

The Regular Meeting of the Board of Trustees of the Village of Briarcliff Manor, New York was held in the Village of Briarcliff Manor Village Hall, at 1111 Pleasantville Road, Briarcliff Manor, New York of the 18<sup>th</sup> of August commencing at 7:30 p.m.

**Present**

William J. Vescio, Mayor  
David Venditti, Deputy Mayor  
Elsie Smith, Trustee  
Donald Wilde, Trustee  
Gayle Waxenberg, Trustee

**Also Present**

Michael Blau, Village Manager  
Ingrid Richards, Assistant Village Manager  
Clinton Smith, Village Counsel

**Absent**

Stephanie Ippoliti, Village Clerk

**Presentation of Certificates**

Certificate of Appreciation – Peter Chatzky  
Quarter Century Certificates of Public Service - Donald Gorey, Kevin McFadden and Denis Waldron

Mayor Vescio thanked former Mayor Peter Chatzky for his service to the Village.

Mayor Vescio presented the Quarter Century Certificates of Public Service to Lieutenant Donald Gorey and Sergeant Denis Waldron.

**Village Managers Report**

Village Manager Blau reported.

- The Village Manager, Mayor Vescio and Chief Campion attended a meeting regarding modifications to Route 9.
- A License Plate survey will be conducted on Revolutionary Road to establish whether the road was used by local residents or for through traffic.
- Buckhurst, Fish and Jacquemart plotted addresses of permit holds to help identify potential shuttle bus routes to Scarborough Station. Evaluation of shuttle bus service from Briarcliff Manor to Wall Street and other key NYC destinations was also added to the scope of the project.

- The landscaping plans for the intersection of South State and Pleasantville Roads will be finalized to go out to bid.
- The Cement Lining and Cleaning project was out to bid.
- Mayor Vescio met with the Mayors of Sleepy Hollow and Tarrytown along with Village Manager Blau to discuss water projects. The paperwork had been filed for the joint connection to the Delaware Tap.

Mayor Vescio stated a letter was sent to the Department of Transportation and the Regional Director, Robert Denison thanking them for their work on the bridge over Route 9A.

### **Public Comments**

Ms. Ellen Melnick of North State Road questioned why the Board referred the Hyatt SEQRA review back to the Planning Board. She stated it was a very important project for the Village and it shouldn't be delayed.

Mayor Vescio stated the Board was advised by legal counsel to refer the SEQRA review back to the Planning Board. He further stated Hyatt had changed their proposal numerous times, delaying the process further.

Mr. Jerry Morrissey of 50 Orchard Road asked if DOT's restriping of Route 9 called for 4 lanes of traffic at the intersection of Route 9 at the traffic light marking the exit from Sleepy Hollow Country Club.

Village Manager Blau stated that only Rockledge Road and North State Road had to have four lanes in the intersection.

Mr. Morrissey commended the Board for their summer schedule.

Mr. Nick Evanchik of 119 Alder Drive stated six years ago an appraisal was made of the private parking lot at Scarborough Station. He further stated the appraiser indicated that there were two unaccounted gas tanks possibly polluting the soil. He urged the Board to contact Ossining in fear that the tanks could be contaminating the Village's property and possibly even the river. He asked what was happening with the Baylis property.

Mayor Vescio stated the private parking lot is not within the Village.

Deputy Mayor Venditti asked Mr. Evanchik to clarify "unaccounted for".

Mr. Evanchik stated it meant the appraiser wasn't sure if the tanks were ever removed.

Mayor Vescio asked the Village Manager to send letters to the Town of Ossining and carbon copy the Department of Environmental Conservation.

Mayor Vescio stated the Board had discussion regarding the Baylis property and they were moving forward with its functionality.

Mr. Robert Little of Savescarborough.com stated Mr. Evanchik wanted a garage built at the Scarborough Station and was looking for the private lot to close. He further stated water samples were regularly taken from the river and there was more pollution from leaking cars than a possible unaccounted for gas tank.

Mr. Nick Evanchik stated he denied everything Mr. Little stated.

### **Award of Bids**

Village Manager Blau stated the bids for the Sanitary Sewer Pump Stations at Holly Place and Cottonwood Lane and the Todd Lane Bridge Project came in well under budget.

a. Sanitary Sewer Pump Stations; Holly Place and Cottonwood Lane

Upon motion by Gayle Waxenberg, seconded by Deputy Mayor Venditti, the Board voted unanimously to approve the following resolution:

BE IT RESOLVED that the bid for the Replacement of the Sanitary Sewer Pump Stations at Holly Place and Cottonwood Lane (VM-0504) is hereby awarded to Arben Group, LLC of Pleasantville, New York per their bid of \$337,000.

BE IT FURTHER RESOLVED that the Village Manager is hereby authorized and directed to execute an agreement with Arben Group, LLC for the Replacement of the Sanitary Sewer Pump Stations at Holly Place and Cottonwood Lane.

b. Todd Lane Bridge

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

BE IT RESOLVED that the bid for the Todd Lane over Pocantico River Bridge Replacement project (VM-0505) is hereby awarded to Arben Group, LLC of Pleasantville, New York per their bid of \$519,000.

BE IT FURTHER RESOLVED that the Village Manager is hereby authorized and directed to execute an agreement with Arben Group, LLC for the Todd Lane over Pocantico River Bridge Replacement project.

c. Dump Truck

Upon motion by Trustee Smith, seconded by Trustee Wilde, the Board voted unanimously to approve the following resolution:

BE IT RESOLVED that the bid for the purchase of a Dump Truck with Snow Plow (VM-0502) is hereby awarded to Van Bortel Ford of Victor, New York per their bid of \$35,495.

BE IT FURTHER RESOLVED that the Village Manager is hereby authorized and directed to execute an agreement with Van Bortel Ford for the purchase of the Dump Truck with Plow.

**Authorize Village Manager to Execute Agreements with Westchester County for Prisoner Transportation**

Village Manager Blau stated the Chief of Police recommended the Board approve the agreement.

Upon motion by Trustee Wilde, seconded by Trustee Waxenberg, the Board voted unanimously to approve the following resolution:

BE IT RESOLVED that the Village Manager is hereby authorized and directed to execute an agreement with Westchester County for reimbursement for providing prisoner transportation.

**Request to State Legislature and Governor to Adopt Civil Confinement Law**

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

WHEREAS, the savage murder of Concetta Russo-Carriero on June 27, 2005 has acted as a severe and painful reminder of the dangers of sex offenders who reside within our communities; and

WHEREAS, counties, towns, villages and cities throughout New York State continue to address the complex issue of how to protect citizens from sex offenders; and

WHEREAS, sixteen states already have in place civil commitment laws which allow the state to confine violent sexual predators to secure treatment centers rather than to be released to the community; and

WHEREAS, these civil commitment laws are designed to ensure a system whereby violent sexual offenders whose terms of incarceration are about to end are evaluated to determine whether they should be released into the community or sent to another secure facility; and

WHEREAS, the State Legislature and the Governor have the sole authority to enact civil commitment legislation on behalf of the people of the State of New York; and

WHEREAS, in the absence of a civil commitment law, other procedures can be put into place immediately to help ensure that violent sex offenders are not permitted to roam throughout our communities; and

WHEREAS, such procedures include, (1) providing Westchester County with a waiver from the State's Office of Temporary and Disability Assistance, which the County Executive has requested, to institute a policy of confining any Level 3 Sex Offender or Level 2 Sex Offender whose victim was a child under the age of 16 who resides in a temporary housing shelter to said facility at all times, (2) requiring the New York State Parole Board to cease granting parole to any Level 3 sex offenders who are currently eligible, (3) imposing lifetime post release supervision on all Level 3 sex offenders so that they are supervised for life, (4) requiring Level 3 sex offenders and Level 2 sex offenders who victimized a child, and who are currently on parole, to wear electronic monitoring devices, and (5) convening a Task Force to examine sentencing guidelines and conditions for parole for violent sex offenders to ensure that we are maximizing our efforts to protect the public at large; and

NOW, THEREFORE BE IT RESOLVED that the Board of Trustees of the Village of Briarcliff Manor calls upon the Governor and the State Legislature to immediately pass and enact a civil commitment law in a special legislative session and, to immediately institute the additional policy changes articulated in this resolution; and

BE IT FURTHER RESOLVED that a copy of this resolution be sent to Governor Pataki, Assembly Speaker Silver, Senate Majority Leader Bruno, and the members of the Westchester County Delegation to the State Legislature.

### **Cellular Site Lease with Cingular Wireless, Elevated Water Tank**

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

BE IT RESOLVED that the Board of Trustees does hereby accept the Short Form Environmental Assessment Form and based thereon, hereby issues a Negative Declaration in regards to the proposed ground lease with New Cingular Wireless PCS, LLC.

Upon motion by Trustee Smith, seconded by Trustee Wilde, the Board voted unanimously to approve the following resolution:

BE IT RESOLVED that the Board of Trustees does hereby authorize and direct the Village Manager to execute a Wireless Communications Site Lease Agreement with New Cingular Wireless PCS, LLC.

### **Fire Department Membership**

- a. Jessica Bittner

Upon motion by Deputy Mayor Venditti, seconded by Trustee Smith, the Board Voted unanimously to approve the following resolution:

BE IT RESOLVED that the Board of Trustees of the Village of Briarcliff Manor hereby approves the membership of Jessica Bittner to the Scarborough Engine Company.

b. James Lemon

Upon motion by Trustee Wilde, seconded by Trustee Waxenberg, the Board voted unanimously to approve the following resolution:

BE IT RESOLVED that the Board of Trustees of the Village of Briarcliff Manor hereby approves the membership of James Lemon to the Scarborough Engine Company.

Mayor Vescio thanked the new members for volunteering.

#### **Sidewalk Sale, Briarcliff Manor Merchant's Association**

Trustee Smith stated the Sidewalk Sale would be held September 30<sup>th</sup> through October 1<sup>st</sup>. She further stated the Merchant's Association was excited to bring activity to the downtown.

Upon motion by Trustee Smith, seconded by Trustee Wilde, the Board voted unanimously to approve the following resolution:

BE IT RESOLVED that the Board of Trustees does hereby grant permission to the Briarcliff Manor Merchant's Association to conduct a sidewalk sale on Friday, September 30 from 12 noon to 6:00 p.m. and Saturday, October 1 from 10:00 a.m. to the close of business.

BE IT FURTHER RESOLVED that the Board of Trustees does hereby waive the requirement to obtain a sidewalk-vending permit to place tables and items for sale on the sidewalk.

#### **Tax Certiorari**

Upon motion by Trustee Smith, seconded by Trustee Waxenberg, the Board voted unanimously to approve the following resolution:

WHEREAS, a Consent Judgment was issued for the property at 325 South Highland Avenue owned by STP Briarcliff, LLC on July 25, 2005; and

WHEREAS, the tax certiorari filing is for Town of Ossining assessment years 2001 through 2004; and

WHEREAS, the Consent Judgment reduced the tax assessment for the subject property for each year requested; and

WHEREAS, the assessment for the tax year associated with the Village's fiscal year 2005-06 has been reduced on the assessment roll.

NOW THEREFORE, BE IT RESOLVED that the Board of Trustees does hereby authorize the payment of tax abatements for Fiscal Years 2002-03, 2003-04 and 2004-05 in the following amounts based upon the reduced assessment values in the Consent Judgment:

FY 02-03	\$159.54
FY 03-04	\$509347
FY 04-05	\$2,574.77
Total Abatement	\$3,084.24

**Approval of Minutes – August 4, 2005**

Upon motion by Deputy Mayor Venditti, seconded by Trustee Smith, the Board voted unanimously to approve the minutes of August 4, 2005.

**Board Announcements**

Mayor Vescio stated the next Board of Trustees meeting would be Thursday, September 8<sup>th</sup>.

**Public Comments**

Mr. Evanchik asked when a report could be expected from the parking consultant.

Village Manager Blau stated the report would most likely be available in October.

**Adjournment**

Upon motion by Trustee Waxenberg, seconded by Trustee Wilde, the Board voted unanimously to adjourn the regular meeting at 8:40pm.

Respectfully Submitted by,

Christine Dennett