



P2

AGENDA
DECEMBER 6, 2017
BOARD OF TRUSTEES
VILLAGE OF BRIARCLIFF MANOR, NEW YORK
REGULAR MEETING – 8:00 PM

Pledge of Allegiance

Board of Trustees Announcements

Village Managers Report – End of Year FY16-17 Budget Report

Public Comments

1. Annual Audit Report for FY 2016-2017 – Cooper Arias, LLP
2. Village Justice Court Annual Report for FY 2016-2017
3. Fire Department Resolutions
4. Authorize Village Manager to Execute Agreement for Valet Services with ProPark
5. Authorize Village Manager to Execute an Agreement with the Chief of Police
6. Budget Amendment
7. Schedule a Public Hearing to Repeal and Replace Chapter 146 Entitled “Noise” in the Code of the Village of Briarcliff Manor
8. Minutes

**NEXT REGULAR BOARD OF TRUSTEES MEETING – WEDNESDAY,
DECEMBER 20, 2017**

VILLAGE OF BRIARCLIFF MANOR
BOARD OF TRUSTEES AGENDA
DECEMBER 6, 2017

**2. VILLAGE JUSTICE COURT ANNUAL AUDITOR'S REPORT FOR FY
2016-2017**

BE IT RESOLVED that the Village Justice Court conducted an Independent Audit for Fiscal Year 2016-2017 in accordance with Section 2019-a of the Uniform Justice Court Act.

BE IT FURTHER RESOLVED that the Board of Trustees does hereby approve and accept into the record the Village Justice Court Independent Audit for Fiscal Year 2016-2017.

State of New York
Unified Court System



Lawrence K. Marks
Chief Administrative Judge
Mayor William Vescio
Village of Briarcliff Manor
1111 Pleasantville Rd
Briarcliff Manor, NY 10510

Dear Mayor Vescio:

Section 2019-a of the Uniform Justice Court Act requires that town and village justices annually provide their court records and dockets to their respective town and village auditing boards, and that such records then be examined or audited and that fact be entered into the minutes of the board's proceedings.

The Unified Court System's *Action Plan for the Justice Courts* includes initiatives to improve accountability and controls over Justice Court finances and records. Among the initiatives is increased monitoring of town and village board compliance with section 2019-a.

Accordingly, I am requesting that you provide a copy of your most recent audit or examination (calendar year ending 2016 or fiscal year ending in 2017) of your local court's records and a copy of your board resolution acknowledging that the required examination or audit was conducted. Please email the report and the resolution to jcasazza@nycourts.gov or forward to Joan Casazza, Internal Control Liaison, NYS Office of Court Administration, 2500 Pond View, Suite LL01, Castleton-on-Hudson, NY 12033.

If you have any questions, please contact Joan Casazza at (518) 238-4303 or at the email listed above. Thank you for your cooperation.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Joan K. Casazza".

/smw

c: George Danyluk, CIA
Joan Casazza, CIA

M/BOT

25 Beaver Street
New York, N.Y. 10004
(212) 428-2100

May 12, 2017

(P2)

Mania -
Didn't we send them
a letter last year to
change the name?!?!?

see previous letter!

VILLAGE OF BRIARCLIFF MANOR
BOARD OF TRUSTEES AGENDA
DECEMBER 6, 2017

3. FIRE DEPARTMENT RESOLUTIONS

A. Confirmation of Village of Briarcliff Manor Fire Department Election and/or Appointment of Departmental Officers

Subject to the provisions of General Municipal Law (GML) Section 10 – 1000 in its entirety, such relative sections so pertain and relevant Opinions of the NYS Comptroller, BE IT RESOLVED that the Board of Trustees does hereby confirm the results of the annual departmental elections for the Year 2016-2017 Officers and Delegates to the BMFD Fire Council as contained in attachment 1-A for a period of one (1) year.

B. Confirmation of Village of Briarcliff Manor Fire Department Election and/or Appointment of Departmental Officers

Subject to the provisions of General Municipal Law (GML) Section 10 – 1000 in its entirety, such relative sections so pertain and relevant Opinions of the NYS Comptroller, BE IT RESOLVED that the Board of Trustees does hereby confirm the results of the annual departmental elections for the Year 2017-2018 Officers and Delegates to the BMFD Fire Council as contained in attachment 2-A for a period of one (1) year.

C. Request Approval: Village of Briarcliff Manor Fire Department Annual Fund Drive

Whereas, behalf of the VBMFD the Chief of the Department has requested the permission of the VBM Board of Trustees for it to hold its annual fund drive within the Village of Briarcliff Manor utilizing its own resources and Departmental Tax Exempt EIN for deposit of all receipts of funds; and

Whereas, subject to the provisions of General Municipal Law (GML) Section 10 – 1000 in its entirety, such relative sections that so pertain and relevant Opinions of the NYS Comptroller;

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees does hereby approve of the BMFD's request to undertake its annual fund drive.

Briarcliff Manor Fire Department

1111 Pleasantville Road
Briarcliff Manor, NY 10510

Office of the Chief



Michael F. King, Sr., Chief
Peter J. Fulfree, 1st Asst. Chief
Vincent J. Caruso, 2nd Asst. Chief

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

E-mail: fdchief@briarcliffmanor.org

November 13, 2017

Mr. Phillip Zegarelli
Village Manager
Village of Briarcliff Manor
1111 Pleasantville Road
Briarcliff Manor, NY 10510

Dear Mr. Zegarelli,

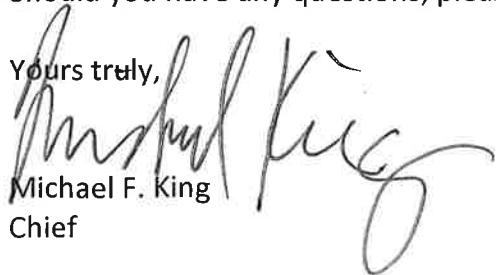
The Fire Council Members of the Briarcliff Manor Fire Department, as voted by the Briarcliff Fire Company, Hook and Ladder Company and Scarborough Engine Company for the Year 2016-2017 are as follows:

Chief Dennis L. Reilly, President
1st Asst. Chief R. Michael Garcia, Treasurer
2nd Asst. Chief Peter J. Fulfree, Secretary
Michael Turco, Delegate
Lawrence Reilly, Delegate
Robert O'Hanlon, Delegate
William Bauer, Delegate
Matthew Goldman, Delegate
Joan Lederman, Delegate
Douglas Cacciola, Alternate
Robert Martin, Alternate
Joan Dengler, Alternate

The members of the Fire Council serve a one year term and are voted on by members of the individual companies of the Fire Department they represent.

Should you have any questions, please do not hesitate to call me.

Yours truly,


Michael F. King
Chief

Attachment

1-A

Briarcliff Manor Fire Department

1111 Pleasantville Road
Briarcliff Manor, NY 10510

Office of the Chief



Michael F. King, Sr., Chief
Peter J. Fulfree, 1st Asst. Chief
Vincent J. Caruso, 2nd Asst. Chief

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

November 13, 2017

Mr. Phillip Zegarelli
Village Manager
Village of Briarcliff Manor
1111 Pleasantville Road
Briarcliff Manor, NY 10510

Attachment
2-A

Dear Mr. Zegarelli,

The Fire Council Members of the Briarcliff Manor Fire Department, as voted by the Briarcliff Fire Company, Hook and Ladder Company and Scarborough Engine Company for the Year 2017-2018 are as follows:

Chief R. Michael Garcia, President (Resigned September 25, 2017)
Chief Michael F. King, Sr. President (Effective November 9, 2017)
1st Asst. Chief Peter J. Fulfree, Secretary
2nd Asst. Chief Vincent J. Caruso, Treasurer
Michael Turco, Delegate
Lawrence Reilly, Delegate
Robert O'Hanlon, Delegate
Robert Martin, Delegate
Jeffrey Bassett, Delegate
Joan Dengler, Delegate
Douglas Cacciola, Alternate
William Bauer, Alternate
Matthew Goldman, Alternate

The members of the Fire Council serve a one year term and are voted on by members of the individual companies of the Fire Department they represent.

Should you have any questions, please do not hesitate to call me.

Yours truly,


Michael F. King
Chief

VILLAGE OF BRIARCLIFF MANOR
BOARD OF TRUSTEES AGENDA
DECEMBER 6, 2017

**4. AUTHORIZE VILLAGE MANAGER TO EXECUTE AN AGREEMENT –
VALET PARKING SERVICES FOR THE SCARBOROUGH STATION**

WHEREAS, the Village of Briarcliff Manor (VBM) issued a Request for Proposals (RFP) to provide valet parking services at the VBM's Scarborough Railroad Station which identified such selection criteria as previous experience, operational viability, and maintenance of the current level of service and interplay with clientele and called for proposals to be submitted by 17 November 2017, and having received three (3) proposals ranging in cost from \$10,995.00 per month to \$12,350.00 per month; and

WHEREAS, the RFP calls for 2 years of fixed pricing calculated at a per month rate and a VBM option to extend the award for a 3rd year not to exceed a 2% per month cost increase together with other requisites such as liability insurance and such other protections for the VBM and its parking permit holders; and

WHEREAS the lowest responsible proposal was by Pro-Park with a monthly charge of \$10,995.00 for calendar years 2018 and 2019 and the option for a 3rd year at \$11,215.00 (an increase of 2% in keeping with the RFP) equating to an annual cost of \$131,940.00 for years 2018 and 2019 and \$134,580.00 for the optional 3rd year (2020); and,

WHEREAS, ProPark is currently providing valet parking service at the Scarborough Station under contract with the VBM and is familiar with the job and facilities, has drawn compliments for its work, and can continue its work without any interruption or disruption in service, at their current charge of \$9,180.00 per month (\$110,160.00 per year);

NOW, THEREFORE, BE IT:

RESOLVED that the proposal for valet parking services at Scarborough Station is hereby awarded to ProPark America as per its proposal of \$10,995.00 per month for a period of two (2) years commencing January 1, 2018, and expiring on December 31, 2019 with an optional 3rd year at VBM's Board of Trustees sole discretion for \$11,215.00.00 per month for calendar year 2020; and

BE IT FURTHER RESOLVED that the Village Manager is hereby authorized and directed to execute a contractual agreement with ProPark America for valet parking services at the Scarborough Station to cover such period of time with such terms and conditions in keeping with the revised RFP and the provisions of Pro Park's proposal.

Philip E. Zegarelli
Village Manager

pzegarelli@briarcliffmanor.org



1111 Pleasantville Road
Briarcliff Manor, N.Y. 10510
Telephone: (914) 944-2782
Facsimile: (914) 941-4837

www.briarcliffmanor.org

MEMORANDUM

TO: Mayor and Board of Trustees (M/BOT) P2

CC: Dan Pozin, Esq., Village Attorney

FROM: Philip E. Zegarelli, Village Manager

DATE: 28 November 2017

RE: Scarborough Railroad Station Valet Parking Bid Results

As you are aware, ProPark America has been the RFP approved valet parking vendor at our Scarborough Station since its inception in 2008. Traditionally, we have had RFP's as each contract expired. The contract that we have been recently using calls for a two year fixed price per month plus an optional third year to be priced no higher than 2.0% above the then monthly rate. The option is solely for the Village to exercise. We have found this RFP format to be very useful in maintaining a stable, reliable vendor, meeting legal guidelines and identifying additional potential bidders, if necessary.

The current contract won by ProPark America three years ago called for a fixed rate for the first two years and an optional third year priced at no higher than 2.0% over the previous year. The current year's monthly cost is \$9,245.00: that is based off of the third year calculation. As you know, the primary person representing ProPark America is "Juan" who has a very close relationship with our commuters having been the designated operator since its original operation.

We sent RFP's to seven known valet parking vendors: three submitted proposals. The bids were returnable on 17 November 2017 at 4:00 PM. Village Treasurer Edward Ritter and I opened the submissions. A summary of the proposed rates for years one and two and a third optional year are as follows:

	Month/Year - Years 1 & 2	Month/Year - Year 3 option (+2%)
ProPark America	\$10,995.00/\$131,940.00	\$11,215.00/\$134,580.00
LAZ Parking	\$11,602.00/\$139,230.00	\$11,834.00/\$142,015.00
Classic Valet Parking, Inc.	\$12,350.00/\$148,200.00	\$12,597.00/\$151,164.00

ProPark was the lowest responsible bidder at \$10,995.00 per month for years one and two and \$11,215.00 per month for the optional third year. The two other proposals were consistently higher.

Given that ProPark is well known to us and our resident commuters, our recommendation that the two-year contractual rate of \$10,995.00 per month/\$131,940.00 per year be awarded to ProPark. We also recommend that the third year option should only be reviewed in December 2019 for the 2020-year contract.

As previous discussed, the current ProPark rate per month is \$9,245.00 and the amount going forward of \$10,995.00 is an 18.8% increase over the previous months.

I reviewed this significant increase in the service rate with ProPark management and they related a higher commuter use and an increase of cars (permits) since the last contract. In point of fact (with the same rate per year, unchanged since 2013) we have exceeded budgeted revenues since 2015 by 17.5%. ProPark also noted that they have had three people on site at various times to relieve the morning "surge" versus the two people normally present day-to-day. Lastly on this issue, I have knowledge that at least one other bidder sought to recruit "Juan" to be on site if they won the RFP: undoubtedly they "factored" retaining "Juan" with themselves.

Since we anticipate a Valet Parking budgeted expenditure line shortfall for the last five months of our 2017-2018 fiscal year, we will need to formally appropriate \$8,750.00 from Fund Balance.

Based on ProPark's continued high level of service and performance and in particular its local chief attendant "Juan", I recommend approval of a two-year contract to ProPark America as proposed.

Action: Need Resolution to accept ProPark's bid (two year option)
 Need Resolution to cover budget shortage with transfer of Fund Balance.

VILLAGE OF BRIARCLIFF MANOR
BOARD OF TRUSTEES AGENDA
DECEMBER 6, 2017

**5. AUTHORIZE VILLAGE MANAGER TO EXECUTE AN AGREEMENT
WITH THE CHIEF OF POLICE**

BE IT RESOLVED that the Village Manager is authorized to execute an agreement with Donald Gorey effective June 1, 2017 as Chief of Police; and

BE IT FURTHER RESOLVED that this agreement supersedes any prior agreement between the Village and the Chief of Police.

VILLAGE OF BRIARCLIFF MANOR
BOARD OF TRUSTEES AGENDA
DECEMBER 6, 2017

6. BUDGET AMENDMENT

BE IT RESOLVED that the budget for fiscal year 2017-2018 is hereby amended as follows:

CON EDISON PAVING

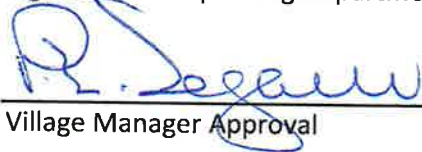
Increase Revenue	A0101.2770	Misc. Revenue	\$15,137.28
Increase Expense	A5112.460	Contractual Services	\$15,137.28

BUDGET AMENDMENT REQUEST FORM 2017/2018

Increase Expense	Muni Code	Budget Line
\$ 15,137.28	A5112.460	Contractual Services
Increase Revenue	Muni Code	Budget Line
\$ 15,137.28	A0101.2770	Misc Revenue

Reason for Amendment Request: **To account for additional funds for specific paving from Con-Ed**

Signature of Requesting Department Head



Date Signed

27 NOV 2017

Village Manager Approval

Date Signed



Village Treasurer Approval

11/27/17

Date Signed

If over \$10,000, Board of Trustees Approval Date:

October 6, 2017

Mr. Philip E. Zegarelli

Village Manager

Village of Briarcliff Manor

111 Pleasantville Road

Briarcliff Manor, NY 10510

Re: Agreement for Paving

Dear Mr. Zegarelli,

This letter confirms the agreement between Consolidated Edison Company of New York, Inc. and the Village of Briarcliff Manor concerning repaving of certain streets in connection with utility-related work performed by Con Edison. Con Edison obtained permits from the municipality to perform work on the following streets:

Streets	Layout Numbers	Opening Ticket Numbers
Macy Road & Redwood Drive	G15-12343-WBO	PW050917

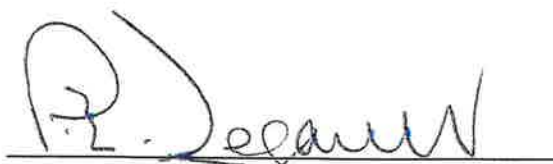
Any obligation that Con Edison had, or may have, to perform repaving in connection with the streets listed above shall be performed by Briarcliff Manor. Con Edison will only be responsible for the square footage necessary to repave the areas covered in the permits unless otherwise agreed to in writing. Con Edison has agreed to pay the Village of Briarcliff Manor \$15,137.28 for the roadway listed above in lieu of performing final restoration.

Please confirm this agreement on behalf of Briarcliff Manor.

Sincerely,

Michael W. Thompson

Construction Manager



Mr. Philip E. Zegarelli, Village Manager

Village of Briarcliff Manor

The Regular Meeting of the Board of Trustees of the Village of Briarcliff Manor, New York was held in the Village of Briarcliff Manor at the William J. Vescio Community Center, at 1 Library Road, Briarcliff Manor, New York on the 18th of October, 2017 commencing at 8:00 p.m.

Present

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

Also Present

Philip Zegarelli, Village Manager
Christine Dennett, Village Clerk

Absent

Mark Pohar, Deputy Mayor

Pledge of Allegiance

Board of Trustees Announcements by Trustee Wilson

- The October 15th Haunted Hallway event at the Library was very well attended.
- The Library and Community Center have many programs going on. Visit the website for information.
- The Annual Ragamuffin Parade will be on October 21st at 9:30am.
- The Recreation Fall Brochure is available. Visit the Recreation Page for more information.

Village Managers Report by Village Manager Zegarelli

- The Village Hall HVAC project is underway.
- The Law Park Parking Lot Project and Pond Dredging will be done next year.
- The Holbrook Lift Station project is nearing completion.
- The Fire Department Apron Project will be done in 2018.
- The Annual Village Audit Report will be given at an upcoming meeting.
- The Village Paving Project will begin on October 23rd.
- Road and sidewalk work are being done on Pleasantville Road by Westchester County.
- Leaf pickup has begun.

- Sign up for the weekly Village Manager email to stay informed.

The Board requested an update on current projects and funding sources at the next Work Session.

Public Comments

There were no public comments.

Minutes

Upon motion by Trustee DeRose, seconded by Trustee Wilson, the Board voted unanimously to approve the minutes of September 6, 2017 and October 4, 2017.

Library Board Appointment

The Board thanked Mr. Fetonti for volunteering.

Upon motion by Trustee Wilson, 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 makes the following appointment:

Robert Fetonti as a member of the Library Board to fill the unexpired term of Glenn Pacchiana to expire on December 31, 2020.

Adjournment

There will be a Work Session on October 25, 2017 at 6:30pm

Upon motion by Trustee Zirman, seconded by Trustee Wilson, the Board voted unanimously to adjourn into executive session at 8:35pm and stated they would adjourn the regular meeting immediately thereafter.

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 at the William J. Vescio Community Center, at 1 Library Road, Briarcliff Manor, New York on the 8th of November, 2017 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
Daniel Pozin, Village Attorney

Pledge of Allegiance

Board of Trustees Announcements by Mayor Sullivan

- Veteran's Day is being observed on Friday. There will be garbage pickup but municipal offices will be closed. The Library will be closed on Saturday.
- 2018 Scarborough Station Parking Permits are available for purchase.
- The Library and Community Center are filled with activities. Please visit the website for program information.
- The Recreation Fall Brochure is available. Visit the Recreation Page for more information.

The Board asked for an update on construction projects going on throughout the village.

Village Managers Report by Village Manager Zegarelli

- The Village Annual Paving Project is complete.
- The Pleasantville Road project is being done by Westchester County and should be completed by Thanksgiving.
- The Route 9A/North State Road project is anticipated to be done in early December. The walkway has started but the signal is slightly delayed.
- The Safe Routes to School Project will begin in December and continue into next year.
- The Pocantico Bridge Project will be done next Spring.
- The Village Hall HVAC project is underway.
- The Law Park Parking Lot Project and Pond Dredging will be done next year.
- The Holbrook Lift Station project is nearing completion.
- The Fire Department Apron Project will be done in 2018.
- The Annual Village Audit Report will be given at the next meeting.
- The Board of Trustees Meeting for November 15th is canceled.

Public Comments

There were no public comments.

Election Resolution for Annual Village Election 2018

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

BE IT RESOLVED that the annual Village Election will be held in the Village of Briarcliff Manor on Tuesday, March 20, 2018 between the hours of 6:00am and 9:00pm during which the polls will be open.

BE IT FURTHER RESOLVED that the following Village Offices are to be elected at the annual Village Election of March 20, 2018 for the terms as set forth herein:

<u>Office</u>	<u>Term</u>
Trustee (2)	2 Years

Award of Bid – Phase 4 Utility Improvements (Club)

Upon motion by Trustee Wilson, seconded by Deputy Mayor Pohar, the Board voted unanimously to approve the following resolution subject to clarification as to the footings and original proposed cost:

WHEREAS the Village received 10 bids for the Phase 4 Utility Improvements Project (VM-1617-9); and

NOW, THEREFORE, BE IT RESOLVED that the bid for the Phase 4 Utility Improvements Project (VM-1617-9) is hereby awarded to Abbott & Price, Inc. with their bid proposal of \$187,000 which will be charged to budget code H.8397.201.PPVM6.

BE IT FURTHER RESOLVED that the Village Manager is hereby authorized and directed to execute a contract with Abbott & Price, Inc. for said project.

Authorize Village Manager to Execute an Agreement – Clove Excavators

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

WHEREAS, the Village of Briarcliff Manor (VBM) is a party to a joint sharing agreement with the Town of Mount Pleasant (TMP) dated as of 7 July 2017, as lead agent, wherein an award of bid designated Clove Excavators, Inc. of Poughkeepsie, NY as the lowest responsible bidder; and,

WHEREAS, the VBM was recently notified that it's paving time slot for the paving of VBM roads had been moved up to commence operations on or about 30 October 2017 and prior to Board of Trustees approval action;

BE IT RESOLVED that the VBM Board of Trustees (BOT) hereby confirms and authorizes its directive of 25 October 2017 to have the VM to execute the VBM's own

agreement with Clove Excavators, Inc. for bituminous road materials as per their proposal of \$99.50 weighted average per ton. The estimated amount of material to be used is 4,275 tons equating to \$426,894.00 all-in and this current project will be charged to budget code A5112.465.

Fire Department Memberships

The Board thanked the new members 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 **Kamil I. Ramkaran** to the Scarborough Engine Company.

BE IT RESOLVED, that the Board of Trustees of the Village of Briarcliff Manor hereby approves the under 18 membership of **Thomas J. Gustin** to the Scarborough Engine Company

Minutes

The minutes were tabled to the next meeting.

Adjournment

The next regular meeting will be on December 6, 2017 at 8:00pm with a Work Session at 6:30pm.

The Board wished everyone a Happy Thanksgiving.

Upon motion by Trustee Zirman, seconded by Trustee Wilson, the Board voted unanimously to adjourn the meeting at 8:33pm.

Respectfully Submitted By,

Christine Dennett
Village Clerk

VILLAGE OF BRIARCLIFF MANOR
BOARD OF TRUSTEES AGENDA
DECEMBER 6, 2017

**7. SCHEDULE A PUBLIC HEARING: LOCAL LAW TO REPEAL AND
REPLACE CHAPTER 146 ENTITLED "NOISE" IN THE CODE OF THE
VILLAGE OF BRIARCLIFF MANOR**

BE IT RESOLVED that a Public Hearing is hereby scheduled for the _____ at 8:00pm Board of Trustees meeting to hear and discuss a proposed local law to repeal and replace Chapter 146 entitled "noise" in the Code of the Village of Briarcliff Manor.

A LOCAL LAW TO REPEAL AND
REPLACE CHAPTER 146 ENTITLED
“NOISE” IN THE CODE OF THE
VILLAGE OF BRIARCLIFF MANOR

Draft 11/20/17

Be it enacted by the Board of Trustees of the Village of Briarcliff Manor as follows:

Section 1. Chapter 146 of the Code of the Village of Briarcliff Manor, is hereby repealed in its entirety and replaced with the following:

“Chapter 146: Noise

§ 146-1. Purpose.

This chapter shall be deemed an exercise of the police power of the State of New York and of the Village of Briarcliff Manor for the protection of the economic and social welfare, health and peace of the people of the Village of Briarcliff Manor, and all its provisions shall be construed for the accomplishment of that purpose.

§ 146-2. Restrictions on certain noises.

Except as may otherwise be permitted hereunder, it shall be unlawful for any person to make, continue, or cause to be made or continued any loud, unnecessary or unusual noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others, within the Village of Briarcliff Manor, New York.

§ 146-3. Definitions.

HEAVY CONSTRUCTION EQUIPMENT

Equipment designed and utilized in site development, demolition and construction for digging, pushing, or transporting large amounts of earth, rock, or building materials. Such devices include, but are not limited to bulldozers, backhoes, pneumatic hammers, steam shovels, derricks, cranes, steam or electric hoists, wheel loaders, scrapers, excavators, and rock trucks.

LAWN CARE AND LANDSCAPING EQUIPMENT

Any device powered by electricity or fuel which is used for the mowing of grass, or the clearing of leaves or other vegetation, including, but not limited to, such devices as lawn

mowers, lawn edgers and leaf blowers.

MECHANICAL ROCK EXCAVATION

The breakdown or extraction of rock or other minerals utilizing a mechanical hammer or rock crushing equipment.

ROUTINE CONSTRUCTION

Any or all activity necessary for the erection, demolition, assembling, altering, installing, or equipping of new structures, or additions to existing structures the operation of mechanical machinery, grading, leveling, excavating, clearing and filling and othe similar activities involving less than one (1) acre of disturbance.

§ 146-4. Permitted activities.

In recognition of the fact that certain activities as defined above may result in noise, the following limitations shall apply to such activities:

- A. The following activities are permitted only between the hours of 9:00 a.m. and 7:00 p.m. Monday through Friday, 9:00 a.m. and 5:00 p.m. Saturday and 10:00 a.m. and 4:00 p.m. Sunday:
- (1) Ordinary building maintenance and repair to maintain said elements in sound or operable condition, including the restoration or replacement of damaged materials, equipment, or fixtures, and the removal or replacement of existing materials, equipment, or fixtures with comparable elements intended for the same purpose.
 - (2) Ordinary maintenance of grounds, including the operation of lawn care and landscaping equipment utilizing man-powered equipment, except however, that such operations on a private or public golf course may commence at 6:00 a.m.
- B. The following activities are permitted only between the hours of 8:00 a.m. and 6:00 p.m. Monday through Friday and Saturday between the hours of 9:00 a.m. and 5:00 p.m. Said activities are not permitted on Sundays or federal holidays.
- (1) Routine construction, but not including any activities enumerated in Section C below.
- C. The following activities are permitted only between the hours of 9:00 a.m. and 5:00 p.m. on weekdays. Said activities are not permitted on Saturdays, Sundays or federal holidays.
- (1) Heavy Construction Equipment usage.

- (2) Land Development Activity, as defined in and subject to Chapter 184 of this Village Code.
- (3) Blasting, as defined in and subject to Chapter 118 of this Village Code except that such activity shall be restricted to sixty two (62) consecutive calendar days excluding Saturdays, Sundays and federal holidays, except as otherwise provided by special permit, and no new or additional blasting permit shall be issued for the same project or property within eighteen (18) months from the expiration date of any previously issued blasting permit.
- (4) Mechanical Rock Excavation, except that such activity shall be restricted to sixty two (62) consecutive calendar days excluding Saturdays, Sundays and federal holidays, except as otherwise provided by special permit, and no new or additional mechanical rock excavation shall be issued for the same project or property within eighteen (18) months from the expiration date of any previously issued mechanical rock excavation.

§ 146-5. **Enumeration of violations.**

The following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of this chapter, but said enumeration shall not be deemed to be exclusive:

- A. Those activities enumerated in § 146-4 above, when operated outside the permitted specified time periods.
- B. The sounding of any horn or signal device on any automobile, motorcycle, bus or other vehicle except as a warning signal pursuant to the provisions of the Vehicle and Traffic Law of the State of New York.
- C. The use or operation of any equipment affixed or appurtenant to a building including, but not limited to HVAC equipment, refrigeration equipment and generators, whether permanent or temporary, and which shall generate any noise louder than 65 decibels when the sound level meter is located at a point not nearer than the property line nearest to the sound source, or if such source is located on public property, as measured a distance of 300 feet from such sound source,
- D. The playing, using, operating, or permitting to be played, used or operated any radio, television, tape/CD/digital or other player, musical instrument or instruments, or other machine or device for the production or reproduction of sound, in such manner
 - (1) as to disturb the peace, quiet and comfort of the neighboring inhabitants, **or**
 - (2) which is cast upon the public streets or other public places for advertising,

soliciting, campaigning or sales purposes, and

- (3) shall at any time be louder than 65 decibels when the sound level meter is located at a point not nearer than the property line nearest to the sound source, or if such source is located on public property, as measured a distance of 300 feet from such sound source.

The operation of any of the above devices between the hours of 11:00 p.m. and 8:00 a.m. in such manner as to be plainly audible on adjacent property shall be prima facie evidence of a violation of this section.

- E. The keeping or harboring of any animal, fowl or bird which by causing frequent or long-continued noise shall disturb the comfort or repose of any person residing in the vicinity.
- F. The blowing of any whistle attached to any stationary boiler, except to give notice of the time to begin or stop work or as a warning of danger.
- G. The discharge into the open air of the exhaust of any steam engine, stationary internal-combustion engine, air compressor or motor vehicle engine, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.
- H. The discharge of firearms, where permitted by law, between the hours of 6:00 p.m. and 10:00 a.m. prevailing time.
- I. The use of any drum, bell, loudspeaker or other instrument or device for the purpose of attracting attention to any solicitation, performance, show or sale or display of merchandise by the creation of noise, excepting bells sounded by licensed mobile vendors, provided that the sound thereof is not audible more than 300 feet from said vehicle.

§ 146-6. **Penalties for offenses.**

Any person violating any provision of this chapter shall be subject to the following penalties:

- A. A violation of the this chapter is hereby declared to be an offense, punishable by fines not exceeding \$250 for conviction of a first offense, not exceeding \$500 for conviction of a second offense, and not exceeding \$1,000 for conviction of a third or subsequent offense. However, for the purpose of conferring jurisdiction upon courts and judicial officers generally, violations of this chapter shall be deemed misdemeanors, and for such purpose only, all provisions of law relating to misdemeanors shall apply to such violations.
- B. Each day's continued violation shall constitute a separate additional violation.

- C. Any person, including any firm, corporation or other entity, owner, builder, tenant, contractor, subcontractor, construction superintendent, agent or other person who shall violate any provision of this chapter or any other regulation made under authority conferred thereby, or who shall violate or fail to maintain continued conformity with any plan detail or condition of any permit, certificate or approval granted under the Village Code, or who shall assist therein, shall be deemed in violation of this chapter and shall be liable upon conviction to a fine, as provided in this chapter.
- D. A notice of violation issued by the Building Inspector, a Code Enforcement Officer or a Police Officer relative to a premises shall be served either personally or by posting the violation notice in a conspicuous place upon the premises affected. If a notice of violation is served by posting it upon the premises, a copy thereof shall be mailed within one day of posting to the person to whom it is directed at such person's last known address as listed in the Village tax rolls.
- E. In the event that compliance with the notice of violation is not made within five days from either personal service or from posting and mailing, the Building Inspector may then serve an accusatory instrument, as defined in the Criminal Procedure Law, in the Village Justice Court to compel the appearance of the property owner, tenant, lessee or other person in control of the property to appear in such Court to answer the accusatory instrument. All provisions of New York State Law affecting Village Code violations shall apply to these proceedings; provided, however, that such notice shall not be required where in the judgment of the Building Inspector the alleged violation constitutes a threat to life, health or safety, in which no such notice shall be required.

§ 146-7. Applicability.

The provisions of this chapter shall not apply to any construction project for which a valid building permit has been issued prior to the effective date hereof.

§ 146-8. Repealer.

Ordinance No. 171, previously enacted on September 10,1970, and Local Law No. 2-1987, previously enacted on September 3,1987, are hereby repealed.

Section 2. Severability.

The invalidity of any word, section, clause, paragraph, sentence, part or provision of this local law shall not affect the validity of any part of this local law which can be given effect without such valid part or parts.

Section 3. Effective Date.

This local law shall take effect immediately upon filing in the Office of the Secretary of State of New York in accordance with the provisions of the Municipal Home Rule Law.

Village Briarcliff Manor
Board of Trustees
Special Session of 15 November 2017
6:30 PM.

Subject to public notice duly provided and at the call of the Mayor, the VBM Board of Trustees convened a Special Meeting at 6:30 PM in the Village of Briarcliff Manor at the William J. Vescio Community Center, at 1 Library Road on the 15th of October, 2017 commencing at 6:30 PM.

Present

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

Also Present

Philip Zegarelli, Village Manager and as Deputy Village Clerk

Absent

Mark Pohar, Deputy Mayor

The meeting was called to order at 6:30 PM with the Pledge of Allegiance

Mayor Lori Sullivan provided opening remarks and welcomed members of the VBM Fire Department and Ambulance Corps present. She noted that this special session had a limited agenda: the confirmation of various VBM Fire Department officers. The Mayor asked Village Manager to read the resolutions, as follows:

1. Confirmation of Village of Briarcliff Manor Fire Department Election: Chief of the Fire Department

Subject to the provisions of General Municipal Law (GML) Section 10 – 1000 in its entirety and such relative sections so pertain, BE IT RESOLVED that the Board of Trustees does hereby confirm the results of a special election of the Briarcliff Manor Fire Department conducted on Thursday, 9 November 2017, naming Michael f. King as Chief of the Fire Department until the annual department election to be held in April of 2018.

Moved by Trustee DeRose; Seconded by Trustee Wilson. **Vote: 4-0**

2. Confirmation of Village of Briarcliff Manor Fire Department Election: Assistant Chief Officers.

Subject to the provisions of General Municipal Law (GML) Section 10 – 1000 in its entirety and such relative sections so pertain, BE IT RESOLVED that the Board of Trustees does hereby confirm the results of the annual election of the Briarcliff Manor

Fire Department conducted on Thursday, 6 April 2017, naming Peter J. Fulfree, First Assistant Fire Chief and Vincent J. Caruso as Second Assistant Fire Chief of the Fire Department until the annual department election to be held in April of 2018.

Moved by Trustee Wilson; seconded by Trustee Zirman. **Vote: 4-0**

The Mayor offered welcoming remarks, thanks and support for the Fire Department, its officers and personnel. Thereafter, Mayor Sullivan administered the oath of office to Michael F. King as VBM FD Chief of the Department.

There being no other matters before the Board of Trustees and upon motion by Trustee Zirman, seconded by Trustee DeRose, the Board voted unanimously to adjourn.

Respectfully Submitted:

Philip E. Zegarelli
Village Manager and Deputy Village Clerk