

Village Board of Trustees
Regular Meeting
March 16, 2006
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 of the 16th of March 2006 commencing at 7:30 p.m.

Present

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

Also Present

Michael Blau, Village Manager
Clinton Smith, Village Counsel

Absent

David Venditti, Deputy Mayor
Ingrid Richards, Assistant Village Manager
Stephanie Ippoliti, Village Clerk

Public Hearing – Special Use Permit Request, Wusthoff-Trident Building

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

Ms. Pamela Richardson of Cuddy & Feder explained the request for the special use permit on behalf of the applicant.

Mayor Vescio asked if the Planning Board had knowledge of 48 employees rather than 40.

Planning Board Member Jay Teitelbaum stated they looked at the request that showed 48 employees.

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

Village Manager Blau stated the Village received notification from the Westchester County Planning Board and they had no comment on the application.

Upon motion by Trustee Smith, seconded by Trustee Wilde, the Board voted unanimously to direct counsel to draft a resolution for the April 3, 2006 meeting.

Presentation – Beautification Committee

Mrs. Betsy Mitchell of the Beautification Committee presented to the Board several suggestions to improve the aesthetics of the Village

Mr. Jay Teitelbaum of Holly Place stated the Beautification Committee suggested some great ideas. He suggested the Village approach the Squires owners about possibly utilizing some of their property to put in a left turn lane onto Route 9A.

Mayor Vescio stated that Village Manager Blau would contact the Department of Transportation.

Mr. Clay Tiffany of Hall Road stated power washing shouldn't be enforced. He asked if the Beautification Committee had any comment regarding the newly developed property on Long Hill Road East. He further stated the "bump out" in the new intersection was dangerous and all religions should be included in the holiday decorations. He further stated that Scarborough Park was neglected and it was the most used park per square foot.

Mayor Vescio stated the Beautification Committee's task was to deal with the Central Business District. He thanked Mrs. Mitchell for her presentation.

Board of Trustees Announcements

Mayor Vescio stated at the April 3, 2006 meeting Buckhurst, Fish & Jacquemart would be presenting their data they compiled from the Neighborhood Meetings and questionnaires regarding the Comprehensive Plan.

Trustee Smith stated "Stash the Trash" would be held on April 8, 2006 from 10:00am-3:00pm and she encouraged anyone interested in volunteering to attend.

Mayor Vescio stated a grant in the amount of \$25,000 was received to upgrade Scarborough Park. He stated the grant monies would be used to build a fishing pier, benches and other amenities.

Mayor Vescio stated the Board of Trustees would be establishing an Open Space/Land Trust Committee to preserve open space in the Village and requested volunteers.

Village Managers Report

Manager Blau reported.

- The Tentative Budget for fiscal year 2006-2007 would be delivered to the Board on March 20th at the end of the business day. It would be available to the public on March 21st.
- The Washburn Waterline replacement was moving forward.
- The donated fire truck was delivered three weeks ago and the 3 police cruisers would be transported on Monday.

Public comments

Ms. Ellen Melnick of North State Road asked how much money was being spent on the consultant hired to update the Comprehensive Plan.

Mayor Vescio stated \$114,000.

Ms. Melnick stated the survey showed residents were for more open space and more restrictions on the zoning law. She stated the Board was trying to change the law to allow bigger houses and they were marching in a different direction than the rest of the County.

Mr. Jay Teitelbaum of Holly Place stated the conduct of the Board in dealing with ethical issues, needs to be addressed. He stated the affect of the proposed revisions to the "Bulk Law" would be bigger homes. He read excerpts from articles published in the Journal News and the New York Times. He asked the Mayor if he had ever heard of Eastern Oaks Development where an eleven-house subdivision was proposed in Clinton, New York. He submitted copies of the articles and other documents as part of the record. He stated the "Bulk Law" was so tainted that the revisions should be completely withdrawn and the Mayor should recuse himself from the entire process.

Mayor Vescio stated that Eastern Oaks was his son's company and he was supporting his son by attending the Planning Board meetings in Clinton, New York.

Mr. Nick Evanchik of Alder Drive stated all of this conflict regarding the "Bulk Law" could be avoided by referring the matter to the Ethics Board.

Mr. Clay Tiffany requested an apology from Mayor Vescio for misquoting the amount of the lawsuit settlement he won from the Village. He stated he was not being allowed to see the Police Chief.

Mrs. Margo Berger of Elizabeth Court asked if the water line connection in Sleepy Hollow was on board for this month. She stated the gateway to the Ethics Board was too limited and there should be other ways to access it.

Village Manager Blau stated the pumps were operational but no water had been obtained as of yet.

Mayor Vescio stated the Ethics Law was very limited and dysfunctional and the Board was pursuing a solution.

Mr. Teitelbaum suggested an inter-municipal Ethics Board.

Trustee Waxenberg asked if he knew of any other municipalities that participated in one.

Mayor Vescio stated the Board would explore that option.

Authorize Village Manager to Execute Agreement

a. Tri-Party Agreement with Villages of Sleepy Hollow and Tarrytown for Delaware Aqueduct Connection

Upon motion by Trustee Smith, 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 Tri-Party Agreement between the Villages of Briarcliff Manor, Sleepy Hollow and Tarrytown for a feasibility study concerning a Delaware Aqueduct Connection.

b. Storm Water Drainage Improvements – Dvirka and Bartilucci Consulting Engineers

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 agreement with Dvirka and Bartilucci Consulting Engineers to provide for an assessment of drainage/storm water improvements at selected locations in the Village of Briarcliff Manor.

Signatories on Village Checks

Mr. Teitelbaum stated the Village should check with their auditors before adding more signatories.

Mr. Morton Berger of Elizabeth Court asked if there was a limit to the size of the checks.

Mayor Vescio suggested having himself or the Deputy Mayor as signatories.

Village Attorney Smith stated he didn't believe that would be a problem but he would check on it.

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 approve the following signatories for checks issued by the Village of Briarcliff Manor.

- Village Manager or Assistant Village Manager *and*
- Treasurer *and*
- Village Clerk or Superintendent of Recreation or the Mayor or the Deputy Mayor in the absence of any of the officials noted herein

Budget Amendments – Police Department

Trustee Waxenberg commended the Police Chief for being so successful in identifying grant monies.

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 Revenue – Miscellaneous Revenue State (A0101.2772) by \$11,100.00

Increase Appropriation – Police Department, Equipment, TraCS Grant (A3120.201.4391) by \$6,100.00

Increase Appropriation – Police Department, Overtime (A3120.102) by \$5,000

Budget Transfer – Police Department Communications

Mayor Vescio asked if the Police Department would maintain both wireless communications and the traditional radio communications.

Mrs. Berger asked if the Fire Department would be able to utilize this system as well.

Mayor Vescio asked if the wireless system had adequate security.

Village Manager Blau stated he would find out.

Mayor Vescio stated he would like to hold off on voting on this matter until all of their questions had been answered.

Policy – Cyber Security Citizen’s Notification

Mayor Vescio explained the policy.

Mr. Berger asked if the Village was secure.

Village Manager Blau stated he wasn’t aware of any security breaches and the Village had systems in place to protect private information. He further stated this was a standard policy required by the State.

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

BE IT RESOLVED that the Board of Trustees does hereby adopt the following Policy relating to Cyber Security Citizens’ Notification.

POLICY STATEMENT

CYBER SECURITY CITIZENS’ NOTIFICATION

Adopted by the Board of Trustees – March 16, 2006

- A. This policy is consistent with the State Technology Law, § 208 as added by Chapters 442 and 491 of the Laws of 2005. This policy requires notification to affected New York residents and non-residents. New York State values the protection of *private information* of individuals. The Village of Briarcliff Manor is required to notify an individual when there has been or is reasonably believed to have been a compromise of the individual’s *private information* in compliance with the Information Security Breach and Notification Act and this policy.
- B. The Village, after consulting with the State’s Office of Cyber Security and Critical Infrastructure Coordination (CSCIC) to determine the scope of the breach and restoration measures, will notify an individual when it has been determined that there has been, or is reasonably believed to have been a compromise of the individual’s *private information* through unauthorized disclosure.
- C. A compromise of *private information* means the unauthorized acquisition of unencrypted computerized *data* with *private information*.
- D. If encrypted *data* is compromised along with the corresponding encryption key, the *data* is considered unencrypted and thus falls under the notification requirements.
- E. Notification may be delayed if a law enforcement agency determines that the notification impedes a criminal investigation. In such case, notification will be delayed only as long as needed to determine that notification no longer compromises any investigation.
- F. The Village will notify the affected individual directly by one of the following methods:
 - 1. Written notice;

2. Electronic notice, provided that the person to whom notice is required has expressly consented to receiving notice in electronic form and a log of each notification is kept by the Village;
 3. Telephone notification, provided that a log of each notification is kept by the Village that; or
 4. Substitute notice, if the Village demonstrates to the state Attorney General that the cost of providing notice would exceed \$250,000 or that the affected class of persons to be notified exceeds 500,000, or the Village does not have sufficient contact information. The following constitute sufficient substitute notice:
 - a. E-mail notice when the Village has an e-mail address for the subject persons;
 - b. Conspicuous posting of the notice on the Village's web site page, if the Village maintains one; and
 - c. Notification to major statewide media.
- G. The Village will notify, CSCIC as to the timing, content and distribution of the notices and approximate number of affected persons.
- H. The Village will notify the Attorney General and the Consumer Protection Board, whenever notification to a New York resident is necessary, as to the timing, content and distribution of the notices and approximate number of affected persons.
- I. Regardless of the method by which notice is provided, the notice will include contact *information* for the Village and a description of the categories of information that were, or are reasonably believed to have been, acquired by a person without valid authorization, including specification of which of the elements of *personal information* and *private information* were, or are reasonably believed to have been, so acquired.
- J. This Policy also applies to *information* maintained on behalf of the Village by a *third party*.
- K. When more than 5,000 New York residents must be notified at one time, then the Village will notify the *consumer reporting agencies* as to the timing, content and distribution of the notices and the approximate number of affected individuals. This notice, however, will be made without delaying notice to the individuals.

Definitions

Consumer Reporting Agency: Any person which, for monetary fees, dues, or on a cooperative nonprofit basis, regularly engages in whole or in part in the practice of assembling or evaluating consumer credit information or other information on consumers for the purpose of furnishing consumer reports to third parties, and which uses any means or facility of interstate commerce for the purpose of preparing or furnishing consumer reports. The state attorney general is responsible for compiling a list of consumer reporting agencies and furnishing the list upon request to the Village.

Data: Any *information* created, stored (in temporary or permanent form), filed, produced or reproduced, regardless of the form or media. *Data* may include, but is not limited to personally identifying *information*, reports, files, folders, memoranda, statements, examinations, transcripts, images, communications, electronic or hard copy.

Information: The representation of facts, concepts, or instructions in a formalized manner suitable for communication, interpretation, or processing by human or automated means.

Personal Information: Any *information* concerning a natural person which, because of name, number, personal mark or other identifier, can be used to identify such natural person.

Private Information: *Personal information* in combination with any one or more of the following *data* elements, when either the *personal information* or the *data* element is not encrypted or encrypted with an encryption key that has also been acquired:

1. social security number; or
2. driver's license number or non-driver identification card number; or
3. account number, credit or debit card number, in combination with any required security code, access code, or password which would permit access to an individual's financial account

"Private information" does not include publicly available information that is lawfully made available to the general public from federal, state, or local government records.

Third Party: Any non-municipal employee such as a contractor, vendor, consultant, intern, other Village, etc.

Fire Department Membership – Chris Barker

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 of the Village of Briarcliff Manor hereby approves the membership of Chris Barker to the Briarcliff Manor Hook & Ladder Company.

Date of Organizational Meeting and Board of Trustees Meeting

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

BE IT RESOLVED that the Board of Trustees does hereby schedule the Annual Organizational Meeting for April 3, 2006 at 7:30 p.m.

BE IT FURTHER RESOLVED that the Board of Trustees does hereby reschedule the regular Board of Trustees meeting from April 6, 2006 to April 3, 2006, to commence immediately after the adjournment of the Organizational Meeting.

Schedule Public Hearing; Local Law to Regulate the Maximum Speed Limits in the Village (Pleasantville Road from intersection with South State Road to Poplar Road)

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

BE IT RESOLVED that a Public Hearing is hereby scheduled for the April 3, 2006 Board of Trustees meeting to hear and discuss a Local Law to modify the speed limit on Pleasantville Road in the Central Business District.

Approval of Minutes

Upon motion by Trustee Waxenberg, seconded by Trustee Smith, the Board voted unanimously to approve the minutes of January 19, 2006 as amended.

Upon motion by Trustee Smith, seconded by Trustee Wilde, the Board voted unanimously to approve the minutes of February 2, 2006 as amended.

Upon motion by Trustee Wilde, seconded by Trustee Waxenberg, the Board voted unanimously to approve the minutes of March 3, 2006 as amended.

Adjournment

Upon motion by Trustee Waxenberg, seconded by Trustee Smith, the Board voted unanimously to adjourn the regular meeting at 10:10pm.

Respectfully submitted by,

Christine Dennett