

THREE THOUSAND THREE HUNDRED THIRTY-SIXTH
REGULAR MEETING

Rutherford Hall
Village Hall
October 7, 2019

A Regular Meeting of the Board of Trustees of the Village of Scarsdale was held in Rutherford Hall in Village Hall on Monday, October 7, 2019 at 8:00 P.M.

Present were Mayor Samwick, Trustees Arest, Crandall, Lewis, Ross, Veron, and Waldman. Also present were Village Manager Pappalardo, 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 24, 2019 were approved on a motion entered by Trustee Arest, seconded by Trustee Crandall and carried unanimously.

Bills & Payroll

Trustee Arest reported that he had audited the Abstract of Claims dated October 7, 2019 in the amount of \$352,049.96 which includes \$11,359.04 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 Arest and seconded by Trustee Crandall, the following resolution was adopted unanimously:

RESOLVED, that the Abstract of Claims dated October 7, 2019 in the amount of \$352,049.96 is hereby approved.

Trustee Arest then reported that he had examined the payment of bills made in advance of a Board of Trustees audit totaling \$897,144.60 which were found to be in order and he moved that such payments be ratified.

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

RESOLVED, that payment of claims made in advance of a Board of Trustees audit totaling \$897,144.60 is hereby ratified.

Trustee Arest noted that in reviewing the bills, he found out about an award that the Village and the Water Department received, which he will discuss during Liaison Reports.

* * * * *

Mayor's Comments

Mayor Samwick stated that he has two items to discuss this evening:

“The first item is a seasonal reminder. Leaf season is arriving. The Village will commence leaf collection service on October 15th and that service will continue until December 6th. Leaves are collected from each home at least once a month. The leaf collection schedule is available on the Village’s website – www.scarsdale.com.

A preferred method of managing one’s leaves, however, is to mulch leaves in place. There are a number of benefits to mulch mowing, including reduction in financial and pollution burdens. Importantly, leaf mulching is beneficial to lawns where mulching takes place in that the mulch enhances the soil and there are reduced fertilization and watering requirements for lawns. So, please go to the Village website to learn more about the benefits of leaf mulch mowing.

For those who continue to utilize the Village’s leaf pick-up services, please be sure to place your leaf piles on your grass. Leaves placed in the roadway or on sidewalks can create traffic safety issues. Piles placed near fire hydrants, storm drains or corners also create hazards. Again, the Village website contains a plethora of information including a list of do’s and don’ts for leaf management. Lastly, don’t forget that if you use a landscaper that is responsible for where the leaf pile is placed, the summons does go to the homeowner.

The second matter I would like to bring to your attention is a personnel item. The Village’s Director of Personnel and Risk Management, Adil Tahir, is leaving the Village’s employ, currently pursuing other employment opportunities. On behalf of the Board, I’d like to thank Mr. Tahir for his service to the Village and wish him the best in his future endeavors.

The Village Attorney, Angela Sapienza, has requested to be reinstated in her former role as Director of Personnel and Risk Management. As many know, Ms. Sapienza has been employed by the Village for about a decade. For the majority of that time, she has served the Village in an exemplary manner as the Director of Personnel and Risk Management. As a result of the value she has brought to the Village for an extended period of time, the

Village Manager and Board are pleased to welcome her back to her previous position, effective October 21st. Ms. Sapienza brings technical knowledge of labor and employment matters, a strong legal background and deep experience to the role of Director of Personnel and Risk Management.

As a result of these personnel changes, the Village Board has discussed the role of Village Attorney and determined that the legal requirements of managing the Village are very broad, requiring legal expertise in a wide array of practice areas. As such, the Village Board is moving toward retaining a municipal law firm to fill the role formerly provided by the Village Attorney. We expect that a firm will add a much broader base of experience at a reduced cost to carrying a full time Village Attorney.

A Search Committee has been formed, consisting of three members of the Village Board, Trustee Ross, a practicing attorney, Trustee Arest, a non-practicing attorney, and me, along with the Village Manager, and the Village Attorney to identify and interview firms and make a recommendation to the Village Board to retain a law firm. The Search Committee has commenced its work and we hope to have a firm selected within a month or two.

Former Village Attorney and current Of Counsel, Wayne Esannason, will serve as Acting Village Attorney, to bridge the gap as we complete the search for a law firm. Mr. Esannason will perform his existing scope of services as supplemented with greater access to the Village administration and Board, and attendance at all Village Board meetings and applicable Board Work Sessions. We thank Mr. Esannason for his service and we welcome him back to the dais in time for the next meeting of this Board on October 22nd.

I would like to thank Village Attorney Sapienza for her work with the Village over the past decade and I am very happy to welcome her back to her role as Director of Personnel and Risk Management. I would also like to thank the Search Committee for volunteering to undertake the process of identifying and interviewing law firms to serve the Village.

Manager's Comments

None.

Public Comments

Mayor Samwick opened public comment at this time, asking that anyone with comments to come forward to the podium and state their name and address. There is a five-minute limit, and a chime after four minutes that indicates that the speaker has one minute

remaining. There is another public comment session at the end of this meeting in the event that the speaker does not have ample time to make comments within the time limit during this session.

Ron Schulhof, Springdale Road, speaking this evening in his capacity as a member of the Ad Hoc Committee on LED Streetlights, provided an update on the LED streetlight conversion project.

Mr. Schulhof stated that over this summer, over 1,510 streetlights which comprises the vast majority of streetlights in the community, were converted to LEDs. This installation is expected to save the Village a considerable amount of energy and expense as well. The installation of LED streetlights will provide an estimated savings of approximately \$80,000 annually, and with an approximately 3 year payback, an annual return of investment of over 20%. Along with the first phase which was on high traffic roads and locations with Town & Country fixtures, the total savings to the Village is expected to be approximately \$105,000 annually. The installation was done in-house by the Highway Department and he thanked them for their fantastic work installing all of these streetlights over the summer and getting it done in a very timely manner.

With this phase and the second phase, approximately 93% of streetlights in Scarsdale have been converted to LEDs. The only remaining streetlights to be converted are fixtures in the downtown area – the decorative fixtures, as well as a few in the Village Hall parking lot and Town & Country fixtures at the Five Corners. The LED Committee has been working over the summer to find suitable fixtures to pilot in that area and they are hoping to have a pilot for these fixtures for this fall.

Mr. Schulhof stated that all of their reports are available online at www.scarsdale.com on the LED page, or the Committee can be reached at LED@scarsdale.com. He thanked the whole Committee - Farley Baker, Jeff Coleman, Scarsdale Superintendent of Public Works, David Raizen, and Michelle Sterling, as well as Tyler Seifert, Department of Public Works, who has provided valuable assistance with this project.

Mayor Samwick thanked Mr. Schulhof and the LED Committee; stating that they went above and beyond, did an enormous amount of work, and the benefits are obvious if you look at the lights that we have relative to the lights at commercial buildings or other municipalities – you can see the difference. That is a direct result of the hard work that was done on this project.

Village Manager Pappalardo stated that in addition to the aesthetic and safety improvements, the Village has already realized a savings of \$80,000 over a year based on the LED lights versus the previous lighting.

Tim Foley, 73 Brown Road, speaking in his capacity as President of the Scarsdale Forum and specifically as one of the three Co-Chairs of the Climate Resilience Committee. The Scarsdale Forum created this committee in June 2019 and tasked it with studying the effects of municipalities in New York and across the country to address the challenges of climate change and then make recommendations on how Scarsdale can best address them. This is not just about reducing the Village and its residents' own contributions to the increase in greenhouse gas emissions, it is also about plans to ameliorate the effects of an increased number of extreme weather events. The committee intends on studying comparable communities work on this issue - the public climate resilience and climate action plans that they have produced, and the opportunities for funding that the local governments avail themselves of in the wake of community planning. The committee plans to deliver a report with specific recommendations this spring. However, the committee has two preliminary recommendations that they believe warrant immediate attention and do not need to wait for a final report.

Mr. Foley stated that the first recommendation is that the Village should join the New York State Climate Smart Communities program by adopting the required resolution with its ten pledges to effect policies that would enable the Village to mitigate and adapt to the effects of global warming and by initiating a community discussion to educate residents about the effects of climate change and practical measures they can take. Joining the 34 Westchester County communities and hundreds more statewide who have already joined this program would qualify Scarsdale to receive technical assistance, rebates, and ultimately enable the Village to apply for matching funds from the State that would be devoted to the planning or implementation of climate resilience projects. There is no financial obligation until the Village makes a specific proposal for matching funds from the State.

The second recommendation is that the Village should prepare a proclamation establishing a sustainability day on a Sunday in May 2020 to celebrate the accomplishments to date by the Village to make Scarsdale a more sustainable and environmentally friendly community on a number of fronts, including climate. This would educate the community about existing programs and services available to residents and to call for every member of the community to do their part.

Mayor Samwick thanked the Forum for the work they are doing in this regard. Thanks to a lot of the volunteers in this room this evening, Scarsdale is already ahead of the curve.

Kay Eisenman, Brewster Road, echoed the statements of the previous speaker and urged the Board to sign on to the resilience pact and join the other communities in Westchester County and the State that have already done so.

Darlene Lefrancois Haber, 255 Nelson Road, also echoed the previous comments made. She stated that she was tasked with looking at the checklist for the Climate Smart

Community program; once the Village decides to join the program, she is anxious to help the Village assemble an application so the Village can obtain certification level. She stated that she looked at the over 100 items on the checklist, and she believed that Scarsdale already had over 100 points. She stated that she is hoping the Village will join the program as there is nothing to lose but everything to gain by doing so. She urged the Board to look carefully at this, at least on the two recommendations made to take the pledge and establish a sustainability day.

Bill Stern, 20 Rural Drive, former Trustee, spoke briefly regarding leaf mulching, noting that the Village needs to be more aggressive in its approach to this. The taxpayers could save several hundred thousand dollars if the Village stopped picking up leaves.

Mr. Stern expressed his support for the two measures presented to the Board by Mr. Foley and urged the Village to move forward. He mentioned the concerns surrounding the use of pesticides. He stated that sometimes government needs to save residents from themselves and urged the Board to vote on these two recommendations and adopt the programs that can only help the Village.

Madelaine Eppenstein, 18 Autenreith Road, urged the Board to take advantage of the path they have regarding speed limits under the VTO.

Robert Harrison, 65 Fox Meadow Road, stated that the Scarsdale Farmer's Market is held on Thursdays from 10:30/11:00 AM until 2:30 PM. He stated that he is very troubled about the 2:30 PM on Thursdays and has heard that merchants complain. He mentioned other Farmer's Markets – one in Westhampton Beach that is held on Saturdays until 2 PM, and one at Penn State in Pennsylvania which is held on Saturdays. He wanted some feedback on this issue, noting that at one time the Village had a Farmer's Market that was held in the lower parking lot at Village Hall on Saturdays. He felt that the Village should try to reestablish the market at Village Hall on Saturdays in the lower parking lot. He stated that he would like feedback from the Board on this issue.

Trustee Veron stated that she appreciated Mr. Harrison's comments and thoughts. She asked Assistant Village Manager Richards to comment on this issue as she has been responsible for managing the Farmer's Market and deferred to her.

Assistant Village Manager Richards stated that the Farmer's Market is typically held on Thursdays from 10:00 AM until 2:30 PM. The Farmer's Market operates on a decreased number of hours and works well. However, there may be times when there is inclement weather and there may not be as much foot traffic. They are constantly looking at the best way to manage and run the Farmer's Market and we are still in the process of doing it. Typically, it takes about five years to really establish it in the community as a place where residents come and congregate. They are in the process of listening to the consumers,

listening to the vendors, and creating something that works for this particular community. Scarsdale's Farmer's Market is being held every Thursday through November 15th.

Mr. Harrison interjected that he thought it might be better to hold the Farmer's Market through 6 PM so that people coming home from work might be able to shop there.

Village Manager Pappalardo stated that when the Farmer's Market was open the first year and the effort was made to allow those commuters coming off the train at night to have an opportunity to shop there, they received feedback from the market that there was not a lot of business during those hours. They did try that and it didn't work out too well and that was one of the reasons the hours were cut back.

Trustee Arest noted that Assistant Village Manager Richards stated that it takes time to build on this. He felt that if the Village could try to extend the hours for multiple years – whatever can be done to have people who commute and come back from the city to take part would be great.

Robert Berg, 32 Tisdale Road, spoke regarding his concern about the derailment of the Freightway project. If built, the project will affect the core of the Village for the next hundred years. This project will only succeed if it makes economic sense to the existing property owners of Scarsdale, comprised primarily of single family residences. This means that when the project is built it must reduce the prorated property tax burden of single family residential homeowners. If it does not, there is no point in doing the project. The way the Board has structured the bidding process, it is virtually guaranteed that the economic outcome will be that instead of reducing single family residential homeowners property tax burdens, this project will require them to pay higher property taxes to subsidize the new residents that will live there. Despite his objections at multiple Board meetings, this Board limited the bidders to only those firms who previously submitted a proposal to the Village last year in response to their expressions of interest in the project. Only six firms did so and this Board decided to protect those six firms from competition from any other real estate developer firms. There may have been many valid reasons why firms did not submit their expression of interest at the time – they may have been involved in other projects, etc. It is irresponsible of public officials to protect a limited number of bidders for this project.

Mr. Berg continued, stating that the Village only allowed 5 of the 6 to submit bids, and then 2 of the 5 to join forces in a single bid, bringing the number to 4 bidders. One firm decided not to bid, which left 3 firms that submitted bids on this massive project. And now of those 3, the Village will select 2 finalists. This does not allow the Village to tap into the full potential market of real estate developers and prevents residents from getting the full benefit of additional bids. This alone warrants opening the process to new bidders.

Mr. Berg stated that the Board continues to be opaque in its disclosure of information on this project. The 3 bidders submitted their bids on September 16th which

was three weeks ago and no information has been released. He is concerned about the type of housing that each bidder proposes and what the ownership structure of the housing will be. If it is rental property, the project will fail from the onset as rental properties receive favorable treatment under the New York State Property Tax Law compared to single family residences. Those homeowners of single family residences will be subsidizing those in the rental properties which is grossly unfair.

Mr. Berg further stated that at the last meeting the Board approved an additional \$40,000 for the consultant on this project. This is an 80% increase over the original \$50,000 fee. He did not understand why the fee was almost doubled and would like an explanation in this regard.

In regard to the consultant fees, Mayor Samwick stated that the Village requested a change in the scope and that was reflected in the cost change. In regard to rental apartments and the way in which they are taxed, Mayor Samwick stated that the New York State method of taxing rental, not a Scarsdale method of taxing rental apartments. The way that you have to look at this is more nuanced in terms of what the revenues will be, what the costs will be and what are the costs of doing nothing. The cost of doing nothing will be substantial for residents as well. One of the things that we can almost insure is that doing nothing will be a burden on our existing tax base. The analysis here is more complicated and is, in fact, why the Village wanted more work from the planning consultant.

Mayor Samwick stated that with respect to the process, one of the things that has been very important from the start is having a very inclusive and transparent process. This is a 2 ½ acre property is owned by the Village, and to the extent that there is a completely open process whereby all the potential bidders and all the people who have made proposals are aware of everything we are talking about, we would negatively impact our negotiating position relative to the potential bidders. They are committed to a lot of public input, to have as much transparency as possible, and are also committed to protecting the Village's negotiating position for the benefit of the tax base.

Trustee Veron stated that the Planning Department reached out to well in excess of the number of developers who initially responded to the RFEI. The Board checked the list to make sure that they cast a very wide net; whether or not people choose to participate is really up to the individual developers.

Michael Levine, Walworth Avenue, thanked Village Manager Pappalardo and the Engineering Department for the wonderful curbing on Bretton Road.

In regard to the Freightway project, Mr. Levine stated that he had been looking forward to seeing the Freightway responses since the RFP was released in June and been wondering where they were; they were not on the website. Then he saw the Mayor's letter in the meeting agenda and was disappointed that it was determined that it was not appropriate

to release the responses. He stated that he is not particularly passionate about the bulk or the height or the aesthetics or the type of building materials. What he is concerned about is that there should be a convincing demonstration is that there will be no adverse financial impact on current taxpayers. He sent a memo to the Board in January regarding school taxes, observing that they are the highest in Westchester County. One of the reasons is that the highest percentage of the population is students. He would not want to see the school tax situation get worse due to the Freightway project.

Regarding the RFP, Mr. Levine stated that there is a requirement in the RFP a request for a 20 year financial model cash flow projection, as well as an economic and fiscal impact statement. The RFP asks for the estimated number of school age children associated with the residential component. He suggested that at least these two items that were prepared by the respondents be released. They could be redacted to remove which particular respondent provided which documents. These are the type of limited things that would be relevant to understanding whether or not there is anything to be concerned about in terms of the financial impact. He hoped that this type of information could be released before the opportunity for public input has ended and all final decisions made.

Mayor Samwick stated that the preferred developer will refine a plan and move forward with SEQRA review of that plan, and as part of the SEQRA review, there will be numerous opportunities for public evaluation and comment of fiscal, school, and emergency service impacts on the Village. All of these will be available for review, and further, one of the scope changes with respect to the planning consultant was to standardize these reviews. The Village did get responses in the RFP's about expected impacts on the schools but we wanted to make sure that we are comparing apples to apples, so that was part of what the Board asked AKRF to look at in part of their review. Information will be forthcoming; it may not be immediate but within the next month information on at least the two finalists will be forthcoming.

Jordan Copeland, Woods Lane, expressed his support on the Climate Resilience report from the Scarsdale Forum. Scarsdale is a leader and should be so in every way.

In regard to the proposed speed reduction to 25 mph, Mr. Copeland spoke in favor of a targeted approach to certain areas. He noted that there are three components to traffic calming: enforcement, education, and engineering. He stated that the residential streets are hardest to enforce and in some places, 25 mph may be too high. He urged the Board to be creative about engineering solutions. He stated that they should take the focus away from asking people to slow down and think about how you can make them slow down by making the driving more challenging or making drivers realize that they are driving too fast. Speed bumps and stop signs are not good environmentally as they make people drive fast and slow down repeatedly. That uses a lot of gas; you want them to go a consistent slow speed.

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

Mayor Samwick thanked everyone for their comments; one of the most important things the Board does is hearing from the community. The more the Board hears from the community, the better job they can do.

Trustee Liaison Reports

Trustee Arest stated that the Village of Scarsdale is receiving the Westchester Waterworks Conference Advancement Award at the Conference's Annual Meeting for the rehabilitation of the 750,000 gallon Ardsley Road Water Tank, which was substantially completed in May of last year. This job may not always be the sexiest but this one was complex, well done and of course vital to our infrastructure and water supply. We all want to say congratulations and thank you to Steve Johnson, his department and everyone else including Village staff that had a part in this important project.

Trustee Arest next stated that recently a Scarsdale family reached out to me in my capacity as the Police Commissioner after hearing about the most recent incidents of hateful and bigoted graffiti at the High School. They reported that they too were the victims of hate speech about a year ago in our Village center. They did not report it to the police but were nevertheless deeply impacted by the racist and despicable nature of the comments. I mention this tonight because I hope that as we all strive to make Scarsdale better that we always ensure that there is absolutely no tolerance for any bigotry or hatred toward any person or group. He stated that he thought Mr. Copeland said it best, that providing examples for our children and being leaders, and doing the right thing – there is clearly nothing more important than this. The recent rise in our country of hate crimes and hate speech perhaps has ironically led to a feeling of greater tolerance for it. Let's all do what we can to keep any and all of that outside of our community. Scarsdale is a place to call home for everyone. Thank you.

Trustee Veron reported that the library was awarded a NYS Construction Grant of approximately \$140,000 for the demolition and the piles/foundation work for the additions. The Village will receive a check for this reimbursement grant - it covers 50% funding of the requested project. The library continues its prudent fiscal management and is preparing another application for a grant for the generator portion of the project for the upcoming year.

She also wanted to share that the Library will be reinstating the much beloved Spelling Bee which is scheduled for the last Friday in January with a snow date for February 7, 2020.

Trustee Crandall stated that just to follow up on Trustee Arest's comments, she has been reflecting on how nice this Village Board is; we have mutual respect for one another, we listen, we certainly listen closely to our residents and that is important. Because what we do here sets an example for the community and she is proud of the Board. It is a pleasure serving on the Board with all of the members and also with the professional staff. It is a top notch operation.

As liaison to the senior population, Trustee Crandall reported that the annual Vital Aging Fair is next week, Monday, October 21st from 2:00 PM to 4:00 PM at the Scarsdale Congregational Church. Scarsdale Edgemont Family Counseling Service, the Scarsdale Public Library and the Village Recreation Department sponsor this event. It's free and for anyone who's concerned about the many issues that arise during the Golden Years. Once again, the Vital Aging Fair is next week Monday, October 21st, 2:00 PM to 4:00 PM at Scarsdale Congregational Church, 1 Heathcote Road, located at the intersection with Post Road.

Trustee Crandall next reported that the Advisory Council for Scarsdale Senior Citizens met on September 27th. They heard from Police Detective Jason Bronstein about a phone scam where the caller ID falsely reads "Scarsdale Police." He reminded everyone to be skeptical of anyone who asks for personal information over the phone. Scammers can manipulate the caller ID. On another note, Chair Carol Silverman asked that the Village consider allowing seniors to park in the new Merchant spots by the Scarsdale Train Station.

Upcoming activities for Scarsdale Seniors are listed in the newsletter Scarsdale Senior Happenings. Paper copies are available in the Village Recreation Department and the information can also be found on the Village website at www.Scarsdale.com.

All Scarsdale residents, 60 years of age and older, are welcome to become a member of the Scarsdale Seniors and to take advantage of the many offerings they have. The annual fee is \$15.00 for residents. Former residents of 30 years or more, or non-resident parents of children who live in Scarsdale are welcome to join the group for \$20.00. See the Village website, www.scarsdale.com, or call Kathy Hurwitz, Scarsdale Village Senior Citizen Coordinator at (914) 722-1160 for more information.

Trustee Arest

Trustee Arest noted that for this Board and for previous Boards, roadways have been a very important item. When the Board allocated \$300,000 for roadways, they made it clear that if there was a surplus from the 2018/19 Budget closeout, that they would try to allocate as much of that as possible towards this year's road improvements. That is what the following resolution is about.

Upon motion entered by Trustee Arest, and seconded by Trustee Crandall, the following resolution regarding Fiscal Year 2018-2019 Closeout Transfer to Fiscal Year 2019-2020 Capital Budget was approved as amended 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,** consistent with fiscal best practices, and while committing adequate resources to address operating and capital needs, the Village Board budgets conservatively to minimize any necessary property tax increases and staff conscientiously manages the adopted budget to control costs, often leading to a General Fund surplus at the end of the fiscal year; and
- WHEREAS,** the Village Board met with the Village's independent auditors at a Work Session on September 10, 2019, to review and discuss the final Fiscal Year 2018-2019 independent audit, while meeting again at a Work Session on September 24, 2019 to discuss the use of available fund balance for certain capital projects; and
- WHEREAS,** based on the Fiscal Year 2018-2019 audit results, and the aforementioned capital projects priority meeting, sufficient surplus funding in the amount of \$381,250 is available to transfer to the Capital Budget for additional FY 19/20 road resurfacing; and
- WHEREAS,** the Village Board previously appropriated a total of \$221,000 in unallocated Capital Budget revenues to fund additional road resurfacing at its June 25, 2019 regularly scheduled meeting, providing for a total of \$500,000 to add to the previously budgeted appropriations for this purpose, and consistent with the Village Board's stated goal during the FY19/20 budget deliberations should

the funding be available and it prudent to make such transfer; now, therefore, be it

RESOLVED, that a sum of \$381,250 from the audited 2018-2019 General Fund Balance be appropriated to the 2019-2020 Capital Fund road paving account, as specified below:

FROM: A-9999-9999-9999 Use of Fund Balance	\$381,250
TO: A-9990-TRNFR-TRNFR-950-9550-.0 General Fund Transfer to Capital:	\$381,250
TO: H-1000-030-5031-01 Transfer from General Fund	\$381,250
TO: H-5197-963-2020-055 Road Resurfacing, Curbing	\$381,250

; and be it further

RESOLVED, that pursuant to Village Law Section 5-520, the Board of Trustees hereby authorizes and directs the proper Village officers to modify the 2019-2020 Budget by making said transfers so resolved.

<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 that the next resolution is also about roads; a previous Board was very wise and adopted roadway restoration standards so that Con Edison would take care of re-paving roadways themselves or reimburse the Village for such work. In addition, it was required that such paving be from curb to curb, not just a section of the road, which is very important for our roadways.

Upon motion entered by Trustee Arest, and seconded by Trustee Crandall, the following resolution regarding Fiscal Year 2018-2019 General Fund Supplemental Appropriation and Transfer to Capital Budget for Road Resurfacing Consolidated Edison Payment was approved by the vote indicated below:

WHEREAS, to protect its investments made in paving local roads, the Village of Scarsdale previously adopted roadway restoration standards and specification applicable to Con Edison utility-related excavations and associated repaving, with such restoration work allowed to be performed either by Con Edison contractors or the Village of Scarsdale on a reimbursement basis, at the Village's discretion; and

WHEREAS, during the 2018-2019 paving season, Village staff negotiated a payment from Consolidated Edison, New York, in the amount of \$94,142.00 for roadway restoration and repaving work necessary in connection with ConEd utility work impacting Hamilton, Rodney Roads, Richelieu, Hamilton, Greendale and Eton Roads; and

WHEREAS, the Con Ed reimbursement of \$94,142.00 constitutes supplemental revenue available for roadway resurfacing, funding not previously included in the FY 19/20 Village Budget adopted on April 23, 2019, by resolution of the Village Board of Trustees (attached) in accordance with section 5-508(3) of New York State Village Law, thus requiring a supplemental appropriation; now, therefore, be it

RESOLVED, that the \$94,142.00 from Consolidated Edison, New York, is herein accepted as Miscellaneous General Fund Revenue (A-1000-022-2770-0) to be transferred to the Capital Projects Fund (A-9990-TRNFR-TRNFR 950-9550-.0) and further appropriated to the Road Resurfacing Capital Account (H-5197-963 2020-055).

AYES

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

NAYS

None

ABSENT

None

Trustee Lewis

In regard to the following resolution regarding support for legislation authorizing a 25 MPH Speed Limit, Trustee Lewis noted that there is very detailed support for this. He further stated that this is very impactful on public safety; the statistics are quite powerful. The risk of

pedestrian fatality reported by the New York State Highway and Traffic Administration is 3.62 times higher with a 30 MPH speed limit than with one of 25 MPH. The risk of debilitating injury is roughly 1.28 times higher. This is a potentially major step forward for public safety.

Upon motion entered by Trustee Lewis, and seconded by Trustee Crandall, the following resolution Expressing Support for Proposed New York State Legislation Authorizing a 25 MPH Speed Limit was approved by the vote indicated below:

WHEREAS, the State of New York mandates a speed limit of not less than 30 mph be posted on neighborhood streets in cities, villages, and towns; and

WHEREAS, other states provide for a 25 mph speed limit which is more suitable for Scarsdale's residential neighborhoods and other locations where elevated levels of pedestrian activity are reasonably anticipated, such as the Scarsdale Village Center, which features a busy commuter train station, a variety of local businesses, and abundant residential uses; and

WHEREAS, the difference in public safety outcomes when comparing pedestrian-involved accidents occurring in a 30 mph versus 25 mph speed zone is significant, with the risk of pedestrian fatality reported by the National Highway Traffic Safety Administration to be approximately 3.26 times higher with a 30 mph posted speed limit than with one of 25 mph, as well as a risk of debilitating injury that is roughly 1.28 times higher; and

WHEREAS, a 2018 study released by the Insurance Institute for Highway Safety revealed that decreasing the posted speed limit from 30 mph to 25 mph resulted in 29.3% fewer vehicles exceeding 35 mph by 29.3%, as well as an 8.5% decrease in the incidence of vehicles exceeding 30 mph; and

WHEREAS, in consideration of the public safety benefits of authorizing New York cities, villages, and towns to post an Area Speed Limit of 25 mph, Assemblywoman Amy Paulin has introduced two bills to the New York State Assembly, A. 08599 and A. 08600 (legislative summaries attached); now, therefore, be it

RESOLVED, that the Scarsdale Board of Trustees finds that the existing public safety justification for New York State to authorize cities, villages, and towns to post an Area Speed Limit of 25 mph is abundantly compelling; and be it further

RESOLVED, that the Board of Trustees hereby concludes that reducing the village-wide speed limit is an efficient, simple solution to advance traffic safety and protect the public health, safety and welfare, and invites all interested parties to support the proposed amendments to the New York State Vehicle and Traffic Law, allowing the Village of Scarsdale and other New York State cities, town and villages, to create an Area Speed Limit of 25 mph.

AYES

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

NAYS

None

ABSENT

None

Before voting, Trustee Arest thanked Deputy Village Manager Robert Cole for his tremendous work on this; Assemblywoman Amy Paulin for her incredible work and working with the Village and her leadership on this. He also thanked Madelaine Eppenstein, who with the Municipal Services Committee Forum has looked at this in 2015, with an update in 2018 on road safety reports in Scarsdale that spoke specifically as speed as one of the items to work on. She brought him into the discussion from a research standpoint a couple of years ago. As she stated earlier at the podium, the Village does have tools available that it can use and he hoped that the Village can still look at that while waiting for this and have a discussion on it. He voted 'aye'.

Trustee Crandall commented before voting, stating that she agreed completely with Trustee Arest and listened closely to Mr. Copeland's earlier remarks during public comment. She stated that she joins in with her fellow Trustees' call for working more on making our streets safer for Scarsdale residents. She voted 'aye'.

Trustee Lewis stated that following the fine examples that his fellow Trustees have said about using this as an opportunity to comment, he wanted to note how important this is. This is an issue they should consider scheduling more time in their public meetings for discussion. One of his concerns regarding these meetings is that they are very tight and choreographed and the Board does not get these opportunities. This type of effort combined with the things they are just learning about as it relates to the calm streets movement and traffic calming as part of a larger planning process that they should consider is critically important. The climate smart initiatives that the Board has heard about from the Scarsdale Forum is also critically important. The Board is very thankful for the participation of everyone present in the room on this subject and on all subjects. His vote is 'yes'.

Trustee Ross agreed with everything that's been said on this topic so far. As Trustee Lewis pointed out, there is really strong statistical evidence for the importance of the decrease in the speed limit. He also took special note and appreciation for Mr. Copeland's comments about other measures that can be taken. As the matter is studied further, and further evidence of additional measures that the Village can take is available and can be processed, he looked forward to adopting further resolutions to continue on the path of further improving the safety of motorists and pedestrians. He voted 'aye'.

Trustee Veron stated that she is a strong proponent of the 25 mph legislation and stated that "as your Village Trustee, I am exceedingly frustrated by our inability to enact sensible legislation to calm our roads. While we are the legislators closest to the issue, we are not able to make the changes needed. I strongly believe that these decisions should be in the hands of local boards.

I've lived in Scarsdale for over 20 years and throughout my time have served in multiple capacities where residents beg for road calming measures. When I was a newish resident with young children, I ran the Fox Meadow Neighborhood Association and took on the project of improving the safety of our streets. I organized one side of the street parking at Fox Meadow School, secured the four way stop sign near the high school on Olmsted and Brewster and worked on visual obstructions. I felt so satisfied when we were able to make our area safer, but I also felt very constrained. Stop signs and street bumps are not always the right answer. Mr. Copeland, I am a huge fan of improved engineering. I want to ensure we have all the tools at our disposal. There is one change that has been proven to work - reducing the speed limit to 25mph, like neighboring states are permitted to do.

I want to commend Deputy Village Manager Rob Cole who has conducted excellent research and analysis to underscore the matter as well as the many volunteers who have advocated for this issue.

I wholeheartedly support this resolution and want to do what I can to advance this cause."

Trustee Waldman stated that she agreed with all of her fellow Trustees and she too votes 'aye'. She thanked Mr. Copeland for his comments.

Mayor Samwick stated that he will vote 'aye' and added that he has had the opportunity to speak with our State legislators and this is something that there is a fair amount of frustration about. Speed limits are a very important tool. It is clearly a priority of this Board and they hope they are going to be delivered. They are working very hard on this on a number of different levels to make happen. Over the weekend, he spoke with representatives of the County Executive to get support for this as well. There is a Traffic Safety Committee in the Village and this committee is the operative traffic safety body in this

Village. The Committee is composed of members of engineering, law enforcement, DPW and the Village Manager's office. It is important for the community to recognize the process. The Board made it clear to the Traffic Safety Committee their view, namely, that they would like to see certain measures occur beyond just speed limits and certainly beyond stop signs or speed bumps. There have been discussions about other traffic calming measures. This is an important element of what we are doing; however, he stated that he did want to manage the Village's expectations. The Board is not the appropriate body, nor the trained body, to be having detailed level discussions about this matter. We are the policy making body that has made it very clear to the implementing body what our preferences are.

Village Manager Pappalardo stated that what the Board has done as it relates to traffic calming is, in this current year's budget they increased the amount of money available to the Traffic Safety Committee by 2 ½ times which will allow the Village and has allowed the Village this past year to go out and institute some of the traffic calming measures that were discussed by Mr. Copeland and others here this evening. That is the solution in the long run. Having enforcement and expecting to see a police officer every time you see someone speeding is not realistic. We do write a lot of tickets and we are out there doing what we can, but we have 79 miles of roadways in the Village and it's not realistic to think there will be a police officer out there all the time. The traffic calming measures are there; they're physical and they actually do work. The white shoulder lines have been used on some of the roads and it certainly has reduced speed. We have been able to increase safety at some of our crosswalks using newer signage that alerts motorists by flashing lights that they are speeding and to slow down. We have shortened the turning radii at a number of intersections in the community over the years – the greatest example being in the Village Center when they did the infrastructure improvements a decade ago. All of those turn lanes at the intersecting streets in the Village Center were tightened up and the ability to walk across the street was much safer. He noted that he is frustrated at times by the neighborhood associations when the Village recommends traffic calming measures and they won't support it because it results in some inconvenience to them in terms of parking, etc. He noted the proposed roundabout for the Heathcote five corners, which was engineered and would have calmed traffic but the neighbors did not want it. He asked the residents to work with the neighborhood associations and put traffic safety in front of some loss of convenience because if we are going to commit to traffic safety, we are all going to have to commit to it. We have to work together on it.

Trustee Arest stated that he would welcome another conversation similar to the suggestion by Trustee Lewis, possibly with the Traffic Safety Committee at a work session. The Board owes it to the residents to have a conversation about it.

Trustee Lewis added that traffic safety and everything they have been speaking about becomes multidisciplinary – traffic safety also has a sustainability component in regard to bike paths, etc. and how we turn our Village into a greener Village in reducing our carbon footprint

In regard to the following resolution to award VM Contract #1225, Electrical Contracting Services, Trustee Lewis stated that he would encourage anyone who hasn't perused the documents behind the resolution to see the amount of detail that the staff provides and the bidding, awarding, and evaluation process. It represents government working very hard to obtain a cost effective service at a very low price; it is very transparent and highly documented. He noted that it is very impressive to him – not only does the staff have to do these things, they have to attest to it and they have to attest to it in matters that are quite significant.

Upon motion entered by Trustee Lewis, and seconded by Trustee Crandall, the following resolution to Award VM Contract #1255 – Electrical Contracting Services was approved by the vote indicated below:

- WHEREAS,** the Village has historically contracted for licensed electrical services for routine electrical work necessary at Village facilities; and
- WHEREAS,** the existing electrical contract for this purpose recently expired requiring a rebid for the work; and
- WHEREAS,** the bid solicitation for VM Contract #1255 – Electrical Contracting Services was published in the Scarsdale Inquirer on August 30, 2019, and notification of the opportunity to bid was also provided through Construction Data News, FW Dodge Reports, and the NYS online procurement system; and
- WHEREAS,** on the bid opening date, September 24, 2019, three bids were presented, with the lowest responsible bid received from Nick's Electrical Service of New York LLC (Nick's Electric), 774 Post Road, Scarsdale, NY 10583, itemized as follows: Mechanic standard hourly rate \$105.00, Helper standard hourly rate \$70.00; and
- WHEREAS,** Nick's Electric has demonstrated experience performing the necessary electric services as the incumbent provider under the now expired VM contract, and staff recommends awarding the new contract, VM #1255 – Electrical Contracting Services, to Nick's Electric, as the lowest responsible bidder; now, therefore, be it
- RESOLVED,** that VM Contract #1255 – Electrical Contracting Services, a two-year agreement, be awarded to the lowest responsible bidder, Nick's Electrical Service of New York LLC, 774 Post Road, Scarsdale, NY 10583, at the hourly rates specified in their bid for a total amount not

to exceed budgeted appropriations, with all costs to be charged to the appropriate budget accounts, as determined by the Village Treasurer; and be it further

RESOLVED, that the contract may be extended annually by the Village Manager for three additional one-year periods, subject to the availability of adequate budget appropriations and in accordance with the prescribed hourly rate escalations upon completion of the initial two-year term; and be it further

RESOLVED, that the Village Manager is hereby authorized to execute VM Contract #1255 – Electrical Contracting Services on behalf of the Village with Nick’s Electrical Service of New York LLC, and to undertake any 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		

Written Communications

Deputy Village Clerk Regazzi reported that three (3) 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 Dena Feintuch regarding traffic concerns at the intersection of Crane and Chase Roads.
- A Report from Ron Schulhof on behalf of the Ad-Hoc Committee on LED Streetlights with an Update for the Board of Trustees.
- An email from Mayra Rodriquez Valladares regarding the Freightway Development Project; a response from the Mayor is included.

There being no further business to come before the Board, the meeting adjourned at 9:16 P.M. on a motion entered by Trustee Crandall, seconded by Trustee Ross and carried by a unanimous vote.

Respectfully submitted,

Donna M. Conkling
Village Clerk