

THREE THOUSAND THREE HUNDRED THIRTY-SEVENTH
REGULAR MEETING

Rutherford Hall
Village Hall
October 22, 2019

A Regular Meeting of the Board of Trustees of the Village of Scarsdale was held in Rutherford Hall in Village Hall on Tuesday, October 22, 2019 at 8:00 P.M.

Present were Mayor Samwick, Trustees Arest, Crandall, Lewis, Ross, Veron, and Waldman. Also present were Acting Village Manager Richards, Acting Village Attorney Esannason, Deputy Village Attorney Garrison, and Deputy Village Clerk Regazzi.

The minutes of the Regular Board of Trustees Meeting of Tuesday, October 7, 2019 were approved as amended on a motion entered by Trustee Ross, seconded by Trustee Crandall and carried unanimously.

Bills & Payroll

Trustee Crandall reported that she had audited the Abstract of Claims dated October 22, 2019 in the amount of \$1,792,896.29 which includes \$46,367.18 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 Crandall and seconded by Trustee Ross, the following resolution was adopted unanimously:

RESOLVED, that the Abstract of Claims dated October 22, 2019 in the amount of \$1,792,896.29 is hereby approved.

Mayor's Comments

Mayor Samwick offered his comments this evening, stating "This evening, the three members of the Board's Freightway Selection Subcommittee will provide an update of the

Freightway Development Project. The subcommittee members are Trustees Veron and Arest and myself.

By way of background, the Freightway Parking Garage serves as the primary parking facility serving the Village's Metro North station. The parking structure was built in 1971 and is in need of approximately \$2.5 million of repair, maintenance and physical improvements over the next five years. Over the next roughly 15-20 years, the structure will need much greater resources, including the possibility of replacement at an estimated cost that could exceed \$25 million."

Trustee Veron:

"Over the past decade, we have seen a seismic shift in local economies throughout the country marked by a dramatic change in shopping behaviors and expectations. The result has been increased retail vacancy rates and less consumer vibrancy. Our Village Center is not immune and, this Board as well as previous Boards have worked with various stakeholders to counter the prevailing trend. Key to economic viability is to have a critical mass of people who live, work, dine and shop - right in their Village or downtown.

To achieve that goal, many like-communities have embarked on mixed use developments, with a significant amount of new residences built near their transportation hubs. These projects are called Transit-Oriented Developments or TODs and are often targeted to millennials and empty nesters. These new residents add the vitality and foot traffic needed for a flourishing local ecosystem."

Mayor:

"The logic behind our effort to redevelop the Freightway Parking Garage is based on the need to improve our aging parking structure and enhance our Village Center in a viable and sustainable way. This approach is in line with our comprehensive plan and previous planning studies as well as with the advice of experts in the planning community. This long-term thoughtful approach is what has brought us to the present and our focus on this underutilized Village asset.

With regard to process, the recent discussion of the Freightway site began over 3.5 years ago with a Visioning Study, which reached over 700 residents and stakeholders to gain their views of a potential redevelopment of the site. The Village opted to then engage in a two-step process with the development community in which developers were engaged to present feasible economic development plans via a Request for Expressions of Interest, or RFEIs. This process enabled the Village to garner community feedback and respond to those conceptual plans prior to issuance of a formal Request for Proposal, or RFP. The Village reached out to dozens of developers via postings of the RFEI and by directly reaching out to developers deemed to be well suited for this type of development.

So where are we now in the process? Last month, the Village received responses to the RFP. The Village's planning consultants, AKRF, Village staff, the Village Board and special counsel have reviewed the responses and are in the process of narrowing the respondents to two finalists that will be invited to make presentations to the community. We had originally hoped to have those presentations in November. But, the Village Board has decided that the RFP responses needed some clarifications and possibly more information. As stewards of this process, it is our duty to push for excellence within the bounds of market and development constraints. We expect to have the presentation in December and we are confident that this delay will strengthen the process and the outcome."

Trustee Arest:

"The Board continues to believe that there is a viable path forward that would lead to the transformation of our Village center and be met with community acceptance. But, I would like to reiterate something that I have said at previous Board meetings: any redevelopment project must provide a net community benefit. Otherwise, doing nothing is an option. It is not really doing nothing and it is not free as there are already identified short and medium term costs associated with retaining the Village's ownership of the parking garage but, again, it is an option."

Mayor:

"The Village owns the Freightway property, so we are in the enviable position of controlling our own destiny. As property owners, it is important to maintain our negotiating position relative to potential developers. Maintaining a strong negotiating position will lead to a better result and therefore greater value for the community. This is why many of our recent discussions have been in executive session. We would certainly prefer to engage in a more public dialogue. And there will be many substantial opportunities in the future for everyone to weigh in. But, while we are engaged in executive session discussions, please note that we, as your elected officials, represent the community at large and are very focused on the same things that matter to you, such as potential school, parking, fiscal and Village Center impacts.

It is important to reiterate that such a project cannot legally proceed without completing the SEQRA process, a public process that will take place with open meetings of this Board, the Planning Board and the Architectural Review Board.

The Village Board is deeply committed to continuing its diligent review of the options available to the Village with the best interests of current residents as our overarching responsibility. We thank you for your patience and, each of us encourage you to communicate your thoughts and views about the opportunity to re-imagine the Freightway

site. We will let you know as soon as we have established the date of the next public meeting.”

Manager's Comments

None.

Public Comments

Mayor Samwick opened public comment at this time.

Robert Berg, 32 Tisdale Road, stated that Scarsdale continues to have the worst performing real estate market in lower Westchester showing the greatest property value decline over the last two years. He added that the reason for this is that the residents pay the highest property taxes in the State and that most of the Village budget is comprised of fixed Village personnel costs which cannot be lowered without cutting services.

Mr. Berg discussed the position of Village Attorney, noting his past suggestions upon the retirement of then Village Attorney Esannason, recommending that the position be advertised and a thorough public search to fill that vacancy with a qualified candidate be conducted and that an advisory committee of resident attorneys be appointed to help screen for a qualified replacement. This is a very desirable legal job and would have attracted many qualified and experienced candidates. He stated that he was shocked that without any public notice or discussion, the Board voted on the appointment of Angela Martin, the HR Director, to be the next Village Attorney. In his opinion, she lacked relevant qualifications and experience to handle the responsibilities of the position. She received an additional \$26,000 increase in her salary, a 17.6% without a public search being conducted. He stated that this was patronage, malfeasance, and a waste of taxpayer funds. He stated that he wrote to the Board at that time expressing his outrage.

Mr. Berg continued, stating that Ms. Martin's appointment to the position of Village Attorney left a vacancy for the HR Director. That position was filled by Adil Tahir, who has recently been let go. He turned out to be a bad hire, not up to the job, and required costly consultants to get the job done. Ms. Martin has now returned to her former role as HR Director. Her lack of experience and lack of qualifications for the Village Attorney position became evident over the course of the last 16 months. She was able to replace Mr. Tahir and return to her former position. However, what has been the cost to the Scarsdale taxpayer? The cost has been considerable. Ms. Martin was paid a \$175,000 salary plus benefits as Village Attorney; second, the opportunity was lost to have a qualified Village Attorney during that time period. Third, Mr. Esannason was hired as counsel and he was

paid \$60,000 his first year of retirement. Plus, Mr. Gardella, a former Village Attorney was paid another \$22,850 because Ms. Martin couldn't handle all the job responsibilities. Now, Mr. Esannason's role is being expanded further. Forth, if true, he understands that Ms. Martin will keep her \$175,000 salary in her job as HR Director. Mr. Berg stated that he would like to clarify what exactly her salary will be as HR Director. Before she was promoted to Village Attorney, she earned approximately \$149,000 per year. If she is back in her old job, she should be paid a salary of about \$150,000 and not \$175,000 per year which is the Village Attorney position salary. How can her salary be justified at the \$175,000 level when she is no longer doing that job?

Mr. Berg stated that last year, the Village Attorney spent a tremendous amount on outside legal counsel, approximately \$350,000, because we did not have an effective Village counsel. He stated that the bottom line is that last year's decision to replace Mr. Esannason with Ms. Martin was a bad idea, yet the Board failed to do its job despite his protests in that regard.

Robert Harrison, 65 Fox Meadow Road, stated that he and his wife were proud to be with the 110,669 fellow Penn Staters in the White Out game this past Saturday night. He stated it was a nail biter in the 4th quarter; however, Penn State prevailed 28-21. He noted that he sent a letter to the editor in the Scarsdale Inquirer offering his services as a volunteer alumni recruiter. He can be contacted at 725-0962 or proscars@aol.com.

Mr. Harrison stated that currently, a Committee for Historic Preservation meeting is being held upstairs with 4 items on the agenda. He suggested no Board or Council of the Village should have a meeting at the same time the Village Board meets.

Mr. Harrison also commented on his concern on the openness of the process surrounding the Freightway project. He hoped the Board would do a good job in evaluating the issue; it is a tricky economy and future with the change in the tax laws.

Mr. Harrison endorsed Bob Berg's comments, stating that the Village is being frivolous in salary payments and how personnel is being handled. He urged the Board to work on that process and noted that he discussed with the Mayor the recommendation of a law firm that should be considered. He stated that he will talk to them and have them present themselves, if possible.

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

Trustee Liaison Reports

Trustee Veron reported that “today, I attended the Scarsdale Public Library Visioning retreat. Members of the Library Board, Library Staff and Friends of the Library convened to envision the future of this soon to be transformed beloved community asset. Plan A led a robust visioning discussion, framed by extensive research and stakeholder interviews and funded by the Friends. The retreat was the first of its kind, a collaborative effort amongst these three essential groups, to articulate the mission, vision and high level near term objectives. Words such as community building, inclusiveness, innovative technology, cutting edge programming, lifelong learning, and so on, permeated many conversations. Needless to say, the future of the library is super exciting, and we look forward to seeing the comprehensive plan produced from this strategy session.”

Trustee Arest stated that “This morning was the Scarsdale Police Department’s Promotion and Awards Ceremony. It was truly a pleasure for the Mayor and for me to participate and witness this event and have the ability to thank our dedicated officers on behalf of the community for all of their incredible work. Members of our police force, their families as well as members of the Fire Department were in attendance. It was a great morning. Many more details will come at our next Board meeting when the honorees will be recognized in resolutions. For now, however, I would like to announce the promotions that were made: Officer Kelleher was promoted to Detective Lieutenant; Officer Arcesi was promoted to Sergeant; Officer LoGiudice was promoted to Sergeant. Congratulations again to everyone again and I look forward to discussing this again next month.”

Mayor Samwick echoed Trustee Arest’s sentiments. He stated that not only was it a great ceremony, but the work that the Police Department does for the community on a day in and day out basis is exemplary and really does impact our quality of life. We are a better place for the work that they do.

Trustee Waldman stated that “October is Domestic Violence Awareness Month, and on Tuesday, October 29th at 9:30 am in the Scarsdale High School I-Lab, the Safe Coalition will be hosting a presentation entitled ‘Behind Closed Doors’. The program will raise awareness about domestic violence and provide resources for those that might be in a potentially dangerous situation. It will be facilitated by Darleen Reda, Program Administrator for Westchester County Office for Women.”

Trustee Ross reported that “this past Saturday, October 19th was the Annual Scarsdale Fire Fair. I regret that I was unable to attend due to a prior engagement out of town for the weekend. This is a wonderful event put on every year by our firefighters, one of the very valuable services they provide for our community. The fire fair includes events and demonstrations and attractions for all ages. It is a great deal of fun; it is also a very educational event. I would like to express my gratitude to our firefighters for running this event each year in addition to all the other very important services they provide.”

Before starting the agenda items, Mayor Samwick stated that he would like to entertain a motion to hold over the agenda item/resolution regarding Adopting the 2019-2020 Investment Policy and amend the agenda accordingly. Motion so entered by Trustee Arest, seconded by Trustee Crandall, and carried unanimously.

Trustee Arest

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

General fund appropriations were 24.95% spent as of September 2019 as compared to 30.00% in 2018-2019.

General Fund Revenues other than property taxes are \$5,942,367 through September 2019 compared with \$6,236,150 in the first four months of last year. This represents a decrease of \$293,783 from 2018-2019. Overall revenue from Special Assessments and Delinquent Tax collections declined \$35,100. Sales tax receipts are flat. While Building Permit revenue (included in License and Permit category) increased \$46,900 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 \$61,700. The largest impacts in the Insurance Recovery and Equipment sales of \$217,900 are in the reimbursement for special details which is up \$75,800 from last year and the receipt of over \$94,100 from Con Edison for paving reimbursement. Parking revenue and departmental fees are up almost \$16,000. Investment earnings declined \$52,700 reflecting lower rates and longer maturities. While Recreation revenue increased \$6,900, Departmental Revenue declined \$74,700 since 2018-2019 was impacted by a late snow reimbursement. Mortgage Tax dropped \$152,300 and court fines are down \$34,000 and State aid is down \$186,600 as New York State has changed the timing of the AIM aid to the end of the fiscal years (Town and Village). The decline in property rentals reflects a timing difference in the receipts.

The actual collection of Village taxes through September, 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 20192020 Internal Control Policy was approved by the vote indicated below:

WHEREAS, New York State General Municipal Law (GML) Section 104-b requires the Village Board to review its procurement policies and procedures on an annual basis; and

WHEREAS, the Village Board last reviewed and adopted the Internal Control Policy #201 of the *VILLAGE OF SCARSDALE ADMINISTRATIVE POLICIES & PROCEDURES MANUAL* on November 13, 2018; and

WHEREAS, staff reviewed and discussed the Internal Control Policy and does not recommend any changes to the existing policy; now, therefore, be it

RESOLVED, that the Internal Control Policy be adopted in accordance with the attached document, “Internal Control, Policy # 201, October 22, 2019.”

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

Before voting, Trustee Lewis noted that Section 3 is of concern to him on procedure. He stated that when you carefully read Section 3 and read all of the language as it concerns the movement of paper between different Village departments, the flow of paper, the printing out of gold copies of green copies, and one has to wonder if we are meeting the standard as a Village government of being a leader in local governance. He believed that Scarsdale should aspire to do so, and when he reads the language in this procedure, it feels very yesteryear. He thinks the Village should be striving to be a leader, and he thinks that this is not consistent of our values of sustainability. He stated he is also concerned about the Whereas section that says that this internal control policy has been reviewed and there is no recommended changes. He

stated that it is very hard in 2019 to read Section 3 and say there is no need for any changes. For those reasons, he votes 'no'.

Trustee Veron stated that she appreciates the comments of Trustee Lewis and know that they have been speaking constantly about trying to improve processes in Village management.

Trustee Lewis

In regard to the following resolution, Trustee Lewis stated that the supporting memorandum from Jeffrey Coleman, Superintendent of Public Works is excellently detailed in terms of the bridge's history, the structural challenges that currently exist, the consultants hired, and the temporary safeguards that have been put in place so that the bridge is safe for transit. This is an incredibly important project for the safety of the local residents. The memo outlines how the Bridge NY Grant program works, the processes, and the great detail that staff had to go through in order to insure funding.

Upon motion entered by Trustee Lewis, and seconded by Trustee Crandall, the following resolution Authorizing the Implementation and Funding of 100% of the Costs of a Transportation Project, Which May be Eligible for Federal Aid and/or State Aid, or Reimbursement from Bridge NY Funds was approved by the vote indicated below:

WHEREAS, a project for the Heathcote Road over County Route 143 Bridge Rehabilitation (BIN 2265300) in the Village of Scarsdale, Westchester County, P.I.N. 8762.21 (the Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 95% Federal funds and 5% non-federal funds; and

WHEREAS, the Village of Scarsdale will design, let and construct the Project: and

WHEREAS, the Village of Scarsdale desires to advance the Project by making a commitment of 100% of the costs of the work for the Project or portions thereof.

NOW, THEREFORE, the Scarsdale Village Board, duly convened does hereby

RESOLVED, that the Scarsdale Village Board hereby approves the above-subject Project; and it is hereby further

RESOLVED, that the Scarsdale Village Board hereby authorizes the Village of

Scarsdale to pay 100% of the cost of preliminary engineering and right-of-way incidentals work for the Project or portions thereof, with the understanding that qualified costs may be eligible for federal-aid, state-aid, or reimbursement from Bridge NY funds; and it is further

RESOLVED, that the sum of \$261,420 is hereby appropriated from H-5197-963-2020-053 and H-5197-963 202-053G and made available to cover the cost of participation in the above phase(s) of the Project; and it is further

RESOLVED, that the Scarsdale Village Board hereby agrees that the Village of Scarsdale shall be responsible for all costs of the Project which exceed the amount of federal-aid, state-aid, or NY Bridge funding awarded to the Village of Scarsdale and it is further

RESOLVED, that in the event the Project costs not covered by federal-aid, state-aid, or NY Bridge funding exceed the amount appropriated above, the Scarsdale Village Board shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the Village Manager thereof; and it is further

RESOLVED, that Village of Scarsdale hereby agrees that construction of the Project shall begin no later than twenty-four (24) months after award and the construction phase of the Project shall be completed within thirty (30) months; and it is further

RESOLVED, that the Village Manager of the Village of Scarsdale be and is hereby authorized to execute on behalf of the Village of Scarsdale all necessary agreements, certifications or reimbursement requests for federal-aid and/or state-aid with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the Village of Scarsdale's funding of Project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible; and it is further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project; and it is

further

RESOLVED, this Resolution shall take effect immediately.

AYES

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

NAYS

None

ABSENT

None

Trustee Lewis noted that again, Mr. Coleman has written an excellent memo summarizing this matter dated October 10th; it goes through some of the same background that supported the prior resolution. The details of the Barton and Loguidice proposal are quite important, noting their extensive familiarity with Federal and State requirements, the similar work that they have done in the region, and the responsibilities as they relate to a responsible and ethical employer with participation in affirmative action governance and oversight. He stated that it is an impressive proposal.

Upon motion entered by Trustee Lewis, and seconded by Trustee Crandall, the following resolution regarding Authorization to Execute a Professional Services Agreement with Barton & Loguidice, D.P.C. approved by the vote indicated below:

WHEREAS, citing conditions constituting failure or potentially imminent failure of critical primary structural components, as discovered in their biannual inspection program, the New York State Department of Transportation (NYSDOT) issued what is known as a “red flag” in 2014 for the bridge carrying Heathcote Road traffic over the Heathcote Bypass (County Route 143), herein referred to as the Heathcote Bridge; and

WHEREAS, the Village installed temporary supports in 2015 and 2017 to resolve the urgency of the red flag condition, while also having initiated consideration of the cost and funding sources for permanent repairs; and

WHEREAS, the Village applied for and received in 2018 a NYSDOT Bridge NY grant of up to \$1,597,645 for preliminary design, design, construction, and construction inspection services in connection with

the Heathcote Bridge rehabilitation project, requiring a \$84,086 local match, yielding an estimated total project cost of \$1,681,731; and

WHEREAS, in accordance with procurement procedures stipulated by the Bridge NY Program, proposals were solicited from the fifteen design firms included on the Department of Transportation's Region 8 list of prequalified engineering firms; and

WHEREAS, three firms responded to the solicitation, including Barton & Loguidice, D.P.C., HVEA Engineers, and McLaren Engineering Group, though HVEA Engineers later withdrew their proposal; and

WHEREAS, consistent with NYSDOT procurement procedures, staff interviewed the two remaining firms, concluding that Barton & Loguidice is the most suitable for the project, and then negotiated a consultant agreement at a not-to-exceed cost of \$260,129, inclusive of the \$13,006 local share, to provide field and survey data, field verification of abutment composition, preliminary and final design documents, and right of way services, as further described in the agreement; now, therefore, be it

RESOLVED, that the Village Manager is hereby authorized to execute a Professional Services Agreement with Barton & Loguidice, D.P.C., 10 Airline Drive, Suite 200, Albany, NY 12205 for engineering services associated with the Heathcote Road Bridge Rehabilitation project for a fee not to exceed \$260,129, to provide field and survey data, field verification of abutment composition, preliminary and final design documents, and right of way services, with 95% of said costs to be reimbursed by the New York State Department of Transportation through a Federal Aid Local Project Grant Agreement; and be it further

RESOLVED, that the cost of said engineering services be charged to the following Village Capital Budget Accounts:

H-5197-963 2020-053	\$13,006 (Village share)
H-5197-963 2020-053G	\$247,123 (NYS Grant share)

; and be it further

RESOLVED, that the Village Manager is authorized to undertake all administrative acts pursuant to the engineering agreement and the grant agreement between New York State Department of Transportation and the Village related to these design services.

<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

Trustee Veron stated that Library Director Bermel's focused attention on applying for potential grants is appreciated.

Upon motion entered by Trustee Veron, and seconded by Trustee Crandall, the following resolution regarding Acceptance of NYS Library Construction Grant Funds for the Scarsdale Public Library Addition and Renovation Project was approved by the vote indicated below:

- 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 Scarsdale Public Library applied for a grant through the FY2018/2019 State Aid for Library Construction Program to support a portion of the demolition, pile installation, and site work costs; and
- WHEREAS,** the grant application was approved by the New York State Library, the program administrator, for the amount of \$140,591, which is paid to the Village on a 50% reimbursement basis for the scope of work included in the project budget, as detailed in the grant application; and
- WHEREAS** the Scarsdale Public Library has received a check for \$126,531.00, or 90% of the grant total, constituting reimbursement at the 50% level

for project costs already incurred by the Village of Scarsdale; now, therefore, be it

RESOLVED, that the Village Board hereby accepts the State Aid for Library Construction grant of \$140,591, and directs the Village Treasurer to deposit the \$126,531.00 check, as well as the remaining grant balance upon receipt, into the State Aid for Library Capital Projects account #HL-1000-026 3897-0.

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

Upon motion entered by Trustee Veron, and seconded by Trustee Arest, the following resolution regarding the Scarsdale Business Alliance Health, Beauty and Wellness Fair was approved by a unanimous vote:

WHEREAS, the Scarsdale Business Alliance (SBA), comprised of local Scarsdale Village merchants, has requested permission to hold a Health, Beauty & Wellness Fair on Saturday, May 2, 2020 11am – 3pm;

WHEREAS, the Health, Beauty & Wellness Fair will include vendor booths, food trucks and various activities for children;

WHEREAS, the Health, Beauty & Wellness Fair requires temporary closure of Boniface Circle and a portion of Chase Road, as identified on the attached map, with the Scarsdale Police Department overseeing the street closures and providing traffic control; and

WHEREAS, the Health, Beauty & Wellness Fair will require both the provision of electricity to specific areas/vendors and the systematic removal of garbage throughout the day, and as such, one Department of Public Works personnel is scheduled to work the event; and

WHEREAS, all other licenses and permits relative to tents, assembly, amusement devices, or sale of food must be secured in advance by SBA, with any necessary permits displayed on-site during the event for inspection, the tent permit fee will be waived; and

WHEREAS, upon completion of the event, the participants will restore all public areas utilized to their original condition; now therefore be it

RESOLVED, that the Village Board of Trustees herein grants permission to the Scarsdale Business Alliance to hold the Health, Beauty & Wellness Fair in the Village Center on Saturday, May 2, 2020 to include vendor booths, food trucks, and kids activities; and be it further

RESOLVED, that the Village Manager is herein authorized to execute the attached Village Special Event Permit form.

Trustee Waldman

Upon motion entered by Trustee Waldman, and seconded by Trustee Crandall, the following resolution regarding the Appointment of Acting Village Attorney was adopted by the vote indicated below:

WHEREAS, pursuant to the provisions Section 4-400 of the New York State Village Law, the Mayor re-appointed Angela Sapienza-Martin as the Village Attorney, as ratified by the Village Board on April 9, 2019 for the official year of the Village; and

WHEREAS, effective October 21, 2019 Ms. Sapienza-Martin has been reinstated to her former position with the Village as Director of Personnel and Risk; and

WHEREAS, pursuant to Appendix 318-4A of the Scarsdale Village Code, it is the recommendation of the Village Manager to the Mayor that Wayne Esannason, former Village Attorney and currently of-counsel to the Village Attorney, be considered for the role of Acting Village Attorney as the Village Board contemplates a successor for the Village Attorney position; and

WHEREAS, the Mayor recommends to the Full Board, pursuant to the provisions of Section 4-400 of the New York State Village Law, that Mr. Esannason be appointed to serve as the Acting Village Attorney, said

appointment necessitating the execution of an employment agreement; and

WHEREAS, pursuant to Section 57-7 of the Scarsdale Village Code, the Village Manager and Mr. Esannason have executed a supplemental agreement to Mr. Esannason’s existing professional services agreement with the Village, both attached hereto, to include the necessary additional legal services associated with the Acting Village Attorney position at the same hourly rate as provided in said existing agreement; now therefore be it

RESOLVED, that pursuant to Section 4-400 of the New York State Village Law and Appendix 318-4A of the Scarsdale Village Code, Wayne Esannason is herein appointed to the position of Acting Village Attorney for the Village of Scarsdale effective October 21, 2019, nunc pro tunc, for the remainder of the current official year or until such time as a successor is appointed.

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

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

WHEREAS, in accordance with Section 12-1 of the Scarsdale Village Code, the Board of Appeals shall consist of five (5) members and two (2) alternate members appointed by the Village Board for five year terms; and

WHEREAS, a vacancy currently exists on the Committee for an alternate member; and

WHEREAS, the Village Board met on September 24, 2019, to discuss potential candidates, having considered Meredith Millen’s application to fill

said vacancy, and finding that Ms. Millen should be appointed as an alternate member of the Board of Appeals; now, therefore, be it

RESOLVED, that Meredith Millen, 13 Dickel Road, is herein appointed to serve as an alternate member to the Board of Appeals for a term expiring April 01, 2024, or until such time as a successor is appointed.

Upon motion entered by Trustee Waldman, and seconded by Trustee Veron, the following resolution regarding an Appointment to the Committee for Historic Preservation was approved by a unanimous vote:

WHEREAS, in accordance with Section 182-3 B of the Scarsdale Village Code, the Committee for Historic Preservation shall consist of seven members and one alternate member appointed by the Village Board for three-year terms; and

WHEREAS, a vacancy currently exists on the Committee for an alternate member; and

WHEREAS, the Village Board met on September 24, 2019, to discuss potential candidates, having considered Nicola Rosendorf's application and finding that Ms. Rosendorf should be appointed as an alternate member of the Committee for Historic Preservation; now, therefore, be it

RESOLVED, that Nicola Rosendorf, 42 Claremont Road, is herein appointed as an alternate member of the Committee for Historic Preservation for a term effective immediately and ending on April 04, 2022, or until such time as a successor is appointed.

Written Communications

Deputy Village Clerk Regazzi reported that seven (7) 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 Robert Berg regarding the Village Attorney position. A response from the Mayor is included.

- An email from Bruce Freyer in support of a carry-out bag law. A response from the Mayor is included.
- An email from Brice Kirkendall Rodriguez concerning Rush Wilson's proposed Village Center plan; a response from the Mayor is included.
- Two (2) emails from Mayra Kirkendall-Rodriguez regarding the Freightway Development project. Responses from the Mayor are included.
- An email from Jeff Watiker, Board of Appeals Chairman, concerning suggestions for improvements to the Land Use laws and procedures.
- A statement from the President of the Scarsdale Forum Special Committee on Climate Resilience.

* * * * *

Public Comments

Mayor Samwick opened the second public comment section of the meeting.

Robert Berg, 32 Tisdale Road, stated that no one answered his earlier question about Ms. Martin's current salary as Director of HR. He stated that it is important information and would like someone to tell him.

Mayor Samwick stated that this is a personnel matter that will not be disclosed right now. He stated that it will be disclosed as part of the budget process at the latest; however, it is not something they are going to disclose right now.

Mr. Berg stated that he disagreed with that; however, he asked if someone would tell him if her current salary is lower than the Village Attorney salary.

Mayor Samwick responded 'no'.

In regard to Freightway, Mr. Berg stated that he was very concerned with the secrecy in which the Board is conducting its review of the three bidders. There should be no confidentiality attached to the identities of the three bidders now that they have submitted their bid. There should be no reason why this information cannot be disclosed at this time. Perhaps portions of their bids are exempt from disclosure but the basic outlines of their bids are not propriety nor is there any confidential information in a discussion of what they are proposing in terms of the mix between retail, living arrangements, etc. When the developers are presented to the community, residents should be able to have that information well in advance so they can question them properly.

Mayor Samwick stated that they are trying to balance as much information as they can for the public, as well as maintain a negotiating position. When the selection committee spoke this evening, at this point, they are actually going back to some of the submitters and

asking for clarifications and additional information and other things. If the information were out there now, and if they are asking people to come back with anything else, they will have their competitor's information available to them. That could easily impact what the Village ends up with.

Mr. Berg stated that he is only asking for the identities of the three bidders.

Mayor Samwick noted to Mr. Berg that he asked for more than that.

Mr. Berg then stated he was looking for the basic structure of the proposal.

Mayor Samwick stated that even the basic structure would give valuable information to the bidders.

Acting Village Attorney Esannason informed Mr. Berg that there is a provision in the Freedom of Information Law that talks about disclosure of real estate matters and matters, if disclosed, could invariably compromise the Village's negotiating position going forward. So, at this particular point, it is his understanding that the Board wants to retain that confidentiality because they don't want to disadvantage themselves going forward with any negotiations with any of the parties.

Mr. Berg stated that he is aware that this is their position; however, he believes it is inappropriate to take it to that extreme when all the community wants to know is the basic outlines of their proposals and the identities of the three bidders. He stated that he wants disclosure as soon as possible and as thorough as possible.

Mayor Samwick informed Mr. Berg that they would like to give him full disclosure as soon as possible but they also have a fiduciary obligation to try to maintain the value of this property for the benefit of the residents.

Trustee Arest told Mr. Berg that this change doesn't weaken the community's input or the importance they put on the community, the Board is doing this for an important reason. However, everything in terms of process and the steps that were laid out at the last public meeting, he is not aware of any change that is going to impact his ability to tell the Board what he thinks.

Robert Harrison, 65 Fox Meadow Road, stated that he is a strong believer in openness. He asked the Board how many presenters to the RFP they have.

Mayor Samwick stated that the Board is not going to answer specific questions this evening.

Mr. Harrison stated he just wanted to know if there were two or three and that he is not asking for their names.

Mayor Samwick again stated that the Board would not answer specific questions this evening.

Mr. Harrison stated that no one is asking for the details or their names, but how many presenters there are.

Trustee Veron stated that the Board asked their consultants and their counsel about best practices in terms of preserving the Village's negotiating leverage and doing what is best for the Village, and the Board was strongly advised that at this point, disclosure of information would compromise their ability to make better deals for the community. The Board pressed their team who are experts in this to insure they were fully educated in this regard. She stated that she wishes they could share but they were guided that this would not be in the best interest of the Village at this time. She promised Mr. Harrison that as soon as they possibly could, they will, because that is what they want to do. This is a collaborative project. The Board wants to do what's right for the entirety of the Town.

Mayor Samwick stated that this is the most difficult part of the process for all of us. The Board does not like not being able to talk about this, but they are doing this for the collective best interest. There will be ample opportunity for everyone to speak together about all of this. In the meantime, as mentioned in comments earlier, the things that matter to the community matter very much to the Board. The Board is very aware of those things and those are main focal points for them as they are for the residents.

Mr. Harrison asked how many people responded to the Request for Expressions of Interest.

The Board responded that there were seven (7) responders.

Mr. Harrison then asked that of those seven, did some of them respond to the RFP.

Mayor Samwick stated that they are laying out a process that they worked very hard with their advisors on to try to do this properly. This is the most difficult part of this process because this is the time that the Board and the rest of the community are not talking together. He asked Mr. Harrison to give them a little more time.

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

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Future Meeting Schedule

- *Tuesday, November 12, 2019* – 5:30 PM – Village Board Work Session re: Cybersecurity– Trustees’ Room
- *Tuesday, November 12, 2019* – 6:30 PM – Village Board Work Session re: Budget Preparation for FY 2020/2021– Trustees’ Room
- *Tuesday, November 12, 2019* – 7:30 PM – Agenda Review Meeting – Trustees’ Room
- *Tuesday, November 12, 2019* – 8:00 PM – Village Board Meeting – Rutherford Hall

Village Hall Schedule

- *Tuesday, November 5, 2019* – Election Day – Village Hall Closed – Open for Voting
- *Monday, November 11, 2019* – Veteran’s Day – Village Hall Closed

There being no further business to come before the Board, the meeting adjourned at 8:58 P.M. on a motion entered by Trustee Veron, seconded by Trustee Crandall and carried by a unanimous vote.

Respectfully submitted,

Donna M. Conkling
Village Clerk