

Village Board of Trustees  
Regular Meeting  
November 3, 2005  
7:30 p.m.

The Regular Meeting of the Board of Trustees of the Village of Briarcliff Manor, New York was held in the Village of Briarcliff Manor Village Hall, at 1111 Pleasantville Road, Briarcliff Manor, New York on the 3<sup>rd</sup> of November commencing at 7:30 p.m.

**Present**

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

**Also Present**

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

**Absent**

Stephanie Ippoliti, Village Clerk

**Board of Trustees Announcements**

Mayor Vescio announced:

- The Board would give a report each meeting to discuss “big ticket” items to keep the public informed.
- There would be a ten minute open dialogue session to have back and forth between the Board and the Public regarding the specific issues discussed during the Village Manager’s Report and the Board of Trustee’s Report.
- An additional Work Session would be added to each month. The Work Session would take place an hour prior to the first regularly scheduled Board of Trustees meeting of the month.
- The Department of Transportation will hold a meeting on November 16<sup>th</sup> at 7:30pm at the Scarborough Presbyterian Church to discuss Route 9. A separate meeting will be held sometime in January with Briarcliff Manor Residents.

**Village Managers Report**

- Excavation was anticipated for the sanitary sewer pump stations on Holly Place and Cottonwood Lane on November 16<sup>th</sup>.

- A fence will be erected at Lynn McCrum field and erosion along entry road and wall will be addressed.
- The piles had been driven for Todd Lane Bridge project and the foundation had been constructed. The project was scheduled to be completed by the end of the year with the exception of paving.
- The relining project was actively moving forward.
- The installation of the 20" line on Sleepy Hollow Road was half way installed. Completion was anticipated within a month.

### **Board of Trustees Report**

Given by Mayor Vescio

- The full water supply contract had been received from Hazen and Sawyer and was expected to be signed within the next week.
- Hyatt was in the process of installing their onsite sales trailer and parking lot. The final designs are almost completed for the parking lot and ball fields.
- A questionnaire for the update of the Master Plan would be sent out to residents within the next week to be received back by November 30<sup>th</sup>. The firm Buckhurst Fish and Jacquemart has been selected as the consultant to update the Master Plan.

### **Open Session**

Mr. Mort Berger of 2 Elizabeth Court asked when Sleepy Hollow Road would be paved.

Village Manager Blau stated it would be included in the next repaving project.

Mrs. Margot Berger of 2 Elizabeth Court asked if there would be any blasting anticipated with the Sleepy Hollow Road project.

Mr. Nick Evanchik of 119 Alder Drive asked what criteria was used when considering the relining of water mains. He stated he was surprised to see BFJ as the chosen consultant for the Master Plan Update.

Mayor Vescio stated the decision was based on their presentation, thoroughness and price. He further stated they had excellent credentials and their proposal was personalized for Briarcliff Manor.

Mr. Evanchik asked when BFJ would be finished with their final report on the Scarborough Station parking lot.

Mayor Vescio stated BFJ was in the process of assembling data and he would follow up with the date.

Mrs. Donna Lily of 29 Drislane Road asked if the Board could briefly summarize the scope of the Master Plan update and asked if it would address Ossining schools as well.

Trustee Smith summarized the Master Plan update.

Mr. Clay Tiffany of Hall Road asked if the study included illegal parking at Scarborough Station. He further asked why two Olympic sized pools hadn't been constructed at Law Park.

### **Public Comment**

Mr. Nick Evanchik stated he reviewed the minutes for the last several months. He asked how much time was allotted for public comment after each agenda item.

Mayor Vescio stated he would look into it.

Mr. Evanchik asked whether or not any exploration had been done with using United Water for water supply.

Mayor Vescio stated that as of the summer United Water couldn't fulfill the Village's needs.

Mr. Evanchik stated pension costs and compensatory time were out of control for municipalities. He further stated excessive compensatory time should be addressed.

Village Manager Blau stated the Board drafted a new Employee Handbook which addressed compensatory time.

Mr. Jerry Morrissey of Orchard Road asked if the Bulk Law changes would negatively affect property values. He stated he felt if one property value increased all property values would increase.

Mrs. Margot Berger asked for clarification on the Sleepy Hollow Water Main budget. She asked for a total cost of the project.

Mr. Clay Tiffany stated he spoke to News Channel 12 and they stated that Officer Tartaglione wasn't returning to work. He stated the Christmas decorations on the Municipal Building were offensive. He further stated steroid testing should be done on Police Officers as well as psychiatric testing.

Mayor Vescio stated personnel matters wouldn't be discussed in public. He further stated the holiday decorations would be inclusive by erecting a menorah

next to the holiday tree in Law Park and a banner reading "Peace on Earth" at Village Hall.

**Special Election Resolution for Fire Department Service Awards Program-  
Rescind September 15, 2005 Resolution**

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

Whereas, the Board of Trustees of the Village of Briarcliff Manor passed a resolution on September 15, 2005, to conduct a mandatory referendum in accordance with Article 11-A of the General Municipal Law, to determine whether the Board of Trustees shall amend the Village of Briarcliff Manor Fire Department Defined Contribution Service Award Program as set forth below, effective as of January 1, 2006, to:

(a) Increase the amount credited to the Service Award Program account balance of an eligible volunteer firefighter from \$480 to \$600 for the 2006 calendar year if such volunteer earns a year of service credit under the point system after December 31, 2005, but before January 1, 2007.

(b) Increase the amount credited to the Service Award Program account balance of an eligible volunteer firefighter from \$600 to \$700 for each calendar year in which such volunteer earns a year of service credit under the point system after December 31, 2006.

(c) Permit an active volunteer firefighters to earn Service Award Program service credit under the point system after he or she reaches the Entitlement Age (age 65), and thereby earn a Service Award of seven hundred dollars for each year of post age sixty-five (65) service credit earned under the point system; and

Whereas, The Board of Trustees desires to rescind said resolution in order to set a different date for the Referendum.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES, that the Resolution passed September 15, 2005, to conduct a mandatory referendum on the Service Award Program is hereby rescinded.

**Special Election Resolution for Fire Department Service Awards Program**

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

WHEREAS, voters of the Village of Briarcliff Manor approved a proposition to establish a Service Award Program for the Briarcliff Manor Fire Department

effective January 1, 1993, in accordance with Article 11-A of the New York State General Municipal Law; and

WHEREAS, General Municipal Law Article 11-A authorizes the Village of Briarcliff Manor Board of Trustees to seek voter approval of amendments to the Service Award Program; and

WHEREAS, the Board of Trustees desires to amend the Service Award Program benefits to active volunteer firefighters of the Briarcliff Manor Fire Department to help the Village recruit and retain active volunteer firefighters.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES IN THE VILLAGE OF BRIARCLIFF MANOR, COUNTY OF WESTCHESTER, AND STATE OF NEW YORK, BY FAVORABLE VOTE OF NOT LESS THAN SIXTY PERCENT OF THE MEMBERS OF SAID BOARD, AS FOLLOWS:

Section 2. The Village of Briarcliff Manor shall conduct a mandatory referendum in accordance with Article 11-A of the General Municipal Law, to determine whether the Board of Trustees shall amend the Village of Briarcliff Manor Fire Department Defined Contribution Service Award Program as set forth below, effective as of January 1, 2006, to:

(a) Increase the amount credited to the Service Award Program account balance of an eligible volunteer firefighter from \$480 to \$600 for the 2006 calendar year if such volunteer earns a year of service credit under the point system after December 31, 2005, but before January 1, 2007.

(b) Increase the amount credited to the Service Award Program account balance of an eligible volunteer firefighter from \$600 to \$700 for each calendar year in which such volunteer earns a year of service credit under the point system after December 31, 2006.

(c) Permit an active volunteer firefighters to earn Service Award Program service credit under the point system after he or she reaches the Entitlement Age (age 65), and thereby earn a Service Award of \$600 for the year 2006 and \$700 for each year thereafter for each year of post age sixty-five (65) service credit earned under the point system.

Section 3. In accordance with Article 11-A of the New York State General Municipal Law, the Village confirms that:

(a) The total current cost of funding the Village of Briarcliff Manor Service Award Program may be as much as \$47,200 for current firefighters, including the cost of administration of approximately \$4,000. If voters approve this amendment, the total annual cost of funding the amended program for current firefighters may be as much as \$63,100 for the year 2006 (approximately \$640 per active participating firefighter) and \$76,350

(approximately \$740 per active participating firefighter) for each year thereafter, including the cost of administration in 2006 of approximately \$4,140 and of approximately \$4,250 thereafter.

(b) The Village of Briarcliff Manor Service Award Program is a defined contribution program as described in General Municipal Law Section 218.

Section 4. All other provisions of the Village of Briarcliff Manor Service Award Program which required voter approval shall not change and the program shall continue to be administered by the Village of Briarcliff Manor Board of Trustees in accordance with General Municipal Law Article 11-A as such law is amended from time to time.

Section 5. A Referendum shall be by special election of the Village to be held on December 6, 2005, with 1 polling place at the Briarcliff Manor Municipal Building commencing at 6:00 AM, and the polls shall remain open until 9:00 PM.

Section 6. The vote upon the Referendum to be submitted to the qualified voters shall be on voting machines, and the Village Clerk shall have the necessary machines prepared for use.

Section 7. The Village Clerk is authorized and directed to give notice of said Referendum by causing a notice in substantially the form set forth in Section 7 hereof to be:

(a) Published no later than November 25, 2005, in The Gazette or Journal News which are both newspapers having a general circulation within the Village and designated as the official newspapers of the Village for such publication.

(b) Posted no later than December 5, 2005, in six (6) conspicuous public places and a copy of such notice be posted at the polling place.

Section 8. The language on the ballot shall be as follows:

(a) Shall the Village of Briarcliff Manor Defined Contribution Service Award Program be amended effective January 1, 2006, to: (a) increase the amount credited to the Service Award Program account balance of an eligible volunteer firefighter from \$480 to \$600 for the 2006 calendar year if such volunteer earns a year of service credit under the point system after December 31, 2005, but before January 1, 2007, (b) increase the amount credited to the Service Award Program account balance of an eligible volunteer firefighter from \$600 to \$700 for each calendar year in which such volunteer earns a year of service credit under the point system after December 31, 2006, and (c) allow a participating volunteer to continue to earn service credit under the point system after reaching the entitlement age (age 65), and thereby earn an annual service

award of \$600 for the year 2006 and \$700 for each year thereafter for each year of post age sixty-five (65) service credit earned under the point system? The total annual cost of funding the current Village of Briarcliff Manor Service Award Program for current firefighters may be as much as \$47,200, including the cost of administration of approximately \$4,000. The total annual cost of funding the amended program for current firefighters may be as much as \$63,100 for the year 2006 and \$76,350 for each year thereafter, including the cost of administration in 2006 of approximately \$4,140 and approximately \$4,250 thereafter. The per capita annual cost of the amended program may be about \$640 per active participating firefighter in 2006 and \$740 per active participating firefighter thereafter.

### **Bond Resolution**

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

**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 additional costs of the reconstruction of improvements to the Village water system, including the acquisition of any applicable equipment, machinery, apparatus, land and rights-in-land necessary therefor and any preliminary and incidental costs related thereto, at a total estimated cost not to exceed \$383,593, in accordance with the Local Finance Law;

**WHEREAS**, on July 6, 2005 (the "Prior Bond Resolution"), the Board of Trustees of the Village adopted a serial bond resolution to finance the reconstruction of improvements to the Village water system (the "Project") in the amount of \$1,785,000, and now hereby determines that the cost of the Project has increased by \$383,593 to \$2,168,593;

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

Section 1. There is hereby authorized to be issued serial bonds of the Village, and/or bond anticipation notes issued in anticipation of the issuance of such serial bonds, in the aggregate principal amount not to exceed \$383,593, pursuant to the Local Finance Law, in order to finance the additional costs of the reconstruction of improvements to the Village water system, including the acquisition of any applicable equipment, machinery, apparatus, land and rights-in-land necessary therefor and any preliminary and incidental costs related thereto.

Section 2. The Board of Trustees of the Village has ascertained and hereby states that (a) the estimated maximum additional costs of the Project are \$383,593; (b) no money has heretofore been authorized to be applied to the payment of the costs of the Project except as authorized under the Prior

Resolution; (c) the Board of Trustees of the Village plans to finance the costs of the Project from the proceeds of serial bonds, and/or bond anticipation notes issued in anticipation of the issuance of such serial bonds, authorized by the Prior Bond Resolution and as authorized herein; and (d) the maturity of such serial bonds authorized herein may be in excess of five (5) years.

Section 3. It is hereby determined that additional costs of the Project, at an estimated maximum cost of \$383,593, for which \$383,593 principal amount of serial bonds, and/or bond anticipation notes issued in anticipation of the issuance of such serial bonds, are authorized herein, such objects or purpose, or class of objects or purpose, having a period of probable usefulness of forty (40) years pursuant to subdivision 1 of paragraph a of Section 11.00 of the Local Finance Law and such serial bonds shall have a maximum maturity not to exceed forty (40) years computed from the earlier of (a) the date of the first issue of such serial bonds or (b) the date the first issue of bond anticipation notes issued in anticipation of the issuance of such serial bonds.

### **Organic Waste Transfer Station**

Village Manager Blau explained the site to the Board and the public.

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

WHEREAS, the Board of Trustees of the Village of Briarcliff Manor is conducting an uncoordinated SEQRA review of an Unlisted Action, known as the Organic Yard Waste Management Program; and

WHEREAS, the Organic Yard Waste Management Program will be established in the Village of Briarcliff Manor pursuant to an Inter-Municipal Agreement with Westchester County which provides for the operation of an Organic Yard Waste Transfer Station at the Briarcliff Manor Department of Public Works; and

WHEREAS, the Organic Yard Waste Transfer Station will be established in the current location of the Briarcliff Manor compost facility at the Department of Public Works.

NOW THEREFORE, BE IT RESOLVED, that pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law, the Board of Trustees of the Village of Briarcliff Manor has determined that the proposed Unlisted Action will not have a significant adverse effect on the environment.

Village Counselor Smith noted the filing of the environmental assessment forms for the record.

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

BE IT RESOLVED that the Village Manager is hereby authorized and directed to execute an Inter-municipal Agreement with Westchester County for the establishment of an Organic Yard Waste Transfer Station at the Department of Public Works in the Village of Briarcliff Manor.

BE IT FURTHER RESOLVED that the execution of the agreement shall be contingent upon the agreement being acceptable to Village Counsel and the Village Manager as to form and substance.

BE IT FURTHER RESOLVED that the following regulations shall govern the use of the site by landscapers:

- Landscapers shall be permitted to deliver yard waste only on Wednesdays between the hours of 9:00 a.m. and 3:00 p.m.
- Landscapers must complete a permit application and obtain a permit from the Department of Public Works prior to delivering yard waste.
- The permit application shall require the permit applicant to acknowledge that the materials delivered to the Organic Yard Waste Transfer Station are materials that can be accepted at the site and will not contaminate the site.
- The permit application shall require the permit applicant to acknowledge that the landscaper shall be responsible for all costs associated with the disposal of any contaminated and/or materials inappropriate for delivery to the site, including all costs incurred by the Village for disposal or penalties and fines relating thereto.
- A fee to deposit at the Organic Yard Waste Transfer Station shall be charged and paid prior to the issuance of a permit by the Department of Public Works.

BE IT FURTHER RESOLVED that the Organic Yard Waste Transfer Station site shall be locked at all times when not in use.

**Authorize Village Manager to Execute Agreement with Buckhurst, Fish & Jacquemart for Master Plan Update**

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

BE IT RESOLVED that the Village Manager is hereby authorized and directed to execute a contract with Buckhurst, Fish & Jacquemart, Inc. for professional consulting to update the Village of Briarcliff Manor Master Plan.

Mayor Vescio stated the Board decided not to finance the project and instead used the undesignated reserve fund.



Organic Yard Waste Transfer Station - Deposit of Materials at Transfer Station

|                                    |                   |
|------------------------------------|-------------------|
| Pick-up Truck                      | \$100.00 per load |
| Six-wheel dump truck               | \$200.00 per load |
| Max. Vehicle Weight of 23,000 lbs. |                   |

BE IT FURTHER RESOLVED that the Board of Trustees does hereby amend the Master Fee Schedule for the Village of Briarcliff Manor as follows:

The fee schedule adopted by the Board of Trustees on October 6, 2005 for Water Rents, Outside Village shall be the rate retroactive to June 1, 2005.

**Fire Department Membership**

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

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

**Adoption of Street Naming Policy**

Mayor Vescio stated there were two deceased war veterans whose names could be used to name Village Roads. He suggested the Board may consider changing the name of School Road to honor one of the war veterans.

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

BE IT RESOLVED that the Board of Trustees does hereby adopt the following Policy to govern the naming of streets in the Village of Briarcliff Manor.

**POLICY STATEMENT**

**NAMING OF VILLAGE STREETS**

**Adopted by the Board of Trustees – November 3, 2005**

**BACKGROUND**

The Village of Briarcliff Manor has an unofficial policy relating to the naming of streets in the Village. Developers who have received approvals from the Planning Board for the establishment of a sub-division submit proposed street names to the Board of Trustees for approval. The Village has provided guidance, pursuant to the unofficial policy, however, there is no firm direction that

can be provided to a developer and no absolute policy that the Board of Trustees can refer to when deliberating on a proposed street name. Based upon this background, it is the opinion of the Board of Trustees that it is necessary to establish a policy for the naming of new streets in the Village shall provide direction to all parties involved in the process of naming a street.

**POLICY**

The following shall be the policy of the Village of Briarcliff Manor in regards to the naming of streets.

- A developer shall submit a request, in letter form, to the Board of Trustees with proposed names for the streets in the subdivision approved by the Planning Board. No request shall be submitted until the Planning Board has approved the subdivision.
- A developer may submit more than one name for the street(s) within the subdivision. Should more than one name be submitted for the street(s) to be named, the developer shall prioritize the list of names requested.
- Streets shall be named for veterans who have died in war, deceased Briarcliff Manor Mayors, a word of historical significance to the Village of Briarcliff Manor, or shall be named after a flower, bush, shrub or tree. A proposed street name using the name of a flower, bush, shrub or tree may be combined with a natural environmental attribute or feature (i.e. brook, stream, river, etc; example – Ashbrook Drive).
- The letter of request shall provide documentation as to the basis for the requested street name (i.e. the historical significance of a word to Briarcliff Manor or information associated with the species of flower, bush, shrub or tree).
- Street names shall be sufficiently different in sound and in spelling from existing street names in the Village so as not to cause confusion (Chapter 190-17(l) of the Code of the Village of Briarcliff Manor).
- A street name which is a continuation of an existing street shall bear the same name (Chapter 190-17(l) of the Code of the Village of Briarcliff Manor).
- Street names shall conform to the following classification:
  - Major or secondary street Avenue, street or road
  - Local residential street Road or lane
  - Dead-end street Court or place
  - Street, both ends of which intersect the street at different locations Circle(Chapter 190-17(l) of the Code of the Village of Briarcliff Manor).
- The Board of Trustees shall only act to name streets based upon requests submitted by developers. The decision of the Board of Trustees to approve or disapprove the requested name of a street shall be final and shall not be subject to appeal.

### **Award of Bid**

Deputy Mayor Venditti recused himself from voting on the matter.

Upon motion by Trustee Smith, seconded by Trustee Wilde, the Board voted 4-0 with one abstention to approve the following resolution:

BE IT RESOLVED, that the bid for landscaping along Scarborough Road and at the intersection of South State Road and Pleasantville Road is hereby awarded to JC Land and Site Development, Inc., 29 Havell Street, Ossining, New York per their bid and subsequent negotiated price of \$29,985.

BE IT FURTHER RESOLVED that the Village Manager is hereby authorized and directed to execute an agreement with JC Land and Site Development, Inc. for landscaping services.

### **Schedule Public Hearing**

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

BE IT RESOLVED that the Board of Trustees has set a public hearing for November 17, 2005 on the adoption of a Local Law to provide for donations of surplus vehicles by the Village of Briarcliff Manor for Hurricane Katrina Relief.

### **Approval of Minutes**

Upon motion by Trustee Wilde, seconded by Trustee Waxenberg, the Board voted unanimously to approve the minutes of September 15, 2005 as amended.

Upon motion by Trustee Waxenberg, seconded by Deputy Mayor Venditti, the Board voted unanimously to approve the minutes of October 20, 2005 as amended.

### **Adjournment**

Upon motion by Deputy Mayor Venditti, seconded by Trustee Smith, the Board voted unanimously to adjourn the regular meeting at 9:45pm.

Respectfully submitted by,

Christine Dennett