, without approval by the Board of Trustees after public debate.

Michael Levine, Walworth Avenue, stated that he would be happy to put off half of my School taxes in September however, he stated that we should look at this in a certain perspective. He stated that this is a onetime four-month delay for half of my taxes, or it averages out to a onetime two month delay in all my taxes and in return for this onetime two month delay, he is going to be a taxpayer who is subject to a budget which is increasing because of a permanent increase in the collection costs and the other costs associated with doing this. He stated that it is not that much a matter of concern, but it's just kind of like a reaction to a serious crisis, but it's just not that big of a deal. Also, he stated that he didn't think in the long term this would really help people who are having chronic financial troubles. If somebody's having trouble paying X dollars a year, it doesn't really matter if it's three installments, or five installments or 12 installments or weekly installments. He stated that this is the underlying problem.

Mr. Levine continued, stated that he believed that the late fees will be the same, as the same people will be late. Whatever the scheduling is, people will continue to be late in their payments. He stated that he was not really going to object to it, but that it should be put into perspective.

Robert Harrison, 65 Fox Meadow Road, stated that Mr. Levine is entitled to his opinion. As a 40 year resident of this community, and as Chairman of the Scarsdale Taxpayer Alert since 1989, he stated that he always tries to get good value for our tax dollars and he vehemently disagreed with Mr. Levine's comments. He stated that he pays his taxes

mostly out of his 401K. He stated that when you take money out of your 401K, you have to pay taxes on it and it's nice to be able to take half of the amount out in September and the other half the following year and not pay taxes on it until April 15th of 2022. He stated that this is a definite benefit to Scarsdale residents, particularly the older residents. Also, this will benefit the younger families who have lots of kids and have tremendous pressure, and maybe have lost their jobs, or had pay cuts. He urged the Board to adopt this t as soon as possible. He recommended that the Board call a special meeting next week and vote on this or put it on their agenda for the Board's June 9th meeting, which is the day of the School Board vote, but not until 7:00 or 8:00 pm as the School Board votes have to be in by 5:00 pm on that Tuesday, June 9th. Everyone will get a ballot in the mail in the next few days.

Mr. Harrison stated it appears that the Board is thinking about providing for two payments for Village taxes, and asked if the Board could clarify that. The bill for those taxes are mailed on July 1st, so there is not much time.

Mr. Harrison asked the Mayor to repeat the PO Box number to where we can send contributions to SVAC. He stated that it would be helpful for getting more donations to SVAC.

Mr. Harrison stated that the Village's Recreation Department did a nice thing in selling senior tennis permits for \$47 which is a bargain, he and his wife got two permits for \$84 instead of \$70 apiece.

In regard to sales tax revenue, Mr. Harrison asked whether or not people who buy through Amazon pay sales tax to Scarsdale. He also asked about the situation with the fees and charges for late payment of County taxes and how that was finally decided upon.

Mayor Samwick stated that he would answer a couple of questions posed by Mr. Harrison. First, the Scarsdale Volunteer Ambulance Corps address is P. O. Box 92, Scarsdale, New York. Also, he stated that Amazon is now paying sales tax in New York, so Scarsdale does get a piece of that. Regarding the County taxes, he stated that the County tax late payments are actually a little complicated. He asked Deputy Village Manager Cole to give a description of that since he is an expert on those alternatives.

Deputy Manager Cole responded that he is not prepared to speak to that this evening.

Mayor Samwick stated that Village Treasurer McClure is not here this evening to explain this; however, to answer Mr. Harrison's question, he stated that there are two options available. He stated that he didn't want to put anyone else under the spot to go into any detail.

Trustee Arest stated that in regard to the late penalty options for the County taxes, he didn't have the exact numbers, but there is one option, which reduces the penalty burden. And then the second option is that there is an individual taxpayer certification with certain criteria, and if you meet those criteria you are relieved of all penalties through July 15 2020. He stated that he would be happy to send that information to Mr. Harrison and anybody else that needs it.

Mayor Samwick stated that there was a press release issued by the Village when that was implemented on the Village's website at www.scarsdale.com.

There being no further comments, Mayor Samwick closed the second public comment portion of the meeting.

Future Meeting Schedule

- *Tuesday, June 9, 2020* – 7:00 PM – Village Board Meeting – Via Zoom

There being no further business to come before the Board, the meeting was adjourned at 8:58 P.M.

Respectfully submitted,

Donna M. Conkling
Village Clerk