

Village Board of Trustees
Regular Meeting
February 17, 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 Municipal Building, at 1111 Pleasantville Road, Briarcliff Manor, New York on the 17th day of February commencing at 7:30 p.m.

Present

Peter Chatzky, Mayor
David Venditti, Deputy Mayor
Elsie Smith, Trustee
William Vescio, Trustee
Donald Wilde, Trustee

Also Present

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

PUBLIC COMMENT

Robert Little, Scarborough Road, asked how many people received new parking passes who claimed they had lost their parking passes for the Scarborough train station in 2003. He stated he felt people were receiving replacement passes when they did not originally have a pass. Mayor Chatzky responded the Village Clerk does check before issuing new passes.

Clay Tiffany, 16 Hall Road, stated he had a discussion with the Village Manager, and he would like to have an Executive Session with the Board to discuss steroid testing for the police department. He said he would also like to discuss the use of guns by police and requested it be put on the agenda or discussed in Executive Session. Mr. Tiffany also said he wanted to report two false police reports. Mr. Tiffany further said he has complaints regarding Police Officer Adamitis.

Mayor Chatzky asked Village Manager Blau if he had any response regarding the steroid testing request. Village Manager Blau responded he cannot discuss what demands the Village places on the table with regard to negotiations with the Police Benevolent Association with Mr. Tiffany. He added collective bargaining is a matter that is discussed in Executive Session not in public.

Mr. Tiffany then asked what was going to be done regarding the false police reports because he feels the Board overlooks information he provides to the Board. Mayor Chatzky responded the Village Board always looks into the claims that Mr. Tiffany presents and determines if they warrant further action by the Board.

SPECIAL USE PERMIT AMENDMENT, CONGREGATION SONS OF ISRAEL

Mayor Chatzky stated at this point, regarding this application, the only thing for the Board to consider is the referral to the Planning Board for a recommendation. He added the other thing for the Board to consider is authorizing, if the Board chooses to do so, the Planning Board to serve as Lead Agency. Mayor Chatzky explained this application involves a change in traffic flow for safety.

William Null, attorney for Congregation Sons of Israel, stated that currently there is a no left-hand restriction on Pleasantville Road. He added it is a County road and a County imposed restriction, and he is working with the County to change it. Mr. Null said there would be no new construction on the site, and the access driveways would be modified. He stated the Board will need to set a public hearing and asked that it be set tonight. Village Manager Blau noted the Board has never acted in the past until a recommendation is received from the Planning Board. He further stated that Congregation Sons of Israel will have to file an application with the Planning Board. Mr. Null said he disagreed with that recommendation.

Village Counsel Smith clarified that Congregation Sons of Israel will need site plan approval and special permit approval from the Planning Board. He explained that traffic issues are listed as conditions in the special permit, and traffic considerations are subjects of the Special Use Permits as well as Site Plan approvals. Village Counsel Smith also noted that the previous Planning Board Resolution made the Special Use Permit contingent upon site plan approval.

Mr. Null then asked if he missed the deadline for the next Planning Board meeting. Assistant Village Manager Richards said he did not and asked him to contact her the following day. Mr. Null said he would contact Ms. Richards and make the application to the Planning Board.

Upon motion by Trustee Smith and seconded by Deputy Mayor Venditti and the Board voted 5-0 to approve the following resolution:

BE IT RESOLVED, that the Board of Trustees does hereby direct the Special Use Permit amendment application to the Planning Board for review and recommendation.

BE IT RESOLVED, that the Board of Trustees does hereby authorize the Planning Board to serve as Lead Agency, for the purposes of SEQRA, in relation to the Special Use Permit amendment application for Congregation Sons of Israel.

Village Manager Blau then asked if the Board also wanted to set the public hearing for March 17, 2005.

Upon motion by Trustee Wilde and seconded by Deputy Mayor Venditti and the Board voted 5-0 to approve the following resolution:

BE IT FURTHER RESOLVED that a public hearing will be set for March 17, 2005.

ELECTION RESOLUTION

Mayor Chatzky explained this is a formality to set up the elections for March.

Upon motion by Deputy Mayor Venditti and seconded by Trustee Smith, the Board voted 5-0 to approve the following resolution:

BE IT RESOLVED that the annual Election for the Village of Briarcliff Manor, New York, will be held in the Municipal Building on Tuesday, March 15, 2005 between the hours of 6:00 a.m. and 9:00 p.m. during which time the polls will be open.

BE IT FURTHER RESOLVED that at the election the following candidates have been nominated for the positions and terms set opposite thereto respectively:

CANDIDATE	ADDRESS	OFFICE	TERM
Peter Chatzky	206 Pine Road	Mayor	Two Years
William J. Vescio	144 Old Briarcliff Road	Mayor	Two Years
David E. Venditti	14 Rosemont Lane	Trustee	Two Years
Elsie M. Smith	210 Elm Road	Trustee	Two Years
Fred D. Weinstein	62 Whitson Road	Village Justice	Four Years

BOND REFINANCING

Bond Refunding For The Advance Refunding Of The Village's Series 1996 And Series 2002 Public Improvement Serial Bonds

Village Manager Blau explained some time ago the Board suggested the possibility that the Village look at refinancing existing bonds, and in this particular case, refund the existing bonds, and issue new bonds at a lower rate. We have looked into it, and we had our financial advisors look into it as well. At this point, they do not recommend the actual refunding and refinancing because per the State Controller's recommendation we would need to get a 3% benefit out of this. As of today, the benefit we would receive is 1.96%. However, this opens the door as our financial advisor will keep reviewing the document, and when it reaches 3%, he will go out and give us the heads up to refund and refinance.

Deputy Mayor Venditti and Trustee Vescio noted some discrepancies in the numbers in the resolution. The Board then discussed the discrepancies in the numbers and questioned whether there were typos in the document.

Village Manager Blau stated bond counsel did approve the resolution, but he would contact bond counsel to clarify the numbers and then get back to the Board.

FALSE ALARM APPEAL

Mayor Chatzky stated an alarm appeal request was received from Mrs. Billings of 123 River Road, and said Police Chief Campion was recommending the alarm fine be reduced

to \$300. Mayor Chatzky then asked Village Manager Blau what the status was of the new local law for alarm appeals. Village Manager Blau stated that Deputy Mayor Venditti has rewritten the law, and it will be ready for the Board's review shortly.

Mayor Chatzky asked if the Board was in agreement to reduce the fine to \$300, and the Board agreed.

Upon motion by Trustee Vescio and seconded by Trustee Smith, the Board voted 5-0 to approve the following resolution:

BE IT RESOLVED that the Board of Trustees does hereby reduce the fine associated with the false alarms at 123 River Road to \$300.00.

SCHEDULE PUBLIC HEARINGS

Schedule Public Hearing: Amendment to Chapters 186, Streets and Sidewalks and 220, Zoning

Village Manager Blau stated this addresses the issue of sidewalk vending and sidewalk cafes.

Trustee Smith stated she feels it is important all merchants are notified of this public hearing. Trustee Vescio agreed. Village Manager Blau said he would get a letter out to merchants tomorrow letting them know of the public hearing.

Upon motion by Deputy Mayor Venditti and seconded by Trustee Wilde, the Board voted 5-0 to approve the following resolution:

BE IT RESOLVED that a Public Hearing is hereby scheduled for March 3, 2005 to hear and discuss an amendment to Chapter 186, Streets and Sidewalks and Chapter 220, Zoning, of the Code of the Village of Briarcliff Manor with respect to sidewalk cafes and sidewalk vending

Schedule Public Hearing: Amendment to Chapter 115, Excavations

Upon motion by Trustee Vescio and seconded by Trustee Wilde, the Board voted 5-0 to approve the following resolution:

BE IT RESOLVED that a Public Hearing is hereby scheduled for March 3, 2005 to hear and discuss an amendment to Chapter 115, Excavations.

Schedule Public Hearing: Create New Chapter 104, Code Enforcement

Upon motion by Deputy Mayor Venditti and seconded by Trustee Wilde, the Board voted 5-0 to approve the following resolution:

BE IT RESOLVED that a Public Hearing is hereby scheduled for March 3, 2005 to hear and discuss the creation of a new Chapter 104 to the Code of the Village of Briarcliff Manor entitled "Code Enforcement".

Schedule Public Hearing: Amendment To Chapter 220 Relating To Wireless Telecommunication Service Facilities

Mayor Chatzky stated in reviewing this he and the Board had some questions because they did not feel this was what the Board intended. Village Manager Blau noted that the Board had indicated in the past year they wanted to be responsible for the issuance of special use permits. He further stated Board also wanted a mandatory referral to the Planning Board for review and recommendation for telecommunications.

Deputy Mayor Venditti noted that there is already language in the special use permit regarding telecommunications under 226C to make a mandatory referral to the Planning Board from the Board of Trustees, so he is wondering why the Board needs to do anything other than to keep it the way it was.

Village Counsel Smith said the Board could amend that section of the law and make it a discretionary referral. Deputy Mayor Venditti said the Board did not want to make it a discretionary referral, and the Board wants it to continue it to be a mandatory referral to the Planning Board. Village Counsel Smith said in that context then all the Board of Trustees needs to do is change the name of the authoritative body from the Planning Board to the Village Board.

Deputy Mayor Venditti then asked in making that change if you are then saying the Planning Board will review the application, but the Board of Trustees will make the determination. Village Counsel Smith responded the Village Board of Trustees is the approving authority, and the Village Board of Trustees will approve it.

Trustee Vescio said he thought some of the language in the amendment regarding where the authority was confusing. He further clarified the Board decided the special use permit issuance for this would be with the Board of Trustees. The site plan would be Planning Board's review and approval, and the referral from the Board of Trustees to the Planning Board for special use permit would be mandatory.

Village Counsel Smith clarified that the Board of Trustees may want authority to be with the Village of Board of Trustees subject to a mandatory referral. Mayor Chatzky added similar to any other special use permit.

Mayor Chatzky asked if the public hearing should be scheduled or if the Board of Trustees should await for another draft of the amendment.

Village Manager Blau suggesting waiting for another draft of the amendment. The Board agreed.

Village Counsel Smith suggested if any Board members had suggestions with regard to the language that they e-mail them to him.

FIRE DEPARTMENT MEMBERSHIP – JOSHUA MILLER

Upon motion by Deputy Mayor Venditti and seconded by Trustee Wilde, the Board voted 5-0 to approve the following resolution:

BE IT RESOLVED, that the Board of Trustees of the Village of Briarcliff Manor hereby approves the membership of Joshua Miller to the Briarcliff Manor Fire Company pending proper signatures if required.

FIRE DEPARTMENT MEMBERSHIP – MATTHEW MURO

Upon motion by Deputy Mayor Venditti and seconded by Trustee Wilde, the Board voted 5-0 to approve the following resolution:

BE IT RESOLVED, that the Board of Trustees of the Village of Briarcliff Manor hereby approves the membership of Matthew Muro to the Scarborough Engine Company.

AUTHORIZE VILLAGE MANAGER TO EXECUTE AN AGREEMENT WITH LONGVIEW ASSOCIATES, LLC FOR AN EMPLOYEE ASSISTANCE/WORK LIFE PROGRAM

Village Manager Blau stated that the Village must provide what is known as a “Drug Free Workplace” in order to qualify and receive federal funds. The definition of a drug free workplace is a government that provides services to its employees in case the employee has problems with drugs or alcohol. The Village has provided the drug free workplace via an agreement with Westchester County for the provision of an Employee Assistance Program. The program provides limited benefits to both staff and management. He further stated that he attended a Labor Roundtable and learned about the benefits that can be provided by an active Employee Assistance Program. The Town of New Castle uses Longview Associates, and they have proved to be extremely helpful to the Town by providing assistance to management with problem employees as well as addressing productivity issues. In addition, Longview is very proactive in its programs relating to drugs, alcohol and other personal issues. Village Manager Blau added he would like to use the services of Longview for a period of one year as then assess how the more active EAP has benefited the Village. The Longview Associates program will cost the Village \$1,660 more than the County program, but if the program enables the Village to increase productivity and reduce sick time, etc., the additional cost will prove truly beneficial.

Upon motion by Trustee Vescio and seconded by Trustee Smith, the Board voted 5-0 to approve the following resolution:

BE IT RESOLVED that the Village Manager is hereby authorized and directed to execute an agreement with Longview Associates, LLC of White Plains, New York for the provision of an Employee Assistance/Work Life Program.

APPOINTMENT OF POLICE OFFICER

Mayor Chatzky announced that the Village is appointing a new police officer.

Upon motion by Deputy Mayor Venditti and seconded by Trustee Wilde, the Board voted 5-0 to approve the following resolution:

BE IT RESOLVED, that Angelo Guzzo, 2 Ridge Street, Sleepy Hollow, New York is hereby appointed to the position of Police Officer Grade 3 at an annual salary of \$66,977 effective at 12:01 a.m. on February 28, 2005.

APPROVAL OF MINUTES

November 4, 2004

Upon motion by Trustee Vescio and seconded by Trustee Smith, the Board voted 5-0 to approve the minutes of November 4, 2004 as amended.

Amend: page 1, last paragraph, change “Scarborough Road” to “Hall Road”.

Amend: page 5, first paragraph, last sentence, change “and they generated” to “the Church generated.”

Amend: page 5, last paragraph, first sentence, change “Michley” to “Midgley.”

Trustee Vescio submitted additional changes to Village Manager Blau regarding page 5, eighth paragraph.

Amend: page 8: Under Communications: change “Scarborough Road will be closed November 8 and November 24” to “Scarborough Road will be closed November 8 through November 24”.

January 6, 2005

The minutes will be deferred to March 3, 2005.

January 20, 2005

Upon motion by Trustee Smith and seconded by Deputy Mayor Venditti, the Board voted 5-0 to approve the minutes of January 20, 2005 as amended.

Amend: page 1, Trustee Vescio submitted a series of changes to Village Manager Blau regarding the salt shed discussion.

Amend: page 5, last paragraph, change: “Wilde” to “Deputy Mayor Venditti”.

COMMUNICATIONS

Mayor Chatzky announced that the Girl Scouts will be selling cookies on March 4, 2005.

Mayor Chatzky presented Trustee Wilde with a proclamation for him and his wife, Marjorie, in honor of their 50th wedding anniversary

ADJOURNMENT

Upon motion by Trustee Vescio and seconded by Trustee Smith, the Board voted unanimously to close the Regular Meeting of the Board of Trustees at 9:00 p.m.