

Village Board of Trustees  
Regular Meeting  
April 28, 2005  
7:30pm

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 of the 28th of April commencing at 7:30pm.

**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

**Public Hearing: Amendment to Special Use Permit, Congregation Sons of Israel - Adjourned to May 19, 2005 at the request of the applicant**

**Public Hearing: Amendment to Special Use Permit, Hyatt (Kings College Property) – Adjourned to May 19, 2005 at the request of the applicant**

**Public Hearing: Amendment to Code of the Village of Briarcliff Manor, Chapter 69 – Alarms**

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

Village Manager Blau suggested that the Treasurer's Department handle the alarm permits.

Upon motion by Trustee Waxenberg, seconded by Deputy Mayor Venditti 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:

**BE IT RESOLVED** that the Code of the Village of Briarcliff Manor, Chapter 69, Alarms is hereby amended.

**Presentation by Briarcliff Manor Fire Company Truck Committee – Replacement of Engine 94.**

Fire Chief Carl LaBruzzo of the Briarcliff Manor Fire Company presented to the Board of Trustees the specifications of the new fire truck.

Village Manager Blau stated the truck would go out to bid after June 1, 2005.

Chief LaBruzzo stated it would take approximately eight to twelve months for the truck to be delivered.

Trustee Smith asked if the new truck would be comparable to surrounding communities.

Chief LaBruzzo stated that the truck would bring Briarcliff Manor to the same level as other communities if not higher.

**Manager's Update**

- Village Manager Blau gave an update of various projects in the Village.
- He stated that the Intersection Improvements on South State and Pleasantville Roads was projected for completion by May 31<sup>st</sup>. He further stated the pole would be installed on April 29<sup>th</sup> for the traffic light.
- He stated the Pleasantville Road Sidewalk Project would be completed by May 13<sup>th</sup> and then grading and seeding would be done.
- He stated that the new tower truck would be delivered in the next two weeks.
- He stated that he had been working with the Villages of Sleepy Hollow and Tarrytown for new emergency water. He further stated that it would cost the Village significantly less.
- He stated that the Scarborough Drainage Project was 85% complete.
- He stated that he would be meeting the Village's Consultant Dolph Rotfeld on May 3<sup>rd</sup> about using Echo Lake during heavy rainstorms to alleviate the flooding problem of the Pocantico River.

**Public Comments**

Mr. Morton Berger of 2 Elizabeth Court asked when the Classic Hyatt Residence would begin to benefit the Village. He further asked when the Board of Trustees would address the space needs of the Village.

Mayor Vescio stated that in the next six weeks the Board would make a decision regarding space needs.

Mr. Clay Tiffany spoke about his dissatisfaction with Police Officer Tartaglione.

Mrs. Margot Berger of 2 Elizabeth Court asked with the installation of the new traffic light if there would be any signage added.

Mayor Vescio stated that provisions had been made in the budget for signage.

**Approval of Budget for Fiscal Year 2005-2006**

Deputy Mayor Venditti thanked department heads for their diligence and hard work with the budget.

**A RESOLUTION ADOPTING A BUDGET FOR THE FISCAL YEAR COMMENCING JUNE 1, 2005 AND ENDING MAY 31, 2006**

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

**WHEREAS**, the Board of Trustees has met at the time and place specified in the notice of public hearing on the tentative budget and heard all persons desiring to be heard thereon; now, therefore be it

**RESOLVED**, that the tentative budget as amended and revised and as hereinafter set forth is hereby adopted and that there be and is hereby appropriated for the objects and purposes specified, including the amounts set forth required for the payment of principal and interest on indebtedness, the following amounts:

	<u>General Fund</u>	<u>Water Fund</u>	<u>Debt Service Fund</u>	<u>Library Fund</u>
Appropriations	\$12,682,181.00	\$3,183,734.30	\$1,934,011.91	\$550,025.38
Less: Estimated Revenues	3,754,236.00	3,183,734.30	1,633,888.81	546,826.38
Appropriated Fund Balance	<u>300,000.00</u>	<u>0</u>	<u>300,123.10</u>	<u>3,199.00</u>
	\$12,682,181.00	\$3,183,734.30	\$1,934,011.91	\$550,025.38

General Fund Budgetary  
 Appropriation to be  
 Raised by Real Estate  
 Tax Levy \$8,627,945.00

Plus 0.25% Tax Overlay      21,570.74

Total Budgetary  
Appropriation to be  
Raised by Real Estate  
Tax Levy                      \$8,649,515.74

	<u>Town of Ossining</u>	<u>Town of Mt. Pleasant</u>
Taxable Assessed Value	\$104,311,071	\$2,515,184
Tax Rate per \$1,000	\$76.254	\$276.4762

Ayes: 5  
Nays: 0

**2004-2005 TAX LEVY AND WARRANT**

In accordance with Section 1420 of the Real Property Tax Law, upon completion of the budget, but not later than May 15<sup>th</sup>, the Board of Trustees shall determine and levy the tax for the ensuing fiscal year.

Based on the adopted budget and the provision of the Annual Assessment Roll from the Town of Ossining and the Town of Mt. Pleasant, the following resolutions have been prepared for your approval to levy the Village Real Property Tax.

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

**WHEREAS**, the budget for the fiscal year commencing June 1, 2005, has been duly adopted and filed with the Village Clerk; and

**WHEREAS**, it has been thereby determined that the sum of \$12,682,181.00 will be necessary to meet the obligations of the Village; and

**WHEREAS**, there has been duly credited as against said sum estimated revenues and appropriated fund balance aggregating \$4,054,236.00 leaving \$8,649,515.74 to be raised by the levying of taxes; and

**WHEREAS**, it appears from the Assessment Roll of the year 2004 for taxes for the fiscal year June 1, 2005 that the total assessed valuation of real property in the Village is \$104,311,071 in the Town of Ossining portion of the Village and \$2,515,184 in the Town of Mt. Pleasant portion of the Village and said Assessment Rolls having been duly confirmed;

**NOW THEREFORE BE IT RESOLVED**, that the tax rate for the Village of Briarcliff Manor for the fiscal year commencing June 1, 2005 be and the same

hereby is fixed at the rate of \$76.254 on each \$1,000 of assessed valuation for properties in the Village of Briarcliff Manor located in the Town of Ossining and \$276.4762 for properties in the Village of Briarcliff Manor located in the Town of Mt. Pleasant.

**FURTHER RESOLVED**, that the sum of \$8,649,515.74, the same being taxes for the fiscal year commencing June 1, 2005 be, and the same hereby is, levied upon the taxable property in the Village of Briarcliff Manor and that the Treasurer be and she hereby is authorized and directed to extend and carry out upon the roll the amount to be collected from each of the persons named thereon, and the respective amounts of said tax roll against each such parcel of taxable property set forth thereon be and the same hereby are levied upon each parcel of taxable property respectively which said levy includes items shown on the budget for the fiscal year commencing June 1, 2005 heretofore adopted.

**BE IT FURTHER RESOLVED**, that the Board of Trustees does hereby authorize and direct the Village Treasurer to place the delinquent water arrears on the tax roll for fiscal year 2005-2006.

Ayes: 5  
Nays: 0

### **PUBLIC COMMENT DISCUSSION**

Mayor Vescio asked for a motion to approve a public comment period on agenda items, limited to one minute.

Upon motion by Trustee Waxenberg, seconded by Deputy Mayor Venditti the Board voted unanimously to approve the public comment on agenda items, a period of one minute.

### **Board of Trustees Appointments**

Trustee Smith announced that the Board was looking for two student liaisons to the Recreation Committee.

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

Edward Nolan as an Alternate Member of the Planning Board for a term of one year.

Rick Sider as a Member of the Conservation Advisory Council for a term of two years.

Robert Mayer as a Member of the Conservation Advisory Council for a term of two years.

Kurt Ranno as a Member of the Ethics Board for a term of five years.

Patrick Kelly as a Member of the Ethics Board for a term of five years. Patrick Kelly was a holdover from April 2004, therefore his term will end in April 2009.

**Fire Department Elections**

The Fire Department conducted their Annual Elections on April 7. The Board of Trustees confirmed the results of the election relating to the Fire Chiefs. Below are the remaining positions and the firefighters elected to those positions which the Fire Department has requested that the Board confirm.

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

**BE IT RESOLVED** that the Board of Trustees does hereby confirm the results of the election of the Briarcliff Manor Fire Department Conducted on April 7, 2005 as follows:

***Briarcliff Manor Fire Company***

Captain	Steven Neski
1st Lieutenant	Dennis Reilly
2nd Lieutenant	Matthew Rice

***Briarcliff Manor Hook, Ladder & Fire Company***

Captain	Michael King
1st Lieutenant	Robert O'Hanlon
2nd Lieutenant	Michael Molinelli

***Scarborough Engine Company***

Captain	Ronald Jankowski
1st Lieutenant	William Bassett III
2nd Lieutenant	Mark Saffadi

**BE IT FURTHER RESOLVED** that the Board of Trustees does hereby confirm the appointment of Alan Fleischman as the Safety Officer.

**BE IT FURTHER RESOLVED** that the Board of Trustees does hereby certify the following appointments to the ***Briarcliff Manor Fire Department Deputy Chiefs Association***:

William Bauer  
Thomas Farrington

Vincent Pankovic  
Joseph Piazza

William Kossow  
William Kowack  
William Macintosh

Lawrence Reilly  
William Ventura  
Jay White

**Amend Master Fee Schedule for Outdoor Displays and Outdoor Vending**

Village Manager Blau reviewed the fees and stated the merchants would be subject to a number of restrictions allowing sufficient sidewalk pedestrian traffic. He further stated the building department would issue permits. Both the Police Department and the Building Department will enforce the law.

Mr. Morton Berger stated he was concerned about the safety and the perpendicularly parked cars along the road.

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

**BE IT RESOLVED** that the Board of Trustees does hereby amend the Master Fee Schedule for the Village of Briarcliff Manor to establish a fee and deposit for Sidewalk Cafes and Sidewalk Vending/Displays as follows:

Outdoor vending/display	Fee	\$100	Deposit	\$100
Outdoor Café	Fee	\$150	Deposit	\$500

**Request by M. Gelardi (LRM Subdivision) for Naming of Street: Austin Place**

Mr. Larry Reilly of Larch Road asked that the names on the monument in Law Park be considered in the future when naming Village roads.

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 does hereby approve that the street in the LRM subdivision shall be named Austin Place.

**Budget Transfer**

- a. Purchase of Water
- b. Additional Revenue
- c. Transfer of Funds Remaining in Completed Capital Projects

Village Manager Blau stated that money was donated by Pace University for the traffic signal project. He further stated the United States Dept of Justice had given a grant for laptops in police cars at no cost to the Village.

Mr. Nick Evanchik of 119 Alder Drive asked about the purchase of water.

Mrs. Margot Berger stated the arrears were daunting and further asked how it could be recovered.

Mayor Vescio stated the water rates would potentially go up. He further stated that a monthly newsletter would be implemented to notify residents more regularly. He stated that he would like the water project with Sleepy Hollow to be expedited.

Upon motion by Deputy Mayor Venditti, seconded by Trustee Smith the Board voted unanimously to approve the budget transfers.

### **Authorize Village Manager to Execute Agreements**

#### **a. Intermunicipal Agreement – Stormwater Management**

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 Intermunicipal Agreement with the Villages of Ardsley, Bronxville, Dobbs Ferry, Hastings-on-Hudson, Irvington, Larchmont, Mt. Kisco, Pelham Manor, Portchester, Rye Brook and Tuckahoe, the Towns of Eastchester and Harrison and the City of Peekskill relating to grants received from the New York State Department of Environmental Conservation relating to stormwater management.

#### **b. Utility Easement Agreement and Pedestrian Trail Declaration and Easement Agreement with LRM Holding Corporation**

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 Utility Easement Agreement and a Pedestrian Trail Declaration and Easement Agreement with LRM Holding Corporation subject to the following conditions:

1. Approval of the Utility Easement Agreement and the Pedestrian Trail Declaration and Easement Agreement by the Planning Board
2. Should the Planning Board modify the Utility Easement Agreement or the Pedestrian Trail Declaration and Easement, the modification(s) shall be



acceptable in form and content to the Village Manager and Village Counsel.

**Request by Merchant's Association for Sidewalk Sale and Square Dance**

Trustee Smith stated the fire police would be available to help with pedestrian traffic.

Trustee Waxenberg questioned the potential violation of the noise ordinance.

Village Manager Blau stated the event would end at 9:00pm.

Upon motion by Trustee Waxenberg, seconded by Deputy Mayor Venditti the Board voted unanimously to approve the Merchant Association's event on June 24<sup>th</sup> and 25<sup>th</sup>.

**Schedule Public Hearing: Community Development Block Grant Applications**

Assistant Manager Richards stated the grant funds would be used to purchase a new senior bus, a library book discussion program with Atria and a book delivery program.

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

**BE IT RESOLVED** that a Public Hearing is hereby scheduled for May 19, 2005 to hear and discuss applications to be submitted for Community Development Block Grant funding.

**Approval of Minutes**

Upon motion by Trustee Smith, seconded by Trustee Wilde the Board voted unanimously to approve the minutes of March 3, 2005 as amended.

Upon motion by Trustee Wilde, seconded by Trustee Waxenberg the Board voted unanimously to approve the minutes of March 17, 2005 as amended.

Upon motion by Trustee Waxenberg, seconded by Deputy Mayor Venditti the Board voted unanimously to approve the minutes of the April 7, 2005 Organizational Meeting as amended.

Upon motion by Trustee Smith, seconded by Trustee Wilde the Board voted unanimously to approve the minutes of April 7, 2005 as amended.

Upon motion by Trustee Wilde, seconded by Trustee Waxenberg the Board voted unanimously to approve the minutes of the April 14, 2005 Special Meeting as amended.

### **Public Comments**

Mr. Evanchik asked if a special fee could be given to commercial garbage users to increase revenue. He further asked if a recreation fee could be implemented. He stated that the value of property has skyrocketed. He further stated that the Village of Pleasantville recently considered a parking fee for new homes.

### **Adjournment**

Upon motion by Trustee Wilde, seconded by Deputy Mayor Venditti, the Board unanimously voted to close the Regular meeting of the Board of Trustees at 9:35pm.

Respectfully submitted by,

Christine Dennett