

Village Board of Trustees
Regular Meeting
March 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 March 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 HEARING: SPECIAL USE PERMIT AMENDMENT REQUEST,
CONGREGATION SONS OF ISRAEL**

This was adjourned at the request of CSI.

HYATT; WATER TANK AND CELLULAR TOWER ISSUES

Mayor Chatzky turned this discussion over to Mr. Bill Null. Mr. Null stated he was here to discuss some significant issues in connection with the site plan and the development of a retirement community. He said the height of the building had been reduced one level as part of the condition under the special permit granted in 2003. In addition, we have one tower that stands 70' higher than the building. He introduced Dee Able with Demila Able Associates. She showed a site plan which is now before the Planning Board. She said Hyatt and Barrington are looking at the same location for the water tank. They have also located an antennae tower which would be located on the West side. She showed the proposed location, and said the antennae tower is 150', and it has to be 150' for frequency. Trustee Vescio asked how far to the East from the existing antennae location was the tower located, and Ms. Able said 20' or less.

Ms. Able asked if there were any questions. Mayor Chatzky asked about the financial impacts. Mr. Null said he had a chart with projected estimated financial impacts and added that Hyatt is committed to holding the Village harmless. He said they would coordinate with the Village so that the additional cost to the Village is not significant but they could work out the numbers.

Mr. Null said Hyatt recognizes their burden would be to make sure the Village has equivalent service whether the tank is elevated or not. Mr. Null said they also recognize

the visual impacts to the Village. He asked Steve Grogg to discuss the engineering issues.

Mr. Grogg said he wanted to clarify the proposal. The Barrington proposal had a water tank on top of the hill and closer to Scarborough Road there would have been a pump station. The pump station would have had two purposes. The pump station would have filled the tank under normal circumstances and also be able to provide pressure and flow to not only the project but the entire high service area. The high service area is about approximately 52 homes north of the site on Central Drive, and it provides domestic flow only to the Trump development. The main that is installed on Scarborough Road now is on the low pressure system. The main has substantial flow that could be drawn off of it. The difference with the Hyatt proposal, and what we are proposing, is to take the tank on an elevated position and place it on the ground adjacent to the pump station. The pump station would still be where it was originally proposed, and the water from Scarborough would fill the tank. The tanks would not need pumps to fill, and the pump would pressurize, a booster pump, the high pressure system.

In comparing the two systems, the size of the tanks are both 200,000 gallons, and there are visual impacts with the Barrington proposal. The operating pressures in the system would not change from the existing one. Both systems would have a pump station and because of the operation there may be some minor technical differences but both would have a pump station that would be able to provide high fire flows, both have emergency generators, controllers, and a manual override. Both would be designed to operate independent of the tank.

Mr. Grogg further stated that the pump system proposed by Hyatt would give the Village some increased flexibility for potential long-term changes in the water demands by being able to change the water pumps, the size of the pumps, and increasing capacity easily. The pump that is proposed by Hyatt would be subject to final review by the Village and their consultants, but the Dalmeny Road pump station could remain with the Hyatt proposal to provide a back-up in the event something happened to the new pump station. We also met with Village staff, and we were asked to provide additional information which we provided to the Village in a technical memo summarizing the Barrington proposal and the Hyatt proposal. Both proposals have a pump station so they would require routine maintenance, and routine maintenance would have to be done by the Village staff or possibly a contractor on either proposal. With the Hyatt proposal it would require more power because it is running 24 hours a day. We have estimated that the Barrington proposal, which is similar to what is at Dalmeny Road, may take about \$500 a month to run the pumps, with the Hyatt Classic Residence proposal it is about \$2,300 a month. So, there is an increase in the power. The Hyatt would work with the Village on this.

Mr. Grogg further stated that the construction sequence that is needed with the Barrington proposal would be to build a tank, then a build an enclosure around it, and then move the antennae, and take down the existing tank. With the Hyatt proposal, the tank and the

monopole would be built at the same time. There is about a year construction difference between the two proposals.

Trustee Wilde asked why the power consumption is different. Mr. Grogg responded with an elevated tank the pumps are not running 24 hours a day. With the Hyatt Proposal, the booster pump is providing the pressure to the system. So, even at night time, there is a small jockey pump that runs 24 hours a day.

Deputy Mayor Venditti asked what the downside is of the Hyatt versus the Barrington proposal and whether there are any generally accepted standards which prefers one system over another. Mr. Grogg said the accepted standard is what is referred to as the ten-state standard, which means this is adopted and used by ten states in the North Central area. He added that Westchester County Health Department uses this as a guideline for water systems and sanitary systems. The requirements of the ten-state standard is what is used as a guideline. The booster pump, for example, is allowed in the ten-state standard. The system we are proposing is similar to the one at Mohegan Sun, and it has been a reliable system requiring very little maintenance.

Deputy Mayor Venditti asked if the fire department has provided any feedback. Village Manager Blau said the fire department has not provided any response as of yet, but he will follow up with them.

Mr. Null stated he was here tonight to ask if the Hyatt should further pursue this if they could meet an equivalent service requirement.

Trustee Vescio asked which system is more reliable a gravity or a booster pump system. Mr. Null responded they could both be equally reliable.

Village Manager Blau stated the Village has never had an issue with whether or not this system will work. The issue the Village has now is the additional pumps and additional electrical costs.

Mayor Chatzky noted that one of the issues here right now is whether or not the Westchester County Board of Health will approve this and if the Village is comfortable with this.

Trustee Vescio stated he feels this really should be reviewed by the Planning Board and the first issue to be addressed is whether or not the Health Department will allow it. He further stated if the Health Department approves this and there is no additional cost to the Village then he is comfortable with it.

Mr. Null stated he believes the County will support the proposal if the Village supports the proposal. He further stated if the design of the tank is to be an elevated tank everything prepared to date will not work, and there are significant impacts with an elevated tank. He said it is important to know that the Village is behind this proposal before going to the County.

Mayor Chatzky responded the Village staff is comfortable that it would be equivalent service but they have some concerns about additional costs to the Village.

Mr. Null asked that the Board of Trustees formally review this as an amendment to the special use permit and put in the conditions that were discussed because they need this in order to move forward.

Mayor Chatzky suggested the Board of Trustees modify the special use permit to say either plan will work as long as the conditions have been met.

Village Manager Blau stated the Board of Trustees would have to schedule a public hearing for an amendment to the special use permit. Mr. Null suggested April 12 for the public hearing.

Trustee Vescio asked if the Board has to refer this to the Planning Board for review and recommendation, and Village Counsel Smith said it did have to be referred to the Planning Board because it modifies the special use permit.

Trustee Vescio asked if the proposal includes the cost of replacement pumps in the future. The representative for Hyatt said that could be addressed and worked out. However, right now he needs the full endorsement of the Village Engineer and consultant before going to a meeting with the County. He further stated he does not feel he has that now.

Village Manager Blau explained if this Board states that this is the system the Board wants to pursue then the Village Engineer and Village Staff will work with them on this.

Trustee Vescio asked for the differential costs to construct a Two Hundred and Fifty Thousand gallon tank instead of a Two Hundred Thousand gallon tank as outlined in the resolution for the Special Use permit. The costs of this differential should be significantly smaller for the low level tank vs. the elevated tank.

Trustee Smith asked what the next steps would be. Village Manager Blau responded once the Board schedules the first Board of Trustees meeting in April, then the public hearing would be set for the amendment to the special use permit. Then, Dan Pozin and Bill Null will work together to address the Village's concerns. Once the Board approves the amendment to the special use permit, it will be referred to the Planning Board. Mr. Null asked if the Board could refer that question to the Planning Board because they are scheduled to go to before the Planning Board on April 12 and ask them to report back to the Board of Trustees regarding whether or not they support this.

Village Manager Blau then stated the question is whether the Board would like to schedule the meeting for the special use permit for the second meeting in April. The Board agreed they would set the meeting on the special use permit for April 28, 2005.

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 this matter is referred this to the Planning Board for review and recommendation for an on-grade water tank.

PUBLIC COMMENTS

Clay Tiffany, Hall Road, stated he feels the Board of Trustees is obligated by law to discuss disciplinary charges that are going on with the Police Department. Village Manager Blau stated that the Village is not obligated by law to discuss disciplinary charges, and these matters are handled by Village attorneys.

SCHEDULING OF FIRST BOARD OF TRUSTEES MEETING IN APRIL

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

BE IT RESOLVED that the Organizational Meeting of the Board of Trustees is hereby scheduled for April 7, 2005 at 6:30 p.m. immediately prior to the regularly scheduled meeting of the Board of Trustees.

BE IT FURTHER RESOLVED that the April 21, 2005 meeting of the Board of Trustees is rescheduled to April 28, 2005.

SCHEDULE PUBLIC HEARING: AMENDMENT TO CHAPTER 115, EXCAVATIONS

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

BE IT RESOLVED that a Public Hearing is hereby scheduled for April 7, 2005 to hear and discuss an amendment to Chapter 115, Excavations, of the Code of the Village of Briarcliff Manor.

SCHEDULING OF PUBLIC HEARING ON FY 2005-2006 VILLAGE BUDGET

Nick Evanchik , 119 Alder Drive asked when the budget would be released. Village Manager Blau responded the budget would be released to the Village Clerk at the end of the day tomorrow.

Deputy Mayor Venditti asked if there would be any difference in appearance in the budget that is released to the public. Village Manager Blau responded it is a simpler document to read and more user-friendly.

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 schedule a Public Hearing for April 7, 2005 at 7:30 p.m. to hear and discuss the tentative budget for Fiscal Year 2005-2006.

SCHEDULING OF PUBLIC HEARING ON SPECIAL USE PERMIT FOR CONGREGATION SONS OF ISRAEL

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

BE IT RESOLVED that the Board of Trustees does hereby reschedule the March 17, 2005 Public Hearing to hear and consider an application for an amendment to the Special Use Permit issued to the Congregation Sons of Israel to April 28, 2005.

SCHEDULING OF PUBLIC HEARING ON SPECIAL USE PERMIT FOR HYATT CLASSICS

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

BE IT RESOLVED that the Board of Trustees does hereby schedule a Public Hearing to hear and consider an application for an amendment to the Special Use Permit for Hyatt Classics to April 28, 2005.

ADOPTION OF EMPLOYEE HANDBOOK

Village Manager Blau stated that Village staff and AMTEK (Human Resource Consultant) have been working on the development of an Employee Handbook since June 19, 2003, when the Board authorized the execution of an agreement with AMTEK. The purpose of the Employee Handbook was to consolidate and update all of the personnel policies, procedures and non-union benefits in one document. Previously the Board reviewed the contents of the proposed Handbook and directed the redrafting of one section of the Handbook, which has been reviewed and accepted with modifications at the last Work Session.

Trustee Vescio asked if there was a definition of who an employee can take a four-day bereavement leave for. Village Manager Blau stated there is such a definition. He also asked who is on the Safety Committee. Village Manager Blau stated they are reestablishing the Committee now, which is made up of five to seven people. Trustee Vescio asked if employees are asked to sign an acknowledgement stating they have reviewed the recommendations of the Safety Committee. Village Manager Blau stated they do not have to do that, and Trustee Vescio asked him to contact the insurance company to set up a sign-off for employees due to the high insurance costs.

Trustee Smith asked if a procedure was going to be set up for employee reviews, and Village Manager Blau responded they are working on this.

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

WHEREAS the Board of Trustees of the Village of Briarcliff Manor is desirous to develop and implement an Employee Handbook detailing the various personnel policies and procedures, employee benefits, compliance policies, and other pertinent information governing employment related matters; and

WHEREAS the Board of Trustees has retained AMTEK Human Resource Consultants to assist with the development of the Village's Employee Handbook; and

WHEREAS the Board of Trustees has reviewed the draft of said Employee Handbook; and

NOW THEREFORE BE IT RESOLVED that there is hereby adopted the official Employee Handbook of the Village of Briarcliff Manor; and

BE IT FURTHER RESOLVED that the Village of Briarcliff Manor Employee Handbook shall be distributed, with signed acknowledgment, to all Village officials and employees.

FIRE DEPARTMENT MEMBERSHIP – JAMES CASEY, RALPH DEFINO, BRET KULMAN AND MICHAEL MOTTA

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

BE IT RESOLVED that the Board of Trustees of the Village of Briarcliff Manor hereby approves the membership of James Casey to the Briarcliff Manor Fire Company.

BE IT RESOLVED that the Board of Trustees of the Village of Briarcliff Manor hereby approves the membership of Ralph DeFino to the Briarcliff Manor Fire Company.

BE IT RESOLVED that the Board of Trustees of the Village of Briarcliff Manor hereby approves the membership of Bret Kulman to the Briarcliff Manor Fire Company.

BE IT RESOLVED that the Board of Trustees of the Village of Briarcliff Manor hereby approves the membership of Michael Motta to the Briarcliff Manor Fire Company.

APPROVAL OF MINUTES – FEBRUARY 3, 2005

Upon motion by Deputy Mayor Venditti and seconded by Trustee Vescio, the Board voted 5-0 to approve the minutes of February 3, 2005 as amended.

Amend: page 2, tenth paragraph, last sentence, change "could" to "cannot".

COMMUNICATIONS

Mayor Chatzky offered his thanks to all Village staff and village residents who worked with him during his term as mayor.

ADJOURNMENT

Upon motion by Deputy Mayor Venditti and seconded by Trustee Wilde, the Board voted 5-0 unanimously to close the Regular Meeting of the Board of Trustees at 9:15 p.m.