

**THREE THOUSAND THREE HUNDRED SIXTY-SECOND**

**REGULAR MEETING**

Video Conference  
Via Zoom  
October 27, 2020

A Regular Meeting of the Board of Trustees of the Village of Scarsdale was held on Tuesday, October 27, 2020 via video conference (Zoom) at 7:00 p.m.

Present were Mayor Samwick and Trustees Arest, Crandall, Lewis, Ross, Waldman and Whitestone. Also present were Village Manager Pappalardo, Deputy Village Manager Cole, Assistant Village Manager Richards, Village Attorney Pozin, Deputy Village Attorney Garrison, Village Treasurer Scaglione, Village Clerk Conkling, and Assistant to the Village Manager Katzin.

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Minutes

The minutes of the Board of Trustees Regular Meeting of Tuesday, October 13, 2020 were approved on a motion entered by Trustee Crandall, seconded by Trustee Whitestone, and carried unanimously.

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Bills & Payroll

Trustee Crandall reported that she had audited the Abstract of Claims dated October 27, 2020 in the amount of \$931,081.34 which included \$195.00 in Library Claims previously audited by a Trustee of the Library Board, which were found to be in order and she moved that such payment be ratified.

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

**RESOLVED**, that the Abstract of Claims dated October 27, 2020 in the amount of \$931,081.34 is hereby approved.

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Mayors Comments

Mayor Samwick stated that his comments would be brief this evening, and speak about one topic which is incredibly important and that is in regard to voting.

Mayor Samwick stated that he would like to encourage everyone to vote, adding that there are a number of ways one can do that. He stated that he voted yesterday, and went to the Board of Elections in White Plains. It was relatively easy; it took about a half an hour of waiting in line. He noted that he saw some old friends and even saw a former Mayor of Scarsdale. It felt very good to vote. Regardless of one's political views, this is a very consequential election. He encouraged everybody to exercise that very, very important right that we all have.

Mayor Samwick noted that you can get an absentee ballot, but that today is the last day to do it via mail, email, or fax to send an application for an absentee ballot. However, you may apply in person up to the day before the election for an absentee ballot, and return the absentee ballot postmarked no later than Tuesday, November 3<sup>rd</sup>. You can also bring it to the Westchester County Board of Elections in downtown White Plains no later than Tuesday, November 3<sup>rd</sup>. Additionally, you may bring into an early polling site anytime between now and Sunday, November 1<sup>st</sup>. Early polling sites are listed on the Westchester County Board of Elections website. You may also bring the absentee ballot to a polling site on Election Day, Tuesday, November 3<sup>rd</sup>. He stated that again, early voting information is available on the County Board of Elections website; please vote.

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#### Manager's Comments

Village Manager Pappalardo stated that he has a few things he would like to talk about this evening. The first item has to do with the National Flood Insurance Program and something called a Community Rating System.

“In 1990, the Federal Emergency Management Agency developed a national voluntary program, entitled the Community Rating System or CRS, to encourage local communities to adopt and implement floodplain management activities that exceed National Flood Insurance Program (NFIP) standards. The Village of Scarsdale has been a participant in the NFIP for over two decades. The program is structured through regular participation in activities such as record keeping, public education, repetitive loss outreach mailings, emergency preparedness, flood mitigation projects, hazard mapping, and related work, FEMA assigns a CRS rating for each community. The score in turn can provide beneficial savings to property owners that purchase flood insurance policies.

Chapter 167 of the Scarsdale Village Code entitled, “Flood Prevention Management”, was adopted by the Village Board in conjunction with the CRS Program, and along with the Code requirements regarding freshwater wetlands, stormwater management and watercourse diversion, provide staff and our Land Use Boards with the tools to properly manage and mitigate flooding in identified flood prone areas.

This past spring, prior to the onset of the pandemic, a FEMA Specialist performed an on-site visit which occurs on 5-year schedule. The audit lasted all day and included field inspections and a thorough review of Village records related to our flood mitigation activities. Follow-up with the Specialist ensued.

Last week I received a letter from FEMA's CRS Coordinator informing Scarsdale that our numerical score pursuant to the audit was 1263, an improvement from the score of 1240 received in 2015, and validation of the Village's continued commitment to a comprehensive approach to floodplain management. In addition, pursuant to FEMA's scoring classification system, our current year 2020 score provides for a ten percent discount on flood insurance premiums for all Village property owners that carry flood insurance policies on structures located in special flood hazard areas.

This is a great report and this is a program that we've stuck with for many decades. We may be the only community left in Westchester that's participating in this CRS program. It is quite rigorous, but we think it's worth it, not only for the reduction in the insurance premiums for our residents that live in the flood prone areas as identified by FEMA, but also because it keeps us on our toes and we make sure that we've got the best flood mitigation that we possibly can provide

I'd like to thank Village Engineer, David Goessl, our CRS Coordinator and his engineering staff for their hard work with the CRS audit and throughout the year in managing land use issues and in these flood prone area, including reviewing and approving stormwater plans in conjunction with home improvement projects in flood prone areas, and inspecting during construction. This is important not just for those residents living in FEMA designated floodplains, but for all Scarsdale residents as flooding knows no boundaries."

"The next item I had has to do with the Scarsdale Family Counseling Service, which is a report that Trustee Whitestone gave at the last meeting, and I thought I would elaborate a little bit as the services that are provided through this agency are very important at this time during the pandemic, which can be difficult on all of us in a lot of ways, including our well-being emotionally.

This year marked the Scarsdale Family Counseling Service's 100<sup>th</sup> year of counseling services to the Scarsdale community. SFCS has served as an important visible presence of stability in the community over these years and especially during uncertain times, including the ongoing COVID-19 Pandemic.

At the Village Board's last meeting, Trustee Whitestone reported on a recent Scarsdale Community Youth Services Project meeting. The Youth Services Project is a longstanding partnership of Scarsdale Village, Scarsdale Schools, and SFCS, through which a team of five Youth Outreach Workers are placed in the Scarsdale middle and high schools as a resource for adolescents and parents.

When Scarsdale schools closed in March, Youth Outreach Workers provided remote services maintaining contact with students via telehealth platforms. They continued their online sessions during the summer. These mental health professionals provide confidential support to tween and teens as they navigate the academic, social, and emotional demands of adolescence. Youth Outreach Workers returned to school in September and they are

currently working shoulder to shoulder with the District's educators and administrators providing in-person and remote support. Programs include crisis intervention, and individual and peer counseling.

Another SFCS program are Parent Support Groups which are designed to provide members with an opportunity to establish an atmosphere and structure to help one another deal with the challenges of parenting adolescents. Groups provide a format for parents to ask questions about the social, emotional, and physical development of their children and an opportunity to stay abreast of current trends in pre-adolescent and adolescent culture. Since March, counselors have facilitated group meetings remotely via Zoom. New parent support groups for 5<sup>th</sup> grade parents were initiated in late spring and all groups were held and well attended over the summer. Groups re-started in October and are being held via Zoom.

The Scarsdale Drug & Alcohol Task Force is a community-based group providing educational presentations, prevention resources and legislative advocacy on relevant issues such as adolescent alcohol, drug, and nicotine abuse. Programs for parents and teens are held throughout the year. Upcoming programs will include "Hidden in Plain Sight," and information distribution to teens about the dangers of binge drinking.

Scarsdale Family Counseling Services Safe Coalition is another community-based coalition that is dedicated to raising awareness and ending all forms of violence, including school, community and family violence, youth violence, teen dating violence, and sexual assault. It works with all sectors of Scarsdale to build healthy interpersonal and community relationships. The Safe Coalition is set to release an informational video, in November, for domestic violence victims about obtaining help and securing resources during the COVID-19 pandemic.

The Mental Health First Aid program is an evidence-based training program designed to help individuals develop the skills needed to assist someone experiencing a mental health or substance use-related crisis, and where to turn for help. Training for adults working directly with youth, are currently being planned for early and mid-December. Space is limited and advance sign-up is required.

In conjunction with the Village of Scarsdale, SFCS also offers programs and support for Senior Citizen Services through the Aging in Place program. While the pandemic posed unique problems for the elderly community, "Aging in Place" sessions doubled. SFCS provided home visits, often in the safety of the senior's yard.

An "Adopt-a-Senior Program", was also created, in which community residents volunteered to assure that their elderly neighbors had essential items and social connections.

If any resident believes the services and programs described could help them and their families through these difficult times, or seeks more information, they can contact the Scarsdale Edgemont Family Counseling Service at (914) 723-3281 or visit the website at [www.sfcs.org](http://www.sfcs.org)."

"The next item is a reminder regarding Halloween. Halloween is this Saturday and although the Mayor and I have reported on Halloween in Scarsdale at the past two Village

Board meetings, I wish to remind the community that the Village is advocating adherence to both the CDC's and the NYS Health Department's Guidance documents to participate in "Low-Health Risk" Halloween activities this year during COVID-19. Suffice it to say that the traditional Halloween door-to-door trick or treating is considered a high-risk during COVID-19.

The Village issued a Halloween press release last week identifying certain low-risk activities, which you can find on the Front page of the Village website, [www.scarsdale.com](http://www.scarsdale.com). When on the Front page, scroll down to the topic heading of "News Flash" to find the press release with the entire NYS Health Department Halloween Guidance Document. Please be safe on Halloween and if you are out and about, be sure to wear a mask and adhere to proper social distancing requirements."

Mayor Samwick stated that following up on the Manager's comment about the Village website, there are also extensive resources about voting on the Village's website; you'll notice a very prominent button right on the first page of the village website marked "Vote", a link to important General Election information.

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#### Public Comment

Mayor Samwick opened the public comment portion of the meeting, noting that five minutes is allocated for each speaker. Shortly before the five minutes are up, Assistant to the Village Manager Aylone Katzin will hold up a time clock showing the final time elapsing. He noted that there is a second public comment section at the end of the meeting.

**John Gliedman**, Lyons Road, complimented the official remarks of the last meeting on the sentiment of increasing traffic safety, Village-wide. He stated that in view of the Mayor and the Manager's remarks at the last Trustees meeting, he stated that he wanted to give an update from the neighbors at the Lyons and Sprague Road intersection. He stated that since the issue was first raised, to add to the existing stop and make the intersection a four-way top the matter of adding to the existing to stop signs to make it a four way stop, their end goals align with those of the Village. He stated that the method, however, needs to be focused from the general to the specific. He stated that the Village is trending generally towards so-called traffic calming. He stated that the needs of the residents located near this intersection is simpler and less expensive, using namely traffic control through an added stop sign. He stated that this is more focused on specific visibility and traffic conditions than overall speed calming. In his view and in his neighbors' view, it is a solution that fits this specific problem.

Mr. Gliedman continued, stating that there were four reasons for their conviction. First, the fact that code enforcement got involved to lower shrubbery at the intersection was itself a recognition of a problem there, and now the shrubs don't have been lowered. However, he stated that visibility is still impaired, despite the great work on the shrubbery. The intersection has blind spots and a steep rise of the road that causes a driver to have to inch along in order to see traffic over the obstruction of an occasional parked car, or the slightest driver error, can cause the driver on Sprague Road to collide into a pedestrian.

Mr. Gliedman stated that he and his neighbors would like to entertain a dialogue with the traffic safety committee, if necessary, in a working session with the Board to consider adding stop signs to the intersection. He noted that the Uniform Traffic manual was cited, and he and his neighbors think that this supports the need for the added stop sign. He stated that Section 5B of the manual is a provision that addresses pedestrians and this is an intersection where adults and children walk and bike all the time. Additionally, it is a single direct block from Davis Park and the intersection itself has a school bus stop on Sprague Road. There is no sidewalk as a buffer to the pedestrians. He noted that this section of the manual also supports addressing the limited visibility at the intersection. He stated that everyone encounters the same problem of limited visibility at the intersection, both during the daytime and at night. He stated that this is a perfect setting for a four-way stop; it is on a hill and the intersection has blind spots. He stated that although some have cited that stop signs can cause accidents out of driver complacency, this would not apply here. There is difficult visibility caused by inherent blindness, which is a perfect setting for a four-way stop. He stressed that they are not trying to use science to calm speed so much as appropriate traffic control, caution, and averting an accident.

Mr. Gliedman stated that on the parallel street of Lyons and Locust Roads, there is a four-way stop and there are no accidents. The most direct approach to the problem at the intersection of Lyons and Sprague Roads, where there have been accidents, is being overlooked, namely a four-way stop at that location. He stated that this is a clear safety problem with a clearly implementable and inexpensive solution.

**Leah Dembitzer**, 354 Mamaroneck Road, President of the League of Women Voters of Scarsdale stated that she has a few comments regarding voting for the General Election. She stated that the League of Women Voters of Westchester received an email this evening from the Board of Elections stating that due to the overwhelming turnout for this year's general election, the Commissioners are extending all early voting hours as follows:

- This evening, Tuesday, October 27<sup>th</sup>, until 9pm
- Wednesday, October 28<sup>th</sup>, 8am to 5pm
- Thursday, October 29<sup>th</sup>, 12pm to 9pm
- Friday, October 30<sup>th</sup>, 8am to 5pm
- Saturday, October 31<sup>st</sup>, 12pm to 6pm
- Sunday, November 1<sup>st</sup> from 12pm to 6pm

She stated that the one exception to these hours are at the Mount Kisco Memorial Complex; the hours are 11am to 4pm.

If a voter is dropping off a completed absentee ballot at an early voting polling site or at an election day polling site, they do not need to wait on the regular voting line. They should go to the entrance of the polling place there should be someone there to help direct them to the Dropbox to place their completed ballot. If voting in person on Election Day, you can only vote at your assigned polling location. You can look up your Election Day polling location on the Board of Elections website under 'Polling Place Look Up'. She noted that some locations are different than past years, so she encouraged all voters who are

voting on Election Day in person to look up their poll location before they vote. If people have questions about who is on their ballot, they can visit [VOTE411.org](http://VOTE411.org), which is run by the League of Women Voters Education Fund and has a wealth of information about the candidates running for office.

Ms. Dembitzer stated that if anyone has any voting questions, they should feel free to reach out to the League of Women Voters of Scarsdale. On this 100th anniversary of women's suffrage, the League encourages everyone to exercise their right to vote.

Mayor Samwick thanked Ms. Dembitzer and the League of Women Voters for all their work trying to encourage voting throughout the community; it is very much appreciated.

**Margot Milberg**, 14 Axtell Drive, President, Scarsdale Library Board of Trustees, spoke in support of the resolution to authorize a license agreement for the operation of the Scarsdale Library Café with the Apiary of Larchmont. She stated that they are excited to partner with them, as they were impressed with their creativity, flexibility, COVID protocols, enthusiasm of running the cafe, and most importantly, they have delicious fresh food.

Ms. Milberg stated that she was part of an 8-member committee comprised of members of the Library Board of Trustees, Friends of the Scarsdale Library, the Library Building Committee, Library Director Beth Bermel and members of the library staff. They went through a comprehensive process to identify and select a vendor to partner with. The committee spent months canvassing establishments in Scarsdale and surrounding towns and even delayed sending out the RFP to give businesses more time to get on their feet after the COVID quarantine. After speaking with about 20 establishments, the RFP was sent to 12 interested vendors, and they met with several of them, but for various reasons, only Apiary submitted a bid. However, she stated that they did not 'settle' and felt that the Apiary was the right partner for the library. The committee interviewed Apiary and was very impressed by the chef and his business partner. In addition to their thorough interview, they visited their business to try their food, and also brought it home for family members to sample - all reviews were positive. They are creative and also in addition to having delicious food, their prices are well priced. She noted that their staff is very friendly and some of them may be staffing the café for the Library.

Ms. Milberg added that Apiary had been planning to expand their business in Scarsdale as they have a lot of Scarsdale customers who have been travelling there for dining and take out. She stated that they are very active in the Larchmont community and are currently planning that Town's holiday celebration, which is a testament to their sense of community. They hope to bring the same enthusiasm and involvement here to Scarsdale; they are library lovers and are very excited to run the café at the Scarsdale Library. They have an extensive social media presence and the library will be included in their outreach and will benefit from it. Ms. Milberg noted that they also have an automobile app that will enable people to order food to pick up and go, and they've agreed to a number of specifics to reduce the spread of COVID, including curbside pickup as well as using recyclable containers. She stated that she could not think of a better partner for the library as they plan to reopen the next month.

Mayor Samwick stated that he and Trustee Waldman, the Board liaison to the Library, had the opportunity to tour the library a couple of weeks ago which he mentioned at the last Board meeting, and stated that it looks great; they are very excited about it. The work that you have done, the Building Committee, the Campaign Committee, and the library staff has done has been amazing. He stated that they saw people there literally putting books up on the shelves and again, they are very excited about all of this. He again thanked Ms. Milberg for all of her work on this.

**Robert Berg**, 17 Black Birch Lane, stated that he supported Mr. Gliedman's comments earlier about the necessity for a four way stop sign on Sprague Road. He stated that he has spent a lot of time there, even though he doesn't live in that neighborhood. He stated that a couple of weeks ago, while campaigning going door to door, he noted that visually, that intersection is particularly dangerous with a rise in the hill, even with the hedges being brought within the requirements of the Village Code. He stated that it really is a dangerous place. When there are 30 or so residents of the area asking the Village to put in a four way stop sign, in his opinion, the traffic safety committee really should have paid more attention to that and put in the signs. He stated that he doesn't see any downside to doing that and felt that it is rather distressing when they fail to do that.

Mr. Berg noted that over the past week, another pedestrian got hit by a car. As he understood it, the pedestrian was crossing Popham Road in the crosswalk with the signal in his favor. It did not appear to be a speed issue; the driver turned into the crosswalk and hit the person. However, after living on Popham Road for 8 ½ years, he stated that it is really one of the most problematic streets in terms of speeding.

Mr. Berg stated that although they have been told that the Village speed limit cannot be lower than 30 miles per hour, the Village can designate certain linear portions of Village roads to 25 miles per hour. This should be done with Popham Road in the Village Center and Crane Road where there was a pedestrian fatality. The Village can designate those portions of those streets at 25 miles per hour, notwithstanding the State prohibition against the Village-wide speed limit of no less than 30 miles per hour.

In regard to the Board work session held earlier this evening, Mr. Berg stated that the Board is forecasting a \$2.4 million shortfall in the budget, which is concerning, although it is not as dire as some of the earlier forecasts. When the Board was talking about their proposals to the budget, even though they are planning and coming up with more creative suggestions on how to deal with it, time is really running out on this. If the Board is going to do anything transformative, they have really got to up the pace. He stated that initially, Village Manager Pappalardo was talking about presenting the first draft of the budget on January 21st but, as some of the Trustees stated, you need to move before this. He stated that the Board cannot wait if they want to talk about transformative ideas. He urged the Board to have a very quick and thorough discussion about what possibilities there are.

Mr. Berg noted his concern that the Village has already locked itself into a five year contract with police this past February. As the Village is now under negotiations with the Fire Department, and he urged the Board to not do a five year contract with them at this time, given the uncertainties in the economy.

**Brandon Cole**, 173 Lyons Road, agreed with Mr. Gliedman's comments concerning the request for a four-way stop at the intersection of Lyons and Sprague Road. He stated that he and his wife moved to his residence about four years ago from the city and they have a young child of four. He stated that every car speeds over the intersection where there isn't a stop sign and it scares them; he stated that they would really like to have a stop sign and slow down signs as well on Lyons Road, because there is a hill and the visibility is bad. This has been very distressing for them as residents.

**Robert Harrison**, 65 Fox Meadow Road, stated that he is the volunteer Director of the Scarsdale Open Youth Tennis Tournament which was held last week from Thursday through Saturday afternoons at the Scarsdale Middle School at the Middle School tennis courts. It was a very successful youth tennis tournament; there were 26 Scarsdale boys and girls participating from age 7 to 16 years old. He stated that they are all fantastic young players. The draw provided for four matches on the way to the finals and unbelievably a 10 year old fifth grader, Martin Mihaylova, with his own coach from Edgewood came to the tournament and made it to the finals, where he played a 13 year old eighth grader in the Scarsdale Middle School, Jai Paradkar. He stated that they played an unbelievable exciting finals match. There were about 20 people in the audience, consisting of parents and other players, applauding the unbelievable shots and with many ties on the way. He stated that it was a fabulous match between these two young players who have a great future. Both boys have consented to play an exhibition match this Sunday at 2:00 pm at the Middle School tennis courts. The community is invited; he stated that these boys will put on some exciting tennis this Sunday at the Middle School tennis courts, and finalist and champion trophies will be presented.

Mr. Harrison also noted the girl's tournament that was played; citing four young girls who played the round robin match - Mary Hornok, Lily Harrison, Alison Chau and Bianka Mihaylova; these girls are 8 years old and younger. The round robin was won by Mary Hornok and she scored 66 points in the round robin.

Mr. Harrison also complimented Edith Foder, a relatively new resident who acted as his Co-Chairman, stating that she did a fantastic job organizing the tournament, making up posters that were posted around the tennis court announcing the tournament, and she did a terrific job. He stated that it was a great summer for tennis in Scarsdale - 622 youth tennis permits were sold versus last year's sales of 250. The tennis program brought in a lot of extra revenue for the Recreation Department.

Mr. Harrison stated he had an opportunity to meet with the Department of Public Works Superintendent Jeff Coleman, who is a great guy, about the comfort station to be constructed at the Middle School.

At this point, Mr. Harrison ran out of his allotted time and Mayor Samwick advised him to speak again at the second public comment section at the end of the meeting.

As there were no further comments offered, Mayor Samwick closed the public comment portion of the meeting at this time.

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Trustee Liaison Reports

Trustee Arest stated “I always look forward to this meeting as it gives this Board the opportunity to share guidance and expectations with the Village Manager, Treasurer and their staff. There is a lot of work that goes into budget planning and this year will be no different. It is possible we will not see a draft until later in January. That makes this meeting that much more important and I am grateful that we had it- possibly earlier than ever. We had a productive work session discussing our finances at 5pm. I encourage residents to watch the recording at Scarsdale.com. The meeting focused on three topics, FY 20-21 YTD Financial Review with updated projections, FY 21-22 Budget Planning, and our Fund Balance Policy.

As to the current year's review, our Net Projected General Fund Operating Loss is projected to be roughly \$2.4mm. This accounts for our total expected revenue shortfall minus the projected positive variance in Recreation Department expenses due to reduced programming. The main drivers of this loss are: Sales Tax at \$651,000, Parking at \$1,495,550, and Recreation (again offset for reductions in that department's expenses) at \$303,107.

Our most probable outcome, or now Scenario 4, is trending closer to our Scenario 1 (which was a better case scenario than Scenarios 2 and 3) and of course we will continue to monitor data as more becomes available. We currently have \$2.25mm in a Covid-19 Reserve account, other monies marked as potentially re-assignable if necessary, and a relatively healthy fund balance to respond to the expected shortfalls.

Our financial health is certainly stable in the short term. We must be cognizant, however, that solutions to short term problems also come with medium to long term consequences. Obviously, monies used now are not available later and that leads me to our FY 21-22 planning.

Medium to long term revenue shortfalls are expected to continue. The question is at what level? The Board understands that our Village Manager, Treasurer, Department Heads and their respective teams have a lot of work ahead of them in preparing for our budget meetings early next year. In addition to the normal course of preparation, uncertainty will require additional outputs that are scenario driven and provide details on how various departmental budgets can be reduced by 10% or possibly more. Of course, this does not mean that departments will face flat across the board cuts but the information, the thought process for how they get to reductions at various levels, will allow this Board to work with staff and the community to determine changes that might be necessary. I hope we can all look at this as an obligation but also an opportunity to become even more efficient. Raising taxes to offset the shortfalls should be our last resort and as always, we welcome resident participation in our board's budget meetings, all of which are open to the public. Please send in your ideas early as Trustee Crandall suggested. The earlier the better and we always listen to what you have to say. And, hopefully, we can start this year's budget season even earlier than planned as there will be a lot of work to get done. Thank you.”

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Trustee Waldman stated, “As you may have seen, a banner announcing the modified reopening of Library is up and displayed by Village Hall. Another banner will be up shortly in Chase Park. The Library is hoping to open to the public in a limited capacity at the end of November.

A survey went out asking for community feedback on services at the reopened Library. Responses from the survey will help the Library with identifying priorities for services, which will inform their staffing, hours and how the Library will be best used during COVID restrictions. The survey can be found on the Scarsdale Library website. Links were also included in the Scarsdale Inquirer, Scarsdale 10583, through Library E-blast, Library and Village social media accounts, and PTA E-blasts. If you have not filled out the survey, please do so. We are closing the survey on October 31st. So far, the Library has received over 800 responses.

Contactless pick up of books at the Loft is continuing through November 6th so that books and materials can be moved over to 54 Olmsted. Additional details will be shared on Library website: [scarsdalelibrary.org](https://scarsdalelibrary.org).

As you heard earlier from Margot Milberg and will hear again during the resolution portion of the meeting, Apiary cafe from Larchmont was selected to run the cafe at the Library. They will be operating during Library hours and will be offering a selection of prepared sandwiches, salads, soups, coffee, pastries and soft drinks. They also use an app so patrons can preorder and pick up their food outside the library.”

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Mayor Samwick noted that before the agenda items begin, the Board will be tabling the second to last resolution on the agenda awarding VM Contract #1249, regarding the Boniface Water Tank Rehabilitation. He stated that some information was received late this afternoon that they would like to make sure they evaluate appropriately before moving forward with that item.

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### Trustee Arest

Trustee Arest reported on the statements of expense and revenue for the various funds of the Village for September to date, fiscal year 2020-2021.

General fund appropriations were 22.9% spent as of September, 2020 as compared to 25.9% in 2019-2020.

General Fund Revenues other than property taxes are \$4,433,865 through September 2020 compared with \$5,954,612 for the same period of last year. This represents a decrease of \$1,520,747 from 2019-2020. The primary factors are the reduction in Parking Permit and meter revenue of \$1,060,471 and the reduction in Recreation revenue of \$879,460. The sale of parking permits was deferred until September based on the COVID-19 impact on

commutation into New York City. Also, the corona virus led to the cancellation of summer camps with the resultant reduction in revenue and expense.

Offsets to these two revenue categories are the increase in mortgage tax of \$168,264, the receipt of funds from an insurance recovery of \$103,000 and the receipt of \$498,621 from Con Ed which was appropriated to Capital for road paving.

The Village tracks revenues as closely as possible, with the major items being sales tax, mortgage tax and building permits. Before any allocation to the AIM withholding amount, calendar year sales tax revenues at the County level are 19% greater than last year through September. Projected revenues for mortgage taxes are expected to exceed budget by \$132,000 and current year building permits are at 16% greater than the same period prior year.

The actual collection of Village taxes through September, 2020 is at 81%, reflecting the choice that some taxpayers made to pay their Village taxes in two installments. This is the first year that the Village collection is being done in two installments. The second installment is due in December.

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#### Trustee Lewis

In regard to the following resolution to approve the execution of a license agreement for 41 Corell Road, Trustee Lewis stated, "My own view is this is a much larger conversation than the matter of 41 Corell Road and the Spruce Lane paper street.

These are public lands. Based on my reading of the documents, the homeowners encroached on public lands. While I appreciate our staff has worked diligently and thoughtfully to present this resolution to the board for its consideration, I believe society's views about the proper use of public lands is changing rapidly.

Concerns about climate change, the rapid loss of open spaces, the tragic loss of biodiversity, has reached a crisis point. While the discussions by staff with the homeowners may have seemed reasonable just years ago, I believe we need a reset on how we respond to the encroachment on public lands.

The attached memo dated October 8th, says "The Village will be amenable to similar license agreements with the other abutting property owners if interested." While I recognize that all the parties to these conversations are well intended - Speaking for myself, I have no interest in promoting a land grab for public lands. I believe this statement does not likely reflect sentiment of this Board and I wonder about the unfortunate precedents this would set.

Furthermore, So many of our residents obey the law, and pay fees to the Village for permits to build, and get prior approval from the Village before taking action.

I am concerned approval of this resolution sends the wrong message to the Village about our role as stewards of our environment and raises issues about equitable treatment.

I also wonder if the small fees associated with this resolution are appropriate for encroachment on public lands. The annual fee in this resolution is \$150.

I think a larger conversation is required to discuss the current inventory of our open spaces and our paper streets, and our strategic plan for managing these lands. My comments are likely frustrating for the property owners, my intention is to make sure the proper conversations about public policy and public lands take place before decisions are made that may affect our environment and residents for generations.

I am one Trustee and my views may not be representative. None the less before moving the resolution for a vote I wonder if other trustees would want to either motion to open discussion on this matter, or to withdraw the resolution so these matters can be discussed more completely at work session on open lands, or a related forum.”

Trustee Lewis deferred to his colleagues for a response before entering a motion regarding this resolution.

Mayor Samwick requested that Trustee Lewis, for form going forward, to read the resolution first so that the public has a complete understanding of what is being discussed. He also noted that it is probably beneficial prior to having a discussion of the Board and secondarily, on a personal level, I would have preferred to have a little bit of notice that that something like this is desired prior to the meeting. He asked Trustee Lewis to read the resolution, and the Board can then open up for Trustee discussion. Trustee Lewis agreed, mentioning that he did speak to the Village Manager about this resolution yesterday.

Trustee Lewis read the following resolution regarding Authorization to Execute a License Agreement – 41 Corell Road:

**WHEREAS,** Bari and Peter Formanek, (hereinafter “Licensee”) are the current owners of certain real property known as 41 Corell Road, identified on the Village Tax Map as Section 19, Block 01, Lot 178 (hereinafter “Property”); and

**WHEREAS,** the Licensee is desirous of continuing the passive use of Village Right-of-Way property identified as approximately one half of the width of the Spruce Lane paper street contiguous to their property (hereinafter, “Improvements”), in accordance with the associated mapping and photos, included as “Exhibit A” of the License Agreement, attached hereto and made a part hereof; and

**WHEREAS,** in considering Licensee’s request, the Village Engineer has required the removal of specific encroachments previously performed by Licensee, specifically irrigation, fencing, low voltage electric fixtures and retaining walls, while retaining certain landscaping planted by Licensee; and

- WHEREAS,** Licensee has removed said encroachments as inspected and verified by the Village Engineer, and recommends to the Village Manager and Village Attorney the granting of a revocable license agreement, as the retained improvements beautify the Village property which would otherwise be an ongoing maintenance concern for the Village; and
- WHEREAS,** Licensee is responsible for all present and future maintenance and repairs of the passive landscaping and improvements in the Village Right-of-Way; and
- WHEREAS,** Licensee will indemnify and hold harmless the Village in all actions, claims, judgments, costs, or expenses arising from said maintenance and use of the Improvements, as well as provide the Village with a certificate of liability insurance naming the Village as an additional insured, at limits approved by the Village Attorney; and
- WHEREAS,** the granting of said revocable License Agreement will not interfere with the Village's or general public's present or future use and maintenance of said Village Right-of-Way; now, therefore, be it
- RESOLVED,** that the Village Manager is herein authorized to execute a revocable license agreement, in substantially the same form as attached hereto, with Bari and Peter Formanek to continue the passive use of the Village Right-of-Way contiguous to their property, comprising 25 feet in width beginning from the northerly property line of 41 Corell Road common with 7 Spruce Lane and extending through the paper street approximately 140 feet in length to the edge of pavement for Corell Road, totaling approximately 3,500 square feet, in accordance with the associated mapping and photos, included as "Exhibit A" of the License Agreement, attached hereto and made a part hereof; and be it further
- RESOLVED,** that Licensee herein agrees to indemnify and hold the Village of Scarsdale harmless in all actions, claims, judgments, costs or expenses arising from said installation, maintenance, and use of the Improvements, and to provide the Village with a certificate of insurance naming the Village as an additional insured at limits approved by the Village Attorney; and be it further
- RESOLVED,** pursuant to the Fiscal Year 2020/21 Village-Wide Fees and Charges Schedule, the Licensee shall pay the Village the sum of \$1,250.00 as an administrative fee associated with the preparation and execution of the License Agreement, as well as an annual maintenance fee of \$150.00 for each year the encroachment remains in-place.

Mayor Samwick stated that before the Board seeks a second on the resolution and decides to go forward, he asked Village Manager Pappalardo to comment, as he has had

discussions with Trustee Lewis about this. He also asked the Village Manager to give a little more perspective as to how we have historically handled these things and some of the circumstances in regard to this particular situation.

Village Manager Pappalardo stated that the Board has approved numerous revocable license agreements with homeowners relative to the benign use of Village property. Normally it comes in the form of a walkway during construction under a permit, or perhaps a fence, or an irrigation drain line, or those types of situations, and the Village does have a standard license agreement. He explained that it is the same format as used in this particular case, and the Clerk and his staff manage the agreements as they relate to execution, payments, and ongoing payments. The Board has reviewed the fee a few years ago, and increased it.

Village Manager Pappalardo continued, stating that in this particular case this Village property was part of a study that was done in 1999 by the Planning Board, to look at what we refer to as paper streets in the Village. These are streets that are designated on the Official Map of the Village as potentially being something that may be considered to be a street to construct a public roadway through. The Planning Board came out with recommendations with the 32 paper streets, that some should be considered and maintained as paper streets on the Official Map going forward because there might be a future use for a new roadway. And others that they considered should not have a road built in, and that those papers streets should be de-mapped.

Village Manager Pappalardo stated that this particular property was one that was on the de-mapped list, and what the Planning Board further recommended was that the Village seek to sell those properties that were contiguous with abutting property owners, and offer those properties to the property owners for sale. That is the history of this street. He further stated that what the Planning Board didn't recognize at that time was that there were public utilities under this section of that extension of that roadway; both water and possibly storm sewers. Therefore, any sale would have required taking back an easement and that would complicate matters. Over time, one of the abutting property owners did encroach on the property and improved it with fencing and a retaining wall, as well as landscaping, and so forth. The Village received a complaint from a neighbor last year and went out and inspected it, and had the individual remove those encroachments from the property. The property owner then expressed an interest in being able to continue to use that property with lawn area as a passive use. Mr. Pappalardo stated that the Village responded stating that they would consider this and spoke to the other abutting property owner. She was not interested in the license agreement. So therefore, this license agreement came about and the Board has it their agenda this evening.

Mayor Samwick asked the Village Manager to clarify that if the Board were not to agree to this, the maintenance of that property would fall on the Village.

Village Manager Pappalardo responded that the maintenance of the property would fall to the Village; the grass would have to be cut, etc. If there are some complaints about the appearance of the property, the Village would have to take care of it. With the license agreement, the Village does get a benefit out of it in the sense that the Village property would be beautified by the abutting property owner through this license agreement.

Associated with the license agreement is that the Village would be relieved of the maintenance responsibility. This is an irrevocable license agreement; it is not a lease. This is not an easement, and if the Village is not happy with the way the property is being maintained, or for any other reason, the license agreement can be revoked with 30 days of written notice. Additionally, the Village does collect a fee for the license agreement initially, as well as a yearly ongoing fee. The onetime fee is \$1,250 and \$150 per year thereafter for use of the property. Those fees are stipulated in the fees and charges schedule that was previously approved by the Board. He noted that a few years ago, he believed that it was Trustee Ross who recommended that the Village charge a fee on an annual basis after the initial license agreement fee. The land continues to have value going forward and everyone agreed with that, which is how the annual fee of \$150 came about. All of these fees are reviewed by the Board on an annual basis.

Mayor Samwick asked if any of the Trustees had any comments on this issue.

Trustee Crandall stated that she agreed with the comments made by Trustee Lewis and also noted that the Village's open space inventory needs to be updated. She stated that the new Village Planner, Greg Cutler is able to work with GIS technology, and her assumption is that he could probably take care of it without too much difficulty. In addition, it is her understanding that the Village Comprehensive Plan from 1994 has a list in the back, Appendix A, of Village owned parcels. However, she was once told by the previous planner, Liz Marrinan, that the list isn't complete. Therefore, she agreed with Trustee Lewis that they need to find out what properties the Village owns. She stated that they have already heard from the Village Manager about the importance of storm water management and if nothing else, allowing vegetation to grow appropriately, with good trees, etc. is one tool that they have to manage storm water

Trustee Crandall stated that the other point she would like to make is that as a Village Board, they need to be updated and informed about these agreements ahead of time because this is a recurring problem where private homeowners feel that they can simply take public lands. She stated that it is unfortunate that the enforcement in this case only happened because the neighbor complained, and she has concerns about how the Village enforces these things. However, she appreciated that the encroachments were removed by the homeowner, and that the land is once again open for the neighbors to enjoy. She stated that she further appreciated that the homeowner has to maintain the landscaping that was put in. She hoped that they will follow sustainable landscape practices which includes organic management and the prevention of any of the non-native invasive species from taking hold.

Trustee Crandall stated that those are her thoughts and the next time the Board is faced with one of these agreements, she would like to discuss it in a public session.

Trustee Arest stated that he thought that this is similar to some of those recent licensing agreements that the Village Manager referenced. He believed is on record clearly being very frustrated by many of them and stressed that he is not casting aspersions on those applicants or this applicant. The common theme, and part of the frustrating part, is exactly what Trustee Crandall just specifically mentioned, which is that the Board gets these agreements after the work is already done. Because of this, he is always concerned about the

message that this sends. On the positive side, this is a revocable license, and there is the possibility of reducing operational costs for the Village, because the resident will be required to maintain the property. There's also potential revenue from a license agreement. He thanked Trustee Ross for this as it is not only a onetime fee, but an annual fee as well.

Trustee Arest again reiterated that the process concerns him as to what message this sends to other homeowners. He stated that he felt that there's an opportunity here, and he is not against doing something for this applicant and figuring out some kind of a solution. He believed that this issue worthy of a work session and stated that at this time, he would not be able to support this resolution.

To respond, Mayor Samwick stated that he believed from his discussions with the Village Manager, the immediate prior Board has discussed this issue given some direction to the Village Manager. The Village Manager has clearly heard the Village Board and has taken a somewhat different approach to these types of issues than was the approach in the past. He stated that he thinks the approach that existed in the past was more open and accepting to these types of requests. The Board should keep in mind that these requests come in a lot of different shapes and sizes. One may be a paper street; another may be a walkway to the primary street or a secondary street that the property may use and provides access to the property that actually enhances the safety of people walking to and from the property. Therefore, one of the dilemmas that that he believes they spoke about when Trustee Ross talked about having an annual fee, in addition to the onetime fee, is what is a suitable fee for one thing that may be different than something else. And so, extending a walkway to a street and thereby enhancing safety to mail carriers, delivery people, residents, and visitors is very different than using part of a paper road. As the Village Manager also pointed out, there was a study done of the paper streets that was done by the Planning Board a while ago. However, he did not believe that those have changed or that there are any more additional paper streets than there were at that time.

Mayor Samwick stated that in all fairness, a fair amount of work has gone into this and he does appreciate people wanting to be looped in early. But this form of government contains some degrees of operational flexibility that are very appropriate. He added that there has been a change in the tone and approach to these types of situations relative to what it was a few years ago, and what we're seeing is the end result of a great deal of work that took place as a result of that.

Village Manager Pappalardo stated that they receive a lot of requests for these types of license agreements. He stated that there is no land swap here and no change in ownership. It is a simple license agreement, and the Manager certainly has the authority to approve them. He stated that he brings them to the Village Board because he wants them to be aware of what's going on, and the Board meetings are the format for that. However, he could not imagine having a work session every time something as simple as a license agreement that we're considering comes up. It doesn't make sense and it is an operational issue, but there are policy decisions as well. He stated that he is hearing from the Village Board that the majority of them don't like these license agreements, and don't want to even entertain them from the residents when they have some issues. He stated that he and staff thinks that there's some benefit to having them maintain that property and beautify, it which they do many times so that the Village doesn't have to.

If the Village Board does not want to entertain these license agreements, the Village will just take a different approach and that approach would be that the property owner removes their encroachments from the Village property, and if the Board is looking for stronger enforcement of this, an appearance ticket can be given and the property owner can come to court and pay a fine. Staff will have to make sure that these items are added to the Highway department's list to go out and cut the grass and check on the properties and do whatever needs to be done. Once that has been determined, then staff can go ahead and continue to operate.

Village Manager Pappalardo stated that he did not want to bring these items to the Board if they are not happy with them, so he will not continue to do that.

Trustee Arest stated that he would apologize if his comments were vague or unclear, but he thought that the Village Manager's response completely missed his point. He stated that he is curious about the number of license requests that the Village Manager's office receives. How many of those are land that has not been touched yet? Someone could potentially take down some trees and make it a lawn and they're just denied. Whereas, when someone who's already done that work and somebody calls and complains on them, we're looking at a license agreement. He stated that he is not against license agreements, however, he has a very big concern about doing anything piecemeal when a holistic approach could have a policy that makes it more clear to all the residents in the Village about what is acceptable and what isn't acceptable, and he believed that this is one of those cases. He stated that we know where the paper roads, and we know where vacant Village land is, so what do we do as a Board, what does our Village Manager and staff do, and what do we want to do for the residents?

Trustee Arest stated that there could be summonses for work that was already done before a request for a license agreement, however, he is not advocating for that in this specific case. He stated that he doesn't necessarily want a work session on every single licensing agreement, but when something like this comes to him, he doesn't have any hesitation in voting against it because he doesn't believe it's appropriate at this time.

Trustee Crandall stated that she would like to clarify that she agrees with what Trustee Arest said; the idea is to encourage the residents to follow the laws and to get approval before making any improvements on public land. She stated that we have to look for ways to reward good behavior and punish bad behavior in a manner that's appropriate. She said that she is not looking for any draconian measures. What is really important to the residents is that they value the little bit of open space they have left.

Trustee Lewis stated that everybody really appreciates and respects the Village Manager's very client focused orientation in dealing with the residents and he is a problem solver. He stated that everybody appreciates that and the intention of this was clearly to resolve a matter. Everybody respects the positive spirit by which this was all done. He stated that for him, what was striking about this is when the Board is approving administrative fees with so many of the things that they approve there are no clear, buttoned down definitions. When approving fees of a \$150 annual fee for other license agreements, it wasn't for 3,500 square feet like this particular license agreement is. The scale of this is pretty significant for

someone to be able to use public lands for \$150 per year. He stated that the Board doesn't want the Village Manager to have to come before the Board with every license agreement, but at the same time, so many years have passed since these policies were openly discussed in a public setting and so much has changed about how we even look at these things, he felt that it is incumbent upon the Board in 2020 as stewards of this land with the concern about sustainability, to have these conversations. To Trustee Crandall's point, these conversations began with this particular neighbor back in February and we need to begin with a review of public land use. He stated that this is in admittedly a challenging time and will take time, but the Board has open slots for work sessions.

Trustee Ross stated that he generally agreed with what his fellow Trustees said so far. He stated, however, that this is not a license agreement that particularly troubles him and to the extent that it might be troublesome, he looks at it from the angle of if the Board were not to grant it, it would be a burden on the Village, and it would be a possible eyesore. He stated that he thinks there is a public benefit here as well as a private benefit. However, he stated that he thought that these license agreements in general do actually pose policy questions and he believes that each one should be presented to the Board in advance, perhaps with a brief memo from the Village Manager, that he did not believe the license agreement poses any particular problems. That is why we started the negotiation and suggested that this be adopted, but that's a determination that actually could and should be made by the Board in advance. There are not many of them, and the Board will not be inundated with these requests. And so I think that that there should have as other companies have said there should be a more comprehensive approach. And I think a more Trustee Ross: A more thoughtful approach. He stated that he didn't think it would really be time consuming and unduly disruptive and thought that in many cases the determination would be the same. He stated that this one he believed he could support.

Mayor Samwick stated that he wanted to clarify that the Village's form of government does not put the operational onus on this level on this Board, in his opinion. He stated that he believes this is an operational issue so once the Board starts to want to see these matters in advance, where do we draw the line?

Village Manager Pappalardo stated that what he thinks the Board is saying is that a policy is needed, and the Village has a policy manual. He stated that he would recommend that they ask the Village Attorney to look into this; he has heard the comments this evening. There may be other municipalities that have a policy on the use of Village land or license agreements for use of Village land, and he and the Village Attorney can discuss this. He stated that he felt this would be the way to go and the Board can have a work session to iron out a policy that the Manager can then follow when he gets requests, and when those requests come in they check the boxes. The Board will see it on an agenda if they don't check the boxes - it'll never make it to an agenda and that would be the way to handle it. He stated that he thought if they can get a draft together between the Village Attorney and the Deputy Village Attorney that would be something that could be sent out to the Board and it can be discussed at a work session where we can have a brief discussion about it. This may satisfy everyone, and we will all have a better understanding of what the expectations are from the Board. In this way, the administration in his office and the staff, including the engineers and public works will all understand each other.

Trustee Arest thanked the Village Manager, stating that he thought that is the right solution, and added that he appreciated that. He stated that he looks forward to having that discussion and seeing what Village Attorney Pozin puts together. He also stated that he wanted to respond very respectfully to the Mayor and say that, he takes the Board’s oversight responsibility extremely seriously. He stated that he will scrutinize the matter before them and will expect all the information that is needed, and will give his opinion, and will oppose it if he feels it isn't in the best interest of the Village, stating that he knows that the Mayor would do the same. His intent is not to cross over into operations; his intent is not to micromanage; his intent is just to do his job.

Mayor Samwick agreed with Trustee Arest, stating that he believes that the Board does have an oversight job. They have a policy making job and that, in this case he agrees that the Village Manager’s suggestion is the right approach - let's have the discussion and determine the policy.

Mayor Samwick suggested that we table this resolution, and asked if anyone had any objection to doing so. Trustee Arest moved to table the resolution regarding Authorization to Execute a License Agreement for 41 Corell Road as read by Trustee Lewis, seconded by Trustee Whitestone, and carried unanimously.

\* \* \* \* \*

Trustee Lewis introduced the next resolution regarding Authorization to Execute an Intermunicipal Agreement with Westchester County for Snow and Ice Removal. He stated that there is a fine memorandum dated October 16th explaining the background on this five year agreement.

Upon motion entered by Trustee Lewis, and seconded by Trustee Crandall, the following resolution regarding the Authorization to Execute the Westchester County Snow and Ice Removal Intermunicipal Agreement was approved by the vote indicated below:

**WHEREAS,** in order to provide for the cost-effective and efficient removal of snow and ice from the 3.24 lane miles of County-owned roads within the Village of Scarsdale, Westchester County has historically contracted with the Village through an intermunicipal agreement to perform snow and ice removal services; and

**WHEREAS,** the latest intermunicipal agreement’s five-year term expired on September 30, 2020, and the County has subsequently proffered a successor five-year agreement to provide the identical services from October 01, 2020, through September 30, 2025, as attached herewith; and

**WHEREAS,** the reimbursement rate received from the County for services rendered by the Village is in accordance with Schedule “B” of the attached intermunicipal agreement, as the Village’s salt storage shed and application rates comply with best management water quality practices; and

**WHEREAS,** annual increases in reimbursement payments to the Village during the term of the agreement are determined by the allowable New York State tax levy growth factor, as defined in Chapter 97 of the New York State Laws of 2011, calculated based on the County’s fiscal calendar year; now, therefore, be it

**RESOLVED,** that the Village Manager is hereby authorized to sign and execute the attached intermunicipal agreement between the Village of Scarsdale and Westchester County, in substantially the same form as attached hereto, for snow and ice removal services on County-owned roads located in the Village of Scarsdale for the five year period covering October 01, 2020 through September 30, 2025; and be it further

**RESOLVED,** that the Village Manager is herein authorized to complete all other administrative acts necessary pursuant to this agreement.

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

\* \* \* \* \*

Trustee Ross

Trustee Ross stated that the following resolution is in regard to the acceptance of a gift from Edgewood Girl Scout Troop #2701 which is disbanding, and has some funds left in its treasury. They would like to donate those funds to the Village for replacement of deteriorated benches in Davis Park. He pointed out that in the second line of the recitation, the word eminent should be changed to read imminent.

Upon motion entered by Trustee Ross, and seconded by Trustee Whitestone, the following resolution regarding the Acceptance of a Gift from Edgewood Girl Scout Troop was approved by a unanimous vote:

**WHEREAS,** consistent with Girl Scouts Heart of the Hudson, Inc., policies and procedures, and with imminent disbandment of Edgewood Girl Scout Troop 2701, Troop Leaders Laurie Arakawa and Nancy Fann-Im, also Scarsdale residents, wish to donate \$2,000 on behalf of Troop 2701 to the Village of Scarsdale Parks, Recreation and Conservation Department for replacement of deteriorated benches in Davis Park, located in the Drake-Edgewood neighborhood; and

**WHEREAS,** in recognition of the years of enjoyment and benefit Troop 2701 has enjoyed in connection with the Village of Scarsdale park system, and recognizing the gift is duly authorized by Girl Scouts Heart of the Hudson, Inc., as per the attached letter, staff recommends acceptance of the gift for purposes of replacing the Davis Park benches, now past their useful lives; and

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

**RESOLVED,** that the Board of Trustees hereby accepts the gift of \$2,000 to replace deteriorating benches in Davis Park; and be it further

**RESOLVED,** that the Board of Trustees hereby extends their thanks and appreciation to Girl Scout Troop 2701, as well as Troop Leaders Laurie Arakawa and Nancy Fann-Im, for this generous gift to the community.

\* \* \* \* \*

Trustee Waldman

Upon motion entered by Trustee Waldman, and seconded by Trustee Ross, the following resolution to Authorize the Execution of a License Agreement for the Operation of the Scarsdale Library Cafe was approved by the vote indicated below:

**WHEREAS,** the newly constructed Scarsdale Public Library, located at 54 Olmsted Road, includes a café to be operated pursuant to a revocable license agreement (Agreement) with a private vendor; and

**WHEREAS,** the Scarsdale Library Café Committee distributed a Request for Proposal to twelve qualified vendors on July 24, 2020; and

**WHEREAS,** on the proposal due date of September 08, 2020, a single proposal was received from Larchmont Epicure, LLC, dba Apiary, 157 Larchmont Avenue, Larchmont, NY 10538, for an annual license fee to the Village of \$6,000 plus 4% of gross revenue per year; and

**WHEREAS,** despite the Scarsdale Library Café Committee’s best efforts to contact all vendors, some repeatedly, to solicit proposals, ten of the other eleven vendors did not show enough interest to fully submit a bid, while one vendor submitted a proposal that was subsequently withdrawn for reasons unrelated to the project; and

**WHEREAS,** the proposed Agreement term is for two years, including an option to renew for three additional one-year terms upon the mutual agreement

of the Licensee and the Village, subject to negotiation of any new terms the Village may deem appropriate at that time; and

**WHEREAS,** based on their positive online ratings and business model, the responses from our in-house interview, their enthusiasm and commitment to working with the Library, and their willingness to embrace pandemic-related operational adjustments, the Library Café Committee recommends that a two-year revocable license agreement for Operation and Management of Café be awarded to Larchmont Epicure, LLC, dba Apiary; now, therefore, be it

**RESOLVED,** that the Village Manager is hereby authorized and directed to execute a revocable license agreement with Apiary, 157 Larchmont Avenue, Larchmont, NY 10538, in substantially the same form as attached hereto, for the operation and management of a café at the Scarsdale Public Library, 54 Olmsted Road, for a two-year term at an annual fee to the Village of \$6,000 plus 4% of gross revenue per year, as established in the License Agreement; and be it further

**RESOLVED,** that the Village Manager is authorized to exercise the specified renewal options, if considered in the Village’s best interest; and be it further

**RESOLVED,** that the Village Manager is authorized to undertake such other administrative acts as may be required pursuant to the terms of the Agreement.

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

Before voting, Trustee Arest asked Village Manager Pappalardo to confirm that the Village has the right to revoke this license at any point with a 30-day notice, to which Village Manager Pappalardo responded affirmatively.

Trustee Arest stated that he would like to commend the Village Manager’s office and the Village Attorney. He noted that his first reaction to the 4% fee of annual gross revenue to the Village was that it seemed a little bit low; however, he stated that it is more important to find the right operator, especially at a time like this during the COVID pandemic, and, hopefully as we transition out of the COVID restrictions.

Trustee Arest stated that it is more important that we have someone who the community wants to visit and to patronize. He stated that he was very excited about this,

and felt that the agreement was crafted very well as it gives the Village optionality going forward.

\* \* \* \* \*

Trustee Whitestone

Trustee Whitestone stated, “A few brief remarks before I introduce these two resolutions, which are connected. As the Mayor mentioned, one resolution is being tabled due to late information.

In a minute I’ll be reading a rather lengthy resolution as prepared by the Village’s Bond counsel, Norton Rose Fulbright, seeking Board approval for \$2 million of bond issuance to finance various Village water system projects, including a contract which I’ll also read shortly, for work on the 91-year-old Boniface Water Tower on Garden Road. This is part of a continuing program of rehabilitation and upgrades to our aging water system, about which both the Mayor and the Village Manager have spoken publicly at length.

For perspective, I’d note that the dedicated Village Water Fund, had outstanding indebtedness of approximately \$6.2 million at the end of FY 19/20 (that’s roughly one-quarter of total Village debt outstanding of just under \$25 million) and had a fiscal year-end Fund Balance of \$2.6 million. So this new issuance would increase outstanding Water Fund Debt by about one- third. As for costs, the current year adopted budget calls for Water Fund principal debt payments of \$300,870; this issuance would increase annual principal payments by approximately \$200,000.

The Village’s bond advisory firm estimates the interest rate on this new borrowing at 1.15% with a term of 10 years, and the Village maintains its credit rating of Aaa.

Beyond the separate contract resolution I’ll read tonight, under this \$2 million project umbrella the village also envisions continuing its integration of Automated Meters, among other projects.

Thanks to Treasurer Ann Scaglione for the background information on our debt.

Now to the first resolution.”

Upon motion entered by Trustee Whitestone, and seconded by Trustee Crandall, the following resolution regarding Bond Resolution Dated October 27, 2020 – a Resolution Authorizing the Issuance of \$1,750,000 Bonds of the Village of Scarsdale, Westchester County, New York to Pay Part of the \$2,000,000 Estimated Maximum Cost of Various Improvements to the Village Water Supply and Distribution System, in and for the Village was approved by the vote indicated below:

**WHEREAS**, all conditions precedent to the financing of the capital purposes hereinafter

described, including compliance with the provisions of the State Environmental Quality Review Act to the extent required, have been performed; and

**WHEREAS,** it is now desired to authorize the financing of such capital project;  
NOW, THEREFORE, BE IT

**RESOLVED,** by the Board of Trustees of the Village of Scarsdale, Westchester County,  
New

York, as follows:

Section 1. For the class of objects or purposes of paying part of the \$2,000,000 estimated maximum cost of various improvements to the Village water supply and distribution system, including incidental expenses in connection therewith, in and for the Village of Scarsdale, Westchester County, New York, there are hereby authorized to be issued \$1,750,000 bonds of said Village pursuant to the provisions of the Local Finance Law.

Section 2. The estimated maximum cost of the aforesaid class of objects or purposes is hereby determined to be \$2,000,000 and the plan for the financing thereof is by the issuance of \$1,750,000 bonds of said Village authorized to be issued pursuant to this bond resolution, together with application of \$250,000 proceeds of a grant expected to be received from the State of New York for this purpose.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is forty years pursuant to subdivision one of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the bonds authorized may exceed five years.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the Village Treasurer, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Village Treasurer, consistent with the provisions of the Local Finance Law.

Section 5. The faith and credit of said Village of Scarsdale, Westchester County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the

principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said Village, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 6. Such bonds shall be in fully registered form and shall be signed in the name of the Village of Scarsdale, Westchester County, New York, by the manual or facsimile signature of the Village Treasurer and a facsimile of its corporate seal shall be imprinted or impressed thereon and may be attested by the manual or facsimile signature of the Village Clerk.

Section 7. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Village Treasurer, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as he or she shall deem best for the interests of said Village; provided, however, that in the exercise of these delegated powers, he or she shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the Village Treasurer shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 8. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the Village by the facsimile signature of the Village Treasurer, providing for the manual countersignature of a fiscal agent or of a designated official of the Village), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the Village Treasurer. It is hereby determined that it is to the financial advantage of the Village not to impose and collect from registered owners of such bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law and shall

otherwise be in such form and contain such recitals in addition to those required by Section 52.00 of the Local Finance Law, as the Village Treasurer shall determine.

Section 9. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150 - 2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 10. The validity of such bonds and bond anticipation notes may be contested only if:

- (1) Such obligations are authorized for an object or purpose for which said Village is not authorized to expend money, or
- (2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- (3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 11. Upon this resolution taking effect, the same shall be published in full in Scarsdale Inquirer, the official newspaper, together with a notice of the Village Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 12. This resolution is adopted subject to permissive referendum in accordance with Section 36.00 of the Local Finance Law and Article 9 of the Village Law.

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

Before the vote was taken on the above resolution, Mayor Samwick stated that for the benefit of those who are participating in this meeting, this is important work that the Village is doing on the water system. It is part of a longer term plan and there will be more items coming up on the water system over the coming years. The Village has old water infrastructure and it does require work. To clarify, this is formalizing a budget item that was already approved by the Board during the budget proceeding and the budget that was voted

on in April of 2020 for the current fiscal year. The Board approved this item as a capital item funded by a bond.

\* \* \* \* \*

Upon motion entered by Trustee Whitestone, and seconded by Trustee Crandall, the following resolution to Award VM Contract #1249A – Boniface Water Tank Process Piping Replacement was approved by the vote indicated below:

- WHEREAS,** due to a combination of age and need to maintain compliance with certain State and Federal guidelines, the 1,700,000 gallon Boniface Water Storage Tank, located on Garden Road, must undergo rehabilitation and structural updates; and
- WHEREAS,** pursuant to *VM Contract #1249A – Boniface Water Tank Process Piping Replacement*, staff advertised for bids in the Scarsdale Inquirer on August 07, 2020, having also advertised the opportunity on the Village website and through BidNet, an online procurement portal; and
- WHEREAS,** on the bid opening date, September 15, 2020, two bids were received, with the lowest bid, \$90,000 from Atlas Painting & Sheeting Co., having been withdrawn on October 01 in connection with failure to capture all bid requirements in their proposal, resulting in the next lowest bid, \$215,000 from Eventus Construction Co., a firm meeting all bid qualifications, being the lowest responsive bid, as identified on the attached bid tabulation sheet; and
- WHEREAS,** in concurrence with the written recommendation received from GHD, the Village’s consulting and design engineering firm for the project, attached herewith, staff recommends that *VM Contract #1249A – Boniface Water Tank Process Piping Replacement* be awarded to Eventus Construction Co., Inc., 1 Mahopac Avenue, Amawalk, NY 10501, for an amount not to exceed \$215,000; and
- WHEREAS,** at its October 27, 2020 meeting, the Village Board of Trustees authorized the issuance of up to \$1,750,000 in bond proceeds, in accordance with the Water Capital Budget and Plan, to pay in part for the Boniface Water Storage Tank Piping Replacement; now therefore be it
- RESOLVED,** that the Village Manager is hereby authorized and directed to execute *VM Contract #1249A – Boniface Water Tank Process Piping Replacement* on behalf of the Village of Scarsdale with Eventus Construction Co., Inc., 1 Mahopac Avenue, Amawalk, NY 10501, in an amount not to exceed \$215,000, to be charged to the Boniface Tank Capital Account EWS-8310-DSTRB-CAPTL-500 53, and to undertake

administrative acts as may be required under the terms of the contract.

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

\* \* \* \* \*

Written Communications

Village Clerk Conkling reported no written communications have been received since the last regular Board of Trustees meeting.

\* \* \* \* \*

Public Comment

Mayor Samwick opened the second public comment section of the meeting, reminding those who wish to speak that there is a 5-minute limit; Assistant to the Village Manager Katzin will alert the speakers with the timer.

**Darlene LeFrancois Haber**, 255 Nelson Road, stated that she wanted to make a comment about next year's budget, and in particular, concerning the vacuuming of leaves. She noted that she is the Chair of the Sustainability Committee of the Scarsdale Forum, but as a private citizen this evening. She stated that the Sustainability Committee had issued a report in 2014 which was quite detailed at the time, noting that only about 35% of Southern Westchester municipalities were offering the leaf vacuuming service. The communities that are no longer offering this have not looked back and she stated that other municipalities have joined them in no longer offering this service for many good reasons. She asked the Board to look seriously at this as a way of saving a large amount of money. She suggested that the Board look at a comparison of costs of the vacuuming service which is now offered as an 'essential service' versus the option of mulching leaves in place at various homes within the community and still offering bagging as an option.

Ms. LeFrancois Haber noted that the Board should also look at the safety issues which the leaves create, now more so with the COVID situation. There is a lot more foot traffic and the leaves create a hazard; they are spilling out from the property onto the sidewalks and in the streets. This creates hazards for drivers, pedestrians, and cyclists, which there are more of now. She stated that taking the Earth's nutrients in the form of leaves, and vacuuming them up with a truck and using fossil fuels to do so does not make any sense.

Ms. LeFrancois Haber stated that the Village has tried to educate the residents about leaf mulching; there was a large campaign and demonstrations given; everything was done to try to encourage residents and landscapers to learn how to mulch in place. She ended her comments by thanking the Board for all of their work.

Mayor Samwick thanked Ms. LeFrancois Haber for her kind words and for the work she is doing both in terms of what she was speaking about and also professionally. He stated that she is a local hero and the Village greatly appreciates all that she is doing.

**Robert Harrison**, 65 Fox Meadow Road, stated that he is the volunteer director of the Scarsdale Open Youth Tennis Tournament. He stated that for those that did not hear his comments earlier in the evening, at 2:00 PM this Sunday afternoon at the Middle School tennis courts, there will be an exciting match by two young Scarsdale youths – Jai Paradkar and Martin Mihaylova, both 10 years old. He stated that this will be an exhibition match and they will be presented with their trophies. He noted that everyone attending will need to wear masks and practice social distancing as part of the COVID requirements. No one will be inside the fence, only the players on the court.

Mr. Harrison next stated that he had an opportunity to meet with Jeff Coleman, Superintendent of Public Works, noting that Mr. Coleman is a great addition to the Village staff. He and Mr. Coleman went over the plans for the construction of the comfort station at the Middle School tennis courts, which has been worked for over six years, since 2014. The drawings are going to be presented to the School Board at their Board meeting in November. He stated that he hopes that it is approved – it is a very functional design with an overhanging roof around the structure where people will be able to stand out of the rain if the weather is bad. He described the building, stating that there are two bathrooms, and an office for the attendants. It is 20 x 20 square foot structure on a cement pad which is 36 x 36 square feet. He stated that it looks terrific and that he hoped the School Board and the State Education Department would approve it quickly so it can be constructed.

Mr. Harrison stated that in regard to the discussion on the budget in the Board work session held earlier this evening, he would like to know about a possible tax increase for next year. He stated that if there were one, he hoped that it would be small. He added that so far, it appears that the Village has managed the budget very well.

With regard to Halloween coming up this weekend, he stated that everyone should follow the rules with regard to COVID, and that hopefully the children can have a good time.

Mayor Samwick thanked Mr. Harrison for all of his work on the comfort station. This project has been going on for quite some time, and it certainly has been a labor of love of Mr. Harrison's. This started out as a joint project between the School District and the Village, as it will be on School property. However, it has now become a Village project. Without Mr. Harrison's perseverance on this, the Mayor stated that he didn't think the project would be at this point right now.

Trustee Arest stated that he would like to follow up on this discussion regarding the comfort station. He noted to Mr. Harrison that he would attend the tennis match on Sunday at 2:00 P.M.

Trustee Arest stated that he would like to receive an analysis from the Village Manager's office on what the Village has spent on the comfort station to date, and what is left to be spent.

Trustee Arest: I don't understand. I've said this before. He stated that he doesn't understand how this project could fall under austerity measures and how the Board could even be discussing this project right now; possibly expending additional dollars on a comfort station. He stated he would appreciate the data on this.

Mayor Samwick stated that he and the Village Manager spoke about this issue this week in regard to exactly Trustee Arest's comments. He stated that engineering work on the project has already commenced and the Village is continuing to seek approval from the State Education Department. The Village is not immediately rushing to construction on this. This is something that is going to be contingent on where the Village stands with austerity and Village operations as well as allocation of the Village's human resources, etc. He stated that the earliest possible scenario that they came up with in terms of commencement of construction would be next summer.

Village Manager Pappalardo stated that the funds for all of the engineering work which includes the contract that the Village has with the engineer has already been encumbered. As the Mayor mentioned, the Village anticipates that if the State Department receives this sometime over the next few months, they will take a couple of months to review and consider and comment and/or approve. The Village wouldn't expend any additional money until the summer of 2021, if at that particular point in time we decide to do so. This is a project that the Village wants to move forward with based on what discussed today in regard to the Village's financial and budgetary situation. He stated that his understanding of the permit from the State Department is that it is valid for two years, which would mean we could wait until the spring of 2022 to consider construction, which obviously makes more sense. It would be easier to start construction when school is not in session. However, Mr. Pappalardo stated that the Village has not expended any additional funds other than those that have already been approved by the Village Board, through the civil engineering contracts with LAN Associates, the engineer on this project.

Mayor Samwick added that the State Department is backlogged pretty significantly and it is unknown as to what the backlog is at this point, but it could be as far as 6-8 months before the State Department approves it, in which case the two year window commences - that could push it well into 2023.

Trustee Arest requested clarification as to what encumbered means in this context and whether or not there was a signed contract that was fully executed, to which Village Manager Pappalardo that the contract was executed and that encumbered does mean that the money was spent for the services of the engineer for the project, LAN Associates.

**Susan Douglass**, 59 Crane Road, expressed her condolences to the family of the woman who was struck on Crane Road by a vehicle. She stated that it is a very dangerous

road with a blind curve, and she and her husband have witnessed cars speeding by at 40-50 miles per hour. She stated that she and her husband walk their dogs every morning and that they take our lives in their hands. There is no sidewalk on their side of the street, so they have to cross the street to get anywhere. She stated that the Village could just station a police car near Village Hall and clock the vehicles and hand out tickets. She also stated that the Village should do something about traffic calming on Popham Road, as well as all the roads in the Village where the cars are speeding; Heathcote Road is another one. She stated that it is frightening, and the leaf piles add to the drama because they have to walk out into the street to circumvent the huge leaf piles. She seconded the comments of Darlene LeFrancois Haber and noted that it is time to revisit the issue of the Village's practice of allowing residents to place loose leaves at curb side. She stated that the Scarsdale Forum did an extensive report on this wasteful, expensive, and hazardous practice of letting the landscapers blow the leaves out to curbside - of course the leaves go into the street or cover the sidewalks, to the extent that there are sidewalks. The leaves go into the storm drains, and then there's extensive cleanup of the due to the clogging of the storm drains, which is a separate budget item from the loose leaf vacuuming.

Ms. Douglass stated that she has been in touch with Greenburgh Town Supervisor Finer and his office regarding the actual costs and savings that the Town of Greenburgh has experienced. His office advised her that not only have there been a lot of compliments since the loose leaf vacuuming was discontinued, but people are thrilled that they just go down their streets and sidewalks without having the roads filled with soggy leaves. There have been very few complaints. She stated that she is in touch with his office to get numbers about cost savings, etc.

Ms. Douglass stated that in May 2014, only 35% of the total population of Southern Westchester was in the practice in vacuuming leaves. She added that Scarsdale, a leader in environmental issues such as the Food Scrap Recycling Program lags behind in the leaf vacuuming situation. Further, she stated that the leaf vacuuming is not consistent with an austerity budget, by ending this practice the Village can cut \$800,000 or so out of the budget. With the COVID restrictions, many people are walking, jogging, cycling and having to navigate the leaves. She stated that to the Village's credit, it has participated in many educational programs for which she is grateful. However, from her own experience, she does not see much traction. She stated that she didn't think that education alone is going to encourage people to mulch their leave; she thinks that the Village has to take a stand and wean people off of the environmentally unsound, expensive and hazardous practice of piling leaves curbside. She hoped that the Village Board of Trustees and management will give serious consideration to changing this practice as they consider the upcoming budget, and that they will give very serious consideration to weaning the Village residents off of this practice and moving forward and being the environmental leader that Scarsdale has been in so many other respects.

Mayor Samwick thanked Ms. Douglass, stating that the Board appreciates her comments. With regard to the leaves, he stated that he would like to clarify a couple of things. He stated that an extensive discussion did happen in 2014, and there was a substantial segment of the population at that time that wanted to continue with the pick-up of leaves at it currently stands, and secondly, he stated that he thought there is no reason not to have more discussion on this issue. However, it is probably something that may be

touched on in the budget conversations, but in all likelihood will probably be addressed after that. When looking at the adopted budget for the current fiscal year, in the back of the budget, there is an allocation of funds for leaf pickup. That includes an allocation of full-time salaried employees. It should be noted that the marginal cost of leaf pickup is really far lower than the fully loaded allocated budget number that you see in the in the budget book. Again, that was part of the analysis that was done in 2014/2015.

Mayor Samwick stated that with regard to traffic safety, a very important issue, the fatalities are something that is deeply troubling and upsetting. The Board has been very focused on traffic safety prior to and subsequent to the unfortunate event and the Board has spoken with the Chief of Police and the Village Manager. A traffic study is going to be commissioned, focused on primary sensitive areas where traffic safety is the greatest need. This is something that is in process and was discussed much earlier in the meeting. The Village is still working to try to reduce speed limits. There have been some discussions about linear speed limits and enforcement in terms of traffic violations, as well as leaf placement violations. This is something that has been stepped up previously and the Board is working toward those objectives. The Board has discussed having a work session next month on traffic safety.

As there were no further comments to come before the Board, Mayor Samwick closed the second public comment section of the meeting.

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#### Future Meeting Schedule:

- 7:00 P.M. Tuesday, November 10, 2020 – Village Board Regular Meeting – Zoom Video Conferencing Service (Subsequent Meeting Notice with time and Format Changes to Follow)

Mayor Samwick noted it is likely there will be an inclusion of a work session.

#### Village Hall Schedule

- Tuesday, November 3, 2020 – Election Day – Village Hall Closed
- Wednesday, November 11, 2020 – Veterans Day – Village Hall Closed

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There being no further business to come before the Board, the meeting was adjourned at 9:04 P.M. on a motion entered by Trustee Ross, seconded by Trustee Arest, and carried by a unanimous vote.

Respectfully submitted,

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Donna M. Conkling  
Village Clerk