

THREE THOUSAND THREE HUNDRED THIRTY-FIFTH
REGULAR MEETING

Rutherford Hall
Village Hall
September 24, 2019

A Regular Meeting of the Board of Trustees of the Village of Scarsdale was held in Rutherford Hall in Village Hall on Tuesday, September 24, 2019 at 8:00 P.M.

Present were Mayor Samwick, Trustees Arest, Crandall, Lewis, Ross, Veron (arrived 8:20 P.M.), and Waldman. Also present were Village Manager Pappalardo, Deputy Village Manager Cole, Village Treasurer McClure, Village Attorney Sapienza-Martin, Deputy Village Attorney Garrison, Assistant Village Manager Richards, and Deputy Village Clerk Regazzi.

The minutes of the Regular Board of Trustees Meeting of Tuesday, September 10, 2019 were approved as amended on a motion entered by Trustee Crandall, seconded by Trustee Ross and carried unanimously.

Bills & Payroll

Trustee Waldman reported that she had audited the Abstract of Claims dated September 24, 2019 in the amount of \$1,713,634.92 which includes \$3,685,016.00 in Library Claims previously audited by a Trustee of the Library Board which were found to be in order and she moved that such payment be ratified.

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

RESOLVED, that the Abstract of Claims dated September 24, 2019 in the amount of \$1,713,634.92 is hereby approved.

Mayor's Comments

Mayor Samwick stated that “there are two items I would like to discuss this evening – Traffic Safety and the Butler Field Lights.

Traffic safety is an ongoing priority for the Village. The Traffic Safety Committee is the primary decision-making body for traffic safety, control and calming measures. This Committee consists of technical expertise in traffic engineering and includes: the Village Engineer, members of the Police Department, members of the Department of Public Works and a representative from the Village Manager's office. The Committee follows well-established guidelines and State mandates to determine measures that are appropriate for the Village.

Over the years, one of the main frustrations the Village has faced with respect to traffic safety is the state-mandated minimum Village speed limit of 30 mph. The Village has recently requested that our State Assemblywoman, Amy Paulin, introduce and sponsor legislation that would permit villages to establish speed limits as low as 25 mph. Assemblywoman Paulin agreed to sponsor such legislation and quickly introduced two bills onto the Assembly floor. Village staff is seeking support for the proposed legislation from other nearby municipalities, Westchester County and various state associations, including the NY Council of Mayors.

Staff is working diligently on a parallel track to develop a deliberate approach to enhance the safety of Scarsdale's neighborhood streets and other areas of elevated pedestrian and bicycle activity.

Traffic concerns may be submitted to the Traffic Safety Committee, to the Village Manager at manager@scarsdale.com or to me at mayor@scarsdale.com. The Manager and I will forward all emails to the Committee for its consideration.

The second matter I would like to address is on our agenda this evening - Butler Field Lights. The Butler Field Lights proposal is very familiar to many as the community has been engaged in a thorough and thoughtful dialogue for nearly a year. The discussion has included a dozen public meetings held by the School District plus an additional 11 public BOE meetings, a Planning Board meeting and two meetings held by this Board, including a public joint meeting of the Board of Education and the Village Board.

The School District has been responsive to the community, as evidenced by its adoption of the 9th version of its field's use policy that was introduced at last night's Board of Education meeting. After at least 26 meetings and a comprehensive and responsive process run by the School District, it is time to advance this project forward.

Should the Village Board approve the project this evening, the community will benefit from: (i) more focused and environmentally friendly lights, (ii) implementation of an amplified sound policy that resulted from this outreach process, and (iii) a proposed enhanced sound system that will minimize amplified sound beyond the field and track area.

This thorough process is common in Scarsdale. Namely, we listen, we seek as much input as possible with the goal of achieving consensus and we end up with a better outcome as a result. The Butler Field Lights project is a very good example of our process at work. Thank you for all who contributed to this project. The project, if approved, will be better for your participation.

Two other things that I wanted to add very quickly – one is that 1 ½ weeks ago, the Scarsdale Business Alliance hosted the first Annual Scarsdale Music Festival. It was a huge success, we had approximately 3,000 people there. It was a phenomenal day and there were an enormous number of volunteers, so another hallmark of what Scarsdale does very well is our volunteer efforts and you are going to have a hard time finding a better example than the Music Festival that was hosted 1 ½ weeks ago.

With that said, I think two people's efforts really stand out and require to be singled out. Marcy Berman Goldstein and M.L. Perlman really rose to the occasion with vision, dedication and an enormous amount of hard work that paid off in spades, so thank you. Thank you to all the volunteers and thank you especially to Marcy and M.L.

Lastly, to those celebrating Rosh Hashanah this week, we wish you a sweet and Happy New Year."

Manager's Comments

Village Manager Pappalardo spoke regarding road resurfacing updates for the FY2019-2020. With regard to funding for this program, and the commitment that the Village Board has made this year to enhancing and improving our road resurfacing program, we had some balances in our previous year's appropriations in the Capital Budget. The Board appropriated over \$300,000 in the current year budget and we received close to ½ million dollars in State funding for road resurfacing as well. We got some reimbursements from Con Edison for roads that they have paid that we have recouped from them. This is based on natural gas replacement work that they do and they paved the roads. Between all of those sources, we have roughly \$1.67 million right now for road resurfacing.

We are also recommending to the Board based on our year end closeout for Fiscal Year 2018-2019 to assign some of our unassigned fund balance to road resurfacing as well and we are recommending \$381,250 to bring the total appropriation for the 2019-2020 road resurfacing program to just over \$2 million. This is the most funding we have had for road paving in the last decade.

So what are we doing with that money? During this summer of 2019, during the month of July, our contractors completed over 3.81 miles of road resurfacing for a total cost

of \$1.164 million. That was paving all or parts of 16 separate roads. We are back out there now and doing some fall resurfacing. Weather permitting, they will be out there tomorrow and what we are talking about doing in the fall is roughly 1.59 miles of roadway at an estimated cost of \$350,000 which would allow for a total of 5.4 miles of roads being paved. In the spring of 2020, our Fiscal Year runs from June 2019 through May 2020, we are hoping to do another 1.47 miles of roads and another \$325,000 which will bring us to 6.87 miles of road. We have some other roads that we are hoping to do this spring, but we will see how that goes. However, all in all, we should be able to do anywhere between 6.8 and close to 8 miles of roadway in the Village which is more than he can ever remember doing in over a decade. Village Manager Pappalardo wanted the community to know that they are out there and looking to improve the road conditions. Some of that work includes curbing as well for storm water drainage. The Village is committed to continuing to fund the road resurfacing program, to the best of its ability.

Mayor Samwick noted that the Village had approximately a decade during and after the financial crisis where they really did fall behind noticeably on the roads. It's really the past few years where we started to catch up and make some progress. It is slow going but at least we are heading in the right direction now and we believe that we can continue to do that and are dedicated to continue on that path.

Public Hearing

Trustee Lewis stated that he would like to open the public hearing scheduled this evening regarding Establishing the Number of Taxicabs to be Licensed in the Village of Scarsdale for 2020. He reminded everyone that this was discussed at the Board of Trustees meeting held on September 10, 2019. He stated that the Memorandum submitted by Village Clerk Conkling on August 19, 2019 included an analysis on how the number of licenses is arrived at. The number of licenses are derived from a combination of an analysis of the population from the US Census of Scarsdale, the ridership on Metro North – both during weekdays and weekends, the market penetration such as Uber and Lyft, and it is through that analysis that the number of taxicab licenses are suggested and authorized in the resolution before the Board this evening.

Before reading the resolution, Trustee Lewis requested any public comment on this matter.

As no comments were offered, the public hearing was closed on a motion entered by Trustee Lewis, seconded by Trustee Crandall, and carried unanimously.

Upon motion entered by Trustee Lewis, and seconded by Trustee Crandall, the following resolution regarding the Number of Taxicabs to be licensed in 2020 was approved by the vote indicated below:

- WHEREAS,** Village staff has reviewed the necessary areas of taxi service in accordance with Article II, Section 272-3 of the Village Code in order to recommend the number of taxicabs to be licensed in the year 2020; and
- WHEREAS,** the Village Board of Trustees approved the issuance of up to twenty-five (25) taxicab licenses in 2019, with the Village Clerk issuing twenty-four (24) taxicab licenses in this year; and
- WHEREAS,** Based on population, train ridership data and the number of licenses sold, Village staff has determined that the current number of 25 taxicab licenses is adequate for the proper supply of service throughout the Village in 2020 now therefore be it
- RESOLVED,** that pursuant to Article II, Section 272-3 of the Scarsdale Village Code, the number of taxicab licenses to be issued in 2020 should remain at twenty-five (25); and be it further
- RESOLVED,** that the Village Clerk is hereby authorized to issue said licenses in accordance with the provisions of the Village Code.

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

Public Comments

Mayor Samwick opened public comment at this time, with a reminder that there will be a chime after four minutes that indicates that the speaker has one minute remaining.

Robert Harrison, 65 Fox Meadow Road, stated that he would like the names of the winners of the Scarsdale Youth Tennis summer league tournament listed in the meeting minutes of September 10, 2019, which he mentioned at public comment. He stated that he will submit these comments for the record.

Mr. Harrison stated that he attended the ‘closeout session’ of the Board regarding the Village finances which was very interesting. Due to good management, we have surpluses which will hopefully as indicated be placed into the road resurfacing program. He added that Fox Meadow Road, from Crane Road to Wayside Lane is in terrible condition. He has asked in the past that this be resurfaced and hoped that this one long block would be covered this fall. He urged the members of the Board to drive down this section to see the condition of the road.

Village Manager Pappalardo stated that he did not know whether that section of Fox Meadow Road is included in the road resurfacing program for the spring; it is not included in the fall resurfacing. He stated that the Village is aware of the condition of that portion of Fox Meadow Road; the issue with this section is that Con Edison has been doing a lot of gas work and they will not commit to the Village that they will not be doing any work between Crane Road and Wayside Lane. Therefore, the Village will not resurface that portion until they receive assurances from Con Edison that they will not be digging that road up.

Mr. Harrison asked that perhaps some pothole filling be done in the meantime on that portion of Fox Meadow Road.

John Gleidman, Lyons Road, spoke regarding traffic safety, particularly in regard to the intersection of Lyons and Sprague Roads. There are at least ten of his neighbors present to speak on this issue and their desire to make this intersection a four-way stop. The intersection is very hard to navigate; the area is sloped in a way that the traffic on Sprague Road seems to come out of nowhere. You can only see at most one or two car lengths. There is also a school bus stop within feet of the intersection. Sprague Road is a narrow street with no sidewalks and there is no shoulder on the road. Additionally, this area has a high density of children that live in the area or on their way to the nearby school. Therefore, he and his neighbors are petitioning for two additional stop signs to make this intersection a four-way stop. He noted that there was a two car crash in August.

Mr. Gleidman stated that there is a reported collision rate at the intersection of one every other year going back ten years. Each of the police accident reports regarding those collisions stated that the drivers couldn’t see on either side when the collision occurred. Additionally, since August, there have been approximately 50 drivers recorded as speeding through that area. There was also a troubling report of near collisions. Mr. Gleidman stated that he and his neighbors are requesting that this four-way stop signage be put in place at the intersection of Lyons and Sprague Roads for the safety of the children, the residents and all that travel on the roadway.

Mayor Samwick informed Mr. Gleidman that his dedication and approach to this issue of traffic safety has been exemplary and to be applauded. He has worked very collaboratively with the Village with open communication, which is much appreciated. The Board will continue to look at this through the Traffic Safety Committee. He asked Mr. Gleidman to try to get the speed limits reduced at the State level as well because getting support from the residents in that process is very important.

Kathy Coleman, 132 Madison Road, expressed her support for the four-way stop at the intersection of Lyons and Sprague Roads. She stated that she was hit and run at this very intersection in August, and she didn't report it because whoever it was got away.

Sridhar Devarajan, 155 Lyons Road, stated that he lives right at the intersection of Lyons and Sprague Roads and stated that when he pulls his car out of the driveway, he has had a few near misses. He stated he was in favor of a four-way stop at this intersection, especially with a park nearby.

Michael Dwyer, 146 Lyons Road, stated that he has lived on Lyons Road for 18 years and has had near misses at that intersection. The way the road slopes upward makes it hard to see, especially in the morning when the sun is rising. He stated it would be a lot safer with a four-way stop and would appreciate the Board taking that into consideration.

Andrew Schweitzer, 164 Lyons Road, expressed his strong support for a four-way stop at the intersection of Lyons and Sprague Roads. He too has had many near misses while traveling at that intersection.

Kevin Hoey, 16 Sprague Road, stated that he completely supports a four-way stop at the intersection of Lyons and Sprague Roads. He stated that Sprague Road has become a commercial thoroughfare because of everyone avoiding stop signs on Grand Boulevard.

Mr. Hoey next spoke in regard to the proposed lights at Butler Field. He noted his participation and activities on the Scarsdale athletic fields for many years. He stated that he has served on the Scarsdale Youth Softball and is currently on the Boards of Scarsdale Youth Basketball, a senior member of the Scarsdale Little Leagues Board and currently co-President of Maroon and White. Due to his experience, he knows firsthand that the grass fields are used, and/or closed in the spring and fall and how often the kids miss out on the opportunity to actively use Scarsdale facilities. Without the lights, the Scarsdale High School turf field is underutilized and this is disappointing. He stated that he supports the lighting project and the resolution before the Board this evening. He also affirmed that the Scarsdale Little League and their families fully support the lighting project and the resolution.

Amy & Eva Schiff, 144 Lyons Road, stated that they both support the four-way stop sign at the intersection of Lyons and Sprague Roads. She noted that one has to inch about ten feet past the stop sign to see down the road.

Kathy Coleman, 132 Madison Road, expressed her support for the installation of the Butler field lights as well as the usage plan. She noted that she was a former president of Maroon and White. She stated that many times games have been cut short due to darkness. Further analysis of this project would be a waste of time and delay an improvement that a vast majority of this community supports. Speaking as a real estate agent, she did not think that the lights would increase value on the adjacent homes, but they would not decrease the value of the homes. Buyers also consider other nearby school districts that do have field lights.

Jeff Gendel, 100 Brookby Road, commended the Board of Education, the School Administration, particularly Ray Pappalardi, and the Village Board for the careful and thoughtful analysis of the Butler Field lighting project. The process has really defined involvement of the community and an effort to include all voices both in support and opposed to the project. This proposal now includes all of the input from the community and everyone will be beneficiaries of this project.

Ward Bandsma, 12 South Woods Lane, stated that he is the Captain of the Cross Country and Track team at Scarsdale High School and they were really excited to use the recently redone track. They were also hoping to use it and start hosting their own meets on the track but the meets can run late. With the lights they will be able to host these meets after dark and not cut them short.

Moira Crouch, 12 South Woods Lane, stated that she supports the lights at Butler Field. She stated that it is great that this is privately funded and that taxpayer funds are not needed for the project.

Mattie Greco, a freshman at Scarsdale High School, stated that she is a three sport athlete and is currently playing JV hockey. Their games are after varsity, and every one of their games has been played under the generator lights. Without the generator lights, they would not have been able to play or complete their games. She asked the Board to support the lights at the High School.

McKinley Conlan, 212 Madison Road, an 8th grader, stated that she plays modified field hockey at the Middle School, and is looking forward to playing at the High School as well. She also noted that the JV games are cut short due to darkness. She stated it would be much better to attend games in the evening with high quality field light and not use the generator lights due to their noise and smell.

Elana Sannicandro, 244 Madison Road, & **Tessa Franco**, 34 Edgewood Road, stated that they both supported the lights because they benefit the students at the High School and the community so the games do not have to be cut short.

John McCann, 8 Edgewood Road, thanked the Board for the work they do, and thanked the Village for the notices regarding road work. He stated that he is a supporter of the Butler Field lights. He added that he lives next to a school and understands the concerns that some neighbors may have. However, he also understands the enormous benefits of having the field lights. This has been a thoughtful, decades long process. Also, having a real sound system will make a huge difference for the kids and the neighbors. This is an asset for the entire community. He urged the Board to approve the lights with full usage.

Sophia Franco, 34 Edgewood Road, and **Sophie Carroll**, 2 Sunset Drive, stated that they are the Captains on the field hockey team, and Ms. Franco the Captain of the lacrosse team and Ms. Carroll the Captain of the softball team. Ms. Franco stated that in order to help the youth teams in practice, etc., they need full use of the fields with lights so that they can potentially push the practices back later to help out with the youth programs. They will not be able to accomplish much benefit for the youth programs unless they have full use of the turf. Ms. Carroll stated that the night games at the High School are the most fun games of the season and a lot of students come to the games to show their support. Night games will help team spirit and help the community grow.

Daniel Sensel, 132 Brite Avenue, one of the co-presidents of the Scarsdale Youth Soccer Club, stated that the lights will be a tremendous help to their program, especially use of the field in November. Right now they have to cram 2 ½ hours of afternoon practices into less than 1 ½ hours because the sun sets so early. Having the lights would allow them to have a full season of instruction. Last year they missed between 30-40% of their practices because of rain and not being able to use the fields after dark.

Janet Korins, 49 Ogden Road, stated that she was not prepared to speak this evening, she was not aware that the Board was going to discuss this issue tonight. She added that the last she heard from the Board of Education and thought her and other concerned neighbors would have been notified by them as they had been very involved in the process. She stated that she does not know what proposal has been voted on since the draft was issued in May. She stated that she is not opposed to the lights, and felt that they will be good for the community, however, she stated that she was very surprised to see this on the Village Board's agenda this evening and is very unclear as to what is being voted on. She feels that the neighbors have not been in the loop and urged the Board have a careful, thoughtful process so that everyone knows what is going on.

Cheryl Felton, 24 Rectory Lane, stated that from their point of view, it is not so much the lights, it is the noise that it brings. They can hear the PA system clearly in their home. They are not that close to the school and the PA system is extremely loud. She said

that she was not sure what the limitations on noise will be or how strict those limitations will be.

Robert Berg, 32 Tisdale Road, a member of the Town Board of Assessment Review, stated that he has noted that the high end of the Scarsdale market has suffered from very large price depreciation, most likely exacerbated by the cap on the SALT deductions. There were very large price drops in the sales data across all categories and price levels in Scarsdale housing. He stated that the members of the Town Board of Assessment Review were so surprised by the sales prices they did considerable research to be sure these were true arm's length sales transactions, and they were. Some of the reductions they granted this year were extraordinarily high – for instance, they reduced one property on Brewster Road by \$923,500 to a new fair market value of \$2,745,000, a 25% drop. They also reduced a property on Mamaroneck Road from \$1,424,000 to \$655,000 – a drop in assessed valuation of \$769,000 – a 54% reduction. His conclusion from working with the assessment roll this year and from analyzing the Scarsdale real estate market is that our current assessment roll is a mess and doesn't fairly and accurately reflect the values of any of our properties. The Village of Scarsdale and the Village of Bronxville have been hit especially hard by the SALT cap on deductions. Now that Scarsdale's assessment roll is overvalued, Vis a Vis the rest of the municipalities in the County, the Village is paying more than their share in County and sewer taxes as a result. Prices are declining at different rates in different neighborhoods in Scarsdale, with the high end homes suffering the most with deteriorating prices. To him the only solution is to begin now with the process of doing a Town-wide revaluation. It is the Village's duty to keep the assessment roll fair, equitable and up-to-date. The process itself takes one to one and one-half years once you decide to go forward with it so the time to do that is now. It is unfair to the residents to pay too much for the County taxes and to have all these disparities within the community.

Mayor Samwick stated that the Board shares Mr. Berg's view that having an accurate and equitable roll is their very clear objective. At the last meeting, the Mayor stated that he pointed out three reasons why it might not be right to start the process yet. Appointing a new Assessor, which will be done this evening, is one of the three items. A substantial number of problems that were incurred in the past were from a technological aspect so that to have the same system in place is not setting the Village up for success. Lastly, this is event driven with the SALT cap deductions being a primary cause of this. Real estate markets do not react instantaneously. We should wait for some degree of stability before moving forward; if we were to move forward while the market is still unstable is to insure that we will have to do a revaluation again. As we know, back to back revaluations don't go so well.

Mayor Samwick informed Mr. Berg that he would be happy to discuss this with him further at another time.

Vincent Franco, 34 Edgewood Road, stated that he has been part of the committee regarding the Butler Field lights for quite a while. Everyone has lights in all the communities

across the County. We are one of the most affluent communities in America and we don't have lights. He noted the light, noise and air pollution that emanates from the generator lights that are being used. The lighting from the LED lights is diffuse so that you don't get the light pollution, and there is no noise or air pollution from the LED lights.

Sophia Franco, 34 Edgewood Road, stated that on behalf of all her fellow students behind her, stated that she wanted to address the complaint about the noise that the lights might cause. She stated the main use for the lights would be for practices, not just for night games although that would be a benefit. Having practices does not generate noise.

Anna Donovan, 11 Richelieu Road, stated that she is one of the other lacrosse captains. She stated that part of the complaint was more about the music system rather than the lights. She stated that she thought they could manage lowering the music system so that it doesn't bother the residents in their homes. However, she felt that this should not interfere with their ability to have the lights.

Oliver Krohn, 2 Popham Lane, spoke in regard to the noise concerns, stating that if someone purchased their home close to the school and the field, he didn't know what else they should expect.

Haley Matusz, 1 Duck Pond Road, said that it would be really fun if they had games one their home field under the lights.

Claudine Gecel, 10 Kent Road, stated that she lives ½ mile from the high school and stated that from her perspective it is not the lights, but the noise. She gave an example of having to shut all of her windows on a nice day because the announcements from the field were very noisy. She bought the house in its location so that her son could walk to high school, which he does. The downside is that the field has a really bad sound system; it is unpleasant and that issue really needs to be addressed. Everyone needs to be taken into consideration, not democracy just for the loudest voices.

Samantha Hausman, 7 Thornwood Place, stated that she is the captain of the softball team with Sophie. She stated that she completely understands the concerns of those people who live in close proximity to the high school. She stated that because she belongs to such a small group of players it is hard to get turf time. If there were extended hours allowed due to the installation of the lights, her team would be able to grow their program and their team.

Tara Greco, 31 Tompkins Road, stated that she is a lifelong Scarsdale resident and that she has written two emails regarding the subject of the Butler Field lights. She stated that the great thing about living near the high school is that your children can walk to school. She stated that she can hear the Hartsdale Train station from her home. As a real estate person, you see a lot of the pros and cons living in the Village as you tour about – some

homes are close to the Bronx River Parkway, some close to the Hutchinson River Parkway, etc. There is noise in every part of town. Maybe this is just a better noise that we should rejoice about.

Michael Levine, Walworth Avenue, stated that he disagreed with the Mayor's comments from the last meeting, not that they weren't good reasons, but that an additional requirement before anything like a disruptive reveal is that there should be some sort of quantitative proof or demonstration of a degree of unfairness that warrants a reveal. The type of work that he has seen so far from Lee Fishman and ORPTS does not support any vertical inequity that is causing relatively lower taxes at the higher end. He stated that he is waiting to get the 2019 ORPTS; he may have to FOIL it, and it may tell a different story. He agrees with Mr. Berg that we have to keep thinking ahead on these things, but he felt that one way to think ahead is to start getting a consensus on how to determine what is a material enough degree of inequity to warrant a reveal if there is no other way to solve it. If there is a determination that it is necessary, the community has to hear that from the Assessor. He stated that he is glad to see that another Assessor is being appointed.

Mr. Levine stated that he is not affirming that SALT is or is not a problem, but he didn't think you could assume that it is the main driver or only driver of the real estate situation. He stated that he started doing an analysis that is not yet complete. For 2016, which is the last year available, over 70% of the tax returns for 10583 that had adjusted gross incomes of \$200,000 or more and that had real estate taxes were also under the AMT. Affluent taxpayers located in 10583 who paid real estate taxes were also under the AMT and therefore, were not getting a deduction anyway. It is really less affluent taxpayers who are not under the AMT that lost the deduction and if the SALT was such an important factor, then it should be less expensive communities that are seeing problems with sales. He didn't think you could jump to the conclusion that SALT is that important or is causing whatever the perceived issues are in the market. If sale prices have gone down, but also sales volume is remaining, the new purchasers are figuring out that they are happy to pay the taxes.

Mayor Samwick thanked Mr. Levine for sharing his analysis and thoughts and stated that he looked forward to speaking with him about this topic further.

Bonnie Greenwald, 51 Harvest Drive, stated that they live behind Crossway and next to the public pool. She stated that she loves the sound of the soccer players screaming and yelling all night long with her windows open and the PA system going all summer to tell people to get out of the pool. It is a happy sound. It is very crowded on her corner, there are lots of cars and traffic. She stated that she lives there for a reason – it's fun. She stated that the kids love playing under the lights. She urged the Board to approve the lights proposal.

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

Trustee Liaison Reports

Trustee Crandall acknowledged the young people in the audience and hoped that they were learning about Climate Change and that sustainability mattered to them. She gave her report, stating that “It's officially fall. It's time to mulch mow your leaves into the lawn and use as many as you can to mulch around trees and shrubs. The Village website, www.scarsdale.com, has a helpful article written by the Conservation Advisory Council (CAC) on this timely topic.

The CAC did a tremendous job covering all the details to make the Scarsdale Music Festival a zero waste event. Food vendors used either reusable or compostable containers and utensils that greatly reduced the usual mounds of trash generated by such events. People also learned more about ways to reduce waste by talking to the many volunteers at the refuse stations. Thank you all for your efforts; it made a difference.

Of course, the Conservation Advisory Council under the leadership of Chair Michelle Sterling continues to look for ways to make Scarsdale more sustainable. They recently worked with Village Staff to install a tennis ball-recycling bin at the Secor Road Sanitation Yard. Bins were already in place at local tennis courts. They are looking into the New York State Department of Environmental Protection Agency's Climate Smart Communities program, following the progress of paint recycling legislation on the State level, continuing the food composting bin sales and documenting potential locations for shade trees in our parks. This last project is in partnership with the Friends of Scarsdale Parks.

I'd also like to thank the Scarsdale Inquirer for its articles in last week's edition on Climate Change. We're already doing more than most communities, but there's so much more we can do. Small actions add up, so do what you can to be part of the solution. Thank you.”

Trustee Ross briefly reported that “there will be a ribbon cutting at the Popham Road Firehouse, also known as Fire Station #1, adjacent to Village Hall, tomorrow at 8:30 A.M. to mark the work done to modernize that building to meet the current needs of the Fire Department and the community. All are welcome.

Mayor Samwick informed Trustee Veron that she missed his short version of the Scarsdale Music Festival and stated that he would like to give her the opportunity to speak further about it.

Trustee Veron stated that the Scarsdale Music Festival was one of the most well-attended, high energy, community events that the residents have ever seen, with nothing to rival it. She stated that the Village wants to see vitality and the community coming together. They appreciate that Robert Shire was able to recruit the phenomenal bands that represent our local musicians, and that the SBA co-led by Marcy Berman conceived of and implemented the event in partnership with ML Perlman, who is a member of the newly formed Scarsdale Arts Advisory Council. She stated that she and her neighbors could not stop smiling and the attendance of multi-generational residents is exactly what they want Scarsdale to stand for.

Trustee Veron thanked the Village staff for the work they put into this event; Village Manager Pappalardo, Assistant Village Manager Richards, and the Public Safety and Public Works Department. She stated that the Village has played a major part in the revitalization effort and thanked the staff for helping them with this event. She noted that they are also planning for their 2nd annual music festival.

Mayor Samwick stated that he thanked ML Perlman and Marcy Berman-Goldstein earlier in the meeting. He stated that he has to acknowledge the extraordinary work that Trustee Veron has done over the past 3 ½ years to lay the groundwork to focus on the Village Center; and to create an active and vital Village Center. Trustee Veron has been the heartbeat of that effort.

Trustee Ross

Trustee Ross stated that he had some prepared remarks to deliver at this point, but most of what I would have said has already been said, and more eloquently than I would have said it.

However, regarding the residents in the vicinity of the high school who are rightly protective of their family's quality of life, I would take special cognizance of the concern we've heard regarding noise at high school sporting events. We have received what I believe to be credible evidence that the equipment under consideration will mitigate, rather than exacerbate, that concern.

Trustee Ross asked if any of the Trustees would like to share their thoughts in regard to the Butler Field lights proposal. Mayor Samwick asked that these comments be made during roll call after the reading of the resolution.

Upon motion entered by Trustee Ross, and seconded by Trustee Crandall, the following resolution regarding Butler Field Lights was approved as amended by the vote indicated below (6-0, 1 Abstained):

- WHEREAS,** the Village of Scarsdale (hereinafter “Village”) owns the property commonly referred to as Butler Field, which was conveyed to the Village by deed dated July 31, 1920 from Emily Butler; and
- WHEREAS,** the Village has leased the property to the Scarsdale Union Free School District (hereinafter “SUFSD”) since October 1, 1920 for use as an athletic field, and since such time the SUFSD has continued to lease the property from the Village by entering into subsequent lease agreements or extensions thereof; and
- WHEREAS,** on July 13, 2018, the parties extended the term of their August 29, 1983 lease agreement to a term expiring on June 30, 2031 to facilitate the financing and issuance of bonds to make capital improvements to the athletic fields, including but not limited to the replacement of the synthetic field, the acquisition and placement of a shock pad to help reduce injuries, and track resurfacing and drainage improvements; and
- WHEREAS,** the current lease agreement between the parties states, “The District shall at its sole cost and expense maintain the Facility and construct or reconstruct such athletic facilities there on as it, with the agreement of the Village[,] deems appropriate.”; and
- WHEREAS,** after the parties extended their lease agreement on July 13, 2018, the SUFSD was approached by Maroon and White, the SUFSD’s Athletic Booster Club, with an offer to fundraise and provide approximately \$810,000 as a monetary gift to the SUFSD for the purpose of installing permanent track and field lighting at Butler Field; and
- WHEREAS,** the Village Board of Trustees are grateful to Maroon and White for devoting extensive time and leadership to manage the process, and to the donors for their overwhelming generosity, and recognizes Scarsdale’s good fortune to receive community commitment of private funds to finance this capital improvement, which will benefit both the students of the SUFSD and the greater Scarsdale community; and

- WHEREAS,** additionally, the Village Board appreciates and respects the extensive outreach conducted by the Board of Education and School Administration to involve all stakeholders in their process, and the refinements they have made to their plans for the proposed installation in order to address the concerns of neighbors; and
- WHEREAS,** the Village Board also recognizes the widespread community support for the lights, as well as the concerns of residents who live in proximity to Butler Field; and
- WHEREAS,** the Village Board met on June 17, 2019 to review information relevant to a potential installation of permanent lights at Butler Field, and on June 19, 2019, the Village Board met jointly with the Board of Education for the purposes of receiving a project update from the Board of Education, hearing from the public on this matter; and expressing its desire to refer the item to the Planning Board for review and recommendations on certain site and usage issues; and
- WHEREAS,** the Village Board acknowledges the Scarsdale Planning Board as experts in reviewing specifications for installations and ensuring outside vendors' proposals can be tested in the field; and pursuant to Section 77-1(c) of the Scarsdale Village Code, the Village Board of Trustees by resolution, attached hereto and made part hereof, referred the proposal of the installation of permanent track and field lighting at Butler Field to the Planning Board for review and comment, and
- WHEREAS,** in accordance with the Village Board's resolution, the Planning Board meet on July 31, 2019 and reviewed the proposal of the installation of permanent track and field lighting at Butler Field and issued its recommendations to the Village Board, attached hereto and made part hereof, now therefore be it
- RESOLVED** pursuant to the party's August 29, 1983 lease agreement, which has been extended to a term expiring on June 30, 2031, that the Village Board of Trustees agrees to the proposed installation and use of permanent track and field lighting at Butler Field, pursuant to the following conditions:
1. In accordance with the SUFSD's existing and future Field Use Regulations, the SUFSD shall maintain a Field Use Hotline or some other method(s) for the public to communicate field use concerns to the SUFSD.

2. In accordance with the SUFSD's Field Use Regulations, should the SUFSD wish to amend said Regulations regarding the use of the Butler Field lights, a Butler Field Advisory Committee will be established and charged with reviewing the proposed amendments and providing recommendations in this regard to the School Board for its consideration. This Butler Field Advisory Committee shall include two representatives from Village government, including the Village's Superintendent of Parks, Recreation and Conservation and a sitting member of the Village Board of Trustees, or such other representative selected by the Mayor.
3. Exceptions to the provisions of the SUFSD's existing Field Use Regulations, and amendments thereto, may be approved by the Superintendent of Schools or his/her designee, on a limited basis for situations in which extenuating circumstances require such action. Under no circumstances, however, shall the number of lighted School District contests for field sports exceed, by two (2), the maximum number of such events identified in Section 6.b.iv 1. of the existing Field Use Regulations.
4. The purchase and installation of the Butler Field lights shall be substantially similar to the quantity, type, make and model depicted by the SUFSD and presented to the Scarsdale Planning Board. As reported by the SUFSD, these LED lights shall provide targeted lighting to the field, track and visitor viewing stands with minimal spillage and dark sky compliance. The lights shall be tested, post installation, to insure compliance with the product specifications. .
5. The SUFSD shall prepare and effectuate an enhanced landscaping plan for Butler Field to help screen illuminated areas around the track, field and associated infrastructure. This enhanced landscaping shall include the abutting areas along Wayside Lane and Post Road/NYS Route 22. The Village is available to assist with the review of said plan, as well as provide landscaping material and labor for this purpose as mutually agreed.
6. Pursuant to the customary SUFSD budget review and approval process, and in furtherance of the SUFSD's stated noise mitigation efforts in Section 5 of its existing Field Usage Policy,

the amplified sound system to be installed at Butler Field shall be substantially similar to the type, make and model depicted by the SUFSD and presented to the Scarsdale Planning Board. Said amplified sound system shall reduce the current impact of amplified sound associated with the use of Butler Field both in daytime and at night.

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

Before voting, Trustee Arest stated that he would like to discuss the process as to how the Board has gotten to this point. He noted that he enjoyed hearing from the student athletes both at this meeting and at the last meeting and asked who can't get behind garnering an enhanced sense of community and finding a way for more parents with demanding work schedules to have the flexibility to attend events. Obviously, the lights would provide that.

Trustee Arest went over the timeline of what has been done in regard to this issue – meeting with presentation and opportunity to ask questions, and the decision of this Board at that time was to refer this proposal to the Planning Board for their recommendation. He then read that section of the resolution above regarding that referral, noting that one of the tasks was to evaluate the Village's potential participation in the review and amendments of use regulations as they pertain to permanent lights at Butler Field. Looking at the last page of the Planning Board's recommendation, he quoted from the last paragraph, "With regard to the nature or amendment of regulations for use of lights at Butler Field, the record before the Planning Board was limited to the School Board's presentation and comments by neighbors. The information did not include studies of the impact that might be expected from a substantial change in usage. Therefore, the Planning Board was unable to evaluate or recommend regulations or amendments to regulations respecting use of the field and lights that would alter the current level of usage." In terms of process and listening, did the Village Board really listen to the Planning Board? He stated that he would have appreciated another opportunity to meet as a Board and ask what the next steps could be. From the beginning, Trustee Arest stated that he felt this was a land use issue. However, we are trying to enforce our rights through the lease with the School District. He felt that the Village still has land use tools at their disposal. These processes that are in place give us the best chance of an objective and fair outcome.

Trustee Arest stated that he is not sure that this resolution they are voting on this evening provides any protections beyond what the School Board has already promised. In reading the Resolveds of this resolution, there is no incremental protection that wouldn't have happened anyway and even the one or two that are present he didn't feel would have any substance. He stated that he is not saying there shouldn't be lights, but is there a better way that this could have been done where everyone could win.

Trustee Arest stated that his idea would be that the School Board and School District would get everything they want – he is very appreciative of all the work the School Board did, Maroon and White and of all the private donors – they should get all the regulations they want in their entirety and the Superintendent should be able to make changes over the course of a year that are necessary. But what about the neighbors and the people who could be negatively impacted – this is a permanent installation. We have a Planning Board who are experts in this. Why couldn't we have a compilation of any deviations from the regulations that are necessary as well as any proposed changes to the regulations for the following year rather than have it go to a body which is going to make recommendations to a School Board. The School Board does not vote on this, this is an administrative act and they can actually change these regulations themselves. What he is saying is let's have a Planning Board where the residents can have some kind of recourse for any changes being made for the coming year and give their opinion. Not to take away what the current regulations are, but to at least give a voice to the people in the community that could be negatively impacted. Hopefully no one will be negatively impacted and the Planning Board would give all of the desired changes.

Trustee Arest stated that he feels his idea is reasonable and wished they could have talked about it more. He stated that he can't vote against this because he does see the benefits of the lights to the community. We should give our children everything that we can in terms of using the fields later for the sports. However, at the same time, there is no way in good conscience that he can vote for this resolution, so he will abstain.

Trustee Crandall stated that Trustee Arest has a very thoughtful way of looking at most everything and is very cognizant of process. She stated that she did not prepare any remarks; however, she has given this a lot of thought as she does see the lights as a change that will materially affect our community in the immediate area of the school. The lights and the noise will have an impact and there will be unintended consequences. However, as a resident here since 1991, she often wished there had been more opportunities for her children to go out at night as she did at their age for sporting events. She stated that she has also received emails from the Village's Recreation Department and she sees the frequent field closures. She stated that this has been a tough decision for her and her hope is that the School District, together with Maroon and White with the neighbors will make every effort to find a high quality sound system. With respect to landscaping, there was no direction from the Planning Board. However, she stated that the way to do it is to hire an experienced Landscape Architect who

can look at the ingress and egress, the site lines, and the screening. She stated that there is an opportunity here to help the environment and plant native species to compliment what we already have in the fragment of an ancient forest along Scout Field. She noted landscape architect Ken Uhle, who recently worked with Westchester Community College on a new plan for part of their landscape. She asked that any landscaping that is done be done well.

Trustee Crandall stated that she is putting a lot of faith in the Butler Field Advisory Committee. Her assumption is that Brian Gray, Recreation Department Superintendent and whoever is appointed by the Mayor will take their roles seriously and will listen to what the neighbors have to say and that they will recommend changes. This will be a process where we will all have to be flexible. We need to approach this with the intention of being good neighbors. She votes yes on the resolution.

Before voting on the resolution, Trustee Lewis stated that Trustee Arest deserves our respect for taking a courageous stand and explaining very clearly and directly his position. Trustee Lewis expressed his support for the underlying theme of those comments. Although the Board does have working sessions, often those meetings are tightly choreographed with less opportunity for genuine interaction. The neighbors and the people the Village serves benefits from that interaction. He thanked Trustee Arest for his comments.

With regard to this process itself, Trustee Lewis stated that he feels it has been transparent and balanced, thorough and respectful. The conversations have reflected good policy making as well as good debate and analysis. Good policy comes from ways people educate each other through debate. We as neighbors have listened to each other on both sides with carefulness in thought and concern. He noted that there are things going on here that transcend the Butler Field lights. There have been important new pathways to collaboration between the Village government and the School Board of Education. The Butler Field Advisory Committee creates a level of joint-ness between how the Village government and the School District can work together that is a step in the right direction. We can apply this to Public Safety, resource sharing, or innovation. He stated that he respects all of his neighbors who have attended the meeting to express their views, how much he admires the spirit and conviction and vigor of the viewpoints expressed by our youth, and for all of those reasons he feels comfortable voting yes.

Trustee Ross stated that as he has already had the opportunity to express his views, he will vote yes.

Trustee Veron stated that she has been incredibly impressed with the collaborative effort and the community generosity that has enabled this project to be on the Board's agenda this evening. Over the course of many months, there has been extensive conversation, analysis, input, rethinking, and finally this evening a resolution. The Board of Education, School Administration, neighbors, Maroon and White, parents, students, Village staff, and the Village Planning Board have all weighed in on this proposal. Together they have refined the plans for lights, sound, screening, and scheduling. At this point, she believes it is time to move forward. She stated that she is always sensitive to neighbors' needs and takes very seriously the Board's responsibility to serve all residents. She felt confident that the proposed guidelines along with the newly formed Butler Field Advisory Committee created with diverse representation will provide ample opportunity for issues that might arise to be addressed, and she votes aye.

Trustee Waldman thanked everyone on both sides of this very important issue and the excellent discussion that has taken place over the last several months. She stated that she would like to thank the School Board for their exhaustive efforts to provide ample opportunity for all those invested in this issue to voice their opinions. After careful consideration of the many intricacies of the issue at hand, she stated that she believed that with prudent and judicious management of the field lights, there will be significant benefits to the community. The opportunity for evening athletics will go a long way to promoting school spirit and be yet another reason our school district is among the strongest in the nation. She stated that she does recognize the significant concerns of the neighbors but felt comfortable that with state of the art equipment and parameters limiting use, the field lights can be used with minimum intrusiveness to the surrounding community. She stated that she votes yes.

Mayor Samwick noted that he gave his comments earlier regarding the Butler Field lights resolution but reiterated the importance of the listening and interaction and collaboration that went into this. He stated that we make better decisions when we do that as a community. In this instance, we had at least 26 touch points with the community; 9 versions of the use policy that were well thought out and responsive and that is what we do when we do our deliberations well. He thanked Maroon and White, the students for coming out, everyone who has supported the process and especially thanked the Board of Education for running a very thorough and comprehensive process for listening to the community and so therefore, he also votes aye.

Trustee Lewis

Upon motion entered by Trustee Lewis, and seconded by Trustee Crandall, the following resolution regarding Calling for a Public Hearing on the Number of Taxicabs to be licensed in 2020 was approved by the vote indicated below:

RESOLVED, that a Public Hearing is hereby called by the Board of Trustees of the Village of Scarsdale to be held at 8:00 pm in Rutherford Hall at Village Hall on Tuesday, September 24, 2019, to determine the number of taxicabs to be licensed in Scarsdale in 2020, pursuant to Section 272-3 of the Village Code; and be it further.

RESOLVED, that the Village Clerk is directed to advertise said Public Hearing.

<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

Trustee Arest reported on the statements of expense and revenue for the Village for the first quarter of fiscal year 2019-2020.

General fund appropriations were 19.08% spent as of August 2019 as compared to 23.82% in 2018-2019.

General Fund Revenues other than property taxes are \$5,094,530 through August 2019 compared with \$5,342,862 in the first quarter of last year. This represents a decrease of \$248,331 from 2018-2019. Overall revenue from Special Assessments and Delinquent Tax collections declined \$65,600. Sales tax receipts are flat. While Building Permit revenue (included in License and Permit category) increased \$43,000 from last year, there are continuing concerns about the impact of the tax law changes. Again, overall (inclusive of building permits), License and Permit revenue is up \$58,400. The largest impact in the Insurance Recovery and Equipment sales is the reduction in the reimbursement for special details which is up almost \$57,000 from last year. Parking revenue and departmental fees are up a modest \$2,400. Investment earnings declined \$48,400 reflecting lower rates and longer

maturities. While Recreation revenue increased \$13,500, Departmental Revenue declined \$50,500 since 2018-2019 was impacted by a late sow reimbursement. Mortgage Tax dropped \$152,300 and court fines are down \$34,000. The decline in property rentals reflects a timing difference in the receipts.

The actual collection of Village taxes through August, 2019 is at 98.45%. This is a decrease of 31 basis points from last year's collection rate.

Upon motion entered by Trustee Arest, and seconded by Trustee Crandall, the following resolution regarding Fiscal Year 2018-2019 Closeout Balancing Budget Transfers was approved by the vote indicated below:

- WHEREAS,** Pursuant to the provisions of Section 5-520 of the New York State Village Law, the Board of Trustees, by resolution, may transfer funds from existing and unexpended balances; from a contingent account; from available cash surplus or unanticipated revenues within a fund; or by borrowing; and
- WHEREAS,** at the end of the Village Fiscal Year 2018-2019 it is necessary to make balancing modifications to and from various accounts of already existing appropriations in the budget based on actual results of operations; and
- WHEREAS,** the final 2018-2019 audit has been completed and, in all cases, there are sufficient unexpended balances in various accounts, excess revenues, or fund balances available to cover the recommended transfers; now, therefore, be it
- RESOLVED,** that pursuant to Village Law 5-520, the Board of Trustees hereby authorizes and directs the proper Village officers to modify the 2018-2019 Budget by making the transfers detailed in the attached summary.

AYES

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

NAYS

None

ABSENT

None

Trustee Lewis

Upon motion entered by Trustee Lewis, and seconded by Trustee Crandall, the following resolution regarding the Award of VM Contract #1254 – Parking Deck Membrane and Masonry Repairs at the Freightway Garage was approved by the vote indicated below:

- WHEREAS,** the bid solicitation for VM #1254 – Parking Deck Membrane and Masonry Repairs at the Freightway Garage was published in the Scarsdale Inquirer on Friday, August 10, 2019, with direct notice of the bid opportunity also provided to seven vendors known to provide the services; and
- WHEREAS,** on the bid opening date, Tuesday September 03, 2019, a single responsive bid was received from Scholar Painting and Restoration, 2 Klarides Village Drive, #145, Seymour, CT 06483, in the amount of \$67,375, based on unit prices for estimated quantities; and
- WHEREAS,** Scholar Painting and Restoration has verified in discussions with staff that they are capable of fulfilling all project requirements, including having expressed to staff clear understanding of the repair work called for in the bid documents, as well as confirmed their ability to meet expectations for effectively navigating daily Freightway Garage parking demands; and
- WHEREAS,** the Village has awarded a prior contract for this type of work to Scholar Painting and Restoration with satisfactory results, and their references continue to confirm positive experiences; now, therefore, be it
- RESOLVED,** that VM #1254 – Parking Deck Membrane and Masonry Repairs at the Freightway Garage be awarded to Scholar Painting and Restoration, 2 Klarides Village Drive, #145, Seymour, CT 06483, at the unit bid prices itemized in the attached bid tabulation sheet, for an estimated total cost of \$67,375 based on approximate work quantities, and a final project cost not to exceed the available budgeted appropriation of \$100,000; and be it further
- RESOLVED,** that the cost of same be charged to Capital Projects Funds H-3397-962-2019-067, PblBldg Freightway Membrane ST Repairs and H-3397-962-2020-067, PblBldg Freightway Membrane ST Repairs, or to

other appropriate accounts for Freightway Garage, as determined by the Village Treasurer; and be it further

RESOLVED, that the Village Manager is hereby authorized to execute VM #1254 – Parking Deck Membrane and Masonry Repairs at the Freightway Garage on behalf of the Village of Scarsdale with Scholar Painting and Restoration, 2 Klarides Village Drive, #145, Seymour, CT 06483, and to undertake administrative acts as may be required under said agreement.

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

Trustee Lewis noted before reading the above resolution that the memorandum attached to the resolution was very interesting, especially how the public bidding process takes place.

Trustee Ross

Upon motion entered by Trustee Ross, and seconded by Trustee Crandall, the following resolution regarding Authorization to Execute a Public Sanitary Sewer Easement Agreement – 43 Tunstall Road was approved by the vote indicated below:

WHEREAS, James Farnsworth and Sara Farnsworth are the owners (hereinafter “Owners”) of certain real property located at 43 Tunstall Road (hereinafter “Property”), as shown on the official tax map of the Village of Scarsdale as Section 12, Block 05, Lot 33; and

WHEREAS, during the site plan review for a proposed new addition to the Property in 2016, it was discovered that a ten inch (10”) public sanitary sewer line traversed through the property, as depicted and described in “Exhibit B” and “Exhibit C” of the proposed Easement Agreement (attached); and

- WHEREAS,** upon a search of both Village and County of Westchester records, no easement for the sanitary sewer line had previously been dedicated to the Village of Scarsdale; and
- WHEREAS,** the Village Engineer has inspected the sanitary sewer line and has concluded that it is structurally sound, and that the sanitary sewer line conforms with the accompanying easement, as well as with the aforementioned “Exhibit B” and “Exhibit C”; now, therefore, be it
- RESOLVED,** that pursuant to the New York State Village Law §4-412(3)(1), the Board of Trustees of the Village of Scarsdale hereby accepts the dedication of the public sanitary sewer line, more accurately depicted and described in “Exhibit B” and “Exhibit C,” attached hereto and made part hereof; and be it further
- RESOLVED,** that the Village Manager is herein authorized to execute any and all necessary documents, accepting the sanitary sewer line and the accompanying easement over said sanitary sewer line, more accurately depicted and described in “Exhibit B” and depicted in “Exhibit C”; and be it further
- RESOLVED,** that the Owners, James Farnsworth and Sara Farnsworth, or their representative, shall record the Easement Agreement in the Office of the Clerk of the County of Westchester, Division of Land Records and return evidence to the Village of Scarsdale that such action has been completed.

AYES

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

NAYS

None

ABSENT

None

Trustee Ross noted that a public hearing had been held and closed on September 10, 2019 on the following proposed local law amending Chapter 37 of the Scarsdale Village Code Entitled Ethics.

Upon motion entered by Trustee Ross, and seconded by Trustee Crandall, the following Local Law Amending Chapter 37 of the Scarsdale Village Code Entitled Ethics was approved by the vote indicated below:

INTRODUCTORY LOCAL LAW # 5 OF 2019
A LOCAL LAW AMENDING CHAPTER 37 OF THE SCARSDALE VILLAGE CODE
ENTITLED ETHICS

BE IT ENACTED by the Board of Trustees of the Village of Scarsdale as follows:

§ 37-1 Purpose.

Pursuant of the provisions of § 806 of the General Municipal Law, the Board of Trustees of the Village of Scarsdale establishes these rules of ethical conduct for public officers and employees as a guide to assist in continuation of good conduct on their part and to promote public confidence in the government of the village. The rules are in addition to any provision of Article 18 of the General Municipal Law or any other general or special law relating to ethical conduct and interest in contracts of municipal officers and employees.

§ 37-2 Definitions.

As used in this article, the following terms shall have the meanings indicated:

INTEREST - A pecuniary or material benefit accruing to a municipal officer or employee or to the municipal officer's or employee's spouse, minor children or dependents; a firm, partnership or association of which such officer or employee is a member or employee; a corporation of which such officer or employee is an officer, director or employee; or a corporation of which more than 5% of any class of stock is controlled directly or indirectly by such officer or employee.

MUNICIPAL OFFICER or EMPLOYEE - An officer or employee of the Village of Scarsdale, whether paid or unpaid, and, if either full-time or part-time, who receives a salary, retainer or other compensation. These terms include members of the Village Board and any other board, commission or committee appointed by the Mayor or Board of Trustees. Independent contractors who are requested to do work for the village from time to time under separate agreements or contracts for each project, volunteer firemen, special police and civil defense volunteers are not included.

§ 37-3 Standards of conduct.

No officer or employee of the Village of Scarsdale shall:

- A. Directly or indirectly solicit, accept or receive any gift, whether in the form of money, services, loan, travel, entertainment, hospitality, thing or promise or any other form, under circumstances from which it reasonably could be inferred that the gift was intended to influence, or reasonably could be expected to influence, such officer or employee in the performance of official duties or was intended as a reward or gratuity for any official action.
- B. Disclose confidential information acquired in the course of official duties nor use such information to further personal interest.
- C. Render services to any person, firm, partnership, association or corporation, whether for compensation or not for compensation, relating to any matter before any department, board or commission or committee of the village, except as a part of official responsibilities to that department, board, commission or committee or as a function of the official position of the officer or employee.
- D. Fail to disclose publicly on the official record the nature and extent of any direct or indirect financial or other private interest the officer or employee has in any matter which he or she officially discusses or on which he or she gives an official opinion before any board, commission or committee of the village.
- E. Have an interest, directly or indirectly, in any financial, business, commercial or other private transaction or investment which creates a conflict with the official duties of the officer or employee.
- F. Engage in, solicit, negotiate for or promise to accept private employment or render services for private interests that may create a conflict with or impair the proper discharge of official duties.
- G. After the termination of service or employment with this municipality, be permitted to appear before any department, board, commission or agency of the Village of Scarsdale in relation to any case, proceeding or application in which the officer or employee personally participated during the period of his or her service of employment.

§ 37-4. Annual Disclosure.

- A. The following officers and employees of the Village of Scarsdale are required to file a signed annual disclosure form:

Chairs and Members of the:
Planning Board
Board of Appeals
Board of Architectural Review
Board of Assessment Review
Committee for Historic Preservation

All Elected Officials
Village Manager
Village Attorney
Village Treasurer
Assistant Village Managers
Director of Human Resources
Director of Public Works
Village Assessor
Building Inspector
Village Engineer
Water Superintendent
Village Planner
Superintendent of Parks and Recreation
Director of Information Technology
Village Clerk
Chief of Police
Fire Chief
Library Director

- B. Disclosure forms are to be filed in the Office of the Village Clerk:
- (1) Within thirty (30) days after taking one of the positions listed in subsection A of this section; and
 - (2) Annually, no later than May 1st of each year.
- C. In the event of a change in information contained in the annual disclosure form, an official or employee must file a signed amendment to the form within thirty (30) days of such change in information, indicating said change.
- D. Any person who fails to timely file an annual disclosure form may be suspended or removed from office or employment, as the case may be, in the manner prescribed by law.

§ 37-45.-Effect on legal action by employees against village.

Nothing herein shall be deemed to bar or prevent the timely filing by a present or former municipal officer or employee of any claim, account, demand or suit against the Village of Scarsdale or any board, commission or agency thereof on behalf of himself or herself or any member of his or her family, arising out of any personal injury or property damage or for any lawful benefit authorized or permitted by law.

§ 37-56. Distribution.

The Mayor shall cause a copy of this revised Code of Ethics to be distributed to every officer and employee of the Village of Scarsdale within 30 days after adoption of this article. Each officer and employee elected or appointed thereafter shall be furnished a copy before entering upon the duties of his or her office or employment.

§ 37-6 7. Suspension or removal for violation.

In addition to any penalty contained in any other provision of law, any person who shall knowingly and intentionally violate any of the provisions of this article may be suspended or removed from office or employment, as the case may be, in the manner provided by law.

EFFECTIVE DATE

This Local Law shall take effect immediately upon filing with the Secretary of State.

Underline means addition.
~~Strikethrough means delete.~~

<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 Acceptance of a Gift for the Scarsdale Public Library was approved by a unanimous vote:

WHEREAS, the Scarsdale Library Master Plan, dated June 10, 2013, supported by the Scarsdale Village Board of Trustees via resolution dated April 8, 2014, identified a number of building renovations and additions that would transform the Library into a multi-purpose community asset for future generations, maintain its preeminent status among free public libraries in the County and State, enhance its technological capacity to further library services, and create a physical environment constituting a welcoming and versatile learning center; and

WHEREAS, the Library Addition and Renovation Project is anticipated to cost \$20,176,755, inclusive of a 5% construction cost contingency, 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 donations have been offered to the Scarsdale Public Library Addition and Renovation Capital Improvement Project: Friends of the Scarsdale Library - \$18,916.00, and Leona Kern - \$2,500.00; 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 gifts toward the Scarsdale Public Library Master Plan Improvement Project: \$18,916.00 from the Friends of the Scarsdale Library, and \$2,500.00 from Leona Kern; and be it further

RESOLVED, that the Village Treasurer take the necessary steps to complete the transactions and accept the financial gifts totaling \$21,416.00 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 and Leona Kern for their generosity and commitments to the Scarsdale Public Library and the community it serves.

Trustee Veron

Mayor Samwick stated that the Village has been able to negotiate a little further with AKRF and save a little money. He asked Trustee Arest to share the revised numbers.

Trustee Arest stated that he would like to make a motion to amend this resolution, seconded by Trustee Crandall to change the number of \$127,503.75 in the last Whereas will now be \$117,503.75. It is the same \$10,000 reduction in the second Resolved where the \$127,503.75 number becomes \$117,503.75. The transfer is reduced from \$50,000 to \$40,000. All voted in favor of the amendment.

Upon motion entered by Trustee Veron, and seconded by Trustee Crandall, the following resolution as amended regarding Authorization to Increase Funding for Planning and Economic Development Firm for Freightway was approved by the vote indicated below:

- WHEREAS,** in March 2017, the Village Board of Trustees established the Freightway Steering Committee to develop a visioning study for the Freightway site, which consists of 2.5 acres of Village owned land located between Scarsdale Avenue and Garth Road, currently used for commuter and merchant parking; and
- WHEREAS,** in February 2018 the Freightway Steering Committee presented the Village Board with its final study, which included several recommendations, including utilizing a two-step process to engage a preferred developer; and
- WHEREAS,** on July 16, 2018 the Village commenced the initial step by distributing a Request for Expressions of Interest (RFEI) for the Freightway Redevelopment Site, prior to the standard Request for Proposal (RFP), to garner information from the development community and help express to Village officials the elements of a buildable and financially sustainable project, said RFEI process resulting in the receipt of seven responses from the development community; and
- WHEREAS,** the Village recently completed the RFP process with three development firms submitting proposals which will now be reviewed by the Village Board working toward the selection of a preferred developer; and
- WHEREAS,** the Village Board required specialized planning and economic development services throughout the Freightway Redevelopment Project, including but not limited to the creation, issuance and

evaluation of the RFPs; selection of a preferred developer; assistance with the negotiations of a Purchase Sale and Development Agreement; coordination of the State Environmental Quality Review Act (SEQRA); representation of the Village before the land use boards; Public Outreach and Communication, and other such related services that may arise during the Freightway Redevelopment process; and

WHEREAS, AKRF has the requisite experience and breadth of knowledge to advise and represent the Village on planning and economic development matters related to the Freightway Redevelopment Project; and

WHEREAS, On April 23, 2019 the Village Board adopted a resolution, attached hereto and made a part hereof, authorizing the Village Manager to execute an agreement with the planning consulting firm of AKRF to provide the requisite services for a not to exceed amount of \$55,000, as identified in estimated service hours for six distinct tasks as follows:

Task 1 – Refine, Circulate and Respond to RFP Questions;
Task 2 – Evaluation of RFP Responses
Task 3 - Selection and Negotiation with Preferred Developer
Task 4 – Public Outreach Prior to SEQRA
Task 5 – Planning, Zoning and SEQRA
Task 6 – Land Use Process Review; and

WHEREAS, the costs for Tasks 1-4 are the responsibility of the Village and Tasks 5 and 6 the responsibility of the preferred developer; and

WHEREAS, As a result of additional hours necessary to adequately complete Tasks 1 and 4, including the extensive review of the pro forma workbooks for each RFP proposal, which was not contemplated in the original scope of work and cost estimate, and the level of effort required as expressed in the attached letter agreement, additional funds are needed, thus AKRF has requested that fees allocated to Task 1 -Task 4 be increased to a not to exceed amount of \$117,503.75, now therefore, be it

RESOLVED, that the Village Manager is herein authorized to execute the amended professional services agreement in substantially the same form as attached hereto, with AKRF, 34 South Broadway, Suite 401, White Plains, NY, 10601, for planning, environmental and economic

development services associated with the Freightway Redevelopment Project; and be it further

RESOLVED, that the amended not-to-exceed fee of \$117,503.75 for Tasks 1-4 of said services shall be funded through an additional transfer of \$40,000 from the General Fund Operating Budget Contingent Account A 1990-SPCL-SPCL-500 1990 to the FY 2019/20 General Fund Operating Budget Account A 1990-SPCL-SPCL-500 8685-.0 – Plan/Manage Freightway Development; and be it further

RESOLVED, that the Village Manager is further authorized to take all administrative acts associated with this Agreement.

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

Trustee Waldman

Upon motion entered by Trustee Waldman, and seconded by Trustee Veron, 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, Linda Doucette-Ashman was appointed by the Village Board for a five-year term, ending April 06, 2020, but recently submitted a letter of resignation, as she is moving away from Scarsdale; and

WHEREAS, the Village Board met on September 05, 2019 to discuss potential candidates and reviewed and discussed the application of Pamela Rubin, 18 Cohawney Road, to fill said vacancy and agreed that Ms. Rubin should be appointed to the Planning Board as a full member to fill the unexpired term of Linda Doucette-Ashman; now, therefore, be it

RESOLVED, that Pamela Rubin, 18 Cohawney Road, is herein appointed as a full member of the Planning Board in order to fill the unexpired term of Linda Doucette-Ashman, effective immediately for a term ending April 06, 2020, or until such time as a successor is appointed.

Written Communications

Deputy Village Clerk Regazzi reported that six (6) communications have been received since the last regular Board of Trustees meeting. Please note that all written communications may be viewed on the Village's website at www.scarsdale.com.

- An email from David Lowey concerning meter parking in the Village Center. A response from the Mayor is included.
- An email from Jason Winkler regarding the intersection of Garth and Popham Roads. A response from the Mayor is included.
- An email from Orly Kobi regarding the lack of sidewalks along roads leading to the Scarsdale Middle School.
- Two (2) emails from Robert Berg concerning the potential installation of Verizon and AT&T cellular facilities at the Public Safety Building. A response from the Mayor is included.
- An email from Tara Tolan Greco regarding the Butler Field lights.

Mayor Samwick stated that the second Public Comment section is supposed to be at the end of the last meeting pending sufficient time, so the order will be shifted.

There being no further business to come before the Board the meeting adjourned at 9:59 P.M.

Donna M. Conkling
Village Clerk