

From: Mayor <mayor@scarsdale.com>

Date: March 21, 2020 at 2:39:37 PM EDT

To: "robertbergesq@aol.com" <robertbergesq@aol.com>

Cc: Manager's Department <manager@scarsdale.com>, Attorney's Office
<attorney@scarsdale.com>

**Subject: Re: Scarsdale Village Board Meeting 03/24/2020 - Public Participation
Restrictions (see agenda)**

Bob,

Thank you for your email. The Village is working on its technological capabilities and we will make a decision on Monday about whether the upcoming BOT meeting will take place in person or otherwise.

With respect to public comment, we are taking our cues from the Governor's Executive Order and will provide more detail once we determine whether the upcoming BOT meeting takes place in person. At this point, Village Hall is closed and the public is not able to be present at Village Hall.

As you know, this Board has been and continues to be very focused on open and transparent communication. Specifically, we have: (i) moved Public Comment up in the Board Meeting agenda, (ii) added a 2nd Public Comment period to each BOT Meeting, (iii) standardized Trustee email addresses to make community communication easier, (iv) instituted a Coffee with the Mayor program, and (v) started Village Twitter communication, among other things. As you know, we are in the midst of a public health emergency and the Village will comply with the Governor's Executive Orders and will continue its well-established priority of actively engaging with the community.

Regardless of how public comment is handled in the short run, the Village always welcomes residents to communicate with the Village and email communication is included in Written Communication. As you know, you are always welcome to share your comments with me at mayor@scarsdale.com.

I hope you and your family are and remain well.

Best,

Marc

Sent from my iPad

On Mar 21, 2020, at 12:57 AM, "robertbergesq@aol.com" <robertbergesq@aol.com> wrote:

CAUTION: External sender.

Gentlemen: I hope you and your families are safe and well. I have reviewed the agenda for this coming Tuesday's Village Board meeting (March 24, 2020). I am perplexed and disappointed by your elimination of any opportunity for public comment. As you know, I believe that the public comment sections of the Village Board meetings are the most important portions of the meetings as they provide you and the public with the unmatched opportunity to hear directly from residents about the issues that concern them most.

Your reliance on Governor Cuomo's recent Executive Order No. 202.1 to excise public comment from the Village Board meeting may be technically permissible, but it is certainly unwarranted. Given the corona virus pandemic, the Executive Order forbids the public from attending the Village Board meeting in person in order to safeguard public health, notwithstanding the requirements of the Open Meetings Law. The Open Meetings Law mandates that the official business of government, in most instances, be conducted in an open and public manner. Instead, Order No. 202.1 requires that the Village Board meeting be accessible live to the public "remotely by conference call or similar service, provided that the public has the ability to view or listen to such proceeding and that such meetings are recorded and later transcribed."

Nothing in the Executive Order precludes you from conducting the two normal public comment sessions that are a hallmark of our Village Board meetings and that bring me to Village Hall on a bi-monthly basis so frequently. Indeed, just a few days ago, on Wednesday evening, March 18, 2020, your counterparts on the School Board held a wonderful, public, open Budget Session and Board Meeting via Zoom that included two public comment sessions. I participated in both public comment sessions, and quite a number of other residents spoke during one or the other. Our comments were welcomed by the School Board Trustees and Administration. Moreover, as you know, the Board of Education does not impose a time limit on speakers during the public comment sessions, and despite the many speakers, no one abused their privilege of public comment. I was delighted by the Board of Education's and Administration's use of Zoom to engage the community, and the technology worked flawlessly.

So I am at a loss as to why you want to eliminate the public comment sessions at the forthcoming Village Board meeting. This will be the first Village Board meeting after the Governor has imposed a state of virtual "house arrest" on residents. Don't you want to hear what residents are experiencing and what their concerns are? The technology is readily available to you to handle public comment as the Board of Education meeting a few days ago demonstrates. If you don't want to deal with Zoom, just provide a conference call dial in number and hold a microphone up to a telephone in Village Hall to hear from any resident who wants to speak. This is not rocket science. Other Village Boards are doing this. The Village of Floral Park held a Village Board meeting by conference call with public participation on March 19, 2020. The Village of Pleasantville is holding a Village Board meeting with public participation by Zoom on March 23, 2020. Please, let's keep the public engaged and hear what residents have to say. I look forward to your response. Be well and stay safe. Bob Berg.