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**AGENDA**  
**MAY 4, 2016**  
**BOARD OF TRUSTEES**  
VILLAGE OF BRIARCLIFF MANOR, NEW YORK  
REGULAR MEETING – 8:00 PM

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**Board of Trustees Announcements**

**Village Managers Report**

**Public Comments**

1. Downtown Urban Design and Planning Study and Pace University Re-Use Study Presentation by Sarah Yackel of Buckhurst, Fish & Jacquemart
2. Appoint Village Counsel
3. Award of Bid – Athletic Field Maintenance Services
4. Fire Department Memberships
5. Minutes
  - March 2, 2016 – Regular Meeting
  - March 16, 2016 – Regular Meeting
  - April 6, 2016 – Organizational Meeting
  - April 6, 2016 – Regular Meeting

**NEXT REGULAR BOARD OF TRUSTEES MEETING – MAY 18, 2016**

VILLAGE OF BRIARCLIFF MANOR  
BOARD OF TRUSTEES AGENDA  
MAY 4, 2016

**2. APPOINTMENT OF VILLAGE COUNSEL**

BE IT RESOLVED, that the Board of Trustees of the Village of Briarcliff Manor hereby appoints Clinton Smith as Village Counsel for a term to expire on the first Monday of April 2017.

VILLAGE OF BRIARCLIFF MANOR  
BOARD OF TRUSTEES AGENDA  
MAY 4, 2016

**3. AWARD OF BID –ATHLETIC FIELD TURF MAINTENANCE SERVICES**

WHEREAS the Village received 4 qualified bids for the Athletic Field Turf Maintenance Services Project; and

WHEREAS funding for this project will be charged to A7110.460; and

NOW, THEREFORE, BE IT RESOLVED that the bid for the Athletic Field Turf Maintenance Services Project is hereby awarded to the lowest responsible bidder Tri Turf Inc. with their bid proposal of \$27,500 per year with a three year total of \$82,500; and

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



*Ed + Robin*

MEMORANDUM

April 19, 2016

To: Philip E. Zegarelli – Village Manager

*(P2)*

From: David J. Turiano, P.E. *DAVID TURIANO*

Re: **Athletic Field Turf Maintenance Services – Club Field**

*Am't per year is less than budget.  
Q: go to BOT or not.*

Proposals were received on April 14, 2016 at 11:00 a.m. for the above referenced project. Present at the bid opening were Christine Dennett, Village Clerk, and Kyle Peterson of the Recreation Department. Work includes but is not limited to, Soil testing, Fertilization/insect control, Nutrient management, Aeration, Topdressing & Winter over-seeding at the Club Field

This project was bid on an item/quantity basis for each of the following fiscal years: 2016/2017, 2017/2018, 2018/2019. Four proposals were received from vendors known to perform this type of work.

Bidder	Yr.1 Bid Amount	Total (3Yrs)
Ballard Construction, Inc.	\$46,070.00	\$138,210.00
Landtek Group, Inc.	\$35,730.00	\$110,435.00
Tri Turf Inc.	\$27,500.00	\$ 82,500.00
Athletic Field Services, LLC (AFS)	\$36,750.00	\$140,513.32

The lowest bidder for this work is Tri Turf Incorporated of Shoreham, New York, with a total bid price of Eighty Two Thousand Five Hundred dollars (\$82,500.00) over three (3) years, or 27,500 for each of the three (3) years.

Reference checks were performed on the low bidder. The checks include speaking to representatives from the Chappaqua School District, Edgemont School District and the North Shore Long Island School District. In each instance Tri-Turf performed similar turf maintenance services and were well recommended. It should be noted that Tri-Turf has provided certain turf maintenance treatments for the Village at McCrum Field that were very successful.

In addition to fertilization and other applications, a significant portion of the work includes "mechanical treatments" such as core-aeration and deep-tine spiking. In this regard, Tri-Turf is an industry leader as they own and operate specialty equipment to perform such work.

Based on the above, it is my recommendation that the Village award the three year contract to Tri Turf Inc. of Shoreham, NY with a total bid price of Eighty Two Thousand Five Hundred dollars (\$82,500.00).

Please note that the adopted budget for FY 2016/2017 includes \$33,000 in code A7110.460

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

VILLAGE OF BRIARCLIFF MANOR  
BOARD OF TRUSTEES AGENDA  
MAY 4, 2016

**4. FIRE DEPARTMENT MEMBERSHIPS**

BE IT RESOLVED, that the Board of Trustees of the Village of Briarcliff Manor hereby approves the membership of **Max L. Mason** to the Briarcliff Manor Hook & Ladder Company.

BE IT RESOLVED, that the Board of Trustees of the Village of Briarcliff Manor hereby approves the under 18 membership of **Adrian Bugnacki** to the Briarcliff Manor Hook & Ladder Company.

# Briarcliff Manor Fire Department

1111 Pleasantville Road  
Briarcliff Manor, NY 10510

Office of the Chief



DENNIS L. REILLY, CHIEF  
ROBERT M. GARCIA, 1<sup>st</sup> Asst. Chief  
PETER J. FULFREE, 2<sup>nd</sup> Asst. Chief

Emergency 911  
Chief's Office (914) 941-0879  
Fax (914) 944-2758

E-mail: [fdchief@briarcliffmanor.org](mailto:fdchief@briarcliffmanor.org)

DATE: March 31, 2016

TO: Christine Dennett, Village Clerk  
Briarcliff Manor Board of Trustee's

FROM: Chief Dennis Reilly – Briarcliff Manor Fire Department

SUBJECT: NEW MEMBER – Request for Village Approval

Honorable Mayor and Trustees;

Max L. Mason, born February 11, 1995 and residing at 25 Satinwood Lane, Briarcliff Manor, NY has applied for membership in the Briarcliff Manor Fire Department.


The applicant listed above, has been vetted by the Hook & Ladder Membership Committee and determined to meet the criteria set forth by the Briarcliff Manor Fire Department.

FURTHERMORE, the Chief of Department has performed an Arson Background Check on said member who has been found to have NO record of Arson Conviction.

The Chief of Department Requests that the Village of Briarcliff Board of Trustee's approve the application set before you and send such confirmation to **Chief's Office** at your earliest convenience.

Thank you for your assistance.

  
Dennis L. Reilly  
Chief of Department

  
Secretary - Hook & Ladder

  
Village Clerk - Christine Dennett

Dated: March 31, 2016

  
Dated

  
Dated

# Briarcliff Manor Fire Department

1111 Pleasantville Road  
Briarcliff Manor, NY 10510

Office of the Chief



DENNIS L. REILLY, CHIEF  
ROBERT M. GARCIA, 1<sup>st</sup> Asst. Chief  
PETER J. FULFREE, 2<sup>nd</sup> Asst. Chief

Emergency 911  
Chief's Office (914) 941-0879  
Fax (914) 944-2758  
E-mail: fdchief@briarcliffmanor.org

DATE: March 7, 2016  
TO: Christine Dennett, Village Clerk  
Briarcliff Manor Board of Trustee's  
FROM: Chief Dennis Reilly - Briarcliff Manor Fire Department  
SUBJECT: NEW MEMBER - Request for Village Approval

Honorable Mayor and Trustees;

Adrian Bugnacki, born April 10, 1999 and residing at 902 Pleasantville Road, Briarcliff Manor, NY has applied for membership in the Briarcliff Manor Fire Department.

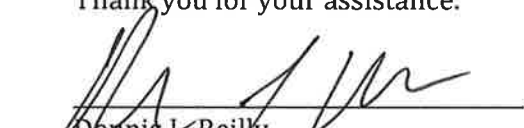
The applicant listed above, has been vetted by the Hook & Ladder Membership Committee and determined to meet the criteria set forth by the Briarcliff Manor Fire Department.

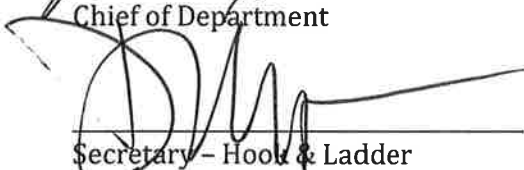
FURTHERMORE, the Chief of Department has performed an Arson Background Check on said member who has been found to have NO record of Arson Conviction.

The Chief of Department Requests that the Village of Briarcliff Board of Trustee's approve the application set before you and send such confirmation to **Chief's Office** at your earliest convenience.

FURTHERMORE, the Chief of Department has met with the Parent(s) of the applicant, who has signed and certified the Consent and Release Form for the Applicant. The Chief of Department Requests that the Village of Briarcliff Board of Trustee's approve the application set before you and send such confirmation to **Chief's Office** at your earliest convenience

Thank you for your assistance.


  
Dennis L. Reilly  
Chief of Department

  
Secretary - Hook & Ladder

  
Village Clerk - Christine Dennett

Dated: March 7, 2016

  
Dated

  
Dated





# BRIARCLIFF MANOR FIRE DEPARTMENT

1111 Pleasantville Rd, Briarcliff Manor, NY 10510

## UNDER 18 NEW APPLICANT

### PARENTAL CONSENT AND RELEASE FORM

FOR OFFICE USE

MEMBER ID # \_\_\_\_\_

We, the parents or legal guardians of \_\_\_\_\_, (hereinafter known as the "applicant") are aware that the applicant wishes to join the Briarcliff Manor Fire Department (hereinafter known as the "Department"). We understand that this signed consent by the parents or legal guardians and the applicant is required as a prerequisite of the applicant's acceptance into membership in the Department because the applicant has not yet attained 18 years of age.

We understand that membership in the Department is an inherently hazardous undertaking.

We understand that the applicant will be required to attend such training courses as are required by the Chief of the Department, and will become familiar with, and adhere to, the bylaws of the department.

We understand that the applicant will be subject to the orders of the Departmental Chiefs and Officers of the company to which the applicant is assigned, both in the firehouse and at all alarms.

We have been provided with and have read and fully understand the Rules and Regulations governing activities permitted for members of the Department that are under 18 years of age.

By signing a copy of this consent and release form, we hereby acknowledge that, pursuant to section 19 of the volunteer firefighters benefit law, the benefits provided by the volunteer firefighters benefit law shall be the exclusive remedy of the applicant, or his or her spouse, parents, dependents, next of kin, executor or administrator, or anyone otherwise entitled to recover damages, at common law or otherwise, for or on account of an injury to the applicant in the line of duty or death resulting from an injury to the applicant in the line of duty, as against the Village of Briarcliff Manor, its employees or agents, and any person or agency acting under governmental or statutory authority in furtherance of the duties or activities in relation to which any such injury resulted.

This consent and release form must be signed by the applicant and parents or guardians of the applicant and all signatures must be notarized.

### **SIGNATURES MUST BE WITNESSED BY A NOTARY PUBLIC**

Parent/Guardian 1 - PRINT NAME

JOANNA EVERETT

Parent/Guardian 1 - SIGN NAME

[Signature]

2/6/2016

Parent/Guardian 2 - PRINT NAME

MARIE BIGNACCHIO

Parent/Guardian 2 - SIGN NAME

[Signature]

2/6/2016

Applicant - PRINT NAME

Adrian Bignacchio

Applicant - SIGN NAME

[Signature]

2/6/2015

APPLICANT NAME: Adrian Bugnathi

MEMBER ID# \_\_\_\_\_

**PARENT/GUARDIAN 1**

(STATE OF NEW YORK )

(COUNTY OF WESTCHESTER )ss.:

On the 6 day of July in the year 2016, before me the undersigned, personally appeared

Juanne Elert, personally known to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s) or the person on behalf of which the individual(s) acted executed the instrument.

ALISSA L T GRANT  
Notary Public - State of New York  
NO. 01GR6263462  
Qualified in Westchester County  
My Commission Expires 6-11-16

[Signature]  
Notary Public

**PARENT/GUARDIAN 2**

(STATE OF NEW YORK )

(COUNTY OF WESTCHESTER )ss.:

On the 6 day of July in the year 2016, before me the undersigned, personally appeared

MARCEL BUGNATHI, personally known to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s) or the person on behalf of which the individual(s) acted executed the instrument.

ALISSA L T GRANT  
Notary Public - State of New York  
NO. 01GR6263462  
Qualified in Westchester County  
My Commission Expires 6-11-16

[Signature]  
Notary Public

**APPLICANT**

(STATE OF NEW YORK )

(COUNTY OF WESTCHESTER )ss.:

On the 6 day of July in the year 2016, before me the undersigned, personally appeared

Adrian Bugnathi, personally known to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s) or the person on behalf of which the individual(s) acted executed the instrument.

ALISSA L T GRANT  
Notary Public - State of New York  
NO. 01GR6263462  
Qualified in Westchester County  
My Commission Expires 6-11-16

[Signature]  
Notary Public

VILLAGE OF BRIARCLIFF MANOR  
BOARD OF TRUSTEES AGENDA  
MAY 4, 2016

**5. MINUTES**

- March 2, 2016 – Regular Meeting
- March 16, 2016 – Regular Meeting
- April 6, 2016 – Organizational Meeting
- April 6, 2016 – Regular Meeting

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 2<sup>nd</sup> of March, 2016 commencing at 8:00 p.m.

**Present**

Lori A. Sullivan, Mayor  
Mark Pohar, Deputy Mayor  
Cesare DeRose, Jr. Trustee  
Mark L. Wilson, Trustee  
Bryan Zirman, Trustee

**Also Present**

Philip Zegarelli, Village Manager  
Christine Dennett, Village Clerk  
Clinton Smith, Village Counsel

**Board of Trustees Announcements by Trustee Wilson**

- The Board welcomed Troop 18 of Briarcliff to the meeting.
- The Library has many upcoming programs and events. Visit their website for more information.
- In February the Fire Department had 32 calls and 38 EMS calls.
- Narcan is now on the ambulances.
- Ossining is covering the EMT services
- Day camp dates are set for 2016
- A multi-sport camp will be offered.
- The Recreation Spring brochure will be out shortly.
- All residents are encouraged to sign up for the weekly email blast. Contact Village Clerk to be added. Keep yourself informed.

**Village Managers Report by Village Manager Zegarelli**

- Law Park update: The roof was demolished and the bathhouse level will begin soon and will be open for Memorial Day.
- The Recreation Advisory Committee will hold a meeting to get input on the Pavilion rebuild on March 29<sup>th</sup> at 7:30pm.
- The Community Center walls are being enclosed and the staircase should be delivered soon.
- The Pump Station and Comfort Station testing is underway.
- March 15, 2016 is the Annual Village Election at the Youth Center from 6am-9pm.

- A meeting will be held in Pleasantville on March 7<sup>th</sup> at 7pm regarding the work on the Saw Mill River Parkway.
- The new Treasurer, Ed Ritter started on February 22<sup>nd</sup>.
- Sonja Goldstein-Suss is retiring from the Village. Thank you to her for all her years of hard work.

### **Public Comments**

There were no public comments.

### **Authorize Village Manager to Execute a Professional Services Agreement with Buckhurst, Fish and Jacquemart for Planning Consulting Services**

The Board requested Village Manager Zegarelli reach out to Pace to see if there are any other proposed uses or buyers.

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

BE IT RESOLVED that the Village Manager is hereby authorized and directed to execute on behalf of the Village a Professional Services Agreement with Buckhurst, Fish and Jacquemart for Planning Consulting Services to prepare a Pace University Re-Use Study and a Downtown Urban Design and Planning Study as per their proposals totaling \$12,000.

### **Amend Master Fee Schedule Recreation**

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

BE IT RESOLVED that the Board of Trustees does hereby amend the Master Fee Schedule for the Village of Briarcliff Manor as follows:

**MASTER FEE SCHEDULE - RECREATION SUMMER FEES 2016**

DEPARTMENT	TYPE OF APPLICATION LICENSE OR PERMIT	DESCRIPTION	PROPOSED	EXISTING	
<b>RECREATION</b>	Adult Tennis Lessons	AM & PM for Beg./Adv. Beg./intermed./Advanced	160	150	
	Youth Tennis Lessons	Afternoon Group Lessons for various levels	160	150	
	<b>Summer Day Camp Programs -ALL CAMP FEES FOR OUT OF VILLAGE, BMUFS&amp;D APPLICANTS, WILL BE AN ADDITIONAL 25% ON PROPOSED FEES</b>				
			Resident Fee	Eligible Non-Residents -20%	
	Tree Camp	Day Camp Program for children entering grades K - 1 (Full day requires pool permit in addition to camp fee)			
	Half Day - entire 5 weeks		630	700	600 / 730
	Half Day -any 4 weeks		840	875	810 / 840
	Half Day -any 3 weeks		440	580	415 / 520
	Full Day - entire 5 weeks		960	1200	915 / 1145
	Full Day -any 4 weeks		810	1015	770 / 985
Full Day -any 3 weeks		680	815	615 / 770	
<b>Super Camp</b>					
Day Camp Program for children entering grades 2-3 (Requires pool permit in addition to camp fee)					
Remove 4th Grades					
ELIMINATE 1/2 DAY OPTION - Delete	Half Day - entire 5 weeks		600	750	Eliminate
No one chooses these!	- Delete Half Day -any 4 weeks		510	640	Eliminate
	- Delete Half Day -any 3 weeks		415	520	Eliminate
	- Delete Full Day - entire 5 weeks		960	1,200	Eliminate
	Full Day - entire 5 weeks		960	1200	915 / 1145
	Full Day -any 4 weeks		810	1015	770 / 985
	Full Day -any 3 weeks		650	815	615 / 770
<b>Camp Adventure</b>					
Day Camp Program for children entering grades 4 - 6 (Requires pool permit in addition to camp fee)					
Add 4th Grades					
ELIMINATE 1/2 DAY OPTION - Delete	Half Day - entire 5 weeks		770	965	Eliminate
No one chooses these!	- Delete Half Day -any 4 weeks		650	850	Eliminate
	- Delete Half Day -any 3 weeks		510	640	Eliminate
	- Delete Full Day - entire 5 weeks		800	1000	Eliminate
	Full Day - entire 5 weeks		950	1235	945 / 1180
	Full Day -any 4 weeks		840	1050	800 / 1000
	Full Day -any 3 weeks		630	850	645 / 810
<b>Multi-Sport Camp</b>					
Sports Camp Program for children entering grades 4 - 6 (Requires pool permit in addition to camp fee)					
NEW for 2016	Full Day - entire 5 weeks		960	1200	New Program
	Full Day -any 4 weeks		810	1015	New Program
	Full Day -any 3 weeks		650	815	New Program
<b>Camp Horizon</b>					
Day Camp Program for children entering grades 7 - 9					
	Half Day Plus - entire 5 weeks		1100	1375	1050 / 1315
	Half Day Plus -any 4 weeks		980	1190	980 / 1125
	Half Day Plus -any 3 weeks		880	1000	765 / 980
NEW for 2016	Non-Resident Family Pool - limited to 25 families		920		New Permit Type

**Schedule a Public Hearing for a Local Law to Amend Chapter 54 with Respect to Residency Requirements for Appointed Officers and for the Police Chief and Lieutenant**

Upon motion by Deputy Mayor Pohar, seconded by Trustee Zirman, the Board voted unanimously to approve the following resolution as amended:

BE IT RESOLVED that a Public Hearing is hereby scheduled for the April 6, 2016 at 8:00pm Board of Trustees meeting to hear and discuss a proposed local law to amend Chapter 54 of the Code of the Village of Briarcliff Manor with respect to Residency Requirements for Appointed Officers and the Police Chief and Lieutenants.

**Fire Department Membership – Rodriguez**

The Board thanked Mr. Rodriguez for volunteering.

Upon motion by Trustee Zirman, seconded by Trustee DeRose, 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 membership of **David Rodriguez** to the Scarborough Engine Company.

**Adjournment**

Upon motion by Trustee Wilson, seconded by Deputy Mayor Pohar, the Board voted unanimously to adjourn the regular meeting at 8:44pm.

Respectfully Submitted By,  
Christine Dennett  
Village Clerk

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 16<sup>th</sup> of March, 2016 commencing at 8:00 p.m.

**Present**

Lori A. Sullivan, Mayor  
Mark Pohar, Deputy Mayor  
Cesare DeRose, Jr. Trustee  
Mark L. Wilson, Trustee  
Bryan Zirman, Trustee

**Also Present**

Philip Zegarelli, Village Manager  
Christine Dennett, Village Clerk  
Clinton Smith, Village Counsel

**Board of Trustees Announcements by Trustee Zirman**

- Congratulations to Trustee's DeRose and Pohar on their reelection.
- Please enroll in the Village's weekly email blast to keep informed.
- The Library is very busy with upcoming programs. Their new brochure is available on their website.
- The Spring/Summer Brochure for Recreation is available on the website.
- The Day Camp dates are July 5<sup>th</sup> through August 5<sup>th</sup>. Registration is underway.
- Multi-sport camps will be offered.
- The Spring Egg Hunt will be on March 26<sup>th</sup>.

**Village Managers Report by Village Manager Zegarelli**

- Law Park update: The fencing was put up around the pavilion and it will be painted to camouflage the construction work. The bathhouse level will be rehabilitated and open for Memorial Day. A concessionaire will be at the lower level. A full rebuild will begin after Community Day.
- The Recreation Advisory Committee will hold a meeting to get input on the Pavilion rebuild on March 29<sup>th</sup> at 7:30pm.
- The Community Center furniture is ordered.
- The Pump Station and Comfort Station are having the stucco added.
- The Westchester County Mobile Shredder will be at the Youth Center on April 9<sup>th</sup> from 10am-1pm.



- Several projects will be occurring on Pleasantville Road. Residents are asked to be cooperative.
- The Tri-Village Water Project agreement is nearing completion.
- The budget for FY16-17 is due by March 20<sup>th</sup>.

### **Public Comments**

There were no public comments.

### **Presentation by Monte Nido**

Mayor Sullivan stated the Board requested the proposed buyer of 233 Pine Road give a presentation on the intended use of the property. She stated the session was informational only and if appropriate a public meeting would be held.

Mr. David Steinmetz, Attorney representing Monte Nido, explained the proposed use of 233 Pine Road and stated it would be a Community Residence for adolescent girls suffering from an eating disorder.

Mayor Sullivan stated the Board needed to digest what they heard and if they thought a further meeting was needed they would schedule it.

### **Amend Master Fee Schedule**

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 does hereby amend the Master Fee Schedule for the Village of Briarcliff Manor as attached.

### **Scheduling Annual Organizational Meeting & Tentative Budget Public Hearing**

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

#### **ANNUAL ORGANIZATIONAL MEETING**

BE IT RESOLVED, that the Annual Organizational Meeting of the Board of Trustees is hereby scheduled for Wednesday, April 6, 2016 at 7:30 pm.

#### **2016-2017 TENTATIVE BUDGET PUBLIC HEARING**

BE IT RESOLVED, that a Public Hearing for the 2016-2017 Tentative Budget is hereby scheduled for Wednesday, April 6, 2016 at 8:00 pm.

### **Fire Department Membership – Hennessy**

The Board thanked Ms. Hennessy for volunteering.

Upon motion by Trustee Wilson, seconded by Deputy Mayor Pohar, 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 membership of **Jane Hennessy** to the Briarcliff Fire Company.

**Confirm Village Manager and Arbitrator's Decision to Terminate a Village Employee**

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

WHEREAS, by resolution dated September 24, 2015, the Board authorized the appointment of Steven Kasarda as a Hearing Officer to conduct a Civil Service Law Section 75 Hearing involving an Employee; and

WHEREAS, by letter dated September 25, 2015, the Employee was notified of the Section 75 charges ("the Charges"); and

WHEREAS, by letter dated October 6, 2015, the Hearing Officer was notified that he was to conduct a hearing on the Charges and that he was to submit the record of the hearing, along with his recommendations, for Board review and decision; and

WHEREAS, a hearing was held on October 26, 2015 regarding whether the Employee was guilty of the conduct alleged in the Charges;

WHEREAS, in an Interim Report and Recommendation dated December 20, 2015, the Hearing Officer found the Employee guilty of Charge 1, Specifications 1, 2, and 3 and Charge 2, Specifications 1, 3 and 4, and found the Employee not guilty of Charge 2, Specification 2; and

WHEREAS, the hearing continued on February 1, 2016 regarding the appropriate penalty, if any, to be recommended by the Hearing Officer; and

WHEREAS, in a Report and Recommendation dated March 10, 2016, the Hearing Officer recommended that the Employee be terminated from his position; and

WHEREAS, the Board has reviewed the record of the hearing including the transcript, exhibits and post-hearing memoranda submitted by both parties; and

WHEREAS, the Board has reviewed and considered the Hearing Officer's Interim Report and Recommendation and the Report and Recommendation.

NOW, BE IT RESOLVED, the Board hereby accepts in its entirety the Hearing Officer's Interim Report and Recommendation and the Report and Recommendation in the Civil Service Law Section 75 disciplinary hearing; and

BE IT FURTHER RESOLVED, that the employment of the Employee will be terminated effective March 16, 2016.

**Award of Bid**

**Wilderness Way & Lewiston Court Lift Stations Electrical Upgrades**

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

WHEREAS the Village received 6 qualified bids for the Wilderness Way & Lewiston Court Lift Stations Electrical Upgrades Project (VM-1415-11); and

NOW, THEREFORE, BE IT RESOLVED that the bid for the Wilderness Way & Lewiston Court Lift Stations Electrical Upgrades Project (VM-1415-11) is hereby awarded to the lowest responsible bidder Talt Electric with their bid proposal of \$287,000; and

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

**Wilderness Way & Lewiston Court Lift Stations Panel Procurement**

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

WHEREAS the Village received 5 qualified bids for the Wilderness Way & Lewiston Court Lift Stations Panel Procurement Project (VM-1516-5); and

NOW, THEREFORE, BE IT RESOLVED that the bid for the Wilderness Way & Lewiston Court Lift Stations Panel Procurement Project (VM-1516-5) is hereby awarded to the lowest responsible bidder Elm Electrical with their bid proposal of \$22,044; and

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

**Recreation Advisory Committee Appointment**

Upon motion by Trustee Wilson, seconded by Deputy Mayor Pohar, the Board voted unanimously to appoint Zachary Giampa to fill the unexpired term of Bryan Zirman to expire April 1, 2016.

**Adjournment**

Upon motion by Trustee Zirman, seconded by Trustee DeRose, the Board voted unanimously to adjourn the regular meeting at 9:32pm.

Respectfully Submitted By,  
Christine Dennett  
Village Clerk

The Organization Meeting of the Board of Trustees of the Village of Briarcliff Manor was held in the Village of Briarcliff Manor, Municipal Building, at 1111 Pleasantville Road, Briarcliff Manor, New York, on the Wednesday, the 6<sup>th</sup> day of April 2016, commencing at 7:30 p.m.

**Present**

Lori A. Sullivan, Mayor  
Mark Pohar, Deputy Mayor  
Cesare DeRose, Jr. Trustee  
Mark L. Wilson, Trustee  
Bryan Zirman, Trustee

**Also Present**

Philip Zegarelli, Village Manager  
Christine Dennett, Village Clerk  
Clinton Smith, Village Counsel  
Edward Ritter, Village Treasurer

**Swearing in of the Newly Elected Officials:**

Village Clerk Christine Dennett swore in Cesare DeRose, Jr. as Trustee and Mark Pohar as Trustee both with terms expiring in two (2) years.

**Mayoral Appointments:**

Upon motion by Trustee Wilson, seconded by Trustee DeRose, the Board voted to confirm the following appointments:

Deputy Mayor	Mark Pohar	1 year
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

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

Upon motion by Trustee Zirman, seconded by Deputy Mayor Pohar, the Board voted unanimously to approve the following terms to begin on April 6, 2016 and to expire at noon on the first Monday of April of their respective years:

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

**Appointments to Village Boards and Commissions:**

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

***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
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***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
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b) Member Philip Zegarelli 1 year

***Tree Preservation***

a) Member-V.M. Philip Zegarelli 1 year

b) Member-P.B. Edward Nolan 1 year

***Architectural Review Advisory Committee***

a) Chairperson Joseph Pastore 1 year

b) Member Joseph Pastore 3 years

**Dates of Regular Meetings**

Upon motion by Trustee Zirman, seconded by Deputy Mayor Pohar, the Board voted unanimously to approve the following regular meeting dates:

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.

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

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

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

**Designation of Official Village Newspapers:**

Upon motion by Trustee DeRose, seconded by Deputy Mayor Pohar, the Board voted unanimously to designate the following newspapers:

- a. Journal News
- b. The Gazette

**Procurement Policy:**

Upon motion by Trustee Zirman, seconded by Deputy Mayor Pohar, the Board voted unanimously to approve the following 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:

<u>Estimated Amount of Purchase Contract</u>	<u>Method</u>
\$ 500-2,999	Minimum of three verbal quotations

\$3,000-19,999	Minimum of three written/fax quotations or written request for proposals
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<u>Estimated Amount of Public Works Contract</u>	<u>Method</u>
\$ 500-2,999	

\$3,000-34,999 written request	Minimum of three written/fax quotations or written request
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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**

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

### **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".

### **Adoption of Board of Trustees Rules of Procedure**

Upon motion by Trustee Zirman, seconded by Deputy Mayor Pohar, the Board voted unanimously to adopt the following Board of Trustees Rules of Procedures:

### **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 8:00 PM 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. 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, November 5, 2009, April 6, 2011 and April 4, 2012.

### **Policies and Procedures for Advisory Committees**

Upon motion by Trustee Wilson, seconded by Trustee DeRose, the Board voted unanimously to approve the following Policies and Procedures for Advisory Committees as amended:

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 make their best efforts to 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.

**Adjournment:**

Upon motion by Trustee Wilson and seconded by Trustee DeRose, the Board voted unanimously to close the meeting at 7:48 p.m.

Respectfully submitted by,

Christine Dennett

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 6<sup>th</sup> of April, 2016 commencing at 8:00 p.m.

**Present**

Lori A. Sullivan, Mayor  
Mark Pohar, Deputy Mayor  
Cesare DeRose, Jr. Trustee  
Mark L. Wilson, Trustee  
Bryan Zirman, Trustee

**Also Present**

Philip Zegarelli, Village Manager  
Christine Dennett, Village Clerk  
Edward Ritter, Village Treasurer  
Clinton Smith, Village Counsel

**Public Hearing Fiscal Year 2016-2017 Tentative Budget (to be continued to April 20th)**

The Mayor opened the Public Hearing.

Village Treasurer, Edward Ritter gave an overview of the FY2016-2017 Tentative Budget.

The Board had general discussion regarding the Tentative Budget and thanked the Village Treasurer, Deputy Village Treasurer, Village Manager and Village Staff for all their hard work.

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 does hereby adjourn the Public Hearing for the Fiscal Year 2016-2017 Tentative Budget to Wednesday, April 20, 2016 at 8:00pm.

**Public Hearing for a Local Law to Amend Chapter 54 with Respect to Residency Requirements for Appointed Officers Particularly the Chief of Police and Lieutenants**

The Mayor opened the Public Hearing.

Village Manager Zegarelli explained the proposed amendment to Chapter 54 of the Village Code.

Upon motion by Deputy Mayor Pohar, seconded by Trustee Zirman, the Board voted unanimously to adjourn the Public Hearing to Amend Chapter 54 with Respect to Residency Requirements for Appointed Officers Particularly the Chief of Police and Lieutenants to Wednesday, April 20, 2016 at 8:00pm.

**Public Informational Meeting on a Water Consolidation Feasibility Study Completed for the Villages of Briarcliff Manor, Sleepy Hollow and Tarrytown**

Village Manager Zegarelli gave an overview of the study. He stated any comments can be received up until April 20<sup>th</sup>.

Upon motion by Trustee Wilson, seconded by Trustee Zirman, the Board voted unanimously to adjourn the Public Informational Meeting on a Water Consolidation Feasibility Study to Wednesday, April 20, 2016 at 8:00pm.

**Board of Trustees Announcements by Mayor Sullivan**

- Deepest condolences to the Turiano Family for their loss. She thanked the Village Staff for continuing the operation of the Building Department.
- The Recreation Advisory Committee held a public meeting regarding the rebuild of the pavilion and thanked all residents that attended and submitted comments. The next meeting will be on April 19<sup>th</sup> and all residents are asked to submit any further comments by that date.
- The Town of Ossining Re-Valuations were sent out to residents. The Board has asked Ossining to hold an informational meeting for residents with concerns.
- A Public Hearing will be held to discuss the Monte Nido proposal for 233 Pine Road on April 13, 2016 at 7:00pm.

**Board of Trustees Announcements by Deputy Mayor Pohar**

- The Library is very busy with upcoming programs. Their new brochure is available on their website.
- The Fire Department is holding a Blood Drive on April 9<sup>th</sup> from 9am-3pm.
- The Spring/Summer Brochure for Recreation is available on the website.
- The Day Camp dates are July 5<sup>th</sup> through August 5<sup>th</sup>. Registration is underway.
- Multi-sport camps will be offered.
- Thank you to all that participated in the Spring Egg Hunt.
- Stash the Trash is a self-directed effort from April 9<sup>th</sup> through April 24<sup>th</sup>. Contact the Recreation Department for more information.

**Village Managers Report by Village Manager Zegarelli**



- Law Park update: The pool deck level work is underway and the plans for the rebuild will be finalized soon.
- The Community Center furniture is ordered.
- The Pump Station is up and running.
- The Comfort Station is waiting for final approval.
- The Westchester County Mobile Shredder will be at the Youth Center on April 9<sup>th</sup> from 10am-1pm.

**Public Comments**

There were no public comments.

**Tax Certioraris**

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

**137 OPERATORS HOLDING**

WHEREAS, 137 Operators Holding (1360 Pleasantville Road) instituted tax certiorari proceedings pursuant to Article 7 of the Real Property Tax Law of the State of New York; and

WHEREAS, the tax certiorari filings were for Town of Ossining assessment years 2009-2010; and

WHEREAS, the tax certiorari filings relate to Village of Briarcliff Manor fiscal years 2010-2011 and 2011-2012; and

WHEREAS, a Consent Order of the Supreme Court of the State of New York, County of Westchester, was entered on January 27, 2016;

WHEREAS, the Consent Order was received after the finalization of the approval of the Village budget for Fiscal Years 2010-2011 and 2011-2012;

WHEREAS, the Consent Order reduced the tax assessment for the subject property for the Fiscal Years 2010-2011 and 2011-2012 assessment roll; and

NOW THEREFORE, BE IT RESOLVED that the Board of Trustees does hereby authorize the refund of the tax bill for Fiscal Years 2010-2011 and 2011-2012 in the amount of \$9,811.59 based upon the reduced assessment values in the Consent Order.

Year	Address	Assessed Value	New Assessed Value	Assessment Reduction	Original Tax Amount	Reduced Tax Amount	Refund	Abatement
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2009	1360 Pleasantville Rd.	\$159,000	\$103,350	\$55,650	\$13,882.11	\$9,023.36	\$4,858.74	
2010	1360 Pleasantville Rd.	\$159,000	\$103,350	\$55,650	\$14,151.00	\$9,198.15	\$4,952.85	
				<b>\$111,300</b>			<b>\$9,811.59</b>	
				<b>TOTAL AV REDUCTION</b>			<b>TOTAL REVENUE REDUCTION</b>	<b>\$9,811.59</b>

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

**1360 PLEASANTVILLE ROAD LLC**

WHEREAS, 1360 Pleasantville Road LLC instituted tax certiorari proceedings pursuant to Article 7 of the Real Property Tax Law of the State of New York; and

WHEREAS, the tax certiorari filings were for Town of Ossining assessment years 2011-2015; and

WHEREAS, the tax certiorari filings relate to Village of Briarcliff Manor fiscal years 2012-2013, 2013-2014, 2014-2015, 2015-2016 and 2016-2017; and

WHEREAS, a Consent Order of the Supreme Court of the State of New York, County of Westchester, was entered on March 11, 2016;

WHEREAS, the Consent Order was received after the finalization of the approval of the Village budget for Fiscal Years 2012-2013, 2013-2014, 2014-2015 and 2015-2016;

WHEREAS, the Consent Order reduced the tax assessment for the subject property for the Fiscal Years 2012-2013, 2013-2014, 2014-2015, 2015-2016 and 2016-2017 assessment roll; and

NOW THEREFORE, BE IT RESOLVED that the Board of Trustees does hereby authorize the refund of the tax bill for Fiscal Years 2012-2013, 2013-2014, 2014-2015 and 2015-2016 in the amount of \$21,183.84 based upon the reduced assessment values in the Consent Order.

Year	Address	Assessed Value	New Assessed Value	Assessment Reduction	Original Tax Amount	Reduced Tax Amount	Refund	Abatement
2011	1360 Pleasantville Rd.	\$159,000	\$103,350	\$55,650	\$14,360.88	\$9,334.57	\$5,026.31	
2012	1360 Pleasantville Rd.	\$159,000	\$103,350	\$55,650	\$14,944.09	\$9,713.66	\$5,230.43	
2013	1360 Pleasantville Rd.	\$159,000	\$103,350	\$55,650	\$15,449.39	\$10,042.11	\$5,407.29	
2014	1360 Pleasantville Rd.	\$159,000	\$103,350	\$55,650	\$15,770.89	\$10,251.08	\$5,519.81	
				<b>\$222,600</b>			<b>\$21,183.84</b>	

TOTAL AV  
REDUCTION

TOTAL  
REVENUE  
REDUCTION \$21,183.84

**Fire Department Service Awards Program for 2015**

Trustee DeRose recused himself.

Upon motion by Trustee Wilson, seconded by Deputy Mayor Pohar, with one abstention by Trustee DeRose, the Board voted to approve the following resolution:

BE IT RESOLVED, that the Volunteer Firefighter Service Award Program list for all 2015 active firefighters of the Briarcliff Manor Fire Company, the Briarcliff Manor Hook, Ladder & Fire Company and the Scarborough Engine Company is hereby approved.

BE IT FURTHER RESOLVED that the list and certification shall be directed to the respective fire companies for posting for a period of thirty (30) days.

**Fire Department Membership – Wolfson**

The Board thanked Ms. Wolfson for volunteering.

Upon motion by Deputy Mayor Pohar, seconded by Trustee Zirman, 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 **Annabella Wolfson** to the Briarcliff Manor Hook and Ladder Company.

**Acceptance of Donations from the Friends of the Briarcliff Manor Public Library**

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 hereby accepts a donation in the amount of \$1,650.39 from the Friends of the Library for the purposes of purchasing new furniture for the Young Adult Room for the Briarcliff Manor Public Library.

Increase Revenue – Gifts  
(L0108.2705) by \$1,650.39

Increase Expenses – Special Matching Expenses  
(L7410.206) by \$1,650.39

BE IT FURTHER RESOLVED, that the Board of Trustees hereby accepts a donation in the amount of \$2,000 from the Friends of the Library, as custodian for the Readers Digest Grant, for the purposes of purchasing e-books from Overdrive for the Briarcliff Manor Public Library.

Increase Revenue – Gifts  
(L0108.2705) by \$2,000

Increase Expenses – Special Matching Expenses  
(L7410.206) by \$2,000

**Adjournment**

Upon motion by Trustee Zirman, seconded by Deputy Mayor Pohar, the Board voted unanimously to adjourn the regular meeting at 9:20pm.

Respectfully Submitted By,  
Christine Dennett  
Village Clerk