



**AGENDA**  
**WEDNESDAY NOVEMBER 7, 2018**  
**BOARD OF TRUSTEES**  
**VILLAGE OF BRIARCLIFF MANOR, NEW YORK**  
**REGULAR MEETING – 8:00 PM**

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**Pledge of Allegiance**

**Board of Trustees Announcements**

**Village Managers Report**

**Public Comments**

1. Good Neighbor Initiative Presentation by the Westchester County Executive, George Latimer
2. Presentation of Petition of Lincoln Properties, owner of 600 Albany Post Road, for a Proposed Zoning Text Amendment to Permit “Self Storage Facility” as a special permit use in the Village’s B/BT Zone
3. Resolution to Establish the Briarcliff Manor Emergency Service as a Department of the Village of Briarcliff Manor
4. Amend Meeting Rules and Procedures to Provide for the Commencement of Regular Meetings of the Board of Trustees at 7:30 PM
5. Tax Certioraris
6. Award of Bid – Drainage Improvements - Pleasantville Road CBD
7. Minutes

**NEXT REGULAR BOARD OF TRUSTEES MEETING – WEDNESDAY,  
NOVEMBER 28, 2018 AT 7:30PM**

VILLAGE OF BRIARCLIFF MANOR  
BOARD OF TRUSTEES AGENDA  
NOVEMBER 7, 2018

**3. RESOLUTION TO ESTABLISH THE BRIARCLIFF MANOR  
EMERGENCY SERVICE AS A DEPARTMENT OF THE VILLAGE OF  
BRIARCLIFF MANOR**

**WHEREAS**, the Village Board believes that it is in the public interest to create an ambulance department to serve the Village of Briarcliff Manor; and

**WHEREAS**, the Village of Briarcliff Manor already has the authority to provide EMS services under the existing Ambulance Service Certificate issued by the New York State Department of Health.

**NOW THEREFORE, BE IT RESOLVED**, that the Village Board hereby establishes the Village of Briarcliff Manor Emergency Medical Service as a municipal department of the Village of Briarcliff Manor; and

**BE IT FURTHER RESOLVED**, that the initial department head of the Village of Briarcliff Manor Emergency Medical Service shall be the Village Manager of Briarcliff Manor, until such time as the appointment of an EMS Chief may be made; and

**BE IT FURTHER RESOLVED**, that the existing Standard Operating Procedures of the Village of Briarcliff Manor Fire Department as they pertain to the provision of EMS services shall be deemed adopted as the Village of Briarcliff Manor Emergency Medical Service SOPs; and

**BE IT FURTHER RESOLVED**, that the Village Manager is hereby authorized to take such further actions as may be necessary to effectuate the establishment and operation of the Village of Briarcliff Manor Emergency Medical Service, including without limitation, the staffing of the said department and notice to the New York State Department of Health of the restructuring of the Village of Briarcliff Manor Ambulance operating authority; and

**BE IT FURTHER RESOLVED**, that this Resolution shall take effect immediately.

VILLAGE OF BRIARCLIFF MANOR  
BOARD OF TRUSTEES AGENDA  
NOVEMBER 7, 2018

**4. AMENDMENT TO MEETING RULES OF PROCEDURE TO PROVIDE FOR  
COMMENCEMENT OF REGULAR MEETINGS OF THE BOARD OF  
TRUSTEES AT 7:30PM**

BE IT RESOLVED that the Village of Briarcliff Manor Board of Trustees Rules of Procedure adopted at the Organizational Meetings of April 4, 2018, Part A, Meetings, Section A1, Regular Meetings is hereby amended to read as follows:

**PART A: MEETINGS**

**SECTION A1 - Regular Meetings**

The Board of Trustees generally will hold regular meetings on the 1<sup>st</sup> and 3<sup>rd</sup> Wednesday of each month. Such regular meetings shall commence at 7:30PM and be conducted in the William J. Vescio Community Center. Any deviation from this schedule shall be determined by the Board of Trustees.

VILLAGE OF BRIARCLIFF MANOR  
BOARD OF TRUSTEES AGENDA  
NOVEMBER 7, 2018

**5. TAX CERTIORARIS**

WHEREAS, Lamissa Associates, LLC (1312 Pleasantville Road) instituted tax certiorari proceedings pursuant to Article 7 of the Real Property Tax Law of the State of New York; and

WHEREAS, the tax certiorari filings were for Town of Ossining assessment years 2012-2017; and

WHEREAS, the tax certiorari filings relate to Village of Briarcliff Manor fiscal years 2013-2014, 2015-2016, 2016-2017, 2017-2018 and 2018-2019; and

WHEREAS, a Consent Order of the Supreme Court of the State of New York, County of Westchester, was entered on October 4, 2018;

WHEREAS, the Consent Order was received after the finalization of the approval of the Village budget for Fiscal Year 2018-2019;

WHEREAS, the Consent Order reduced the tax assessment for the subject property for the fiscal years 2013-2014, 2015-2016, 2016-2017, 2017-2018 and 2018-2019; assessment rolls; and

NOW THEREFORE, BE IT RESOLVED that the Board of Trustees does hereby authorize the refund of the tax bill for fiscal years 2013-2014, 2015-2016, 2016-2017, 2017-2018 and 2018-2019; in the amount of \$3,649.30 based upon the reduced assessment values in the Consent Order.

Year	Address	Assessed Value	New Assessed Value	Assessment Reduction	Original Tax Amount	Reduced Tax Amount	Refund	Abatement
2012	1312 Pleasantville Rd	\$49,400	\$49,400	\$0	\$4643.01	\$4643.01	\$0	
2013	1312 Pleasantville Rd	\$49,400	\$41,990	\$7,410	\$4,800	\$4,080.00	\$720	
2014	1312 Pleasantville Rd	\$49,400	\$41,490	\$7,910	\$4,899.89	\$4,115.31	\$784.58	
2015	1312 Pleasantville Rd	\$49,400	\$41,490	\$7,910	\$4,933.50	\$4,143.54	\$789.96	
2016	1312 Pleasantville Rd	\$819,200	\$696,320	\$122,880	\$4,530.18	\$3,850.65	\$679.53	
2017	1312 Pleasantville Rd	\$819,200	\$696,320	\$122,880	\$4,501.50	\$3,826.28	\$675.23	
				<b>TOTAL AV REDUCTION</b>			<b>TOTAL REVENUE REDUCTION</b>	<b>\$3,649.30</b>

WHEREAS, Lamissa Associates, LLC (1326 Pleasantville Road) instituted tax certiorari proceedings pursuant to Article 7 of the Real Property Tax Law of the State of New York; and

WHEREAS, the tax certiorari filings were for Town of Ossining assessment years 2012-2017; and

WHEREAS, the tax certiorari filings relate to Village of Briarcliff Manor fiscal years 2013-2014, 2015-2016, 2016-2017, 2017-2018 and 2018-2019; and

WHEREAS, a Consent Order of the Supreme Court of the State of New York, County of Westchester, was entered on October 4, 2018;

WHEREAS, the Consent Order was received after the finalization of the approval of the Village budget for Fiscal Year 2018-2019;

WHEREAS, the Consent Order reduced the tax assessment for the subject property for the fiscal years 2013-2014, 2015-2016, 2016-2017, 2017-2018 and 2018-2019; assessment rolls; and

NOW THEREFORE, BE IT RESOLVED that the Board of Trustees does hereby authorize the refund of the tax bill for fiscal years 2013-2014, 2015-2016, 2016-2017, 2017-2018 and 2018-2019; in the amount of \$5,054.87 based upon the reduced assessment values in the Consent Order.

Year	Address	Assessed Value	New Assessed Value	Assessment Reduction	Original Tax Amount	Reduced Tax Amount	Refund	Abatement
2012	1326 Pleasantville Rd	\$35,800	\$35,000	\$800	\$3,364.78	\$3,289.58	\$75.20	
2013	1326 Pleasantville Rd	\$35,800	\$25,418	\$10,382	\$3,478.54	\$2,469.77	\$1,008.78	
2014	1326 Pleasantville Rd	\$35,800	\$25,060	\$10,740	\$3,550.93	\$2,485.65	\$1,065.28	
2015	1326 Pleasantville Rd	\$35,800	\$25,060	\$10,740	\$3,575.29	\$2,502.70	\$1,072.59	
2016	1326 Pleasantville Rd	\$554,200	\$387,940	\$166,260	\$3,064.73	\$2,145.31	\$919.42	
2017	1326 Pleasantville Rd	\$554,200	\$387,940	\$166,260	\$3,045.33	\$2,131.73	\$913.60	
				<b>TOTAL AV REDUCTION</b>			<b>TOTAL REVENUE REDUCTION</b>	<b>\$5,054.87</b>

TOWN OF OSSINING

OCT 17 2018

ASSESSORS OFFICE

TAX CERTIORARI  
CONDEMNATION  
LAND USE AND ZONING  
REAL PROPERTY DEVELOPMENT

*Law Offices of*  
**JOEL B. LIEBERMAN**

October 12, 2018

Mr. Fernando Gonzalez  
Ossining Assessor  
16 Croton Avenue  
Ossining, NY 10562

Re: Lamissa Associates, LLC v. Town of Ossining

(Index Nos. 66952/12; 67162/13; 67927/14; 67782/15; 64954/16 & 64932/17)

Dear Fernando:

Enclosed is a copy of the Final Order and Judgment on Consent with Notice of Entry in the above captioned proceedings.

Thank you for your cooperation and assistance in bringing this matter to an amicable conclusion. It has been a distinct pleasure working with you.

Sincerely,



Index Nos.: 66952/12; 67162/13; 67927/14  
67782/15; 64954/16 & 64932/17

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF WESTCHESTER

In the Matter of the Application of  
LAMISSA ASSOCIATES, LLC,  
  
Petitioner,  
  
v.

**TOWN OF OSSINING**

OCT 17 2018

**ASSESSORS OFFICE**

TOWN OF OSSINING, THE BOARD OF ASSESSMENT REVIEW AND  
ASSESSOR OF THE TOWN OF OSSINING,

Respondents,

To review the 2012 through 2017 assessments of certain real property situated in said  
Town/Village of Scarsdale, pursuant to Article 7 of the Real Property Tax Law.

**FINAL ORDER AND JUDGMENT ON CONSENT WITH NOTICE OF ENTRY**

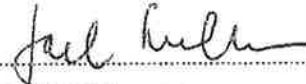
**LAW OFFICES OF JOEL B. LIEBERMAN**

Attorneys for Petitioner  
66 RICHBELL ROAD  
WHITE PLAINS, NEW YORK 10605  
(914) 686-6648  
FAX: (914) 288-9887

Pursuant to 22 NYCRR 130-1.1, the undersigned, an attorney admitted to practice in the courts of New York State, certifies that, upon information and belief and reasonable inquiry, the contentions contained in the annexed document are not frivolous.

Dated: October 10, 2018

Signature



Print Signer's Name Joel B. Lieberman

**PLEASE TAKE NOTICE**

NOTICE OF  
ENTRY

that the within is a true copy of a Final Order and Judgment on Consent entered  
in the office of the clerk of the within named Court on October 4, 2018

Dated: October 10, 2018

**LAW OFFICES OF  
JOEL B. LIEBERMAN**

Attorneys for Petitioner  
66 RICHBELL ROAD  
WHITE PLAINS, NY 10605

To: Dr. James Kaishian, Supt.  
Briarcliff Manor School District  
45 Ingham Road  
Briarcliff Manor, NY 10510

Ms. Holly Perlowitz  
Receiver of Taxes  
16 Croton Avenue  
Ossining, NY 10562

Mr. Elio Giuliani  
Westchester Finance Dept.  
148 Martine Avenue  
White Plains, NY 10601

Marc Sharff, Esq.  
Shaw Perelson May & Lambert  
115 Stevens Avenue  
Valhalla, NY 10595

Mr. Fernando Gonzalez  
Ossining Assessor  
16 Croton Avenue  
Ossining, NY 10562

Benjamin Leavitt, Esq.  
19 Court Plaza  
Suite 201  
White Plains, NY 10601

At the Tax Certiorari Part of the Supreme Court of the State of New York, held in and for the County of Westchester, at the Ninth Judicial District Courthouse located at 110 Martin Luther King, Jr. Boulevard, White Plains, New York

TOWN OF OSSINING

OCT 17 2018

P R E S E N T :

HON. BRUCE E. TOLBERT,

Justice

ASSESSORS OFFICE

In the Matter of the Application of :

LAMISSA ASSOCIATES, LLC, :

Petitioner, :

-against- :

TOWN OF OSSINING, a Municipal Corporation, its Assessor or Board of Assessors and Board of Assessment Review, :

Respondents, :

and :

BRIARCLIFF MANOR UNION FREE SCHOOL DISTRICT, :

Respondent-Intervenor, :

for a Review under Article 7 of the Real Property Tax Law of the State of New York of the 2012 through 2017 assessments of certain real property situated in Respondent Municipal Corporation located in the County of Westchester, New York.

Index Nos.  
66952 66926/2012 ✓  
67162/2013 ✓  
67927/2014 ✓  
67782 67882/2015 ✓  
64954/2016 ✓  
64932/2017 ✓

FINAL  
ORDER AND JUDGMENT  
ON CONSENT

ADDRESSES:

1312 & 1326 Pleasantville Road  
Briarcliff Manor

Upon reading and filing the notices of petition and petitions herein, and it appearing therefrom that the above-named Petitioner has heretofore duly grieved and protested the 2012 through 2017 assessments on the final assessment rolls of the Town of Ossining, against its property located on two non-contiguous lots which are known as 1312 and

RECEIVED

SEP 25 2018

HON. BRUCE E. TOLBERT



1326 Pleasantville Road, Briarcliff Manor, New York, and which are denominated on the official tax map and assessment rolls of the said Town as Section 98.10, Block 1 and Lots 5 and 4, respectively, ("Property"), and the issues of these proceedings having duly come on for trial at this Court, and the Petitioner having appeared by JOEL B. LIEBERMAN, ESQ., and the Respondents having appeared by BENJAMIN LEAVITT, ESQ., and Intervenor-Respondent having appeared by MARC SHARFF, ESQ., and

The parties having compromised and settled their dispute with respect to the proper assessments of the Property upon the aforesaid assessment rolls;

NOW, THEREFORE, it is hereby,

ORDERED, ADJUDGED AND DECREED, that the current assessments against the Property for the years 2012 through 2017 ("Original Assessment") be and they hereby are reduced to the following assessments ("Corrected Assessments"):

**1312 Pleasantville Road**

<u>ASSESSMENT YEAR</u>	<u>ORIGINAL ASSESSMENT</u>	<u>ASSESSMENT REDUCTION</u>	<u>CORRECTED ASSESSMENT</u>		
2012	\$ 49,400	\$ -0-	\$49,400	2013 1944	4643.01
2013	49,400	7,410	41,990	1496	4800.00
2014	49,400	7,910	41,490	2015 1510	4899.89
2015	49,400	7,910	41,490	2016 1147	4933.50
2016	819,200	122,880	696,320	2017 1145	4530.18
2017	819,200	122,880	696,320	2018 1145	4501.50

1326 Pleasantville Road

ASSESSMENT YEAR	ORIGINAL ASSESSMENT	ASSESSMENT REDUCTION	CORRECTED ASSESSMENT		
2012	\$ 35,800	\$ -0-	\$ 35,000	2013 1943	3304.78
2013	35,800	10,382	25,418	1495	3478.54
2014	35,800	10,740	25,060	2015 1509	3550.93
2015	35,800	10,740	25,060	2016 1146	3575.29
2016	554,200	166,260	387,940	2017 1144	3064.73
2017	554,200	166,260	387,940	2018 1144	3045.38

and it is further

ORDERED, ADJUDGED AND DECREED, that the officer or officers having custody of the aforesaid assessment rolls of the Town of Ossining shall make or cause to be made upon the proper books and records and on the aforesaid assessment rolls, the entries, changes and corrections necessary to conform said Original Assessments for the years 2012 through 2017 to the Corrected Assessments for such years; and it is further

ORDERED, ADJUDGED AND DECREED, that there shall be audited, allowed and paid to Petitioner by the Town of Ossining, the amounts, if any, paid by Petitioner as Town taxes, and taxes relating to any special taxing district for which the Town collects such taxes, against the Original Assessments, in excess of what the said taxes would have been if said assessments had been made as determined by this Order and Judgment, together with the proportionate share of any interest or penalty paid by reason of delinquent payment of said excess taxes; and it is further

ORDERED, ADJUDGED AND DECREED, that there shall be audited, allowed and paid to Petitioner by the Briarcliff Manor Union Free School District, the amounts, if any, paid by Petitioner as school taxes against the Original Assessments in excess of what the school taxes would have been if said assessments had been made as determined by this Order and

Judgment, together with the proportionate share of any interest or penalty paid by reason of delinquent payment of said excess taxes; and it is further

ORDERED, ADJUDGED AND DECREED, that there shall be audited, allowed and paid to Petitioner by the Westchester County Commissioner of Finance, the amounts, if any, paid by Petitioner as state, county, judiciary, sewer district, refuse district, and any other applicable county special district taxes against the Original Assessments in excess of what the said taxes would have been if said assessments had been made as determined by this Order and Judgment, together with the proportionate share of any interest or penalty paid by reason of delinquent payment of said excess taxes; and it is further

ORDERED, ADJUDGED AND DECREED, that, pursuant to the provisions of Real Property Tax Law ("RPTL") § 727(1), upon entry of this Order and Judgment, the assessment of the Property shall not be changed, and no petition for review of said assessment shall be filed for the next three succeeding assessment rolls after the latest year under review in this proceeding, except that upon the occurrence of one of the provisions contained in RPTL § 727(2), the assessment of the Property may be changed and a petition for review of said assessment may be filed; and it is further

ORDERED, ADJUDGED AND DECREED, that all refund payments hereunder shall bear interest at the rate provided by RPTL § 726(2) unless such refunds are paid within forty-five (45) days of the date of service of a copy of this Order and Judgment with notice of entry upon the respective aforementioned municipal entities required to refund taxes hereunder, and proof of payment of taxes to said municipal entities has been verified to the satisfaction of Respondents, in which case no interest shall be payable; and it is further

ORDERED, that all refund payments shall be made to Petitioner's attorney, Joel B. Lieberman, payable to the order of "JOEL B. LIEBERMAN, as attorney", and mailed to the Law Offices of Joel B. Lieberman, 66 Richbell Road, White Plains, N.Y. 10605, who is directed to hold such

funds as trust funds for appropriate distribution pursuant to Judiciary Law § 475; and it is further

ORDERED, ADJUDGED AND DECREED, that upon Respondents compliance with the terms hereof, this proceeding shall be and the same hereby is discontinued without costs or disbursements to either party; and it is further

ORDERED, ADJUDGED AND DECREED, that this proceeding shall remain subject to further order of this Court.

Dated: October 4, 2018.  
*White Plains NY*

ENTER,

*Carroll E. Soltes*

Justice of the Supreme Court

*Tuesday, October 4th 2018*

The undersigned attorney for the Town of Ossining hereby consents to the entry of the foregoing Final Order and Judgment.

Dated: \_\_\_\_\_

*B. Leavitt*  
Benjamin Leavitt

*Special Counsel to the town of Ossining*

The undersigned attorney for Petitioner hereby consents to the entry of the foregoing Final Order and Judgment.

Dated: 9/17/18

*Joel B. Lieberman*  
Joel B. Lieberman

*Slashtaxes66@yahoo.com*

The undersigned attorney for the Briarcliff Manor Union Free School District hereby consents to the entry of the foregoing Final Order and Judgment.

Dated: 9/17/18  
*Marc Sharff*  
Marc Sharff

THE OFFICE OF THE WESTCHESTER COUNTY ATTORNEY HAS NO OBJECTION TO THE ENTERING OF THE WITHIN ORDER.

DATED: 10/1/18

*Rachael A. Noel*  
Rachael A. Noel  
Assistant COUNTY ATTORNEY  
THE COUNTY OF WESTCHESTER



October 2, 2018

TO: HON. BRUCE E. TOLBERT  
Richard J. Daronco Courthouse  
111 Dr. Martin Luther King, Jr. Blvd., Rm. 1618  
White Plains, New York 10601

Attn: Kathleen Stradling  
Court Clerk

FROM: Rachel A. Noe *RAN*  
Assistant County Attorney

RE: **Lamissa Associates LLC vs Town of Ossining (CON113151)**  
Index Nos.: 66952/12; 67162/13; 67927/14; 67782/15;  
64954/16; 64932/17  
Addresses: 1312 & 1326 Pleasantville Road, Briarcliff Manor  
Section 98.10, Block 1, Lots 5 and 4

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The Office of the Westchester County Attorney has no objection  
to the entering of the within order.

RAN:ml  
Enc.



Assessment Year	Owner on Bill	Bill #	Parcel Address	Parcel	Assessed Value	Current Tax Bill	Reduction Tax Bill	New Assessed	Reduction	New Tax Amount	Change In Tax	Refund Prior Yrs	Refund Current Yr	Abate 2nd Half
2012	Lamissa Associates, LLC	20131943	1326 Pleasantville Road	98 10-1-4	\$ 35,800.00	\$ 3,364.78	\$ 75.20	\$ 35,000.00	\$ 800.00	\$ 3,289.58	\$ 75.20	\$ 75.20		
2013	Lamissa Associates, LLC	1495	1326 Pleasantville Road	98 10-1-4	\$ 35,800.00	\$ 3,478.54	\$ 1,008.78	\$ 25,418.00	\$ 10,382.00	\$ 2,469.77	\$ 1,008.78	\$ 1,008.78		
2014	Lamissa Associates, LLC	20151509	1326 Pleasantville Road	98 10-1-4	\$ 35,800.00	\$ 3,550.93	\$ 1,065.28	\$ 25,060.00	\$ 10,740.00	\$ 2,485.65	\$ 1,065.28	\$ 1,065.28		
2015	Lamissa Associates, LLC	20161146	1326 Pleasantville Road	98 10-1-4	\$ 35,800.00	\$ 3,575.29	\$ 1,072.99	\$ 25,060.00	\$ 10,740.00	\$ 2,502.70	\$ 1,072.99	\$ 1,072.99		
2016	Lamissa Associates, LLC	20171144	1326 Pleasantville Road	98 10-1-4	\$ 554,200.00	\$ 3,064.73	\$ 919.42	\$ 387,940.00	\$ 166,260.00	\$ 2,145.31	\$ 919.42	\$ 919.42		
2017	Lamissa Associates, LLC	20181144	1326 Pleasantville Road	98 10-1-4	\$ 554,200.00	\$ 3,045.33	\$ 913.60	\$ 387,940.00	\$ 166,260.00	\$ 2,131.73	\$ 913.60	\$ 913.60		

A1964.423 Budget \$ 100,000.00  
 Prior Refunds \$ (3,781.44)  
 This Refund \$ (4,141.26)  
 Balance \$ 92,077.30

(Prior Year-Expense) A1964.423 Refund of Real Prop \$ 4,141.26  
 (Current Year-Revenue Reduction) A0102.1001 Real Prop Tax Rev \$ 913.60

Total Reduction \$ 5,054.86

VILLAGE OF BRIARCLIFF MANOR  
BOARD OF TRUSTEES AGENDA  
NOVEMBER 7, 2018

**6. AWARD OF BID – DRAINAGE IMPROVEMENTS – PLEASANTVILLE ROAD CBD**

WHEREAS the Village received 5 bids for the Drainage Improvements – Pleasantville Road CBD Project (VM-1819-11); and

NOW, THEREFORE, BE IT RESOLVED that the bid for the Drainage Improvements – Pleasantville Road CBD Project (VM-1819-11); is hereby awarded to Abbot & Price, Inc. with their bid proposal of \$44,752 which will be charged to budget codes H.1440.201.18229 and H.1440.201.18230.

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





**MEMORANDUM**

November 1, 2018

To: Philip E. Zegarelli – Village Manager

From: David J. Turiano, P.E.

Re: **VM 1819-11 – Drainage Improvements, Pleasantville Road CBD**

Bid Opening: October 24, 2018, 11:00 a.m., Municipal Building

Staff Present: David Turiano and Karen Johnson

Bids Received: 5

Bid Range: \$44,752 - \$109,000

Type of Contract: Item Quantity

Reference Checks: None performed – extensive experience with Contractor

Recommendation to Award to low bidder: Yes, David J. Turiano, P.E., Village Engineer

Description of Project: Installation of 180 LF of piping to redirect storm waters from CBD buildings vicinity into existing Village drainage system. Construction only, per Village Design.

**Summary of Bids**

Vendor	Bid
Gianfia Corp.	\$109,000.00
Paladino Concrete Creations Corp.	\$ 97,350.00
Joken Development Corp.	\$ 97,200.00
Legacy Supply, LLC	\$ 63,900.00
Abbott & Price, Inc.	\$ 44,752.00

**Use of Funds/ Source of Funds**

Use of Funds		Source of Funds		
Item	Amount	Budget Code	Project	Amount
<b>Construction</b>	\$44,752.00	H1440.201.18229	Pipe Replacement, CBD	\$35,000.00
<b>Construction Contingency</b>	\$0	H1440.201.18230	Drainage Repair Mini-lot	\$25,000.00
<b>Construction Inspection*</b>	\$0			-0-
<b>Total</b>	<b>\$44,752.00</b>			<b>\$60,000.00</b>

\*In-house Construction Inspection

Please feel free to contact me with any questions on above.

VILLAGE OF BRIARCLIFF MANOR  
BOARD OF TRUSTEES AGENDA  
NOVEMBER 7, 2018

**7. MINUTES**

- October 17, 2018 Regular Meeting
- October 26, 2018 Special Meeting

The Regular Meeting of the Board of Trustees of the Village of Briarcliff Manor, New York was held in the Village of Briarcliff Manor at the William J. Vescio Community Center, at 1 Library Road, Briarcliff Manor, New York on the 17<sup>th</sup> of October, 2018 commencing at 8:00 p.m.

**Present**

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

**Also Present**

Philip Zegarelli, Village Manager  
Daniel Pozin, Village Attorney  
Christine Dennett, Village Clerk  
David Turiano, Village Engineer

**Absent**

**Pledge of Allegiance**

**Board of Trustees Announcements by Trustee Wilson**

- The Annual Fire Inspection will be on October 20<sup>th</sup>.
- The Library has many upcoming events and the Fall Brochure is available. Visit the website for more information.
- The Recreation Fall Brochure is online. Please sign up for Recreation News.
- Window Painting will be on October 20<sup>th</sup>.
- The Ragamuffin Parade will be on October 27<sup>th</sup> at 9:30am.
- Visit the Village website and sign up for weekly updates from the Village Manager.

**Village Managers Report by Village Manager Zegarelli**

- Con Edison should have their work completed over Route 9A.
- The Pocantico River Bridge work is furloughed until the Spring.
- The sidewalk by CSI was temporarily fixed.
- The road markings at North State Road are complete.

- The Village Paving Program was delayed due to the weather and it will begin next week.
- Leaf pickup has begun.
- Please winterize your sprinkler systems.

### **Public Comments**

Mr. Bob Blair of 82 Tuttle Road stated his road was in major disrepair and asked when it would be addressed.

Mayor Sullivan recommended he reach out to the Superintendent of Public Works who gave a presentation recently on Tuttle Road. She also encouraged him to urge his neighbor to reach out to the Village Engineer regarding her suggestion she made at the last meeting. She stated the Board was committed to fixing the road.

Mr. Blair submitted a letter to the Board.

### **Authorize Village Manager to Execute Fire Protection Agreement with Mount Pleasant – Ambulance Service**

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

BE IT RESOLVED that the Village Manager is hereby authorized and directed to execute a Fire Protection Agreement with the Town of Mt. Pleasant for ambulance services to the Mount Pleasant West Ambulance District in the amount of \$3,937 to expire on December 31, 2018.

### **Grant Authority to the Village Manager and Village Treasurer to Sign Merchant Agreements and Accounts with TD Bank**

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

#### **Certificate of Corporate Resolutions Authority for Merchant Agreements and Accounts**

I hereby certify that I am the duly appointed and qualified Village Clerk and keeper of the records of the Village of Briarcliff Manor, that the following is a true and complete copy of Resolutions duly adopted at a meeting of the Board of Trustees of said Village held on October 17, 2018 in accordance with law and the by-laws of, or by consent of, the Village of Briarcliff Manor, and that my delivery of this Certificate of Corporate Resolutions certifies to Bank that such Resolutions are binding upon the Village and still in full force and effect.

RESOLVED, that the officers, employees or agents of the Village of Briarcliff Manor whose names and signatures appear below are hereby authorized, acting singly or jointly, for and on behalf of the Village of Briarcliff Manor, to enter into, sign, maintain, amend and renew an agreement or agreements with Bank for the processing of credit and debit card transactions ("Merchant Agreement(s)"), and open and maintain a deposit account or accounts ("Account(s)") of the Village of Briarcliff Manor with Bank, whether or not such Accounts are related or entered into pursuant to any Merchant Agreement(s) or otherwise, subject to the terms and conditions specified in any applicable Merchant Agreement(s) and/or Account Agreement(s), and to endorse and deposit with said Bank negotiable instruments or other orders for the payment of money, which endorsements may be made in writing or by stamp and without the designation of the person endorsing.

BE IT FURTHER RESOLVED, that the undersigned officers, employees or agents of the Village of Briarcliff Manor may sign contracts, agreements, instruments, checks or other orders for the payment of money withdrawing funds from or depositing funds into the Village of Briarcliff Manor Account(s) with Bank. Such signature(s) may be in writing or by facsimile. In the event the Village of Briarcliff Manor uses facsimile signature(s) for these persons it shall promptly notify the Bank and execute any form(s) that may be requested by Bank in connection therewith. The Village of Briarcliff Manor assumes all responsibility for the use of actual or purported facsimile signature(s) and shall indemnify and hold harmless the Bank from any and all liability, costs, expenses, suits, claims, or actions arising out of any action or inaction taken by the Bank in good faith under the terms of these Resolutions. The signature of any one the officers, employees, or agents indicated below is necessary to act under these Resolutions.

RESOLVED, that the Bank be promptly notified in writing by the Village Clerk or any officer of the Village of Briarcliff Manor of any change in these Resolutions, such notice to be given to the Bank in which Merchant Agreement(s) or Account(s) of the Village of Briarcliff Manor may be in force or maintained, and that until it has actually so received such notice in writing it is authorized to act in reliance on these Resolutions, and that until it has actually received such notice it shall be indemnified and held harmless from any loss suffered or liability incurred by it in continuing to act in reliance upon any of these Resolutions even though one or more of these Resolutions may have been changed.

RESOLVED, that the Bank may, in its discretion, accept in lieu of an original signature, a legible facsimile or photocopy of a signature of any of the officers designated in the foregoing Resolutions.

RESOLVED, that the Village of Briarcliff Manor shall be bound by the terms and conditions of the Merchant Agreement(s) and Account Agreement(s) as they may be revised and or amended from time to time.

I further certify that the foregoing are the true titles, names and signatures of the present officers, employees and agents of the Village of Briarcliff Manor authorized by the above Resolutions.

IN WITNESS WHEREOF, I have hereunto subscribed by name as Village Clerk and affixed the seal of the Village of Briarcliff Manor on the date shown below.

**RESOLVED**, that the Financial Institution named above, at any one or more of its offices or branches, be and it hereby is designated as a Financial Institution of and depository for the funds of this Governmental Entity, which may be withdrawn on checks, drafts, advices of debit, notes or other orders for the payment of monies (including electronic orders) bearing the signature of, or as otherwise authorized by, any one (1) of the following officers, employees or agents of this Governmental Entity ("Agents"), whose actual signatures are shown below:

Title	Name	Signature
Treasurer	Edward Ritter	

**FURTHER RESOLVED**, the Agents, whose names and signatures appear above, are hereby authorized to open and maintain a deposit account or accounts of the Governmental Entity with the Financial Institution, subject to the terms and conditions of the Business Deposit Account Agreement, as it may be amended from time to time (the "Account Agreement").

**FURTHER RESOLVED**, that the Financial Institution is hereby directed to accept and pay without further inquiry any item or payment order drawn against any of the Governmental Entity's accounts with the Financial Institution bearing the signature of or as otherwise authorized by any such Agents even though drawn or endorsed to the order of any Agent signing or tendered by such Agent for cashing or in payment of the individual obligation of such Agent or for deposit to the Agent's personal account, and the Financial Institution shall not be required or be under any obligation to inquire as to the circumstances of the issue or use of any item signed, or payment order authorized, in accordance with the resolutions contained herein, or the application or disposition of such item or payment order or the proceeds of the item or payment order.

**FURTHER RESOLVED**, that any one of such Agents is authorized to endorse all checks, drafts, notes and other items payable to or owned by this Governmental Entity for deposit with the Financial Institution, or for collection or discount by the Financial Institution, and to accept drafts and other items payable at the Financial Institution.

**FURTHER RESOLVED**, that the above named agents are authorized and empowered to execute such other agreements, including, but not limited to, special depository agreements and arrangements regarding the manner, conditions or purposes for which funds, checks or items of the Governmental

Entity may be deposited, collected, or withdrawn and to perform such other acts as they deem reasonably necessary to carry out the provisions of these resolutions.

**FURTHER RESOLVED**, that the authority hereby conferred upon the above named Agents shall be and remains in full force and effect until written notice of the revocation thereof shall have been delivered to and received by the Financial Institution at the location where an account of the Governmental Entity is maintained and Financial Institution has had a reasonable period of time to act upon such notice.

**RESOLVED**, that the Financial Institution named above, at any one or more of its offices or branches, be and it hereby is designated as a Financial Institution of and depository for the funds of this Governmental Entity, which may be withdrawn on checks, drafts, advices of debit, notes or other orders for the payment of monies (including electronic orders) bearing the signature of, or as otherwise authorized by, any one (1) of the following officers, employees or agents of this Governmental Entity ("Agents"), whose actual signatures are shown below:

Title	Name	Signature
Treasurer	Edward Ritter	
Village Manager	Philip E. Zegarelli	

**FURTHER RESOLVED**, the Agents, whose names and signatures appear above, are hereby authorized to open and maintain a deposit account or accounts of the Governmental Entity with the Financial Institution, subject to the terms and conditions of the Business Deposit Account Agreement, as it may be amended from time to time (the "Account Agreement").

**FURTHER RESOLVED**, that the Financial Institution is hereby directed to accept and pay without further inquiry any item or payment order drawn against any of the Governmental Entity's accounts with the Financial Institution bearing the signature of or as otherwise authorized by any such Agents even though drawn or endorsed to the order of any Agent signing or tendered by such Agent for cashing or in payment of the individual obligation of such Agent or for deposit to the Agent's personal account, and the Financial Institution shall not be required or be under any obligation to inquire as to the circumstances of the issue or use of any item signed, or payment order authorized, in accordance with the resolutions contained herein, or the application or disposition of such item or payment order or the proceeds of the item or payment order.

**FURTHER RESOLVED**, that any one of such Agents is authorized to endorse all checks, drafts, notes and other items payable to or owned by this Governmental Entity for deposit with the Financial Institution, or for collection or discount by the Financial Institution, and to accept drafts and other items payable at the Financial Institution.

**FURTHER RESOLVED**, that the above named agents are authorized and empowered to execute such other agreements, including, but not limited to, special depository agreements and arrangements regarding the manner, conditions or purposes for which funds, checks or items of the Governmental Entity may be deposited, collected, or withdrawn and to perform such other acts as they deem reasonably necessary to carry out the provisions of these resolutions.

**FURTHER RESOLVED**, that the authority hereby conferred upon the above named Agents shall be and remains in full force and effect until written notice of the revocation thereof shall have been delivered to and received by the Financial Institution at the location where an account of the Governmental Entity is maintained and Financial Institution has had a reasonable period of time to act upon such notice.

**Authorize the Village Manager to Execute a Professional Services Agreement with McLaren Engineering for Public Purpose Improvements - The Club, Phase 5 (Water)**

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

BE IT RESOLVED that the Board of Trustees does hereby authorize the Village Manager to execute a Professional Services Agreement with McLaren Engineering to provide engineering design services for Public Purpose Improvements - The Club, Phase 5 (Water) as per their proposal of \$83,000.

**Award of Bid – Water Main Replacement Project Union and Requa Streets**

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

WHEREAS the Village received 6 bids for the Water Main Replacement Project– Union and Requa Streets (VM-1718-3); and

NOW, THEREFORE, BE IT RESOLVED that the bid for the Water Main Replacement Project– Union and Requa Streets (VM-1718-3); is hereby awarded to Paladino Concrete Creations, Inc with their bid proposal of \$568,525 for a total project cost of \$543,125 with the subtraction of \$25,400 of the valve replacement program to be done in a future project.

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

**Tax Abatement – 147 Holbrook Lane**



The Board requested a letter be sent to the Town Assessor to encourage a more equitable way of assessing properties in the Village.

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

WHEREAS, a Small Claims Assessment Review was filed on behalf of the property owner for 147 Holbrook Lane (Parcel ID 97.08-3-30); and

WHEREAS, a Stipulation of Settlement and Order in the Small Claim Assessment Review has been issued for the property at 147 Holbrook Lane for the 2017 Town assessment year, Fiscal Year 2018-2019 Village assessment roll; and

WHEREAS, the Stipulation of Settlement and Order was received after the finalization of the Fiscal Year 2018-2019 assessment roll and the approval of the budget for Fiscal Year 2018-2019;

WHEREAS, the Stipulation of Settlement and Order reduced the tax assessment for the subject property for the Fiscal Year 2018-2019 assessment roll by \$32,700 from \$622,700 to \$590,000; and

NOW THEREFORE, BE IT RESOLVED that the Board of Trustees does hereby authorize the refund of the tax bill for Fiscal Year 2018-2019 in the amount of \$179.69 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
2017	147 Holbrook Ln 97.08-3-30	\$622,700	\$590,000	\$32,700	\$3,421.74	\$3,242.05	\$179.69
				<b>TOTAL AV REDUCTION</b>			<b>TOTAL REVENUE REDUCTION</b>

**Minutes**

Upon motion by Trustee Wilson, seconded by Deputy Mayor DeRose, the Board voted unanimously to approve the minutes of October 3, 2018.

**Amend Master Fee Schedule**

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

BE IT RESOLVED that the Master Fee Schedule is amended as follows:

**Scarborough Station Parking Permit Fees**

Annual Resident Permit:	\$690
Annual Non-Resident Permit:	\$1,225
Quarterly Permit:	\$215

Off-Duty Police Officer Fee: \$260 per hour

**Adjournment**

Mayor Sullivan congratulated Sara Pohar on her upcoming nuptials.

Upon motion by Trustee Wilson, seconded by Deputy Mayor DeRose, the Board voted unanimously to adjourn the meeting at 8:40pm.

Respectfully Submitted By,

Christine Dennett  
Village Clerk

# Special Meeting

## Resolution of the Village of Briarcliff Manor Board of Trustees 26 October 2018

At the request of the Village Manager, the Mayor and Board of Trustees ("M/BOT") convened a Limited Agenda Session at Village Hall, 1111 Pleasantville Road on Friday, 26 October 2018, at 4:30 PM. The following were present for the meeting:

Deputy Mayor DeRose – Mayor Pro-Tem  
Trustee Hunt  
Trustee Wilson  
Trustee Zirman  
Village Manager and Deputy Clerk Zegarelli

Acting as Mayor Pro-Tem, Deputy Mayor DeRose, upon a motion by Wilson and seconded by Hunt, called the meeting to order at 4:30 PM

The Village Manager read the following resolution.

### **DIRECT SPECIAL VILLAGE COUNSEL TO FILE LITIGATION**

BE IT RESOLVED that Special Village Counsel Lamb & Barnosky, LLP is hereby directed to take all requisite actions to commence and maintain judicial proceedings in New York State Supreme Court, against the Village of Ossining, Juan Encarnacion, in his individual and official capacities, and Nathaniel J. Hester, for costs incurred by the Village in connection with injuries sustained by Briarcliff Manor Police Officer Nicole Corsi on October 19, 2016; and

BE IT FURTHER RESOLVED, that Special Village Counsel is authorized to verify and serve the proposed complaint substantially in the form received.

Resolution moved by: Zirman

Seconded by: Hunt

Roll Call Vote: Yes Wilson, Hunt, Zirman and DeRose (4-0)

Motion passed. Upon motion of Hunt and seconded by Wilson, this Special session of the M/BOT was adjourned at 4:30 PM.

Respectfully submitted:



Philip E. Zegarelli,  
Village Manager and Deputy Village Clerk

RECEIVED

OCT 26 2018

Village of Briarcliff Manor

PZ