

Donna Conkling

From: robertbergesq@aol.com
Sent: Friday, October 19, 2018 8:38 PM
To: Mayor; Manager's Department; Attorney's Office; Clerk's Department
Subject: Village Attorney

Dear Mayor Hochvert, Members of the Board of Trustees, and Village Manager:

In June 2018, I was pleased to offer my congratulations to then Village Attorney Esannason on the announcement of his forthcoming retirement from his service as Scarsdale's Village Attorney at the end of that month. But as you know from my public statements, I was very dismayed with the terrible governance practices you exercised in replacing him -- to wit, the complete lack of a publicly advertised search for the best qualified candidate to fill the role as Scarsdale's Village Attorney, and instead, the patronage promotion of Ms. Sapienza-Martin into a position for which, through no fault of her own, she simply lacks the relevant professional experience. Earlier this week, I was perusing the Scarsdale.com website when I stumbled upon the Village Attorney tab. Much to my shock and horror -- with Halloween still two weeks away and April Fool's Day having passed 6 1/2 months ago -- I saw that Mr. Esannason now serves as Of Counsel to assist Ms. Sapienza-Martin in carrying out her duties as Village Attorney.

Mr. Esannason apparently voluntarily chose to retire this past June from his well-compensated position as Village Attorney virtually the millisecond he qualified under the New York State rules to receive his full pension and other retirement benefits. We Village residents have fully funded Mr. Esannason's generous pension benefits and now pay with current tax dollars for his full health care benefits for life. Scarsdale taxpayers have richly compensated Mr. Esannason for his years of service to this community. And yet, he's baaaaaaack in a professional capacity as Of Counsel, undoubtedly charging the Village for his legal services at a competitive professional rate -- *double dipping it seems to me.*

I have serious problems with this. First and foremost, if Ms. Sapienza-Martin is as experienced and well-qualified for the position of Village Attorney as you all said she is -- over my strenuous objections -- then why in God's name do you need to pay Mr. Esannason to assist her to do her job? Remember, you increased Ms. Sapienza-Martin's pay by a massive \$25,000 per year when you promoted her. If the issue, for some reason, is workload, maybe she can work a little harder. Maybe she might give up the "work at home one day per week" provision of her employment contract for a couple of months until she catches up? Maybe Deputy Village Attorney Samantha Garrison can help out some more?

My second big problem is the optics and reality of patronage -- wasting taxpayer dollars to reward a friend. And don't come back and say, "Well, in the past, the former Village Attorney Thomas Gardella used to help Mr. Esannason out as Of Counsel." I've sat with Mr. Gardella at various Board of Assessment Review meetings over the years, and he added nothing more than a warm body. He is a poster child for just being paid patronage dollars by his friends in the Manager's office. To me, that's exactly what's going on with Mr. Esannason here, and I am outraged by this abuse of taxpayer dollars and residents' trust. This is not the City of Chicago under the rule of Mayor Daley. This is Scarsdale. Aren't we better than that?

Please explain why Mr. Esannason has been hired as Of Counsel; what are his duties; what matters he has been retained to work on; what are the terms of his compensation; and what is the expected amount of his compensation for 2018 post-retirement, for 2019, and for each year beyond. Thank you for your prompt attention to this matter. I look forward to receiving your response. Best regards, Bob Berg.

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