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**AGENDA**  
**APRIL 6, 2016**  
**BOARD OF TRUSTEES**  
VILLAGE OF BRIARCLIFF MANOR, NEW YORK  
ORGANIZATIONAL MEETING  
7:30 PM

- 
1. Oath of Office to Be Administered to the Newly Elected Officials
  2. Mayoral Appointments
  3. Board of Trustees Appointments
  4. Appointment to Village Boards and Commissions
  5. Scheduling of Dates of Regular Board of Trustees Meetings
  6. Designation of Banks for the Deposit of Village Funds:
  7. Designation of Official Village Newspapers
  8. Approval of Village Procurement Policy
  9. Approval of Village Investment Policy
  10. Approval of Board of Trustees Meetings Rules of Procedure
  11. Approval of Policies and Procedures for Advisory and Ad-Hoc Committees

**Village of Briarcliff Manor  
Organizational Meeting Agenda  
Wednesday, April 6, 2016  
7:30 p.m.**

**1. Oath of Office to Be Administered to the Newly Elected Officials:**

a) Trustee	Cesare DeRose, Jr.	2 years
b) Trustee	Mark Pohar	2 years

**2. Announcement of the Following Mayoral Appointments:**

a) Deputy Mayor	Mark Pohar	1 year
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b) Board Liaisons:

Westchester County Municipal Officials Association	Lori A. Sullivan	1 year
Town Government	Lori A. Sullivan	1 year
County Government	Mark L. Wilson	1 year
State Government	Mark L. Wilson	1 year
Recreation Committee	Bryan Zirman	1 year
Conservation Advisory Council	Cesare DeRose, Jr.	1 year
Library Board	Lori A. Sullivan	1 year
School Boards	Mark Pohar	1 year
Historic River Towns of Westchester	Mark L. Wilson	1 year
Media & Telecommunications	Mark L. Wilson	1 year
Business District Liaison	Bryan Zirman	1 year
Fire Dept. Liaison	Mark Pohar	1 year
Fire Dept. Liaison	Cesare DeRose, Jr.	1 year
Scarborough/Briarcliff Manor Historical Society	Bryan Zirman	1 year
Park Development/Improvement	Bryan Zirman	1 year

**Point Trustees/Village's Major Goals:**

Infrastructure Long Term Planning	Mark Pohar
Update Local Code	Lori A. Sullivan
ARAC-Revise/Estab. Comm. Design	Cesare DeRose, Jr.
Explore Village/Town	Bryan Zirman
Tax Savings/Efficiency Initiatives	Mark L. Wilson

**3. Announcement of the Following Board of Trustees Appointments:**

Board of Police Commissioners	Board of Trustees	1 year
Board of Fire Commissioners	Board of Trustees	1 year
Village Manager	Philip Zegarelli	1 year
Deputy Village Clerk	Philip Zegarelli	1 year
Deputy Registrar of Vital Statistics	Philip Zegarelli	1 year
Village Historian	Karen Smith	1 year
Acting Village Justice	Laurie Sullivan	1 year

Village Counsel

Clinton Smith

1 year

4. **Announcement of the Appointment to the Various Boards and Commissions:**

***Planning Board***

- |                |                |         |
|----------------|----------------|---------|
| a) Chairperson | Edward Nolan   | 1 year  |
| b) Member      | Shelley Lotter | 5 years |
| c) Alternate   | Sabine Werner  | 1 year  |

***Zoning Board of Appeals***

- |                |                    |         |
|----------------|--------------------|---------|
| a) Chairperson | Christopher Bogart | 1 year  |
| b) Member      | John O'Leary       | 5 years |

***Library Board***

- |           |                 |                     |
|-----------|-----------------|---------------------|
| a) Member | Glenn Pacchiana | 12/31/20 expiration |
|-----------|-----------------|---------------------|

***Recreation Advisory Committee***

- |                 |                   |         |
|-----------------|-------------------|---------|
| a) Chairperson  | Georgina Gualdino | 1 year  |
| b) Member       | Zach Giampa       | 3 years |
| c) Member       | Georgina Gualdino | 3 years |
| d) Member       | Ann Zimmerman     | 3 years |
| e) Student (BM) | Jack Zimmerman    | 1 year  |
| f) Student (OS) | Jake Emerick      | 1 year  |

***Ethics Board***

- |                |                  |        |
|----------------|------------------|--------|
| a) Chairperson | Anthony Capasso  | 1 year |
| b) Member      | Philip Zegarelli | 1 year |

***Tree Preservation***

- |                  |                  |        |
|------------------|------------------|--------|
| a) Member-V.M.   | Philip Zegarelli | 1 year |
| b) Member-C.A.C. | _____            | 1 year |
| c) Member-P.B.   | Edward Nolan     | 1 year |

***Architectural Review Advisory Committee***

- |                |                |         |
|----------------|----------------|---------|
| a) Chairperson | Joseph Pastore | 1 year  |
| b) Member      | Joseph Pastore | 3 years |
| c) Member      | _____          | 3 years |

***CDAG Representative***

- |          |        |
|----------|--------|
| a) _____ | 1 year |
|----------|--------|

5. **Dates of Regular Meetings**

The Village Board of Trustees regular meetings are held on the first and third Wednesday of each month at 8:00 p.m. with a work session before each meeting beginning at 7:00p.m. An additional work session will be held on the fourth Wednesday of each month beginning at 7:00p.m.

6. **Designation of Banks for the Deposit of Village Funds:**

- a. JP Morgan Chase
- b. Wells Fargo Bank, NA
- c. Fidelity
- d. TD Bank
- e. Greater Hudson Bank

**7. Designation of Official Village Newspapers:**

- a. Journal News
- b. The Gazette

**8. Procurement Policy:**

**PROCUREMENT POLICY FOR THE VILLAGE BRIARCLIFF MANOR**

1. Every purchase to be made must be initially reviewed to determine whether it is a purchase contract or a public works contract. Once that determination is made, a good faith effort will be made to determine whether it is known or can reasonably be expected that the aggregate amount to be spent on the item of supply or service is not subject to competitive bidding, taking into account past purchases and the aggregate amount to be spent in a year. The following items are not subject to competitive bidding pursuant to Section 103 of the General Municipal Law: purchase contracts under \$20,000 (eg. Equipment, materials, supplies, etc.) and public works contracts under \$35,000; emergency purchases; certain municipal hospital purchases; goods purchased from agencies for the blind or severely handicapped; goods purchased from correctional institutions; purchases under State and country contracts; and surplus and second-hand purchases from another governmental entity.

The decision that a purchase is not subject to competitive bidding will be documented in writing by the individual making the purchase. This documentation may include written or verbal quotes from vendors, a memo from the purchaser indicating how the decision was arrived at, a copy of the contract indicating the source which makes the item or service exempt, a memo from the purchaser detailing the circumstances which led to an emergency purchase, or any other written documentation that is appropriate.

2. All goods and services will be secured by use of written requests for proposals, written quotations, verbal quotations, or any other method that assures that goods will be purchased at the lowest price and that favoritism will be avoided, except in the following circumstances; purchase contracts over \$20,000 and public works contracts over \$35,000; goods purchased from agencies for the blind or severely handicapped pursuant to Section 175b of the State Finance Law; goods purchased from correctional institutions pursuant to Section 186 of the Correction Law; purchases under State contracts pursuant to Section 104 of the General Municipal Law; purchases under county contracts pursuant to Section 103(3) of the General Municipal Law; or purchases pursuant to subdivision 6 of this policy.
3. The following method of purchase will be used when required by this policy in order to achieve the highest savings:

Estimated Amount of

Purchase Contract

\$ 500-2,999

Method

Minimum of three verbal quotations

\$3,000-19,999

Minimum of three written/fax quotations or written request for proposals

Estimated Amount of

Public Works Contract

\$ 500-2,999

Method

Minimum of three verbal quotations

\$3,000-34,999

Minimum of three written/fax quotations or written request for proposals

A good faith effort shall be made to obtain the required number of proposals or quotations. If the purchaser is unable to obtain the required number of proposals or quotations, the purchaser will document the attempt made at obtaining the proposals. In no event shall the failure to obtain the proposals be a bar to the procurement.

4. Documentation is required of each action taken in connection with each procurement.
5. Documentation and an explanation are required whenever a contract is awarded to other than the lowest responsible offeror. This documentation will include an explanation of how the award will achieve savings or how the offeror was not responsible. A determination that the offeror is not responsible shall be made by the purchaser and may not be challenged under any circumstances.
6. Pursuant to General Municipal Law Section 104-b(2)(f), the procurement policy may contain circumstances when, or types of procurements for which, in the discretion of the Village Manager, the solicitation of alternative proposals or quotations will not be in the best interest of the municipality. In the following circumstances it may not be in the best interests of the Village of Briarcliff Manor to solicit quotations or document the basis for not accepting the lowest bid.
  - a. Professional services or services requiring special or technical skill, training or expertise. The individual or company must be chosen based on accountability, reliability, responsibility, skill, education and training, judgment, integrity and moral worth. These qualifications are not necessarily found in the individual or company that offers the lowest price and the nature of these services are such that they do not readily lend themselves to competitive procurement procedures.

In determining whether a service fits into this category the Village Manager shall take into consideration the following guidelines: (a) whether the services are subject to State licensing or testing requirements; (b) whether substantial formal education or training is a necessary prerequisite to the performance of the services; and (c) whether the services require a personal relationship between the individual and municipal officials. Professional or technical services shall include but not be limited to the following: services of an attorney; services of a physician; technical services of an engineer engaged to prepare

plans, maps and estimates; securing insurance coverage and/or services of an insurance broker; services of a certified public accountant; investment management services; printing services involving extensive writing, editing or art work; management of municipally owned property; and computer software or programming services for customized programs, or services involved in substantial modification and customizing or pre-packaged software.

- b. Emergency purchases pursuant to Section 103(4) of the General Municipal Law. Due to the nature of this exception, these goods or services must be purchased immediately and a delay in order to seek alternate proposals may threaten the life, health, safety or welfare of the residents. This section does not preclude alternate proposals if time permits.
  - c. Purchases of surplus and second-hand goods from any source. If alternate proposals are required, the Village of Briarcliff Manor is precluded from purchasing surplus and second-hand goods at auctions or through specific advertised sources where the best prices are usually obtained. It is also difficult to try to compare prices of used goods and a lower price may indicate an older product.
  - d. Goods or services under \$500. The time and documentation required to purchase through this policy may be more costly than the item itself and would, therefore, not be in the best interests of the taxpayer. In addition, it is not likely that such de minimis contracts would be awarded based on favoritism.
7. This policy shall go into effect January 1, 1992, was amended April 7, 2010 and April 9, 2014 and will be reviewed annually.

## **INVESTMENT POLICY OF THE VILLAGE OF BRIARCLIFF MANOR**

### **I. SCOPE**

This investment policy applies to all monies and other financial resources available for investment on its own behalf or on behalf of any other entity or individual.

### **II. OBJECTIVES**

The primary objectives of the Village's investment activities are, in priority order,

- To conform with all applicable federal, state and other legal requirements (legal);
- To adequately safeguard principal (safety);
- To provide sufficient liquidity to meet all operating requirements (liquidity); and
- To obtain a reasonable rate of return (yield).

### **III. DELEGATION OF AUTHORITY**

The village board's responsibility for administration of the investment program is delegated to the Treasurer who shall establish written procedures for the operation of the investment program consistent with these investment guidelines. Such procedures shall include an adequate internal control structure to provide a satisfactory level of accountability based on a data base or records

incorporating description and amounts of investment, transaction dates, and other relevant information and regulate the activities of subordinate employees.

#### **IV. PRUDENCE**

All participants in the investment process shall seek to act responsibly as custodians of the public trust and shall avoid any transaction that might impair confidence in the Village to govern effectively.

Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the safety of the principal as well as the probable income to be derived.

All participants involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program, or which could impair their ability to make impartial investment decisions.

#### **V. DIVERSIFICATION**

It is the policy of the Village to diversify its deposits and investments by financial institution, by investment instrument, and by maturity scheduling.

#### **VI. INTERNAL CONTROLS**

The Treasurer is responsible for establishing and maintaining an internal control structure to provide reasonable, but not absolute, assurance that deposits and investments are safeguarded against loss from unauthorized use or disposition, that transactions are executed in accordance with management's authorization and recorded properly, and is managed in compliance with applicable laws and regulations.

#### **VII. DESIGNATION OF DEPOSITARIES**

The banks and trust companies authorized for the deposit of monies shall be designated annually at the April Board of Trustee meeting.

#### **VIII. COLLATERALIZING OF DEPOSITS**

In accordance with the provisions of General Municipal Law, §10, all deposits of Village, including certificates of deposit and special time deposits, in excess of the amount insured under the provisions of the Federal Deposit Insurance Act shall be secured:

1. By a pledge of "eligible securities" with an aggregate "market value", or provided by General Municipal Law, §10, equal to the aggregate amount of deposits from the categories designated **Appendix A** to the policy.
2. By an eligible "irrevocable letter of credit" issued by a qualified bank other than the bank with the deposits in favor of the government for a term not to exceed 90 days with an aggregate value equal to 140% of the aggregate amount of deposits and the agreed upon interest, if any. A qualified bank is one whose commercial paper and other unsecured short-term debt obligations are rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization or by a bank that is in compliance with applicable federal minimum risk-based capital requirements.

3. By an eligible surety bond payable to the government for an amount at least equal to 100% of the aggregate amount of deposits and the agreed upon interest, if any, executed by an insurance company authorized to do business in New York State, whose claims-paying ability is rated in the highest rating category by at least two nationally recognized statistical rating organizations. The terms and conditions of any eligible surety shall be approved by the governing board.
4. An "irrevocable letter of credit" issued in favor of the government by a federal home loan bank whose commercial paper and other unsecured short-term debt obligations are rated in the highest rating category by at least one nationally recognized statistical rating organization, as security for the payment of 100 percent of the aggregate amount of deposits and the agreed-upon interest, if any.

#### **IX. SAFEKEEPING AND COLLATERALIZATION**

Eligible securities used for collateralizing deposits shall be held by the bank or trust company subject to security and custodial agreements.

The security agreement shall provide that eligible securities are being pledged to secure Village deposits together with agreed upon interest, if any, and any costs or expenses arising out of the collection of such deposits upon default. It shall also provide the conditions under which the securities may be sold, presents for payment, substituted or released and the events which will enable the Village to exercise its rights against the pledged securities. In the event that the securities are not registered or inscribed in the name of the Village, such securities shall be delivered in a form suitable for transfer.

The custodial agreement shall provide that securities held by the bank, or trust company, or agent of and custodian for, the Village, will be kept separate and apart from the general assets of the custodial bank or trust company and will not, in any circumstances, be commingled with or become part of the backing for any other deposit or other liabilities. The agreement should also describe that the custodian shall confirm the receipt, substitution or release of securities. The agreement shall provide for the frequency of revaluation of eligible securities and for the substitution of securities when a change in the rating of a security may cause ineligibility. Such agreement shall include all provisions necessary to provide the Village a perfected interest in the securities.

#### **X. PERMITTED INVESTMENTS**

As authorized by General Municipal Law, §11, the Village authorizes the Treasurer to invest monies not required for immediate expenditure for terms not to exceed its projected cash flow needs in the following types of investments:

- Special time deposit accounts;
- Certificate of deposit;
- Obligations of the United States of America;
- Obligations guaranteed by agencies of the United States of America where the payment of principal and interest are guaranteed by the United States of America;
- Obligations of the State of New York;



- Obligations of the Village, but only with monies in a reserve fund established pursuant to GML, §6-c, 6-d, 6-e, 6-g, 6-h, 6-j, 6-k, 6-l, 6-m, or 6-n.

All investment obligations shall be payable or redeemable at the option of the Village within such times as the proceeds will be needed to meet expenditures for purposes for which the monies were provided and, in the case of obligations purchased with the proceeds of bonds or notes, shall be payable or redeemable at the option of the Village within two years of the date of purchase.

#### **XI. AUTHORIZED FINANCIAL INSTITUTIONS AND DEALERS**

All financial institutions with which the Village conducts business must be credit worthy. Banks shall provide their most recent Consolidated Report of Condition (Call Report) at the request of the Village. Security dealers not affiliated with a bank shall be required to be classified as reporting dealers affiliated with the New York Federal Reserve Bank, as primary dealers. The Village is responsible for evaluating the financial position and maintaining a listing of proposed depositaries, trading partners and custodians. Such listing shall be evaluated at least annually.

#### **XII. PURCHASE OF INVESTMENTS**

All purchased obligations, unless registered or inscribed in the name of the Village, shall be purchased through, delivered to and held in the custody of a bank or trust company. Such obligations shall be purchased, sold or presented for redemption or payment by such bank or trust company only in accordance with prior written authorization from the officer authorized to make the investment. All such transactions shall be confirmed in writing to the Village by the bank or trust company. Any obligation held in the custody of a bank or trust company shall be held pursuant to a written custodial agreement as described in General Municipal Law, §10.

The custodial agreement shall provide that securities held by the bank or trust company, as agent of and custodian for, the Village, will be kept separate and apart from the general assets of the custodial bank or trust company and will not, in any circumstances, be commingled with or become part of the backing for any other deposit or other liabilities. The agreement shall describe how the custodian shall confirm the receipt and release of the securities. Such agreement shall include all provisions necessary to provide the Village a perfected interest in the securities.

### **APPENDIX A Schedule of Eligible Securities**

1. Obligations issued, or fully insured or guaranteed as to the payment of principal and interest, by the United States of America, an agency thereof or a United States government sponsored corporation.
2. Obligations issued or fully guaranteed by the International Bank for Reconstruction and Development, the Inter-American Development Bank, the Asian Development Bank, and the African Development Bank.
3. Obligations partially insured or guaranteed by any agency of the United States of America, at a proportion of the Market Value of the obligation that represents the amount of the insurance or guaranty.

4. Obligations issued or fully insured or guaranteed by the State of New York, obligations issued by a municipal corporation, school district or district corporation of such State or obligations of any public benefit corporation which under a specific State statute may be accepted as security for deposit of public monies.
5. Obligations issued by states (other than the State of New York) of the United States rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization.
6. Obligations of Puerto Rico rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization.
7. Obligations of counties, cities and other governmental entities of a state other than the State of New York having the power to levy taxes that are backed by the full faith and credit of such governmental entity and rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization.
8. Obligations of domestic corporations rated in one the two highest rating categories by at least one nationally recognized statistical rating organization.
9. Any mortgage related securities, as defined in the Securities Exchange Act of 1934, as amended, which may be purchased by banks under the limitations established by bank regulatory agencies.
10. Commercial paper and bankers' acceptances issued by a bank, other than the bank, rated in the highest short-term category by at least one nationally recognized statistical rating organization and having maturities of no longer than 60 days from the date they are pledged.
11. Zero coupon obligations of the United States government marketed as "Treasury strips".

- Oath of Office for Elected Officials (Given by the Village Clerk):

I, \_\_\_\_\_, do solemnly swear that I will support the constitution of the United States, and the constitution of the State of New York, and that I will faithfully discharge the duties of the office of \_\_\_\_\_, according to the best of my ability.

- Appointments (Given by the Mayor and the Board members vote):

Can I have a motion to appoint \_\_\_\_\_ for \_\_\_\_\_ on the  
(Name) (Title)  
\_\_\_\_\_ for a term of \_\_\_\_\_ years.  
(Board/Committee) (Number)

Motioned by, \_\_\_\_\_, Seconded by, \_\_\_\_\_, so carried.

**VILLAGE OF BRIARCLIFF MANOR**  
**BOARD OF TRUSTEES**  
**RULES OF PROCEDURE**

Pursuant to New York Village Law §4-412(2), but subject to the other provisions of New York Law and the Village of Briarcliff Manor Code, the following rules of procedure are adopted and shall govern the meetings of the Board of Trustees of the Village of Briarcliff Manor:

**PART A: MEETINGS**

**SECTION A1 - Regular Meetings**

The Board of Trustees generally will hold regular meetings on the 1<sup>st</sup> and 3<sup>rd</sup> Wednesday of each month. Such regular meetings shall commence at 8:00PM and be conducted in the Courtroom at the Municipal Building. Any deviation from this schedule shall be determined by the Board of Trustees.

**SECTION A2 - Special Meetings**

Special Meetings of the Board of Trustees are all those Board meetings other than regular meetings. A special meeting may be called by the Mayor or a majority of the Board of Trustees upon notice to the entire Board. Notice shall be given in accordance with law.

**SECTION A3 - Executive Sessions**

Executive Sessions shall be held in accordance with the New York State Public Officers Law §105. All executive sessions shall be commenced in a public meeting. (Appendix I Executive Session Policy)

**SECTION A4 – Work Sessions**

Work Sessions of the Board of Trustees are those Board meetings scheduled to discuss upcoming agenda items or other matters as may be determined by the Mayor or three (3) members a of the Board. These meeting are open to the public, however comments from the public will be allowed in the discretion of the Mayor or a majority of the Board present. A Work Session will precede the regularly scheduled meetings beginning at 7:00pm and an additional Work Session will be held on the 4<sup>th</sup> Wednesday of every month at 7:00pm. Notice shall be given in accordance with law.

## **PART B: POLICIES**

### **SECTION B1 - Quorum**

A quorum of the Board of Trustees shall be required to conduct business. A quorum of the five (5) member Board shall be three (3). In the absence of a quorum, a lesser number may adjourn and compel the attendance of absent members.

### **SECTION B2 - Voting**

Pursuant to Village Law each member of the Board of Trustees shall have one vote. The Mayor may vote on any matter and must vote in case of a tie. The affirmative vote of three (3) members of the Board is necessary to pass a matter unless otherwise specified by New York State Law.

A vote upon any question shall be taken by ayes and nays, and shall be entered in the minutes.

### **SECTION B3 - Agendas**

The agenda shall be prepared by the Village Clerk by Friday preceding the Wednesday meeting. The Mayor or any Trustee may have an item placed on the agenda by giving the same to the Village Manager the Friday morning before the Wednesday meeting. However, an item may be placed on the agenda at anytime, including during the meeting, by consent of a majority of the Board. If necessary a supplemental agenda shall be distributed at the beginning of the meeting.

### **SECTION B4 - Order of Business**

The order of business shall be:

- Call to order
- Public Hearings
- Board of Trustees Announcements
- Village Manager's Report and Updates
- Public Comments
- Resolutions
- Approval of Minutes
- Adjournment

The order of business need not be followed if the Mayor determines that it is appropriate to deviate.

## **SECTION B5 - Adjournment**

Meetings shall be adjourned by motion and majority vote.

## **SECTION B6 - Minutes**

Minutes at all Board of Trustee meetings shall be the responsibility of the Village Clerk, who with Board of Trustee approval may employ the services of a person to take minutes. Minutes of an open meeting shall consist of a record or summary of all motions, proposals, resolutions and any other matter formally voted upon and the vote thereon. Minutes of an executive session shall be taken of any action that is taken by formal vote and shall consist of a record or summary of the final determination of such action and the vote thereon; provided, however, that such summary need not include any matter which is not required to be made public by the New York State Freedom of Information Law.

Minutes shall also include the following:

- Name of the Board;
- Date, place and time of meeting;
- Notation of presence or absence of Board members and time of arrival or departure if different from time of call to order and adjournment.
- Name and title of other village officials and employees present in an official capacity.
- Record of communications presented to the Board.
- Record of reports made by Board or other village personnel.
- Time of adjournment.
- Name of Village Clerk or person who took the minutes.

Minutes need not contain a summary of the discussion leading to action taken or include verbatim comments unless a majority of the Board resolves to have the Clerk do so. Minutes shall be considered for approval at the next Board meeting after the minutes are received by the Village Clerk.

## **PART C: RULES AND PROCEDURES**

### **SECTION C1 - General Rules of Procedure**

The Mayor shall preside at meetings of the Board of Trustees. In the Mayor's absence the Deputy Mayor shall preside. The presiding officer may debate, move and take other action that may be taken by other members of the Board.

Board members are not required to rise but must be recognized by the presiding officer before making motions and speaking. A member, once recognized shall not be interrupted when speaking unless it is to call the member to order. If a member, while speaking, be called to order, he or she shall cease speaking until the question of order is determined, and, if in order, he or she shall be permitted to proceed.

There is no limit to the number of times a member may speak on a question.

Motion to close or limit debate may be entertained but shall require the affirmative vote of three (3) members of the Board.

Procedural questions which are not governed by New York State law or the Village Code or addressed in these Rules of Procedure shall be determined in accordance with *Robert's Rules of Order*.

## **SECTION C2 - Guidelines for Public Comment**

The public shall be allowed to speak only during Public Hearings, Public Comment periods, on Board of Trustees agenda items, or such other times as the presiding officer shall allow.

Speakers must be recognized by the presiding officer.

Speakers must step to the front of the room and speak into the microphone or at the lectern should one be provided. Speakers are not to approach the dais without invitation and are directed to make their remarks from the microphone or lectern.

Speakers must give their name, address and organization represented, if any.

No items or documents may be placed on the dais or presented to the Board unless either authorization is requested and granted by the presiding officer or a Board member specifically requests to see an item. All items for presentation that are granted authorization or requested by a Board member shall be presented to the Village Clerk who shall pass it the Board.

There shall be no time limit for remarks during a public hearing, however, remarks must relate directly to the public hearing topic. During the Public Comment portion of the agenda, speakers must limit their remarks to four (4) minutes, and may be recognized again by the presiding officer after other speakers have had an opportunity to speak. On Board of Trustees agenda items, speakers must limit their remarks to one and one-half (1 ½) minutes and the remarks must relate directly to the specific agenda item under discussion at that time by the Board of Trustees.

Speakers may not yield any remaining time they may have to another speaker.

Board members may, with the permission of the presiding officer, interrupt a speaker during the speaker's remarks, but only for the purpose of clarification or information.

All remarks shall be addressed to the presiding officer.

Board members may respond to questions or comments at their discretion.

Speakers shall observe the commonly accepted rules of courtesy, decorum, dignity and good taste and shall not use foul language, display unacceptable behavior, or be disruptive of the proceedings.

A buzzer or other alarm will sound to indicate that a speaker's four (4) minute time limit for Public Comment or one and one half (1 ½) minute time limit for an agenda item has been reached. Upon being notified by the presiding officer that his or her time limit has been reached, a speaker shall cease speaking, leave the microphone or lectern, if one is provided, and return to his or her seat unless a Board member requests him or her to remain to address a question of the Board member.

Interested parties or their representatives may address the Board with written communications. Written communications shall be delivered to the Village Manager or Village Clerk. Speakers may not read written communications verbatim but should summarize their contents.

The presiding officer may modify these guidelines if warranted.

### **SECTION C3 - Use of Recording Equipment**

All members of the public and all public officials are allowed to photograph and tape or video record public meetings so long as the photography or recording is done in a manner which does not interfere with the meeting. Neither photography nor recording is allowed during executive sessions. The presiding officer may make the determination that the photography or recording is being done in a manner that interferes with the meeting after taking into consideration attendant movement and activity, distance from the deliberations of the Board, noise, size of equipment, ability of the public to participate in the meeting notwithstanding the photography or recording, and any other pertinent factor. In the use of photographic or video recording no flashes or other supplementary lighting equipment may be used beyond that of existing ambient lighting of the room. If the presiding officer makes the determination that the photography or recording is interfering with the meeting, the presiding officer may request an accommodation to avoid the interference and if not sufficient or complied with, order the photography or recording to be stopped.



## **SECTION C4 - Amendments to the Rules of Procedure**

The foregoing procedures may be amended from time to time by the affirmative vote of three (3) members of the Board.

## **SECTION C5 - Executive Session Policy**

It is the policy of the Board of Trustees of the Village of Briarcliff Manor to conduct Village business in an open fashion and to make available as much information as may legally and practically be disseminated.

The New York Open Meetings Law authorizes the Board to conduct business in executive session in a number of areas. These include:

1. matters which will imperil the public safety if disclosed;
2. matters which may disclose the identity of a law enforcement agent or informer;
3. information relating to criminal investigations which would imperil effective law enforcement if disclosed;
4. discussions relating to proposed, pending or current litigation;
5. collective bargaining negotiations;
6. personnel matters relating to particular individuals; and
7. the proposed acquisition, sale, or lease of real property or securities when disclosure would substantially affect the value.

The Board recognizes that it is authorized to use executive sessions in these and other situations, but will do so with restraint.

To maintain confidentiality and to encourage the uninhibited discussion of the subject matter in Executive Session, all statements made and positions taken by all participants must remain confidential and may not be disclosed by any participant unless and until disclosure is authorized by affirmative vote of three members of the Board.

It has been and continues to be the practice of the Board that all members of the Board, acting together, come to agreement by consensus on the specific information which

is to be released to the public, the suitable vehicle for reporting that information, and the timing of the reporting.

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Originally adopted by the Board of Trustees at its Organizational Meeting on April 7, 2005 and amended on July 20, 2006, April 9, 2007 and November 5, 2009.

## **Policies and Procedures for Advisory and Ad-hoc Committees**

### Formation of new committees:

- A title and mission statement will be developed for any proposed committee and formally approved and established by the Board of Trustees.
- Such committees are constituted by, serve at the pleasure of, and report to the Board of Trustees.
- The formation of any new committee will be announced in a public meeting, the newsletter and posted on the web and scroll.
- Committees' information, findings, conclusions and recommendations where requested, will be considered advisory rather than binding by the Board of Trustees. The Board of Trustees at all times retains its rights to exercise final decisions in the governance of the Village.

### Composition

- Committee membership will be limited to a workable odd number.
- One member will be a representative from the Board of Trustees. The Mayor shall be an ex officio member of all committees with the right to make motions, speak and vote, and when present shall be counted in determining a quorum.
- Membership on committees will be representative of the community.
- Village residents, village business people, village property owners, and residents of the 10510 zip code may serve on ad hoc committees.
- The BOT shall appoint a new member within one month to fill the unexpired term of a committee member.

### Operations

- Quorum: A quorum of any committee is a simple majority of the members appointed. A quorum must be present to conduct business.
- Structure: All committees will have a chair, vice-chair and secretary who will be responsible for meeting minutes. Committee members' names and village-generated e-mail addresses will be posted on the web.
- Attendance and Participation: The obligation is to attend committee meetings. Any member who is absent for three consecutive meetings, without providing reasonable cause to the Chair, will be deemed to have resigned. Committees are working committees; all members are expected to be prepared for the meeting and participate actively.
- Meetings:
  - Committee meetings will start promptly at the time for which they were called.
  - A committee will strive for consensus. If it cannot achieve consensus, it shall act by a simple majority of the members.

- All deliberations will be conducted in an open, respectful and inclusive manner.
- Meeting Notification: Advance notice, including an agenda, will be given for all meetings. Notices about committee work will be posted on the web site.
- Meeting Minutes: Written minutes will be taken at all committee meetings. Minutes may follow a standard template including the time, date and location of meeting, who attended, the topic of discussion, and any action taken.
- Non-members may submit their views and comments on committee activities via e-mail or written correspondence. Committees will not be required to respond to public comments.
- Discharge: Members may be discharged from a committee by the Board of Trustees as a result of the village's conflict of interest policy, lack of attendance, misconduct or resignation.
- Reports and Public Statements: An annual report from the committee shall be submitted to the BOT by the end of February. Any committee report, including summary recommendations and the annual report, is to be presented first to the BOT prior to public presentation of same.
- Volunteerism: Committee members shall serve without remuneration, but will be reimbursed for "out of pocket" expenses incurred in performing their duties. These expenses must be preauthorized by the Village Manager or designate. Village staff will provide committees with such public information, clerical assistance and other help as necessary for them to conduct their work.
- Draft Documents: Draft documents, including minutes and all committee reports, are confidential until formally approved by a majority of the committee. No draft documents should be retained in committee files. Public distribution of draft documents or any committee report prior to adoption by the committee shall be grounds for dismissal.