

Village Board of Trustees
Regular Meeting
July 6, 2005
3:00 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 July commencing at 3:00 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
Stephanie Ippoliti, Village Clerk

Public Hearing - Amendment to Special Use Permit, Congregation Sons of Israel (continuation from June 16, 2005)

Upon motion by Trustee Wilde, seconded by Deputy Mayor Venditti, the Board voted unanimously to open the public hearing.

Mr. Daniel Singer of 785 Old Sleepy Hollow Road Extension stated he was a member of the Congregation Sons of Israel. He explained what the synagogue was seeking approval for and the other options they had explored.

Mr. Clay Tiffany of Hall Road stated he objected to the meeting being held at 3:00 p.m. He further stated if the proposed change had the potential to hurt even one person it wouldn't be worth it. He stated they were getting favorable treatment due to religion.

Mayor Vescio stated the project had to do with traffic safety at the entrance into a facility.

Mr. Tiffany stated the Village would be susceptible to lawsuits.

Mr. Frank Fontana of 22 Spruce Road stated that CSI hadn't been good neighbors. He further stated they had a permit to park 130 cars and during

events and high holy days had an excess of 175 cars parked. He further stated there was a hindrance because of sun glare.

Mayor Vescio stated the application had already been approved by Westchester County and the Planning Board. He asked the Village Manager if there had been any complaints regarding parking in the past.

Village Manager Blau stated there were no complaints that he was aware of.

Mr. Bob Curley of 33 Hemlock Road asked what would happen with pedestrian traffic during the high holy days with the proposed entrance.

Mr. Singer stated CSI proposed the continuation of the sidewalk or footpath to Hickory Road.

Village Manager Blau stated it had to be a regulation sidewalk not a footpath.

Mr. Singer stated there was a utility pole impeding full width sidewalk and he would find out from the utility company about the relocation of it. He further stated CSI would pay for the expense of additional Police Officers if deemed necessary to cross the pedestrians.

Mr. Curley asked if a clause could be added to the Special Use Permit if accidents began to happen.

Village Counsel Smith stated the Special Use Permit would expire and come back before the Board. He further stated a site plan revision would be necessary because it wouldn't expire the same way a Special Use Permit would.

Mayor Vescio asked Village Counsel if the Board could issue an approval conditionally for one year to be revisited if there were any accidents.

Village Counsel Smith stated the conditions could vary as necessary.

Mr. Tom Melowitz of 41 Hemlock road stated he put together a petition against the application. He further stated that school drop off and pickup was a major concern of his in addition to the overcrowding on high holy days.

Mrs. Lisa Kablack of 59 Hemlock Road stated that an entrance via Old Briarcliff should be reconsidered. She asked if any members of the Board were members of CSI and if so, should they be allowed to vote on the matter.

Trustee Waxenberg stated she was a member and asked Counsel for advice regarding her vote.

Village Counsel Smith stated Trustee Waxenberg would be entitled to vote as long as there wasn't any financial interest.

Trustee Waxenberg asked Mr. Singer to address why an entrance on Old Briarcliff Road wasn't feasible.

Mr. Singer explained it would have a much greater impact on the environment due to the removal of numerous trees and would create a treacherous situation during inclement weather and wouldn't allow enough space for a fire truck to enter.

Mr. Tiffany stated he accepted the arguments against the entrance on Old Briarcliff. He asked if the Village could revisit the Special Use Permit in a year.

Mayor Vescio stated two years might make more sense. He stated CSI would have to hire two off duty Police Officers for heavy traffic occasions, install an ADA approved regulation sidewalk and agree to a two year review. He stated he would like to know the date the current permit expires. He suggested a reevaluation one year after the construction is completed. He asked Village Counsel if the Board needed to make itself the lead agency.

Village Counsel Smith stated the Board can simply pass a resolution.

Mayor Vescio asked that the conditions of the ADA compliant sidewalk to Hickory and the hiring of two officers be added to the resolution. He further asked that counsel add language for a full year review or the expiration of the Special Use Permit.

Village Manager Blau stated it may not be possible to have two officers available because of being short staffed.

Trustee Smith suggested using Fire Police.

Village Manager Blau stated he would reach out to the Fire Chief.

Upon motion by Deputy Mayor Venditti, seconded by Trustee Smith, the Board voted unanimously to close the public hearing.

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

WHEREAS, on September 19, 1991, the Board of Trustees granted a Special Use Permit to the Congregation Sons of Israel ("the Applicant"); and

WHEREAS, on January 19, 2005, the Applicant submitted to the Board of Trustees an Application with accompanying documentation, seeking approval

from the Board of Trustees to amend the Special Use Permit issued on September 19, 1991 (the "Application"); and

WHEREAS, by letter dated January 27, 2005, the Applicant supplemented its Application with additional information; and

WHEREAS, the Application proposes, among other details, to modify the Special Use Permit relative to Applicant's access driveways along Pleasantville Road thereby enabling a left hand turn into the site and to redirect the traffic flow within the site; and

WHEREAS, on February 17, 2005, the Board of Trustees referred the Application to the Planning Board for review and recommendation; and

WHEREAS, on June 16, 2005, the Board of Trustees held a Public Hearing on the Application; and

WHEREAS, on June 27, 2005, the Planning Board issued a memorandum recommending that the Board of Trustees grant the amendment to the Special Use Permit, which memorandum is incorporated herein by reference; and

WHEREAS, on July 6, 2005, the Board of Trustees closed the Public Hearing on the Application and adopted a resolution pursuant to the New York State Environmental Quality Review Act finding that the Application will not have any significant impact on the environment and authorizing the issuance of a Negative Declaration; and

WHEREAS, pursuant to the recommendations of the Planning Board and the facts brought forward at the Public Hearing, the Board of Trustees desires to approve the proposed amendment to the Special Use Permit.

NOW THEREFORE BE IT RESOLVED that an amendment to the Special Use Permit is hereby granted to the Congregation Sons of Israel to modify its access driveways and on site traffic flow in accordance with the Application and subject to the following conditions recommended by the Planning Board and supplemented by the Trustees:

1. CSI shall be required to engage, at its own expense, two Village police officer(s) during high holy day services and other special events, such as weddings and bar/bat mitzvahs, to help direct traffic on Pleasantville Road, traffic in and out of the site driveways, and pedestrians crossing to and from the site;
2. The Village, in conjunction with the Applicant, should solicit Westchester County to install some additional measure of traffic control, whether through signage or other devices, to make drivers conscious of the posted speed limit and heighten their awareness through this redesigned

intersection and along Pleasantville Road in this area. Additionally, it is recommended that both Briarcliff Manor and Ossining Village police be requested to increase speed limit enforcement efforts along this section of Pleasantville Road;

3. In addition to the proposed road improvements, the Applicant shall make changes to the curb radii at the corner of Spruce and Pleasantville Road to allow better access in making a right-hand turn onto Pleasantville Road heading west;
4. Sidewalks that comply with the requirements of the Americans with Disabilities Act and all other applicable laws and regulations shall be installed as agreed to by the Applicant along the southern shoulder of Pleasantville road to allow a safe pedestrian connection from the neighboring streets onto the CSI property.
5. In the interest of safety, the Village and CSI shall review the impact on Pleasantville Road traffic flow, CSI congregants, and Spruce Road, Hickory Road, and neighboring residents of the addition of the left turn lane into the site from Pleasantville Road heading west and the other amendments to the Special Use Permit under this Resolution at the earlier of the expiration of the Special Use Permit or one year from the date of first use of the left turn lane.

and

BE IT FURTHER RESOLVED that the amendment to the Special Use Permit as approved by this Resolution shall not become effective or operative and no permits or approvals for any work in furtherance of such amendment shall be issued unless and until Amended Site Plan Approval for the Applicant's revised driveways has been granted by the Planning Board of the Village of Briarcliff Manor and all conditions of such Amended Site Plan Approval required to be completed before issuance of any such permits or approvals have been fully satisfied as certified by the Village Engineer.

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

WHEREAS, on September 19, 1991, the Board of Trustees granted a Special Use Permit to the Congregation Sons of Israel ("Applicant"); and

WHEREAS, on January 19, 2005, the Applicant submitted to the Board of Trustees an application with accompanying documentation, including a Short Form Environmental Impact Statement ("EAF") seeking approval from the Board of Trustees to amend the Special Use Permit issued on September 19, 1991 ("Application"); and

WHEREAS, by letter dated January 27, 2005, the Applicant supplemented its Application with additional information; and

WHEREAS, on February 17, 2005, the Board of Trustees referred the Application to the Planning Board for review and recommendation; and

WHEREAS, on June 27, 2005, the Planning Board issued a memorandum recommending that the Board of Trustees grant the amendment to the Special Use Permit, which memorandum and the documents to which reference is made in it are incorporated herein by reference; and

WHEREAS, the Application proposes, among other details, to modify the Special Use Permit Relative to Applicant's access driveways along Pleasantville Road thereby enabling a left hand turn into the site and to redirect the traffic flow within the site; and

WHEREAS, these modifications are included in an application the Applicant has pending before the Planning Board for an Amended Site Plan approval; and

WHEREAS, pursuant to an uncoordinated review conducted in accordance with the New York State Environmental Quality Review Act ("SEQRA"), the Board of Trustees has declared the proposed action to be an Unlisted Action under SEQRA; and

WHEREAS, no potentially significant environmental impacts are identified in the EAF and other materials submitted on the Application; and

NOW THEREFORE, pursuant to the applicable SEQRA regulations, to wit, Part 617 of Title 6 of the New York Code of Rules and Regulations, be it:

RESOLVED, that the Board of Trustees of the Village of Briarcliff Manor hereby determines that the proposed amendment to the Special Use Permit will not have a significant impact on the environment.

RESOLVED, that for the reasons set forth, the Village Manager shall execute and file a Negative Declaration in accordance with the applicable provisions of the law.

Public Hearing – Demapping of Washburn Road

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

Mr. Hal Margosi of 100 Washburn Road asked for an explanation of the land swap and what the reasoning was.

Village Engineer David Turiano explained the changes and the reasoning. Mr. Richard Prezioso of 4 Carlton Avenue stated he was in favor of the project and hoped it would limit the flooding.

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

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

WHEREAS, pursuant to §6-612 of the Village Law of the State of New York, the Village of Briarcliff Manor wishes to discontinue that portion of Washburn Road, known as the Washburn Road Extension, which portion is more particularly described below, in order to demap same; and

WHEREAS, the below described portion of Washburn Road is a wooded area with steep slopes which has never been used as a public thoroughfare; and

WHEREAS, the Board of Trustees has determined that the below described portion of Washburn Road no longer serves any public use and therefore is no longer needed as, a thoroughfare for public vehicular or pedestrian traffic or access.

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees of the Village of Briarcliff Manor declares that the discontinuance and demapping of the below described portion of Washburn Road is an Unlisted Action under SEQRA and that there will be no material adverse environmental impact as a result of such action.

BE IT FURTHER RESOLVED that the Board of Trustees of the Village of Briarcliff Manor declares the following portion of Washburn Road be discontinued as a public street and demapped:

ALL that certain plot, piece or parcel of land, situate lying and being in the Village of Briarcliff Manor, Town of Mt. Pleasant, County of Westchester, State of New York, and more particularly bounded and described as follows:

Commencing at a point on the easterly line of Todd Lane, where the same is intersected by the northerly line of Lot No. 4 of Block 1 in Section 98.15 as shown on the Village of Briarcliff Manor Tax Assessment Maps. Thence North 89° 02' 20" West a distance of 31.03 feet to Point of Beginning.

Thence, from said point through the lands of the grantor the following nine (9) courses and distances;

1. South 79° 03' 10" East a distance of 91.46 feet to a point;
2. North 42° 43' 20" East a distance of 109.13 feet to a point;

- | | |
|----------------------|--|
| 3. North 52° 17' 50" | East a distance of 14.97 feet to a point; |
| 4. North 57° 20' 50" | East a distance of 5.40 feet to a point; |
| 5. North 06° 45' 50" | East a distance of 50.62 feet to a point; |
| 6. South 58° 57' 30" | West a distance of 29.92 feet to a point; |
| 7. South 45° 51' 50" | West a distance of 21.55 feet to a point; |
| 8. South 42° 43' 20" | West a distance of 102.73 feet to a point; |
| 9. South 75° 41' 16" | West a distance of 77.80 feet to the Point of Beginning. |

Containing 0.15 acres of land more or less.

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

WHEREAS, the Board of Trustees has acted to discontinue and demap that portion of Washburn Road known as Washburn Road Extension; and

WHEREAS, the Board of Trustees has declared that the property is no longer necessary for a public thoroughfare or for any other public purpose.

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees may convey or sell pursuant to public or private sale that portion of Washburn Road known as Washburn Road Extension.

Village Manager's Report

- The intersection project was projected to be completed by July 15th with landscaping scheduled for the fall.
- Scarborough Road paving was scheduled for the week of July 25th.
- Bids had been sent out regarding the Cottonwood Lane and Holly Place Pump Stations and the Todd Lane Bridge Replacement Project.

Public Comment

Mr. Richard Prezioso of 4 Carlton Avenue asked what the priorities of the Pocantico River project were. He further asked of the three proposals which would allow for the quickest remedy. He stated de-snagging might help alleviate some of the flooding.

Mayor Vescio stated the Board was looking for a solution upstream and Echo Lake was the most feasible option.

Village Manager Blau stated the de-snagging of the river had recently taken place.

Mr. Norm Brandell of 873 Pleasantville Road stated he had been waiting for many years for flood alleviation. He further stated Todd Lane was disappearing into the river and a quick fix was necessary.

Mr. Robert Little of Save Scarborough.com commended the Board for their service. He stated a portion of Kemey's Cove was acquired by the Town of Ossining and feared there would be no preservation of the Cove.

Mr. Clay Tiffany of Hall road submitted to the Board glass he picked up at Scarborough Park. He stated the Police Chief had refused to see him. He further stated Mr. Smith's report regarding the "Beer Bash" should be made public.

Mayor Vescio stated Mr. Smith's report was available.

Mrs. Margot Berger of 2 Elizabeth Court stated she recently read an editorial about United Water. She further stated the Catskill connection would be closed in 2007 and asked how the Village would integrate.

Village Manager Blau stated there wouldn't be any delay in the project.

Mrs. Berger asked what the status of the viability of the business district on the other side of 9A was.

Trustee Waxenberg stated the Village would help to identify a destination tenant.

Mr. Nick Evanchik of 119 Alder Drive asked if there was any progress in the blighted business district. He stated he emailed the Village Manager and hoped he would receive answers during the July 19th Water Meeting. He respectfully suggested the Board review the 1995 Malcolm Pirnie Report. He asked if ground water could be an option to look into.

Bond Resolutions – Capital Budget for Fiscal Year 2005-2006

- a. Planning Costs for Parking Improvement and Fire and Ambulance Communications Equipment
- b. Improvements on Village roads, in Village parks and the Acquisition of Machinery and Apparatus
- c. Acquisition of Fire Apparatus and Reconstruction of Todd Lane Bridge
- d. Planning for Village Buildings
- e. Sewer and Drainage Improvements and Improvements to Waterways (Pocantico River Flood Control Project)
- f. Improvements to Village Water System
- g. Acquisition of Motor Vehicles and Computer Software

Mr. Tiffany stated a former Trustee predicted in 1969 what would happen with the development of the Ash Road Condos. He further stated the area should revert back into wetlands.

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

3A

WHEREAS, the Board of Trustees of the Village of Briarcliff Manor (the "Village"), a municipal corporation of the State of New York, located in the County of Westchester, hereby determines that it is in the public interest of the Village to authorize the financing of (i) the planning costs of the acquisition, construction and reconstruction of parking improvements (\$10,000) and (ii) the acquisition of fire and ambulance communication systems (\$36,500), in and for the Village, and including the acquisition of any applicable machinery, equipment or apparatus, land and rights-in-land necessary therefore and any preliminary and incidental costs related thereto, at a total estimated cost not to exceed \$46,500, all in accordance with the Local Finance Law;

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the Village of Briarcliff Manor, County of Westchester, State of New York, as follows:

Section 1. There is hereby authorized to be issued serial bonds and bond anticipation notes issued in anticipation of the issuance of such serial bonds of the Village in the aggregate principal amount of up to \$46,500, pursuant to the Local Finance Law, in order to finance the costs of the specific objects or purposes, or classes of objects or purposes, hereinafter described.

Section 2. The specific objects or purposes, or class of objects or purposes, to be financed pursuant to this bond resolution (collectively, the "Project"), the respective estimated maximum cost of such specific objects or purposes, the principal amount of serial bonds authorized herein, or bond anticipation notes issued in anticipation of the issuance of such serial bonds, for such specific objects or purposes, and the period of probable usefulness of such specific objects or purposes or class of objects or purposes pursuant to the applicable subdivision of paragraph a of Section 11.00 of the Local Finance law, are as follows:

(a) The planning costs of the acquisition, construction and reconstruction of parking improvements in and for the Village, together with the acquisition of any applicable machinery, equipment or apparatus, land and rights-in-land necessary therefore and any preliminary and incidental costs related thereto, at an estimated maximum cost of \$10,000 for which \$10,000 principal amount of serial bonds, or bond anticipation notes issued in anticipation of the issuance of such serial bonds, are authorized herein and appropriated therefore, having a period of probable usefulness of ten (10) years pursuant to subdivisions 20(f) and 62 of paragraph a of

Section 11.00 of the Local Finance Law. Such serial bonds shall have a maximum maturity of ten (10) years computed from the earlier of (a) the date of the first issue of such serial bonds or (b) the date of the first issue of bond anticipation notes issued in anticipation of the issuance of such serial bonds; and

(b) The acquisition of fire and ambulance communications systems for the Village, together with the acquisition of any applicable machinery, equipment or apparatus necessary therefore and any preliminary and incidental costs related thereto, at an estimated maximum cost of \$36,500 for which \$36,500 principal amount of serial bonds, or bond anticipation notes issued in anticipation of the issuance of such serial bonds, are authorized herein and appropriated therefore, having a period of probable usefulness of ten (10) years pursuant to subdivision 25 of paragraph a of Section 11.00 of the Local Finance Law. Such serial bonds shall have a maximum maturity of ten (10) years computed from the earlier of (a) the date of the first issue of such serial bonds or (b) the date of the first issue of bond anticipation notes issued in anticipation of the issuance of such serial bonds.

Section 3. The Board of Trustees of the Village has ascertained and hereby states that (a) the estimated maximum cost of the Project is not exceed \$46,500; (b) no money has heretofore been authorized to be applied to the payment of the costs of the Project; (c) the Board of Trustees of the Village plans to finance the costs of the Project from the proceeds of the serial bonds, or bond anticipation notes issued in anticipation of such serial bonds, authorized herein; (d) the maturity of such serial bonds authorized herein may be in excess of five (5) years; and (e) on or before the expenditure of moneys to pay for any item within the classes of objects or purposes as set forth above, for which proceeds of such obligations are to be applied to reimburse the Village, the Board of Trustees of the Village took "official action" for federal income tax purposes to authorize the capital financing of such item.

3B

WHEREAS, the Board of Trustees of the Village of Briarcliff Manor (the "Village"), a municipal corporation of the State of New York, located in the County of Westchester, hereby determines that it is in the public interest of the Village to authorize the financing of the costs of (i) the acquisition, construction and reconstruction of improvements to Village roads (\$105,000), the acquisition, construction and reconstruction of park improvements (\$85,600), and (iii) the acquisition of machinery and apparatus for construction and maintenance (\$380,315), in and for the Village, and including the acquisition of any applicable machinery, equipment or apparatus, land and rights-in-land necessary therefore and any preliminary and incidental costs related thereto, at a total estimated cost not to exceed \$570,915, all in accordance with the Local Finance Law;

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the Village of Briarcliff Manor, County of Westchester, State of New York, as follows:

Section 1. There is hereby authorized to be issued serial bonds and bond anticipation notes issued in anticipation of the issuance of such serial bonds of the Village in the aggregate principal amount of up to \$570,915, pursuant to the Local Finance Law, in order to finance the costs of the specific objects or purposes, or classes of objects or purposes, hereinafter described.

Section 2. The specific objects or purposes, or class of objects or purposes, to be financed pursuant to this bond resolution (collectively, the "Project"), the respective estimated maximum cost of such specific objects or purposes, the principal amount of serial bonds authorized herein, or bond anticipation notes issued in anticipation of the issuance of such serial bonds, for such specific objects or purposes, and the period of probable usefulness of such specific objects or purposes or class of objects or purposes pursuant to the applicable subdivision of paragraph a of Section 11.00 of the Local Finance law, are as follows:

(a) The acquisition, construction and reconstruction of improvements to Village roads, together with the acquisition of any applicable machinery, equipment or apparatus, land and rights-in-land necessary therefore and any preliminary and incidental costs related thereto, at an estimated maximum cost of \$105,000 for which \$105,000 principal amount of serial bonds, or bond anticipation notes issued in anticipation of the issuance of such serial bonds, are authorized herein and appropriated therefore, having a period of probable usefulness of fifteen (15) years pursuant to subdivision 20(c) of paragraph a of Section 11.00 of the Local Finance Law. Such serial bonds shall have a maximum maturity of fifteen (15) years computed from the earlier of (a) the date of the first issue of such serial bonds or (b) the date of the first issue of bond anticipation notes issued in anticipation of the issuance of such serial bonds; and

(b) The acquisition, construction and reconstruction of park improvements in and for the Village, together with the acquisition of any applicable machinery, equipment or apparatus, land and rights-in-land necessary therefore and any preliminary and incidental costs related thereto, at an estimated maximum cost of \$85,600 for which \$85,600 principal amount of serial bonds, or bond anticipation notes issued in anticipation of the issuance of such serial bonds, are authorized herein and appropriated therefore, having a period of probable usefulness of fifteen (15) years pursuant to subdivision 19(c) of paragraph a of Section 11.00 of the Local Finance Law. Such serial bonds shall have a maximum maturity of fifteen (15) years computed from the earlier of (a) the date of the first issue of such serial bonds or (b) the date of the first issue of bond anticipation notes issued in anticipation of the issuance of such serial bonds; and

(c) The acquisition of machinery and apparatus for construction and maintenance in and for the Village, together with any preliminary and incidental costs related thereto, at an estimated maximum cost of \$380,315 for which \$380,315 principal amount of serial bonds, or bond anticipation notes issued in

anticipation of the issuance of such serial bonds, are authorized herein and appropriated therefore, having a period of probable usefulness of fifteen (15) years pursuant to subdivision 28 of paragraph a of Section 11.00 of the Local Finance Law. Such serial bonds shall have a maximum maturity of fifteen (15) years computed from the earlier of (a) the date of the first issue of such serial bonds or (b) the date of the first issue of bond anticipation notes issued in anticipation of the issuance of such serial bonds.

Section 3. The Board of Trustees of the Village has ascertained and hereby states that (a) the estimated maximum cost of the Project is not exceed \$570,915; (b) no money has heretofore been authorized to be applied to the payment of the costs of the Project; (c) the Board of Trustees of the Village plans to finance the costs of the Project from the proceeds of the serial bonds, or bond anticipation notes issued in anticipation of such serial bonds, authorized herein; (d) the maturity of such serial bonds authorized herein may be in excess of five (5) years; and (e) on or before the expenditure of moneys to pay for any item within the classes of objects or purposes as set forth above, for which proceeds of such obligations are to be applied to reimburse the Village, the Board of Trustees of the Village took "official action" for federal income tax purposes to authorize the capital financing of such item.

3C

WHEREAS, the Board of Trustees of the Village of Briarcliff Manor (the "Village"), a municipal corporation of the State of New York, located in the County of Westchester, hereby determines that it is in the public interest of the Village to authorize the financing of the costs of (i) the acquisition of a fire-fighting vehicle and apparatus (\$594,100) and (ii) the acquisition, construction and reconstruction of Todd Lane Bridge (\$660,123), in and for the Village, and including the acquisition of any applicable machinery, equipment or apparatus, land and rights-in-land necessary therefore and any preliminary and incidental costs related thereto, at a total estimated cost not to exceed \$1,254,223, all in accordance with the Local Finance Law;

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the Village of Briarcliff Manor, County of Westchester, State of New York, as follows:

Section 1. There is hereby authorized to be issued serial bonds and bond anticipation notes issued in anticipation of the issuance of such serial bonds of the Village in the aggregate principal amount of up to \$1,254,223, pursuant to the Local Finance Law, in order to finance the costs of the specific objects or purposes, or classes of objects or purposes, hereinafter described.

Section 2. The specific objects or purposes, or class of objects or purposes, to be financed pursuant to this bond resolution (collectively, the "Project"), the respective estimated maximum cost of such specific objects or purposes, the principal amount of serial bonds authorized herein, or bond

anticipation notes issued in anticipation of the issuance of such serial bonds, for such specific objects or purposes, and the period of probable usefulness of such specific objects or purposes or class of objects or purposes pursuant to the applicable subdivision of paragraph a of Section 11.00 of the Local Finance law, are as follows:

(a) The acquisition of a fire-fighting vehicle and apparatus for the Village, together with the acquisition of any applicable machinery, equipment or apparatus necessary therefore and any preliminary and incidental costs related thereto, at an estimated maximum cost of \$594,100 for which \$594,100 principal amount of serial bonds, or bond anticipation notes issued in anticipation of the issuance of such serial bonds, are authorized herein and appropriated therefore, having a period of probable usefulness of twenty (20) years pursuant to subdivision 27 of paragraph a of Section 11.00 of the Local Finance Law. Such serial bonds shall have a maximum maturity of twenty (20) years computed from the earlier of (a) the date of the first issue of such serial bonds or (b) the date of the first issue of bond anticipation notes issued in anticipation of the issuance of such serial bonds; and

(b) The acquisition, construction and reconstruction of Todd Lane Bridge in and for the Village, together with the acquisition of any applicable machinery, equipment or apparatus, land and rights-in-land necessary therefore and any preliminary and incidental costs related thereto, at an estimated maximum cost of \$660,123 for which \$660,123 principal amount of serial bonds, or bond anticipation notes issued in anticipation of the issuance of such serial bonds, are authorized herein and appropriated therefore, having a period of probable usefulness of twenty (20) years pursuant to subdivision 10 of paragraph a of Section 11.00 of the Local Finance Law. Such serial bonds shall have a maximum maturity of twenty (20) years computed from the earlier of (a) the date of the first issue of such serial bonds or (b) the date of the first issue of bond anticipation notes issued in anticipation of the issuance of such serial bonds.

Section 3. The Board of Trustees of the Village has ascertained and hereby states that (a) the estimated maximum cost of the Project is not exceed \$1,254,223; (b) no money has heretofore been authorized to be applied to the payment of the costs of the Project; (c) the Board of Trustees of the Village plans to finance the costs of the Project from the proceeds of the serial bonds, or bond anticipation notes issued in anticipation of such serial bonds, authorized herein; (d) the maturity of such serial bonds authorized herein may be in excess of five (5) years; and (e) on or before the expenditure of moneys to pay for any item within the classes of objects or purposes as set forth above, for which proceeds of such obligations are to be applied to reimburse the Village, the Board of Trustees of the Village took "official action" for federal income tax purposes to authorize the capital financing of such item.

3D

WHEREAS, the Board of Trustees of the Village of Briarcliff Manor (the “Village”), a municipal corporation of the State of New York, located in the County of Westchester, hereby determines that it is in the public interest of the Village to authorize the financing of the planning and costs of the construction of additions to and the reconstruction of Village buildings, including the Village Library (\$323,790), the Public Safety Building (\$430,493) and the administrative offices (\$86,830), and including the acquisition of any applicable machinery, equipment or apparatus, land and rights-in-land necessary therefore and any preliminary and incidental costs related thereto, at a total estimated cost not to exceed \$841,113, all in accordance with the Local Finance Law;

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the Village of Briarcliff Manor, County of Westchester, State of New York, as follows:

Section 1. There is hereby authorized to be issued serial bonds and bond anticipation notes issued in anticipation of the issuance of such serial bonds of the Village in the aggregate principal amount not to exceed \$841,113 pursuant to the Local Finance Law, in order to finance the planning and costs of the construction of additions to and the reconstruction of Village buildings, including the Village Library (\$323,790), the Public Safety Building (\$430,493) and the administrative offices (\$86,830), and including the acquisition of any equipment, machinery or apparatus, land or rights-in-land necessary therefore and any preliminary and incidental costs related thereto (collectively, the “Project”).

Section 2. It is hereby determined that the Project is a specific object or purpose, or of a class of object or purpose, described in subdivisions 12(a)(1) and 62 of paragraph a of Section 11.00 of the Local Finance Law (such buildings being of “Class A” construction as that term is defined in Section 11.00 of the Local Finance Law) and that the period of probable usefulness of the Project is twenty-five (25) years. The serial bonds authorized herein shall have a maximum maturity of twenty-five (25) years computed from the earlier of (a) the date of the first issue of such serial bonds, or (b) the date of the first issue of bond anticipation notes issued in anticipation of the issuance of such serial bonds.

Section 3. The Board of Trustees of the Village has ascertained and hereby states that (a) the estimated maximum cost of the Project is not to exceed \$841,113; (b) no money has heretofore been authorized to be applied to the payment of the costs of the Project; (c) the Board of Trustees of the Village plans to finance the costs of the Project from the proceeds of the serial bonds or bond anticipation notes issued in anticipation of the issuance of such serial bonds authorized herein; (d) the maturity of such obligations authorized herein will be in excess of five (5) years; and (e) on or before the expenditure of moneys to pay any costs for the Project, for which proceeds of any obligations authorized herein are to be applied to reimburse the Village, the Board of Trustees of the Village took “official action” for federal income tax purposes to authorize capital financing of such expenditure.

3E

WHEREAS, the Board of Trustees of the Village of Briarcliff Manor (the “Village”), a municipal corporation of the State of New York, located in the County of Westchester, hereby determines that it is in the public interest of the Village to authorize the financing of the costs of (i) the acquisition, construction and reconstruction of various sewer (\$50,000) and drainage (\$265,000) improvements and (ii) the acquisition, construction and reconstruction of improvements to waterways (\$250,000), in and for the Village, and including the acquisition of any applicable machinery, equipment or apparatus, land and rights-in-land necessary therefore and any preliminary and incidental costs related thereto, at a total estimated cost not to exceed \$565,000, all in accordance with the Local Finance Law;

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the Village of Briarcliff Manor, County of Westchester, State of New York, as follows:

Section 1. There is hereby authorized to be issued serial bonds and bond anticipation notes issued in anticipation of the issuance of such serial bonds of the Village in the aggregate principal amount of up to \$565,000, pursuant to the Local Finance Law, in order to finance the costs of the specific objects or purposes, or classes of objects or purposes, hereinafter described.

Section 2. The specific objects or purposes, or class of objects or purposes, to be financed pursuant to this bond resolution (collectively, the “Project”), the respective estimated maximum cost of such specific objects or purposes, the principal amount of serial bonds authorized herein, or bond anticipation notes issued in anticipation of the issuance of such serial bonds, for such specific objects or purposes, and the period of probable usefulness of such specific objects or purposes or class of objects or purposes pursuant to the applicable subdivision of paragraph a of Section 11.00 of the Local Finance law, are as follows:

(a) The acquisition, construction and reconstruction of various sewer (\$50,000) and drainage (\$265,000) improvements in and for the Village, together with the acquisition of any applicable machinery, equipment or apparatus, land and rights-in-land necessary therefore and any preliminary and incidental costs related thereto, at an estimated maximum cost of \$50,000 for which \$50,000 principal amount of serial bonds, or bond anticipation notes issued in anticipation of the issuance of such serial bonds, are authorized herein and appropriated therefore, having a period of probable usefulness of thirty (30) years pursuant to subdivision 4 of paragraph a of Section 11.00 of the Local Finance Law. Such serial bonds shall have a maximum maturity of thirty (30) years computed from the earlier of (a) the date of the first issue of such serial bonds or (b) the date of the first issue of bond anticipation notes issued in anticipation of the issuance of such serial bonds; and

(b) The acquisition, construction and reconstruction of improvements to waterways in and for the Village, together with the acquisition of any applicable machinery, equipment or apparatus, land and rights-in-land necessary therefore and any preliminary and incidental costs related thereto, at an estimated maximum cost of \$250,000 for which \$250,000 principal amount of serial bonds, or bond anticipation notes issued in anticipation of the issuance of such serial bonds, are authorized herein and appropriated therefore, having a period of probable usefulness of thirty (30) years pursuant to subdivision 3 of paragraph a of Section 11.00 of the Local Finance Law. Such serial bonds shall have a maximum maturity of thirty (30) years computed from the earlier of (a) the date of the first issue of such serial bonds or (b) the date of the first issue of bond anticipation notes issued in anticipation of the issuance of such serial bonds.

Section 3. The Board of Trustees of the Village has ascertained and hereby states that (a) the estimated maximum cost of the Project is not exceed \$565,000; (b) no money has heretofore been authorized to be applied to the payment of the costs of the Project; (c) the Board of Trustees of the Village plans to finance the costs of the Project from the proceeds of the serial bonds, or bond anticipation notes issued in anticipation of such serial bonds, authorized herein; (d) the maturity of such serial bonds authorized herein may be in excess of five (5) years; and (e) on or before the expenditure of moneys to pay for any item within the classes of objects or purposes as set forth above, for which proceeds of such obligations are to be applied to reimburse the Village, the Board of Trustees of the Village took "official action" for federal income tax purposes to authorize the capital financing of such item.

3F

WHEREAS, the Board of Trustees of the Village of Briarcliff Manor (the "Village"), a municipal corporation of the State of New York, located in the County of Westchester, hereby determines that it is in the public interest of the Village to authorize the financing of the costs of reconstruction of improvements to the Village water system, and including the acquisition of any applicable machinery, equipment or apparatus, land and rights-in-land necessary therefore and any preliminary and incidental costs related thereto, at a total estimated cost not to exceed \$1,785,000, all in accordance with the Local Finance Law;

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the Village of Briarcliff Manor, County of Westchester, State of New York, as follows:

Section 1. There is hereby authorized to be issued serial bonds and bond anticipation notes issued in anticipation of the issuance of such serial bonds of the Village in the aggregate principal amount not to exceed \$1,785,000 pursuant to the Local Finance Law, in order to finance the costs of the reconstruction of improvements to the Village water system, and including the acquisition of any equipment, machinery or apparatus, land or rights-in-land necessary therefore and any preliminary and incidental costs related thereto (collectively, the "Project").

Section 2. It is hereby determined that the Project is of a class of object or purpose described in subdivision 1 of paragraph a of Section 11.00 of the Local Finance Law; and that the period of probable usefulness of the Project is forty (40) years. The serial bonds authorized herein shall have a maximum maturity of forty (40) years computed from the earlier of (a) the date of the first issue of such serial bonds, or (b) the date of the first issue of bond anticipation notes issued in anticipation of the issuance of such serial bonds.

Section 3. The Board of Trustees of the Village has ascertained and hereby states that (a) the estimated maximum cost of the Project is not to exceed \$1,785,000; (b) no money has heretofore been authorized to be applied to the payment of the costs of the Project; (c) the Board of Trustees of the Village plans to finance the costs of the Project from the proceeds of the serial bonds or bond anticipation notes issued in anticipation of the issuance of such serial bonds authorized herein; provided, however, any portion of the proceeds to be used in conjunction with a water project with another municipality outside the boundaries of the Village, shall not be expended until an intermunicipal agreement setting forth the application of such proceeds is effective; (d) the maturity of such obligations authorized herein will be in excess of five (5) years; and (e) on or before the expenditure of moneys to pay any costs for the Project, for which proceeds of any obligations authorized herein are to be applied to reimburse the Village, the Board of Trustees of the Village took "official action" for federal income tax purposes to authorize capital financing of such expenditure

3G

WHEREAS, the Board of Trustees of the Village of Briarcliff Manor (the "Village"), a municipal corporation of the State of New York, located in the County of Westchester, hereby determines that it is in the public interest of the Village to authorize the financing of the costs of (i) the acquisition of motor vehicles (\$66,250) and (ii) the acquisition of computer software (\$20,000), in and for the Village and including any preliminary and incidental costs related thereto, at a total estimated cost not to exceed \$86,250, all in accordance with the Local Finance Law;

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the Village of Briarcliff Manor, County of Westchester, State of New York, as follows:

Section 1. There is hereby authorized to be issued serial bonds and bond anticipation notes issued in anticipation of the issuance of such serial bonds of the Village in the aggregate principal amount of up to \$86,250, pursuant to the Local Finance Law, in order to finance the costs of the specific objects or purposes, or classes of objects or purposes, hereinafter described.

Section 2. The specific objects or purposes, or class of objects or purposes, to be financed pursuant to this bond resolution (collectively, the "Project"), the respective estimated maximum cost of such specific objects or

purposes, the principal amount of serial bonds authorized herein, or bond anticipation notes issued in anticipation of the issuance of such serial bonds, for such specific objects or purposes, and the period of probable usefulness of such specific objects or purposes or class of objects or purposes pursuant to the applicable subdivision of paragraph a of Section 11.00 of the Local Finance law, are as follows:

(a) The acquisition of motor vehicles for the Village, together with any preliminary and incidental costs related thereto, at an estimated maximum cost of \$66,250 for which \$66,250 principal amount of serial bonds, or bond anticipation notes issued in anticipation of the issuance of such serial bonds, are authorized herein and appropriated therefore, having a period of probable usefulness of five (5) years pursuant to subdivision 29 of paragraph a of Section 11.00 of the Local Finance Law. Such serial bonds shall have a maximum maturity of five (5) years computed from the earlier of (a) the date of the first issue of such serial bonds or (b) the date of the first issue of bond anticipation notes issued in anticipation of the issuance of such serial bonds; and

(b) The acquisition of computer software for the Village, together with any preliminary and incidental costs related thereto, at an estimated maximum cost of \$20,000 for which \$20,000 principal amount of serial bonds, or bond anticipation notes issued in anticipation of the issuance of such serial bonds, are authorized herein and appropriated therefore, having a period of probable usefulness of five (5) years pursuant to subdivision 81(b) of paragraph a of Section 11.00 of the Local Finance Law. Such serial bonds shall have a maximum maturity of five (5) years computed from the earlier of (a) the date of the first issue of such serial bonds or (b) the date of the first issue of bond anticipation notes issued in anticipation of the issuance of such serial bonds.

Section 3. The Board of Trustees of the Village has ascertained and hereby states that (a) the estimated maximum cost of the Project is not exceed \$86,250; (b) no money has heretofore been authorized to be applied to the payment of the costs of the Project; (c) the Board of Trustees of the Village plans to finance the costs of the Project from the proceeds of the serial bonds, or bond anticipation notes issued in anticipation of such serial bonds, authorized herein; (d) the maturity of such serial bonds authorized herein will not be in excess of five (5) years; and (e) on or before the expenditure of moneys to pay for any item within the classes of objects or purposes as set forth above, for which proceeds of such obligations are to be applied to reimburse the Village, the Board of Trustees of the Village took "official action" for federal income tax purposes to authorize the capital financing of such item.

Indian Point

Mr. Tiffany stated he didn't think there was imminent danger that Indian Point would be attacked by terrorists. He further stated that all nuclear energy wasn't bad.

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

WHEREAS, Entergy Corp., owner and operator of the Indian Point Nuclear Power Plants, has expressed its intent to apply for, and be granted operating license extensions of 20 years for Indian Point 2 and Indian Point 3, and

WHEREAS, Indian Point 2 and 3 were initially licensed based on Nuclear Regulatory Commission (NRC) regulations promulgated over 30 years ago, and if plant owners were to apply for a license to operate a nuclear power plant at the Indian Point site today, it would not likely be granted by the NRC under its current standards and regulations, specifically prohibiting the siting of nuclear power plants based on population density considerations, and

WHEREAS, taking into consideration the current NRC licensing requirements for a nuclear power plant, Indian Point's aging plants and equipment, the multiple, newer energy options available today, and the constant threat of being a prime target for an act of terrorism, it is the responsibility of this lawmaking body, in the interest of public safety, to call on the Nuclear Regulatory Commission to dismiss future applications and not grant their renewal, now therefore be it

RESOLVED, that the Board of Trustees of the Village of Briarcliff Manor opposes the re-licensing of Indian Point 2 and Indian Point 3 when their current licenses expire in 2013 and 2015, respectively, and that the NRC prohibit Entergy Corp.'s Indian Point 2 and 3 from being re-licensed, and to make this finding as soon as possible so that all concerned and involved parties can devote their time and resources to finding alternatives to the existing nuclear power plants, and be it further

RESOLVED, that the NRC should modify, through its GEIS process, its siting regulations to reflect current considerations including that of Terrorism, and be it further

RESOLVED, that the Village Clerk of the Village of Briarcliff Manor forward the text of this resolution to the Westchester County's State and federal delegation, to all legislative bodies and elected officials within the 50-mile zone surrounding the Indian Point Nuclear Power Plants, the Nuclear Regulatory Commission and Entergy Corp., so that the intent of this Honorable Board be widely known.

Clean Water Protection/Flood Prevention Act

Mr. Evanchik asked if it affected Baylis.

Mayor Vescio stated under one acre didn't apply.

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

WHEREAS, as set forth in the state Freshwater Wetlands Act (Environmental Conservation law, Art. 24), the "freshwater wetlands of the state of New York are invaluable resources for flood protection, wildlife habitat, open space and water resources;"

WHEREAS, as set forth in the state Freshwater Wetlands Act (Environmental Conservation Law, Art. 24): Any loss of freshwater wetlands deprives the people of the state of some or all of the many and multiple benefits to be derived from wetlands, to wit:

- a. flood and storm control by the hydrologic absorption and storage capacity of freshwater wetlands;
- b. wildlife habitat by providing breeding, nesting and feeding grounds and cover form many forms of wildlife, wildfowl and shorebirds, including migratory wildfowl and rare species such as the bald eagle and osprey;
- c. protection of subsurface water resources and provision for valuable watersheds and recharging ground water supplies;
- d. recreation by providing area for hunting, fishing, boating, hiking, bird watching, photography, camping and other uses;
- e. pollution treatment by serving as biological and chemical oxidation basins;
- f. erosion control by serving as sedimentation areas and filtering basins, absorbing silt and organic matter and protecting channels and harbors;
- g. education and scientific research by providing readily accessible outdoor bio-physical laboratories, living classrooms and vast training and education resources; and
- h. open space and aesthetic appreciation by providing often the only remaining open areas along crowded river fronts and coastal Great lakes regions; and
- i. sources of nutrients in freshwater food cycles and nursery grounds and sanctuaries for freshwater fish.

WHEREAS the U.S. Geological Survey estimated that, as of 1980, New York State already had lost 60% of its wetlands;

WHEREAS the state Freshwater Wetlands Act protects only wetlands that are 12.4 acres or larger, or those that have been specially designated as being of unusual local importance, and relies on the U.S. Army Corps of Engineers (ACOE) to protect the vast majority of wetlands under 12.4 acres;

WHEREAS as a result of changes in federal policy, so-called “isolated” wetlands are no longer afforded federal protection;

WHEREAS the 12.4 acre size threshold in current state law coupled with the loss of federal protection for many smaller wetlands has created a regulatory gap, leaving an estimated tens of thousands of wetlands in New York without any regulatory protection;

WHEREAS New York is the only state in the Northeast that uses wetland size as a threshold criterion for wetland regulation;

WHEREAS the Village of Briarcliff Manor recognizes the valuable functions freshwater wetlands perform for Briarcliff Manor including maintaining water quality, preventing flooding, and providing critical habitat; and

WHEREAS the Clean Water Protection/Flood Prevention Act (A.2048/S.2081) gives greater protection to New York’s freshwater wetlands by reducing the size threshold for state jurisdiction to one acre and streamlining the wetland mapping process.

NOW, THEREFORE, BE IT RESOLVED, the Village of Briarcliff Manor requests that the New York State Legislature enact the Clean Water Protection/Flood Prevention Act (A.2048/S.2081)

RESOLVED, that a copy of this resolution be sent to (local Assembly members), Senator Charles Schumer, Senator Hilary Clinton, Senator Bruno, Speaker Silver, and Governor Pataki.

Village Manager to Execute Agreement

NYSDOT - Fuel Adjustments

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

BE IT RESOLVED that the Village Manager is hereby authorized and directed to execute the Fuel Adjustments for the Municipal Snow and Ice Contracts for 2004-2005.

Budget Modifications

a. Grant Funds Received

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

BE IT RESOLVED that the budget for fiscal year 2005-2006 is hereby amended as follows:

Increase Police Department: US Department of Justice Grant (A0103.4389) by \$25,000.00
Increase Police Department: Technology Grant US Department of Justice, Laptop Computers (A3120.201.4389) by \$25,000.00

b. Gift Received

Mr. Evanchik asked if it was legal to accept a gift from Ginsberg.

Village Counsel Smith stated it was perfectly legitimate and it was part of a broader program.

Mr. Tiffany stated he was astounded the Board would accept money from a supporter of non-unionized workers. He further stated it was an obvious conflict of interest.

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

BE IT RESOLVED that the budget for fiscal year 2005-2006 is hereby amended as follows:

Increase Gifts Revenue (A0101.2705) by \$500.00
Increase Flower Expense (A8510.420.03G01) by \$500.00

Minutes

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

Upon motion by Trustee Wilde, seconded by Trustee Waxenberg, the Board voted unanimously to approve the minutes of June 16, 2005 as amended.

Board Announcements

Mayor Vescio stated the Board would adjourn into executive session following the meeting to discuss personnel matters.

Mayor Vescio reminded the public that there would be an informational meeting on July 19th to discuss water issues.

Public Comments

Mr. Evanchik stated he would like items to be addressed immediately in his email.

Mayor Vescio stated his email would be answered.

Mr. Tiffany stated information was being censored in the minutes and they didn't reflect extensive wording he expressed.

Adjournment

Upon motion by Trustee Waxenberg, seconded by Trustee Wilde, the Board voted unanimously to close the Regular meeting at 6:10pm.

Upon motion by Trustee Smith, seconded by Trustee Wilde, the Board voted unanimously to adjourn immediately into executive session.

Respectfully submitted by,

Christine Dennett