



AGENDA
JANUARY 7, 2015
BOARD OF TRUSTEES
VILLAGE OF BRIARCLIFF MANOR, NEW YORK
REGULAR MEETING – 7:30 PM

Board of Trustees Announcements

Village Managers Report

Public Comments

1. Award of Bid – Annual Lawn Treatment
2. Authorize Village Counsel to File a Motion For a Protective Order
3. Minutes
 - December 17, 2014

NEXT REGULAR BOARD OF TRUSTEES MEETING – JANUARY 21, 2015

VILLAGE OF BRIARCLIFF MANOR
BOARD OF TRUSTEES AGENDA
JANUARY 7, 2015

1. AWARD OF BID – ANNUAL LAWN TREATMENT

WHEREAS the Village received 5 bids for the Annual Law Treatment Project (VM-1415-6); and


NOW, THEREFORE, BE IT RESOLVED that the bid for the Annual Law Treatment Project (VM-1415-6) is hereby awarded to Griffin Organics with their bid proposal of \$51,011.52 for a three year period (\$17,003.84 per year) which will be charged to budget code A7110.469.

BE IT FURTHER RESOLVED that the Village Manager is hereby authorized and directed to execute a contract with Griffin Organics for said project.



MEMORANDUM

December 4, 2014

To: Philip E. Zegarelli – Village Manager
From: David J. Turiano, P.E. 
Re: **VM-1415-6 – Annual Lawn Treatment Re-Bid**

Bids were opened on November 25, 2014 at 11:00 a.m. for the above referenced project. Present at the bid opening were David J. Turiano, Village Engineer, and Sonja Goldstein-Suss. Five (5) bids were received (see the bid tabulation below).

The scope of work includes lawn fertilizer and grub control for the period of June 1 to May 31 for a three year period: FY 2015-2016 through FY 2018-2019. The applications are proposed at all of the Village's playing fields together with other large lawn areas that it maintains in parks and other locations.

Bidder	Bid Amount
*Grass Genie, Inc.	\$ 33,350.00
Griffin Organics	\$ 51,011.52
*Buck-N-Thunder	\$ 55,370.00
Michael Bellantoni	\$ 74,398.32
Suburban Maintenance & Landscaping	\$ 74,693.75

*These bids were disqualified due to the fact that the bidders used the wrong bid form.

After the disqualification of the two bidders, the low bidder is Griffin Organics at a bid amount of \$51,011.52 for the three year period (\$17,003.84 per year). Griffin Organics presently has the contract for the lawn treatment. The Village Engineer contacted Superintendent Ed Torhan who advised that Griffin's work is satisfactory.

Funds are available under budget code A7110.469 Contractual Services.

Based on the above, it is my recommendation that the Village award the contract to Griffin Organics of Peekskill, New York in the amount of \$51,011.52 for the three year period.

Please feel free to contact me if you have any questions with the above.

VILLAGE OF BRIARCLIFF MANOR
BOARD OF TRUSTEES AGENDA
JANUARY 7, 2015

2. ANNEXATION APPEAL – AUTHORIZE MOTION FOR PROTECTIVE ORDER

WHEREAS, on March 11, 2014, the Village Board adopted Findings, Resolutions and Order pursuant to General Municipal Law (GML) Article 17 determining that “it is in the over-all public interest to approve” the proposed annexation to the Village of the 17/20 Area, as defined therein; and

WHEREAS, on March 11, 2014, the Town of Ossining adopted Findings, Objections and Determination on the subject of the annexation by the Village of the 17/20 Area, and concluded that “annexation will not be in the best interests of the Town of Ossining”; and

WHEREAS, in accordance with the GML, the Village and Town each filed their respective determinations with their own and the other’s municipal Clerk; and

WHEREAS, by resolution adopted April 10, 2014, the Board of Trustees directed Village Counsel to take all requisite actions to commence and maintain proceedings, in accordance with GML Article 17, to seek adjudication and determination from the Appellate Division of the Supreme Court of the State of New York, on the law and facts, that the proposed annexation is in the over-all public interest, so that upon such determination, the matter may be submitted to a special election by the voters in the area proposed to be annexed in accordance with GML Article 17; and

WHEREAS, the Village filed with the Appellate Division a Verified Petition including the Village Manager’s Affidavit in support of the proposed annexation, the Town filed a Verified Answer with Supervisor’s Affidavit in opposition thereto, and the Village filed a Verified Reply in response to the Town’s Verified Answer; and

WHEREAS, by Order dated June 19, 2014, the Appellate Division appointed the statutory panel of three referees (AD Referees) to hear the matter; and

WHEREAS, on November 5, 2014, Village and Town attorneys met with the AD Referees at which time, among other things, the AD Referees set a trial discovery schedule; and

WHEREAS, on or about December 8, 2014, the Town served Respondent’s First Notice of Discovery and Inspection (Town Demands) upon the Village, which

include thirty three discreet demands to produce documentation covering the ten year period from 2004 to present; and

WHEREAS, the Town Demands are overly broad and virtually impossible to respond to as exemplified by Town Demand Number 2 for production of “[a]ny and all Documents and/or facts utilized and/or relied upon by the Village in preparing the Annexation Analysis, Village Findings and/or Verified Petition,” and the demand for all materials, information and calculations in whatever form that they may exist, that went into those analyses; and

WHEREAS, the Town Demands are made by the Town notwithstanding that the Village’s Order approving the Annexation comprises several hundred pages of analysis and documents prepared by the Village upon which the Board of Trustees relied; and

WHEREAS, the identification, collection and production of same by Village staff and the review of same by Village Counsel will be a time-consuming task involving many Village employees and officials; and

WHEREAS, based upon the Village’s experience in other pending litigation, the reproduction costs to respond to the Town’s Demand will be burdensome to the Village and its taxpayers, and in light of the existing record, it will be wasteful as well; and

WHEREAS, at the November 5, 2014, conference with the AD Referees, the Town’s attorneys also announced the Town’s intent to depose each and every Village department head and official with specific knowledge of the provision of Village services; and

WHEREAS, the time necessary to respond to the Town’s Demands will be a drain on resources of the various Village officials and departments to which the Town’s Demands apply, including but not limited to the Village Manager, the Village Treasurer, the Village Clerk, and the Village’s Fire Department, Police Department, Sanitation Department, Highway Department; and

WHEREAS, the Village believes that the record on the Village’s Findings, Resolutions and Order and the Town’s Findings, Objections and Determination provide a sufficient basis for the AD Referees to hear and report to the Appellate Division on whether the annexation would be “in the over-all public interest” in accordance with GML Article 17 and that the Town Demands, announced deposition intentions, and further discovery is and will be unduly burdensome and costly;

NOW THEREFORE BE IT

RESOLVED that Village Counsel is directed to prepare and file papers with the AD Referees and/or the Appellate Division in application for a protective order limiting and regulating the Town's discovery to prevent unreasonable annoyance, expense, and abuse.

Village Board of Trustees
Regular Meeting
December 17, 2014
7:30 p.m.

The Regular Meeting of the Board of Trustees of the Village of Briarcliff Manor, New York was held in the Village of Briarcliff Manor Village Hall, at 1111 Pleasantville Road, Briarcliff Manor, New York on the 17th of December, 2014 commencing at 7:30 p.m.

Present

William J. Vescio, Mayor
Lori A. Sullivan, Deputy Mayor
Cesare DeRose, Jr.
Mark L. Wilson, Trustee

Also Present

Philip Zegarelli, Village Manager
Christine Dennett, Village Clerk
Clinton Smith, Village Counsel
Robin Rizzo, Village Treasurer

Absent

Mark Pohar, Trustee

Board of Trustees Announcements by Deputy Mayor Sullivan

- Scarborough Station Parking Permits are now on sale.
- The third lap of leaf pickup has been completed.
- The second half of Village taxes are due in December by the 31st
- Thank you to all the Residents and Staff that attended the Community Bonfire and Sing-a-long.
- The Ice Skating Rink has been installed and permits are on sale at the Recreation Office.
- Ski and Snowboarding trips are being offered. Contact the Recreation Department for more information.

Village Managers Report by Village Manager Zegarelli

Village Manager Zegarelli gave the presentation on the 6 month status of the Fiscal Year 2014-2015 budget.

Public Comments

There were no public comments.

Schedule Public Hearings

Local Law to Amend Chapter 220 of the Code of the Village of Briarcliff Manor on the Regulation of Steep Slopes

Upon motion by Trustee Wilson, seconded by Deputy Mayor Sullivan, the Board voted unanimously to approve the following resolution:

BE IT RESOLVED that a Public Hearing is hereby scheduled for the January 21, 2015, Board of Trustees meeting to hear and discuss a proposed local law to amend Chapter 220 Zoning of the Code of the Village of Briarcliff Manor on the Regulation of Steep Slopes; and be it

RESOLVED FURTHER that the proposed local law to amend Chapter 220 Zoning of the Code of the Village of Briarcliff Manor on the Regulation of Steep Slopes is hereby directed to the Village Planning Board and to the Westchester County Planning Board for review and recommendation and to the Town of Ossining, Town of Mount Pleasant, and Village of Ossining for review and comment as they see fit.

Local Law to Amend Chapter 131 of the Code of the Village of Briarcliff Manor on the Regulation of Freshwater Wetlands

Upon motion by Deputy Mayor Sullivan, seconded by Trustee DeRose, the Board voted unanimously to approve the following resolution:

BE IT RESOLVED that a Public Hearing is hereby scheduled for the January 21, 2015, Board of Trustees meeting to hear and discuss a proposed local law to amend Chapter 131 of the Code of the Village of Briarcliff Manor on the Regulation of Freshwater Wetlands; and be it

RESOLVED FURTHER that the proposed local law to amend Chapter 131 Zoning of the Code of the Village of Briarcliff Manor on the Regulation of Freshwater Wetlands is hereby directed to the Village Planning Board and to the Westchester County Planning Board for review and recommendation and to the Town of Ossining, Town of Mount Pleasant, and Village of Ossining for review and comment as they see fit.

Fire Department Memberships

The Board thanked the new members for volunteering.

Upon motion by Trustee DeRose, seconded by Trustee Wilson, the Board voted unanimously to approve the following resolution:

BE IT RESOLVED, that the Board of Trustees of the Village of Briarcliff Manor hereby approves the under 18 membership of **Peter J. Gasperini** to the Briarcliff Manor Hook and Ladder Company.

BE IT RESOLVED, that the Board of Trustees of the Village of Briarcliff Manor hereby approves the under 18 membership of **Joshua N. Papson** to the Briarcliff Manor Hook and Ladder Company.

Minutes

Upon motion by Trustee Wilson, seconded by Deputy Mayor Sullivan, the Board voted unanimously to approve the minutes of November 19, 2014.

Upon motion by Deputy Mayor Sullivan, seconded by Trustee DeRose, the Board voted unanimously to approve the minutes of November 24, 2014.

Upon motion by Trustee Wilson, seconded by Deputy Mayor Sullivan, the Board voted unanimously to approve the minutes of December 3, 2014.

Adjournment

The Work Session scheduled for December 23, 2014 has been cancelled.

The Board wished everyone a Happy Holiday Season and a healthy New Year.

Upon motion by Deputy Mayor Sullivan, seconded by Trustee DeRose, the Board voted unanimously to adjourn the regular meeting at 8:10pm.

Respectfully Submitted By,

Christine Dennett
Village Clerk