

Village Board of Trustees
Regular Meeting
October 6, 2005
7:30 p.m.

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 6th of October commencing at 7:30 p.m.

Present

William J. Vescio, 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

David Venditti, Deputy Mayor
Stephanie Ippoliti, Village Clerk

Announcements

Mayor Vescio explained the rules of procedures to the public. He stated the public comment was extended to one minute and thirty seconds after each agenda item.

Upon motion by Trustee Waxenberg, seconded by Trustee Wilde, the Board voted unanimously to amend the rules of procedure.

Mayor Vescio stated the Board encouraged water customers to voluntarily conserve water.

Mayor Vescio stated the week of October 24, 2005 was School Board recognition week.

Public Hearing – Amendment to Chapter 186, Streets and Sidewalks

Mayor Vescio opened the public hearing.

Mr. Clay Tiffany of Hall Road asked if the Village was going to enforce the rules regarding garbage.

Upon motion by Trustee Waxenberg, seconded by Trustee Wilde, the Board voted unanimously to close the public hearing.

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

BE IT RESOLVED that the Code of the Village of Briarcliff Manor, Chapter 186, Streets and Sidewalks, Section 32, Sidewalk Cafes and Sidewalk Vending Regulations, is hereby amended.

Amend Master Fee Schedule – Water Rates

Mayor Vescio explained the amendment to the Water Rates. He further explained other possible alternatives. He stated the Board was committed to finding a solution.

Trustee Waxenberg asked if the Mt. Pleasant residents received the Manor of Speaking.

Village Manager Blau stated anyone in the 10510 zip code received the newsletter.

Mayor Vescio opened public comment.

Mr. Manuel Sanguilli of 24 Country Club Lane stated he had never been delinquent. He further stated the water bills had gone up drastically and he deserved to be included with notifications.

Mayor Vescio stated the Board was working to procure a new source for reliable clean drinking water. He explained the emergency rates and further stated the Village was moving forward with the agreement with Tarrytown. He stated the Post Office would be contacted about the lack of sending the Newsletter to all customers.

Ms. Susan Stone of 5 Stonington Heights stated she put together the letter that many Mt. Pleasant customers submitted to the Board. She further stated Mount Pleasant residents couldn't be put in the same category as Ossining. She stated the higher rate is unfair and she expected to be reimbursed when the matter was settled.

Ms. Sherry DiNapoli of Stonington Heights stated they should be charged at the same rate. She stated the higher rate was the equivalent of taxes on water.

Mr. Sangiv Shah of 16 Country Club Lane questioned the premise behind the 50% surcharge. He stated it seemed very arbitrary. He asked how many accounts were in arrears.

Mr. Geoffrey Ralls of 22 Union Street submitted a letter of protest to the Board. He stated the Village could get a judgment for a lien against the properties of delinquent accounts. He suggested the Town take over the billing for the Village.

Mr. Sangiv Shah stated the Village was aware of who didn't pay so they must be aware of who did pay. He urged the Board to issue a refund.

Mr. Josh Tane of 6 Fox Run Road stated he appreciated the reduction. He asked if there was a state agency to regulate municipalities who charged exorbitant rates for emergency water.

Mr. Jay Teitelbaum of 107 Holly Place stated the problem was a failure in communication. He further stated it could have been posted on the website, cable channel or newspaper. He further stated residents could have curtailed their water usage if they had been notified.

Mr. Richard Purcell of 130 Todd Lane asked why it had taken so long to correct such inequities. He further asked if there was any consideration for going backwards and refunding money.

Ms. Brunilda Chabrier of 23 Union Street stated she wrote a letter complaining eight years ago. She further stated she lived solely on Social Security and couldn't afford an increase.

Mr. Philip [REDACTED] of [REDACTED] stated he hoped the Board would lower the rates to a normal level after the water issues were addressed. He asked what the process was for shutting off water service to delinquent customers.

Mr. Bob Mogil of 2 Stonington Heights asked if the surcharge had been quantifiable. He asked where the surcharge came from.

Mr. David Metzger of 14 Stonington Heights asked if there was a way to put the surcharge in escrow.

Ms. Susan Stone stated she spoke with Mr. Meehan, the Town Supervisor of Mount Pleasant and he stated we couldn't be compared to other towns because of the 1933 petition that Briarcliff filed to include portions of Mount Pleasant in their water district. She further stated "we didn't come to Briarcliff, Briarcliff incorporated us".

Mr. David Perlman of 15 Country Club Lane asked how many liens had been placed on residents.

Village Counselor Smith stated a water bill is a lien from the moment it is issued. He further stated it was added to the tax bill if it wasn't paid.

Mr. Clay Tiffany of Hall Road commended the out of district water customers for attending the meeting. He stated the reason their rate was reduced was because they attended the meeting in full force. He further stated there should be no surcharge and the Village was abrogating their rights.

Ms. Sherry DiNapoli stated the water tanks were in Mount Pleasant. She urged the Board to speak with Mr. Meehan.

Mr. Vince Marchica asked what the definition of the water fund was.

Village Manager Blau explained the Village operated a number of funds and the money in the water fund supported the operation of the water department.

Upon motion by Trustee Waxenberg, seconded by Trustee Smith, the Board voted unanimously to amend the rates as follows:

	<u>FROM</u>	<u>TO</u>
Water Rents – Outside Village	\$138.43	\$118.65

Village Managers Report

- Leaf collection would begin on October 17th with five laps this year. For more information residents should contact the Department of Public Works.
- The Sleepy Hollow Pipe project came in well below the anticipated price.
- The Todd Lane detour would begin on October 11th.
- The bid for the plantings in the "Bump Out" at the intersection of Pleasantville and South State Roads would be sent out shortly.

Public Comments

Ms. Sherry DiNapoli asked if a pedestrian path could be put in place for the children to cross over the Todd Lane Bridge.

Mr. Mort Berger of 2 Elizabeth Court stated he remembered a reserve in the water fund. He asked if it had been used.

Village Manager Blau stated the reserve was used for capital water projects.

Mr. Jay Teitelbaum stated at the September 15th meeting the public refused to allow the Board to pass the resolution allowing a vote to increase the elected official's terms. He further stated that no public hearings had been scheduled

and work sessions were scheduled when the general public couldn't attend. He stated no other Village in Westchester County had gone from two to four year terms.

Mr. Clay Tiffany asked the Board to address why there isn't any low income housing. He stated he had submitted a tape to the Gazette regarding a Yonkers Police Officer. He further stated the Briarcliff Police Department refused to voice analyze the tape. He stated cars were illegally parked at Scarborough Park. He asked why they weren't ticketed. He further stated that Officer Tartaglione should be arrested.

Award of Bid – 20" Water Line on Sleepy Hollow Road

Mayor Vescio asked what the delivery date was for the water main materials.

Village Manager Blau stated the materials had already been received.

Mr. Mort Berger asked if there was a penalty clause in the contract.

Mr. Jay Teitelbaum asked how much lower the contractor was than the next bidder. He further asked if the contractor was bonded.

Mr. Clay Tiffany asked if the contractor was part of a union.

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 construction of a 20" water main extension on Sleepy Hollow Road (VM-0508) is hereby awarded to Cassidy Excavating, Inc. of Valhalla, New York per their bid of \$176,980.

BE IT FURTHER RESOLVED that the Village Manager is hereby authorized and directed to execute an agreement with Cassidy Excavating, Inc. for the construction of a 20" water main extension on Sleepy Hollow Road.

Borrowing Resolution – Construction of 20" Water Line

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 does hereby appropriate \$77,000 for the Construction of a 20" Water Main Extension on Sleepy Hollow Road (VM – 0508).

BE IT FURTHER RESOLVED that the financing for the \$77,000 hereby appropriated shall be included in a future bond resolution.

Naming of Street – PacWater Subdivision

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 does hereby approve that the street in the PacWater Corporation subdivision shall be named Fee Court.

Mr. Clay Tiffany stated he felt it was outrageous to name a street after Brian Fee. He asked what the name was of the veteran that was overlooked.

Ms. Ellen Melnick of North State Road asked why streets were being named after people as opposed to war veterans or trees.

Mayor Vescio stated there was no law or statute limiting the naming of streets.

Fire Department Membership – David Colasurdo

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 of the Village of Briarcliff Manor hereby approves the membership of David Colasurdo to the Scarborough Engine Company.

Authorize Village Manager to Execute Agreement – Survey for Streetscape Project

Mr. Clay Tiffany stated the grant was Briarcliff showing its elitism. He further stated it was a disgrace.

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 Badey & Watson, 3063 Route 9, Cold Spring, New York for Surveying Services associated with the Streetscape project in the Central Business District, per their cost proposal of \$18,500.

Reset the date for the vote of the service awards

Upon motion by Trustee Waxenberg seconded by Trustee Smith the Board voted unanimously to set the date of the vote for the Service Awards Program on December 6, 2005 with one polling place located at 1111 Pleasantville Road.

Approval of Minutes – September 8, 2005

Upon motion by Trustee Smith, seconded by Trustee Wilde, the Board voted unanimously to approve the minutes of September 8, 2005 as amended.

Announcements

Mayor Vescio stated the Board didn't try to railroad through anything regarding the changing of the elected official's term of office. He further stated they were just trying to set a date and put it to the public to vote on it.

Trustee Waxenberg asked the other Board members if the change of term limit had been discussed during Mayor Peter Chatzky's term as Mayor.

All Board members answered yes.

Adjournment

Upon motion by Trustee Waxenberg, seconded by Trustee Smith, the Board voted unanimously to adjourn the regular meeting at 10:00pm.

Respectfully submitted by,

Christine Dennett