



**AGENDA**  
**WEDNESDAY APRIL 18, 2018**  
**BOARD OF TRUSTEES**  
VILLAGE OF BRIARCLIFF MANOR, NEW YORK  
REGULAR MEETING – 8:00 PM

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**Pledge of Allegiance**

1. Continuation of a Public Hearing to Repeal and Replace Chapter 146 Entitled “Noise” in the Code of the Village of Briarcliff Manor
2. Continuation of a Public Hearing Fiscal Year 2018-2019 Tentative Budget

**Board of Trustees Announcements**

**Village Managers Report**

**Public Comments**

3. Declaration of Surplus Vehicles
4. Authorize Village Manager to Execute a Stipulation Agreement with an Employee
5. Minutes

**NEXT REGULAR BOARD OF TRUSTEES MEETING – WEDNESDAY, MAY 2, 2018**

VILLAGE OF BRIARCLIFF MANOR  
BOARD OF TRUSTEES AGENDA  
APRIL 18, 2018

**1. CONTINUATION OF A PUBLIC HEARING TO REPEAL AND REPLACE  
CHAPTER 146 ENTITLED "NOISE" IN THE CODE OF THE VILLAGE OF  
BRIARCLIFF MANOR**

BE IT RESOLVED that the proposed the Local Law to repeal and replace Chapter 146 entitled "Noise" of the Code of the Village of Briarcliff Manor to is hereby adopted.

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

**REVISIONS TO EXISTING  
LAW ARE HIGHLIGHTED**

Draft 4/13/18

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 Chapter 146 of the Code of the Village of Briarcliff Manor, is hereby repealed in its entirety and replaced with the following: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

**MECHANICAL ROCK EXCAVATION**

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

§ 146-~~43~~. 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. 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.
- B. Playing, using, operating, or permitting to be played, used or operated any radio, television, tape/CD player, musical instrument or instruments, or other machine or device for the production or reproduction of sound in such manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or at any time 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. 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.
- C. 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.
- D. 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.
- E. 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.
- F. The operation of power lawnmowers, rakers or leaf blowers, or other motor driven lawn or garden equipment between the hours of 8:00 p.m. and 9:00 a.m. prevailing time.
- G. Construction work not involving blasting, the use of heavy construction equipment or mechanical rock excavation, including but not limited to building, repairing, grading, leveling and excavating, which by causing frequent or long-continued noise shall disturb the comfort or repose of any person residing in the vicinity, at any time other than the following permitted hours: Monday through Friday, between the hours of 8:00 a.m. and 7:00 p.m. prevailing time; Saturday, between the hours of 8:30 a.m. and 5:30 p.m. prevailing time. There shall be no construction work permitted on Sundays and federal holidays.
- H. Blasting, the use of heavy construction equipment or mechanical rock excavation and rock drilling, where permitted by law, at any time other than the following permitted hours: Monday through Friday, between the hours of 8:00 a.m. and 5:00 p.m. between the hours of 5:00 p.m. and 9:00 a.m. prevailing time, on weekdays and all 24 hours There shall be no blasting, use of heavy construction equipment or mechanical rock excavation on

Saturdays, Sundays and federal holidays.

- I. The discharge of firearms, where permitted by law, between the hours of 6:00 p.m. and 10:00 a.m. prevailing time.
- J. Playing, using, operating, or permitting to be played, used or operated, any radio, tape/CD player, musical instrument, loudspeaker, sound amplifier, or other machine or device for the production or reproduction of sound which is cast upon the public streets or other public places for advertising, soliciting, campaigning or sales purposes.
- K. 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.

§ 146-54. **Penalties for offenses.**

~~Any person violating any provision of this chapter shall upon conviction be punished by a fine of not more than \$250. Each day that a violation shall continue shall constitute a separate offense.~~

- 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.~~

**§ 146-65. 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 OF BRIARCLIFF MANOR  
BOARD OF TRUSTEES AGENDA  
APRIL 18, 2018

**2. CONTINUATION OF A PUBLIC HEARING FOR FISCAL YEAR 2018-  
2019 TENTATIVE BUDGET**

BE IT RESOLVED, that the Public Hearing for the Fiscal Year 2018-2019 Tentative Budget is hereby closed.

VILLAGE OF BRIARCLIFF MANOR  
BOARD OF TRUSTEES AGENDA  
APRIL 18, 2018

**3. DECLARATION AND AUTHORIZATION OF THE SALE OF SURPLUS VEHICLES AND EQUIPMENT**

BE IT RESOLVED, that the Board of Trustees does hereby declare the Village owned vehicles and equipment listed below as surplus and further authorizes their sale pursuant to a public bid.

<b>FLEET #</b>	<b>YEAR</b>	<b>MAKE</b>	<b>MODEL</b>	<b>DESCRIPTION/VIN #</b>
TRACTOR	1992	Ford	250C	Grass Tractor
BUCKET	1992	Ford	F800	Bucket Truck
SAW	1997	Stowe		Road Saw
P-4	2000	Chevy	2500	Pick-up/Plow
P-10	2003	Chevy	2500	Pick-up/Dump/Plow
TRK-2	2008	Ford	F250	Pick-up/Ext. Cab/Plow
S-2	2003	International	7600	25 Yard Packer
S-3	2001	Ford	F450	Garbage Dump
S-6	2009	Chevy	3500	Garbage Dump
FIRE	2007	Ford	Expedition	4 Door SUV
SPREADER	2003	Hi Way	E2020	8 CY Spreader
SPREADER	2003	Hi Way	E2020	8 CY Spreader
SPREADER	2006	Hi Way	Super P	3 CY Spreader
SPREADER	2007	Western		4 CY Spreader
SPREADER	2008	Fisher	Pro Caster	3 CY Spreader
SPREADER	2013	Smith		3 CY Spreader
BODY	2003	Stahl	Challenger	Utility Body Dual Wheel



VILLAGE OF BRIARCLIFF MANOR  
BOARD OF TRUSTEES AGENDA  
APRIL 18, 2018

**4. AUTHORIZE VILLAGE MANAGER TO EXECUTE A STIPULATION AGREEMENT  
WITH AN EMPLOYEE**

WHEREAS, the Village of Briarcliff Manor Board of Trustees does hereby authorize a Stipulation Agreement with an Employee.

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 28<sup>th</sup> of March, 2018 commencing at 8:00 p.m.

**Present**

Lori A. Sullivan, Mayor  
Mark Pohar, Deputy Mayor "Acting 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  
Clinton Smith, Village Attorney  
David Turiano, Village Engineer

**Pledge of Allegiance**

Mayor Sullivan congratulated newly elected Trustee Kevin Hunt. She stated it was the last meeting for Deputy Mayor Mark Pohar who had been in public service for 20 years with six of them serving on the Board of Trustees. She stated in honor of his last meeting he would preside as Mayor.

**Continuation of a Public Hearing to Repeal and Replace Chapter 146 Entitled "Noise" in the Code of the Village of Briarcliff Manor**

Upon motion by Trustee Wilson, seconded by Trustee DeRose, the Board voted unanimously to reopen the Public Hearing.

Village Attorney Pozin stated the proposed legislation would now only focus on heavy construction items and the rest would be addressed with future legislation.

The Board thanked everyone for their input during the process and for voicing their opinions.

Ms. Lois Kross of Creighton Lane stated gas powered leaf blowers were an extreme disturbance and requested they be banned during the summer months.

Ms. Audrey Gelfand of 87 Dalmeny Road thanked the Board for being so open and for listening to the community.

Mr. Matt Marucci of 72 Poplar Road thanked the Board and stated he was relieved and still felt for the people impacted by the heavy construction.

Upon motion by Trustee Wilson, seconded by Trustee DeRose the Board voted unanimously to adjourn the Public Hearing to April 18, 2018 at 8:00pm.

### **Board of Trustees Announcements by Trustee Wilson**

- Kudos to Village Staff and contractors for facilitating the repair of the Children's Library Room that was damaged during a flood.
- The Friends of the Library have made museum passes available to Village residents that are Library Pass holders.
- There are many upcoming Library Programs. Please visit the website for more information and to view the Spring/Summer Brochure.
- The Egg Hunt was a success despite the recent weather.
- Applications for Recreation Summer employment were being accepted.
- The Spring/Summer Brochure is online.
- Sign up for Recreation News on the Village website.
- Historical Society Memberships are due for renewal.

### **Village Managers Report by Village Manager Zegarelli**

- The Village Offices will be closed on Friday and the Library will be closed on Friday and Sunday. Sanitation will operate on a normal schedule.
- Curbside debris pickup continues.
- An estimate to repair or replace the damaged Law Park playground is being sought out.
- Many projects are going on throughout the Village.
- The Tentative Budget was filed on March 20<sup>th</sup> and a Public Hearing will be held on April 4<sup>th</sup>.

### **Public Comments**

Mrs. Joann Ahearn of 130 Tuttle Road stated she and her neighbors had been very tolerant of the property maintenance issues at Pace University but it had reached a level of no return. She requested they be held to the same standard the rest of the residents were.

Village Manager Zegarelli stated they were in the Village Court and it was being addressed.

Mr. Doug Rohde of 369 Long Hill Road read a letter he submitted to the Board related to the subdivision at 363 Long Hill Road.

### **Budget Amendments**

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

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

**GENERAL FUND**

**PLANTERS**

FROM:	A0909	FUND BALANCE	\$25,000
TO:	A8160.201	REFUSE/COLLECTION EQUIPMENT	\$25,000

**GRANT FOR VESTS**

INCREASE REVENUE	A0102.4389	DOJ GRANT/VESTS	\$5,348.25
INCREASE EXPENSE	A3120.250	VESTS/UNIFORMS	\$5,348.25

**CLUB PERMIT REVIEW**

FROM:	A0909	FUND BALANCE	\$10,000
TO:	A3620.460.CLUB	CONTRACTUAL SERVICES - CLUB	\$10,000

**Fire Department Service Awards Program for 2017**

The Board requested the Fire Chief and Fire Counsel certify the list for accuracy.

Upon motion by Mayor Sullivan, seconded by Trustee DeRose, the Board voted unanimously to approve the following resolution subject to certification by the Fire Chief and Fire Counsel:

BE IT RESOLVED, that the Volunteer Firefighter Service Award Program list for all 2017 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.

**Bond Resolutions A-C**

Upon motion by Trustee DeRose, seconded by Trustee Wilson, the Board voted unanimously to approve the following resolution subject to any non-material issues by Village Counsel or Bond Counsel:

Trustee DeRose: Aye  
Trustee Wilson: Aye  
Mayor Sullivan: Aye  
Trustee Zirman: Aye  
Acting Mayor/Deputy Mayor Pohar: Aye

**A. BOND RESOLUTION, DATED MARCH 28, 2018, AUTHORIZING THE ISSUANCE OF UP TO \$520,000 AGGREGATE PRINCIPAL AMOUNT SERIAL BONDS OF THE VILLAGE OF BRIARCLIFF MANOR, COUNTY OF WESTCHESTER, STATE OF NEW YORK, PURSUANT TO THE LOCAL FINANCE LAW, TO FINANCE THE ADDITIONAL COSTS OF THE ACQUISITION, CONSTRUCTION AND RECONSTRUCTION OF IMPROVEMENTS TO PARKS AND RECREATION AREAS IN AND FOR THE VILLAGE.**

**WHEREAS**, the Board of Trustees of the Village of Briarcliff Manor (the "Village"), County of Westchester, State of New York (the "State"), adopted bond resolutions on October 26, 2016 and March 21, 2018, authorizing the financing of the costs of the acquisition, construction and reconstruction of improvements to parks and recreation areas (the "Project"), all in accordance with the Local Finance Law; and

**WHEREAS**, the Board of Trustees of the Village hereby determines that the costs of the Project have increased by \$520,000;

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Trustees of the Village of Briarcliff Manor, County of Westchester, State of New York, as follows:

Section 1. There is hereby authorized to be issued serial bonds of the Village in the aggregate principal amount of up to \$520,000, pursuant to the Local Finance Law, in order to finance the additional costs of the Project.

Section 2. It is hereby determined that the Project is a specific object or purpose, or of a class of object or purpose, described in subdivision 19(c) of paragraph a of Section 11.00 of the Local Finance Law and that the period of probable usefulness of the Project is fifteen (15) years. The serial bonds authorized herein shall have a maximum maturity of fifteen (15) years computed from the date of the first obligations issued pursuant to the aforesaid bond resolution dated October 26, 2016.

Section 3. The Board of Trustees of the Village has ascertained and hereby states that (a) the revised estimated maximum cost of the Project is \$1,632,628; (b) the Board of Trustees of the Village plans to finance the costs of the Project from (i) the proceeds of the serial bonds or bond anticipation notes issued in anticipation of such serial bonds authorized in the aforementioned bond

resolutions adopted on October 26, 2016 and March \_\_, 2018 and (ii) the proceeds of the serial bonds authorized herein or bond anticipation notes issued in anticipation of such serial bonds; (c) the maturity of the obligations authorized herein may be in excess of five (5) years; and (d) on or before the expenditure of moneys to pay for any additional costs of the Project for which proceeds of such obligations are to be applied to reimburse the Village, the Board of Trustees of the Village took "official action" for federal income tax purposes to authorize capital financing of such item.

Section 4. Subject to the terms and conditions of this bond resolution and the Local Finance Law, including the provisions of Sections 21.00, 30.00, 50.00 and 56.00 to 60.00, inclusive, the power to authorize the serial bonds authorized herein, and bond anticipation notes in anticipation of the issuance of such serial bonds, including renewals thereof, the power to prescribe the terms, form and contents of such serial bonds and such bond anticipation notes, and the power to issue, sell and deliver such serial bonds and such bond anticipation notes, are hereby delegated to the Village Treasurer, as the chief fiscal officer of the Village. The Village Treasurer is hereby authorized to execute, on behalf of the Village, all serial bonds authorized herein and all bond anticipation notes issued in anticipation of the issuance of such serial bonds, and the Village Clerk is hereby authorized to affix the seal of the Village (or attach a facsimile thereof) on all such serial bonds and bond anticipation notes and to attest such seal. Each interest coupon, if any, representing interest payable on such serial bonds shall be authenticated by the manual or facsimile signature of the Village Treasurer.

Section 5. Each of the serial bonds authorized by this bond resolution and any bond anticipation notes issued in anticipation of the issuance of such serial bonds shall contain the recital of validity prescribed by Section 52.00 of the Local Finance Law. The faith and credit of the Village is hereby and shall be irrevocably pledged for the punctual payment of the principal of and interest on all obligations authorized and issued pursuant to this bond resolution as the same shall become due.

Section 6. When this bond resolution takes effect, the Village Clerk shall cause the same, or a summary thereof, to be published together with a notice in substantially the form prescribed by Section 81.00 of the Local Finance Law in The Gazette, a newspaper having a general circulation in the Village. The validity of the serial bonds authorized by this bond resolution, and of bond anticipation notes issued in anticipation of the issuance of such serial bonds, may be contested only if such obligations are authorized for an object or purpose, or class of object or purpose, for which the Village is not authorized to expend money, or the provisions of law which should be complied with as of the date of the publication of this bond resolution, or such summary thereof, are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication, or if such obligations are authorized in violation of the provisions of the Constitution of the State.



Section 7. Prior to the issuance of the obligations authorized herein, the Board of Trustees of the Village shall comply with all applicable provisions prescribed in Article 8 of the Environmental Conservation Law, all regulations promulgated thereunder by the New York State Department of Environmental Conservation, and all applicable Federal laws and regulations in connection with environmental quality review relating to the Project (collectively, the "environmental compliance proceedings"). In the event that any of the environmental compliance proceedings are not completed, or require amendment or modification subsequent to the date of adoption of this bond resolution, the Board of Trustees of the Village will re-adopt, amend or modify this bond resolution prior to the issuance of the obligations authorized herein upon the advice of bond counsel. It is hereby determined by the Board of Trustees of the Village that the Project will not have a significant effect on the environment.

Section 8. The Village hereby declares its intention to issue the obligations authorized herein to finance the additional costs of the Project. The proceeds of any obligations authorized herein may be applied to reimburse expenditures or commitments of the Village made with respect to the Project on or after a date which is not more than sixty (60) days prior to the date of adoption of this bond resolution by the Village.

Section 9. For the benefit of the holders and beneficial owners from time to time of the obligations authorized herein, the Village agrees in accordance with and as an obligated person with respect to the obligations under Rule 15c2-12 promulgated by the Securities Exchange Commission pursuant to the Securities Exchange Act of 1934 (the "Rule"), to provide or cause to be provided such financial information and operating data, financial statements and notices, in such manner, as may be required for purposes of the Rule. In order to describe and specify certain terms of the Village's continuing disclosure agreement for that purpose, and thereby to implement that agreement, including provisions for enforcement, amendment and termination, the Village Treasurer is authorized and directed to sign and deliver, in the name and on behalf of the Village, the commitment authorized by subsection 6(c) of the Rule (the "Commitment") to be placed on file with the Village Clerk, which shall constitute the continuing disclosure agreement made by the Village for the benefit of holders and beneficial owners of the obligations authorized herein in accordance with the Rule, with any changes or amendments that are not inconsistent with this bond resolution and not substantially adverse to the Village and that are approved by the Village Treasurer on behalf of the Village, all of which shall be conclusively evidenced by the signing of the Commitment or amendments thereto. The agreement formed collectively by this paragraph and the Commitment, shall be the Village's continuing disclosure agreement for purposes of the Rule, and its performance shall be subject to the availability of funds and their annual appropriation to meet costs the Village would be required to incur to perform thereunder. The Village Treasurer is further authorized and directed to establish procedures in order to ensure compliance by the Village with its

continuing disclosure agreement, including the timely provision of information and notices. Prior to making any filing in accordance with the agreement or providing notice of the occurrence of any material event, the Village Treasurer shall consult with, as appropriate, the Village Attorney and bond counsel or other qualified independent special counsel to the Village and shall be entitled to rely upon any legal advice provided by the Village Attorney or such bond counsel or other qualified independent special counsel in determining whether a filing should be made.

Section 10. This bond resolution is subject to a permissive referendum and will take effect upon its adoption by the Board of Trustees of the Village and the expiration of the period prescribed in the Village Law during which petitions for a permissive referendum may be submitted and filed with the Village Clerk.

**B. BOND RESOLUTION, DATED MARCH 28, 2018, AUTHORIZING THE ISSUANCE OF UP TO \$250,000 AGGREGATE PRINCIPAL AMOUNT SERIAL BONDS OF THE VILLAGE OF BRIARCLIFF MANOR, COUNTY OF WESTCHESTER, STATE OF NEW YORK, PURSUANT TO THE LOCAL FINANCE LAW, TO FINANCE THE ADDITIONAL COSTS OF THE ACQUISITION, CONSTRUCTION AND RECONSTRUCTION OF IMPROVEMENTS TO PARKS AND RECREATION AREAS IN AND FOR THE VILLAGE.**

**WHEREAS**, the Board of Trustees of the Village of Briarcliff Manor (the "Village"), County of Westchester, State of New York (the "State"), adopted a bond resolution on October 26, 2016 authorizing the financing of the costs of the acquisition, construction and reconstruction of improvements to parks and recreation areas (the "Project"), all in accordance with the Local Finance Law; and

**WHEREAS**, the Board of Trustees of the Village hereby determines that the costs of the Project have increased by \$250,000;

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Trustees of the Village of Briarcliff Manor, County of Westchester, State of New York, as follows:

Section 1. There is hereby authorized to be issued serial bonds of the Village in the aggregate principal amount of up to \$250,000, pursuant to the Local Finance Law, in order to finance the additional costs of the Project.

Section 2. It is hereby determined that the Project is a specific object or purpose, or of a class of object or purpose, described in subdivision 19(c) of paragraph a of Section 11.00 of the Local Finance Law and that the period of probable usefulness of the Project is fifteen (15) years. The serial bonds authorized herein shall have a maximum maturity of fifteen (15) years computed from the date of the first obligations issued pursuant to the aforesaid bond resolution dated October 26, 2016.

Section 3. The Board of Trustees of the Village has ascertained and hereby states that (a) the revised estimated maximum cost of the Project is \$1,112,628; (b) the Board of Trustees of the Village plans to finance the costs of the Project from (i) the proceeds of the serial bonds or bond anticipation notes issued in anticipation of such serial bonds authorized in the aforementioned bond resolution adopted on October 26, 2016 and (ii) the proceeds of the serial bonds authorized herein or bond anticipation notes issued in anticipation of such serial bonds; (c) the maturity of the obligations authorized herein may be in excess of five (5) years; and (d) on or before the expenditure of moneys to pay for any additional costs of the Project for which proceeds of such obligations are to be applied to reimburse the Village, the Board of Trustees of the Village took "official action" for federal income tax purposes to authorize capital financing of such item.

Section 4. Subject to the terms and conditions of this bond resolution and the Local Finance Law, including the provisions of Sections 21.00, 30.00, 50.00 and 56.00 to 60.00, inclusive, the power to authorize the serial bonds authorized herein, and bond anticipation notes in anticipation of the issuance of such serial bonds, including renewals thereof, the power to prescribe the terms, form and contents of such serial bonds and such bond anticipation notes, and the power to issue, sell and deliver such serial bonds and such bond anticipation notes, are hereby delegated to the Village Treasurer, as the chief fiscal officer of the Village. The Village Treasurer is hereby authorized to execute, on behalf of the Village, all serial bonds authorized herein and all bond anticipation notes issued in anticipation of the issuance of such serial bonds, and the Village Clerk is hereby authorized to affix the seal of the Village (or attach a facsimile thereof) on all such serial bonds and bond anticipation notes and to attest such seal. Each interest coupon, if any, representing interest payable on such serial bonds shall be authenticated by the manual or facsimile signature of the Village Treasurer.

Section 5. Each of the serial bonds authorized by this bond resolution and any bond anticipation notes issued in anticipation of the issuance of such serial bonds shall contain the recital of validity prescribed by Section 52.00 of the Local Finance Law. The faith and credit of the Village is hereby and shall be irrevocably pledged for the punctual payment of the principal of and interest on all obligations authorized and issued pursuant to this bond resolution as the same shall become due.

Section 6. When this bond resolution takes effect, the Village Clerk shall cause the same, or a summary thereof, to be published together with a notice in substantially the form prescribed by Section 81.00 of the Local Finance Law in The Gazette, a newspaper having a general circulation in the Village. The validity of the serial bonds authorized by this bond resolution, and of bond anticipation notes issued in anticipation of the issuance of such serial bonds, may be contested only if such obligations are authorized for an object or purpose, or class of object or purpose, for which the Village is not authorized to expend money, or the provisions of law which should be complied with as of the date of

the publication of this bond resolution, or such summary thereof, are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication, or if such obligations are authorized in violation of the provisions of the Constitution of the State.

Section 7. Prior to the issuance of the obligations authorized herein, the Board of Trustees of the Village shall comply with all applicable provisions prescribed in Article 8 of the Environmental Conservation Law, all regulations promulgated thereunder by the New York State Department of Environmental Conservation, and all applicable Federal laws and regulations in connection with environmental quality review relating to the Project (collectively, the "environmental compliance proceedings"). In the event that any of the environmental compliance proceedings are not completed, or require amendment or modification subsequent to the date of adoption of this bond resolution, the Board of Trustees of the Village will re-adopt, amend or modify this bond resolution prior to the issuance of the obligations authorized herein upon the advice of bond counsel. It is hereby determined by the Board of Trustees of the Village that the Project will not have a significant effect on the environment.

Section 8. The Village hereby declares its intention to issue the obligations authorized herein to finance the additional costs of the Project. The proceeds of any obligations authorized herein may be applied to reimburse expenditures or commitments of the Village made with respect to the Project on or after a date which is not more than sixty (60) days prior to the date of adoption of this bond resolution by the Village.

Section 9. For the benefit of the holders and beneficial owners from time to time of the obligations authorized herein, the Village agrees in accordance with and as an obligated person with respect to the obligations under Rule 15c2-12 promulgated by the Securities Exchange Commission pursuant to the Securities Exchange Act of 1934 (the "Rule"), to provide or cause to be provided such financial information and operating data, financial statements and notices, in such manner, as may be required for purposes of the Rule. In order to describe and specify certain terms of the Village's continuing disclosure agreement for that purpose, and thereby to implement that agreement, including provisions for enforcement, amendment and termination, the Village Treasurer is authorized and directed to sign and deliver, in the name and on behalf of the Village, the commitment authorized by subsection 6(c) of the Rule (the "Commitment") to be placed on file with the Village Clerk, which shall constitute the continuing disclosure agreement made by the Village for the benefit of holders and beneficial owners of the obligations authorized herein in accordance with the Rule, with any changes or amendments that are not inconsistent with this bond resolution and not substantially adverse to the Village and that are approved by the Village Treasurer on behalf of the Village, all of which shall be conclusively evidenced by the signing of the Commitment or amendments thereto. The agreement formed collectively by this paragraph and the

Commitment, shall be the Village's continuing disclosure agreement for purposes of the Rule, and its performance shall be subject to the availability of funds and their annual appropriation to meet costs the Village would be required to incur to perform thereunder. The Village Treasurer is further authorized and directed to establish procedures in order to ensure compliance by the Village with its continuing disclosure agreement, including the timely provision of information and notices. Prior to making any filing in accordance with the agreement or providing notice of the occurrence of any material event, the Village Treasurer shall consult with, as appropriate, the Village Attorney and bond counsel or other qualified independent special counsel to the Village and shall be entitled to rely upon any legal advice provided by the Village Attorney or such bond counsel or other qualified independent special counsel in determining whether a filing should be made.

Section 10. This bond resolution is subject to a permissive referendum and will take effect upon its adoption by the Board of Trustees of the Village and the expiration of the period prescribed in the Village Law during which petitions for a permissive referendum may be submitted and filed with the Village Clerk.

**C. A RESOLUTION, DATED MARCH 28, 2018, OF THE VILLAGE OF BRIARCLIFF MANOR, COUNTY OF WESTCHESTER, STATE OF NEW YORK AS TO SEQRA DETERMINATION.**

**BE IT RESOLVED** by the Board of Trustees of the Village of Briarcliff Manor, County of Westchester, State of New York, as follows:

Section 1. The Board adopting this resolution hereby declares itself to be the lead agency under the State Environmental Quality Review Act ("SEQRA") and the regulations promulgated thereunder for purposes of determining the environmental impact of the project described in Section 3 hereof.

Section 2. The Board hereby determined that the project described in Section 3 hereof is a "Type II action" which by definition thereof under the regulations promulgated under SEQRA, will not have a significant impact upon the environment.

Section 3. The project which is the subject of this resolution is described as follows:

**The acquisition, construction and reconstruction of parking improvements in and for the Village of Briarcliff Manor, including any applicable equipment, machinery, apparatus, land and rights-in-land necessary therefor and any preliminary and incidental costs related thereto, at a total cost not to exceed \$382,500.**

Section 4. This resolution shall take effect immediately upon its adoption.

**BOND RESOLUTION, DATED MARCH 28, 2018, AUTHORIZING THE ISSUANCE OF UP TO \$382,500 AGGREGATE PRINCIPAL AMOUNT SERIAL BONDS OF THE VILLAGE OF BRIARCLIFF MANOR, COUNTY OF WESTCHESTER, STATE OF NEW YORK, PURSUANT TO THE LOCAL FINANCE LAW, TO FINANCE THE COSTS OF THE ACQUISITION, CONSTRUCTION AND RECONSTRUCTION OF PARKING IMPROVEMENTS IN AND FOR THE VILLAGE.**

**WHEREAS**, the Board of Trustees of the Village of Briarcliff Manor (the "Village"), located in the County of Westchester, in the State of New York (the "State"), hereby determines that it is in the public interest of the Village to authorize the financing of the costs of the acquisition, construction and reconstruction of parking improvements in and for the Village, including any applicable equipment, machinery, apparatus, land or rights-in-land necessary therefor and any preliminary and incidental costs related thereto, at a total cost not to exceed \$382,500, all in accordance with the Local Finance Law;

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Trustees of the Village of Briarcliff Manor, County of Westchester, State of New York, as follows:

Section 1. There is hereby authorized to be issued serial bonds of the Village in the aggregate principal amount of up to \$382,500, pursuant to the Local Finance Law, in order to finance the acquisition, construction and reconstruction of parking improvements in and for the Village, including any applicable equipment, machinery, apparatus, land and rights-in-land necessary therefor and any preliminary and incidental costs related thereto (the "Project").

Section 2. It is hereby determined that the Project is a specific object or purpose, or of a class of object or purpose, described in subdivision 20(f) of paragraph a of Section 11.00 of the Local Finance Law and that the period of probable usefulness of the Project is ten (10) years. The serial bonds authorized herein shall have a maximum maturity of ten (10) years computed from the earlier of (a) the date of the first issue of such serial bonds or (b) the date of the first issue of bond anticipation notes issued in anticipation of the issuance of such serial bonds.

Section 3. The Board of Trustees of the Village has ascertained and hereby states that (a) the estimated maximum cost of the Project is \$382,500; (b) no money has heretofore been authorized to be applied to the payment of the costs of the Project; (c) the Board of Trustees of the Village plans to finance the costs of the Project from the proceeds of the serial bonds authorized herein, or from the proceeds of bond anticipation notes issued in anticipation of such serial bonds; (d) the maturity of the obligations authorized herein may be in excess of five (5) years;



and (e) on or before the expenditure of moneys to pay for any costs of the Project for which proceeds of such obligations are to be applied to reimburse the Village, the Board of Trustees of the Village took "official action" for federal income tax purposes to authorize capital financing of such item.

Section 4. Subject to the terms and conditions of this bond resolution and the Local Finance Law, including the provisions of Sections 21.00, 30.00, 50.00 and 56.00 to 60.00, inclusive, the power to authorize the serial bonds authorized herein, and bond anticipation notes in anticipation of the issuance of such serial bonds, including renewals thereof, the power to prescribe the terms, form and contents of such serial bonds and such bond anticipation notes, and the power to issue, sell and deliver such serial bonds and such bond anticipation notes, are hereby delegated to the Village Treasurer, as the chief fiscal officer of the Village. The Village Treasurer is hereby authorized to execute, on behalf of the Village, all serial bonds authorized herein and all bond anticipation notes issued in anticipation of the issuance of such serial bonds, and the Village Clerk is hereby authorized to affix the seal of the Village (or attach a facsimile thereof) on all such serial bonds and bond anticipation notes and to attest such seal. Each interest coupon, if any, representing interest payable on such serial bonds shall be authenticated by the manual or facsimile signature of the Village Treasurer.

Section 5. Each of the serial bonds authorized by this bond resolution and any bond anticipation notes issued in anticipation of the issuance of such serial bonds shall contain the recital of validity prescribed by Section 52.00 of the Local Finance Law. The faith and credit of the Village is hereby and shall be irrevocably pledged for the punctual payment of the principal of and interest on all obligations authorized and issued pursuant to this bond resolution as the same shall become due.

Section 6. When this bond resolution takes effect, the Village Clerk shall cause the same, or a summary thereof, to be published together with a notice in substantially the form prescribed by Section 81.00 of the Local Finance Law in The Gazette, a newspaper having a general circulation in the Village. The validity of the serial bonds authorized by this bond resolution, and of bond anticipation notes issued in anticipation of the issuance of such serial bonds, may be contested only if such obligations are authorized for an object or purpose, or class of object or purpose, for which the Village is not authorized to expend money, or the provisions of law which should be complied with as of the date of the publication of this bond resolution, or such summary thereof, are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication, or if such obligations are authorized in violation of the provisions of the Constitution of the State.

Section 7. Prior to the issuance of the obligations authorized herein, the Board of Trustees of the Village shall comply with all applicable provisions prescribed in Article 8 of the Environmental Conservation Law, all

regulations promulgated thereunder by the New York State Department of Environmental Conservation, and all applicable Federal laws and regulations in connection with environmental quality review relating to the Project (collectively, the "environmental compliance proceedings"). In the event that any of the environmental compliance proceedings are not completed, or require amendment or modification subsequent to the date of adoption of this bond resolution, the Board of Trustees of the Village will re-adopt, amend or modify this bond resolution prior to the issuance of the obligations authorized herein upon the advice of bond counsel. It is hereby determined by the Board of Trustees of the Village that the Project will not have a significant effect on the environment.

Section 8. The Village hereby declares its intention to issue the obligations authorized herein to finance the costs of the Project. The proceeds of any obligations authorized herein may be applied to reimburse expenditures or commitments of the Village made with respect to the Project on or after a date which is not more than sixty (60) days prior to the date of adoption of this bond resolution by the Village.

Section 9. For the benefit of the holders and beneficial owners from time to time of the obligations authorized herein, the Village agrees in accordance with and as an obligated person with respect to the obligations under Rule 15c2-12 promulgated by the Securities Exchange Commission pursuant to the Securities Exchange Act of 1934 (the "Rule"), to provide or cause to be provided such financial information and operating data, financial statements and notices, in such manner, as may be required for purposes of the Rule. In order to describe and specify certain terms of the Village's continuing disclosure agreement for that purpose, and thereby to implement that agreement, including provisions for enforcement, amendment and termination, the Village Treasurer is authorized and directed to sign and deliver, in the name and on behalf of the Village, the commitment authorized by subsection 6(c) of the Rule (the "Commitment") to be placed on file with the Village Clerk, which shall constitute the continuing disclosure agreement made by the Village for the benefit of holders and beneficial owners of the obligations authorized herein in accordance with the Rule, with any changes or amendments that are not inconsistent with this bond resolution and not substantially adverse to the Village and that are approved by the Village Treasurer on behalf of the Village, all of which shall be conclusively evidenced by the signing of the Commitment or amendments thereto. The agreement formed collectively by this paragraph and the Commitment, shall be the Village's continuing disclosure agreement for purposes of the Rule, and its performance shall be subject to the availability of funds and their annual appropriation to meet costs the Village would be required to incur to perform thereunder. The Village Treasurer is further authorized and directed to establish procedures in order to ensure compliance by the Village with its continuing disclosure agreement, including the timely provision of information and notices. Prior to making any filing in accordance with the agreement or providing notice of the occurrence of any material event, the Village Treasurer shall consult with, as appropriate, the Village Attorney and bond counsel or other

qualified independent special counsel to the Village and shall be entitled to rely upon any legal advice provided by the Village Attorney or such bond counsel or other qualified independent special counsel in determining whether a filing should be made.

Section 10. This bond resolution is subject to a permissive referendum and will take effect upon its adoption by the Board of Trustees of the Village and the expiration of the period prescribed in the Village Law during which petitions for a permissive referendum may be submitted and filed with the Village Clerk.

### **Grant of Conservation Subdivision Authority to Planning Board**

Village Attorney Pozin stated it was a request from the Planning Board in connection with an application for a subdivision at 363 Long Hill Road.

Village Engineer Turiano gave an overview of the project.

Mayor Sullivan stated the Planning Board was requesting the Board grant them authority to determine if the subdivision complied with the conservation subdivision regulations or not.

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

WHEREAS, the Planning Board received an application for the subdivision of an approximately 3.85 acre parcel of property at 363 Long Hill Road in the R-40 A District; and

WHEREAS, the applicant has demonstrated to the Planning Board via a conventional, conforming, "as of right" subdivision layout that 3 building lots can be created in compliance with the requirements of the Village's Zoning Law and the Subdivision Regulations; and

WHEREAS, for the reasons set forth in its memorandum of March 13, 2018, which is incorporated herein by reference, the Planning Board is requesting Conservation Development authority to achieve a more environmentally sensitive development than is possible with a conventional subdivision layout in strict compliance with the requirements of the Zoning Law.

NOW, THEREFORE BE IT RESOLVED, that in accordance with §220-7 of the Village Code, the Board of Trustees hereby authorizes the Planning Board simultaneously with its review of the subject subdivision to modify the required lot width at the minimum front yard setback for each of the 3 proposed lots in a manner which the Planning Board deems appropriate; and

BE IT FURTHER RESOLVED, that a declaration of covenants and restrictions pertaining to the ownership, use and maintenance of the open lands shown on

the subdivision plat, to be approved by the Planning Board and recorded against the subject property shall be acceptable for purposes of Village Code §220-7.B.(9)(C).

**Tax Abatement**

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

WHEREAS, a Small Claims Assessment Review was filed on behalf of the property owner for 0 Cypress Lane (Parcel ID 98.05-2-55); and

WHEREAS, a Stipulation of Settlement and Order in the Small Claim Assessment Review has been issued for the property at 0 Cypress Lane for the 2016 Town assessment year, Fiscal Year 2017-2018 Village assessment roll; and

WHEREAS, the Stipulation of Settlement and Order was received after the finalization of the Fiscal Year 2017-2018 assessment roll and the approval of the budget for Fiscal Year 2017-2018;

WHEREAS, the Stipulation of Settlement and Order reduced the tax assessment for the subject property for the Fiscal Year 2017-2018 assessment roll by \$123,600 from \$158,600 to \$35,000; and

NOW THEREFORE, BE IT RESOLVED that the Board of Trustees does hereby authorize the refund of the tax bill for Fiscal Year 2017-2018 in the amount of \$683.51 and the abatement of the tax bill based upon the reduced assessment values in the Stipulation of Settlement and Order.

Year	Address	Assessed Value	New Assessed Value	Assessment Reduction	Original Tax Amount	Reduced Tax Amount	Refund	Abatement
2016	0 Cypress Lane 98.05-2-55	\$158,600	\$35,000	\$123,600	\$877.06	\$193.55	\$683.51	\$0
				\$123,600			\$683.51	\$0
				TOTAL AV REDUCTION			TOTAL REVENUE REDUCTION	TOTAL ABATEMENT

**Authorize Village Manager to Execute a Professional Services Agreement with RGR Landscape Architecture for a Schematic Design for the Youth Center**

The item was tabled to a future meeting.

**Minutes**

Upon motion by Trustee DeRose, seconded by Trustee Wilson, the Board voted unanimously to approve the minutes of the Special Meeting on March 21, 2018.

**Adjournment**

There will be a Work Session on April 4, 2018 at 6:00pm.

Mr. Bruce Yeager of 450 Central Drive commended the Department of Public Works for their tremendous cleanup efforts after the storms. He requested the Board drive by The Club site at night to see the impact of the lighting.

Deputy Mayor Pohar stated he was stepping down as Trustee and Deputy Mayor so he could take the time to enjoy many upcoming happy events with his family. He thanked the Board, Village Manager Zegarelli, Village Attorney's Pozin and Smith, Village Engineer Turiano and Village Clerk Dennett for all their hard work. He wished everyone a Happy Easter and Good Passover.

The meeting was adjourned at 9:14pm.

Respectfully Submitted By,

Christine Dennett  
Village Clerk