

**Village of Briarcliff Manor
Organizational Meeting
Monday, April 3, 2006
7:15 p.m.**

The Organization Meeting of the Board of Trustees of the Village of Briarcliff Manor was held in the Village of Briarcliff Manor, Municipal Building, at 1111 Pleasantville Road, Briarcliff Manor, New York, on the Monday, the 3rd day of April 2006, commencing at 7:15 p.m.

Present

William Vescio, Mayor
Robert Mayer, Trustee
Elsie M. Smith, Trustee
David Venditti, Trustee
Gayle Waxenberg, Trustee

Also Present

Michael S. Blau, Village Manager
Christine Dennett, Deputy Village Clerk
Clinton Smith, Village Counsel

Absent

Ingrid Richards, Assistant Village Manager

Swearing in of the Newly Elected Officials:

Deputy Village Clerk Christine Dennett swore in Robert Mayer, of 114 River Road as Trustee and Gayle Waxenberg of 4 Charlotte Court as Trustee both terms expiring in two (2) years.

Mayoral Appointments:

The following appointment was made by Mayor Vescio for a term of one (1) year:
Deputy Mayor David Venditti

The following Board Liaison appointments were made by Mayor Vescio for a term of one (1) year:

Westchester County Municipal Officials Association	William J. Vescio
Town Government	David Venditti
County Government	Gayle Waxenberg
State Government	William J. Vescio
Recreation Committee	Robert Mayer
Conservation Advisory Council	Robert Mayer
Library Board	David Venditti
School Board	Gayle Waxenberg
Historic River Towns of Westchester	Elsie Smith
Media & Communications	Gayle Waxenberg
Business District Liaison	Elsie Smith
Fire Departments	William J. Vescio
Fire Departments	David Venditti

Point Trustees/Village's Major Goals:

Infrastructure Long Term Planning
Master Plan Update/Revision
Land Preservation/Trust
Clean Water

David Venditti
Elsie Smith
Gayle Waxenberg
Robert Mayer

Board of Trustees Appointments:

Upon motion by Deputy Mayor Venditti, seconded by Trustee Smith, the Board voted unanimously to approve the following appointments for the term set beside their name:

Board of Police Commissioners	Board of Trustees	1 year
Board of Fire Commissioners	Board of Trustees	1 year
Alarm Review Board	Board of Trustees	1 year
Village Manager	Michael Blau	1 year
Village Historian	Carol Haddad	1 year
Acting Village Justice	Howard T. Code	1 year

Appointments to the Various Boards and Commissions:

Upon motion by Trustee Mayer seconded by Trustee Waxenberg the Board voted unanimously to approve the following appointments for the term set opposite their name:

Planning Board

		<u>Term</u>
Chairperson	Andrew Tung	1 year
Member	Shelley Lotter	5 years
Alternate Member	Edward Nolan	1 year

Upon motion by Trustee Waxenberg, seconded by Deputy Mayor Venditti, the Board voted unanimously to approve the following appointments for the term set opposite their name:

Zoning Board of Appeals

		<u>Term</u>
Chairperson	Ron Alenstein	1 year
Member	Hillary Messer	5 years

Upon motion by Trustee Smith, seconded by Trustee Mayer, the Board voted unanimously to approve the following appointments for the term set opposite their name:

Recreation Advisory Committee

		<u>Term</u>
Chairperson	James Gold	1 year
Member	Tim Klemmer	3 years
Member	Brett Kulman	3 years
Student Member	Christine Jordan	1 year

Upon motion by Trustee Mayer, seconded by Trustee Waxenberg, the Board voted unanimously to approve the following appointment for the term set opposite her name:

Conservation Advisory Council

		<u>Term</u>
Member	Maryann Gallagher	2 years

Upon motion by Trustee Waxenberg, seconded by Deputy Mayor Venditti, the Board voted unanimously to approve the following appointments for the term set opposite their name:

Ethics Board

		<u>Term</u>
Chairperson	Richard Maltz	1 year
Member	Clare Rosen	5 years

Upon motion by Deputy Mayor Venditti, seconded by Trustee Smith, the Board voted unanimously to approve the following appointment for the term set opposite his name:

Library Board

		<u>Term</u>
Member	Glenn Pacchiana	5 years

Upon motion by Deputy Mayor Venditti, seconded by Trustee Smith, the Board voted unanimously to approve the following appointments for the term set opposite their name:

Tree Preservation

		<u>Term</u>
Member-Village Manager	Michael Blau	1 year
Member- Planning Chairperson	Andrew Tung	1 year

Upon motion by Trustee Smith, seconded by Trustee Mayer, the Board voted unanimously to approve the following appointment for the term set opposite his name:

Architectural Review Board

		<u>Term</u>
Chairperson	Joseph Pastore	1 year

Dates of Regular Meetings:

Upon motion by Trustee Smith, seconded by Trustee Mayer, the Board voted unanimously to designate the first and third Thursdays of each month at 7:30pm to hold Village Board Meetings.

Designation of Banks for the Deposit of Village Funds:

Upon motion by Trustee Mayer, seconded by Trustee Waxenberg, the Board voted unanimously to designate the following financial institutions as depositories for Village Funds:

Bank of New York
First Unions National Bank/Wachovia Bank, NA
Chase Manhattan Bank
MBIA

Designation of Official Village Newspapers:

Upon motion by Trustee Waxenberg, seconded by Deputy Mayor Venditti, the Board voted unanimously to designate the following as Official Newspapers of the Village:

Journal News
The Gazette

Procurement Policy:

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

Every purchase to be made must be initially reviewed to determine whether it is a purchase contract or a public works contract. Once that determination is made, a good faith effort will be made to determine whether it is known or can reasonably be expected that the aggregate amount to be spent on the item of supply or service is not subject to competitive bidding, taking into account past purchases and the aggregate amount to be spent in a year. The following items are not subject to competitive bidding pursuant to Section 103 of the General Municipal Law: purchase contracts under \$10,000 and public works contracts under \$20,000; emergency purchases; certain municipal hospital purchases; goods purchased from agencies for the blind or severely handicapped; goods purchased from correctional institutions; purchases under State and country contracts; and surplus and second-hand purchases from another governmental entity.

The decision that a purchase is not subject to competitive bidding will be documented in writing by the individual making the purchase. This documentation may include written or verbal quotes from vendors, a memo from the purchaser indicating how the decision was arrived at, a copy of the contract indicating the source which makes the item or service exempt, a memo from the purchaser detailing the circumstances which led to an emergency purchase, or any other written documentation that is appropriate.

All goods and services will be secured by use of written requests for proposals, written quotations, verbal quotations, or any other method that assures that goods will be purchased at the lowest price and that favoritism will be avoided, except in the following circumstances; purchase contracts over \$10,000 and public works contracts over \$20,000; goods purchased from agencies for the blind or severely handicapped pursuant to Section 175b of the State Finance Law; goods purchased from correctional institutions pursuant to Section 186 of the Correction Law; purchases under State contracts pursuant to Section 104 of the General Municipal Law; purchases under county contracts pursuant to Section 103(3) of the General Municipal Law; or purchases pursuant to subdivision 6 of this policy.

The following method of purchase will be used when required by this policy in order to achieve the highest savings:

<u>Estimated Amount of Purchase Contract</u>	<u>Method</u>
\$ 500-2,999	Minimum of three verbal quotations
\$3,000-9,999	Minimum of three written/fax quotations or written request for proposals
Estimated Amount of	

<u>Public Works Contract</u>	<u>Method</u>
\$ 500-2,999	Minimum of three verbal quotations
\$3,000-4,999	Minimum of three written/fax quotations
\$5,000-19,999	Minimum of three written/fax quotations or written request for proposals

A good faith effort shall be made to obtain the required number of proposals or quotations. If the purchaser is unable to obtain the required number of proposals or quotations, the purchaser will document the attempt made at obtaining the proposals. In no event shall the failure to obtain the proposals be a bar to the procurement.

Documentation is required of each action taken in connection with each procurement.

Documentation and an explanation is required whenever a contract is awarded to other than the lowest responsible offeror. This documentation will include an explanation of how the award will achieve savings or how the offeror was not responsible. A determination that the offeror is not responsible shall be made by the purchaser and may not be challenged under any circumstances.

Pursuant to General Municipal Law Section 104-b(2)(f), the procurement policy may contain circumstances when, or types of procurements for which, in the discretion of the Village Manager, the solicitation of alternative proposals or quotations will not be in the best interest of the municipality. In the following circumstances it may not be in the best interests of the Village of Briarcliff Manor to solicit quotations or document the basis for not accepting the lowest bid.

Professional services or services requiring special or technical skill, training or expertise. The individual or company must be chosen based on accountability, reliability, responsibility, skill, education and training, judgment, integrity and moral worth. These qualifications are not necessarily found in the individual or company that offers the lowest price and the nature of these services are such that they do not readily lend themselves to competitive procurement procedures.

In determining whether a service fits into this category the Village Manager shall take into consideration the following guidelines: (a) whether the services are subject to State licensing or testing requirements; (b) whether substantial formal education or training is a necessary prerequisite to the performance of the services; and (c) whether the services require a personal relationship between the individual and municipal officials. Professional or technical services shall include but not be limited to the following: services of an attorney; services of a physician; technical services of an engineer engaged to prepare plans, maps and estimates; securing insurance coverage and/or services of an insurance broker; services of a certified public accountant; investment management services; printing services involving extensive writing, editing or art work; management of municipally owned property; and computer software or programming services for customized programs, or services involved in substantial modification and customizing or pre-packaged software.

Emergency purchases pursuant to Section 103(4) of the General Municipal Law. Due to the nature of this exception, these goods or services must be purchased immediately

and a delay in order to seek alternate proposals may threaten the life, health, safety or welfare of the residents. This section does not preclude alternate proposals if time permits.

Purchases of surplus and second-hand goods from any source. If alternate proposals are required, the Village of Briarcliff Manor is precluded from purchasing surplus and second-hand goods at auctions or through specific advertised sources where the best prices are usually obtained. It is also difficult to try to compare prices of used goods and a lower price may indicate an older product.

Goods or services under \$500. The time and documentation required to purchase through this policy may be more costly than the item itself and would, therefore, not be in the best interests of the taxpayer. In addition, it is not likely that such de minimis contracts would be awarded based on favoritism.

This policy shall go into effect January 1, 1992 and will be reviewed annually.

Adoption of Board of Trustees Rules of Procedure

Upon motion by Trustee Smith, and seconded by Trustee Mayer the Board voted unanimously to approve the following Board of Trustees Rules of Procedure:

Pursuant to New York Village Law §4-412(2), but subject to the other provisions of New York Law and the Village of Briarcliff Manor Code, the following rules of procedure are adopted and shall govern the meetings of the Board of Trustees of the Village of Briarcliff Manor:

PART A: MEETINGS

SECTION A1 - Regular Meetings

The Board of Trustees generally will hold regular meetings on the 1st and 3rd Thursday of each month. Such regular meetings shall commence at 7:30 PM and be conducted in the Courtroom at the Municipal Building. Any deviation from this schedule shall be determined by the Board of Trustees.

SECTION A2 - Special Meetings

Special Meetings of the Board of Trustees are all those Board meetings other than regular meetings. A special meeting may be called by the Mayor or a majority of the Board of Trustees upon notice to the entire Board. Notice shall be given in accordance with law.

SECTION A3 - Executive Sessions

Executive Sessions shall be held in accordance with the New York State Public Officers Law §105. All executive sessions shall be commenced in a public meeting. (Appendix I Executive Session Policy)

SECTION A4 – Work Sessions

Work Sessions of the Board of Trustees are those Board meetings scheduled to discuss upcoming agenda items or other matters as may be determined by the Mayor or three (3) members a of the Board. These meeting are open to the public, however comments from the public will be allowed in the discretion of the Mayor or a majority of the Board present. Notice shall be given in accordance with law.

PART B: POLICIES

SECTION B1 - Quorum

A quorum of the Board of Trustees shall be required to conduct business. A quorum of the five (5) member Board shall be three (3). In the absence of a quorum, a lesser number may adjourn and compel the attendance of absent members.

SECTION B2 - Voting

Pursuant to Village Law each member of the Board of Trustees shall have one vote. The Mayor may vote on any matter and must vote in case of a tie. The affirmative vote of three (3) members of the Board is necessary to pass a matter unless otherwise specified by New York State Law.

A vote upon any question shall be taken by ayes and nays, and shall be entered in the minutes.

SECTION B3 - Agendas

The agenda shall be prepared by the Village Manager by Friday preceding the Thursday meeting. The Mayor or any Trustee may have an item placed on the agenda by giving the same to the Village Manager the Friday morning before the Thursday meeting. However, an item may be placed on the agenda at anytime, including during the meeting, by consent of a majority of the Board. If necessary a supplemental agenda shall be distributed at the beginning of the meeting.

SECTION B4 - Order of Business

The order of business shall be:

- Call to order
- Announcements
- Public Hearings
- Public Comments
- Resolutions
- Other Items
- Village Manager's Report and Updates
- Board Discussion and Comments
- Approval of Minutes
- Adjournment

The order of business need not be followed if the Mayor determines that it is appropriate to deviate.

SECTION B5 - Adjournment

Meetings shall be adjourned by motion and majority vote.

SECTION B6 - Minutes

Minutes at all Board of Trustee meetings shall be the responsibility of the Village Clerk, who with Board of Trustee approval may employ the services of a person to take minutes. Minutes of an open meeting shall consist of a record or summary of all motions, proposals, resolutions and any other matter formally voted upon and the vote thereon. Minutes of an executive session shall be taken of any action that is taken by formal vote and shall consist of a record or summary of the final determination of such action and the vote thereon; provided, however, that such summary need not include any matter which is not required to be made public by the New York State Freedom of Information Law.

Minutes shall also include the following:

- Name of the Board;
- Date, place and time of meeting;
- Notation of presence or absence of Board members and time of arrival or departure if different from time of call to order and adjournment.
- Name and title of other village officials and employees present in an official capacity.
- Record of communications presented to the Board.
- Record of reports made by Board or other village personnel.
- Time of adjournment.
- Name of Village Clerk or person who took the minutes.

Minutes need not contain a summary of the discussion leading to action taken or include verbatim comments unless a majority of the Board resolves to have the Clerk do so. Minutes shall be considered for approval at the next Board meeting after the minutes are received by the Village Clerk.

PART C: RULES AND PROCEDURES

SECTION C1 - General Rules of Procedure

The Mayor shall preside at meetings of the Board of Trustees. In the Mayor's absence the Deputy Mayor shall preside. The presiding officer may debate, move and take other action that may be taken by other members of the Board.

Board members are not required to rise but must be recognized by the presiding officer before making motions and speaking. A member, once recognized shall not be interrupted when speaking unless it is to call the member to order. If a member, while speaking, be called to order, he or she shall cease speaking until the question of order is determined, and, if in order, he or she shall be permitted to proceed.

There is no limit to the number of times a member may speak on a question.

Motion to close or limit debate may be entertained but shall require the affirmative vote of three (3) members of the Board.

Procedural questions which are not governed by New York State law or the Village Code or addressed in these Rules of Procedure shall be determined in accordance with *Robert's Rules of Order*.

SECTION C2 - Guidelines for Public Comment

The public shall be allowed to speak only during Public Hearings, Public Comment periods or such other times as the presiding officer shall allow.

Speakers must be recognized by the presiding officer.

Speakers must step to the front of the room and speak into the microphone or at the lectern should one be provided.

Speakers must give their name, address and organization represented, if any.

Speakers must limit their remarks to four (4) minutes, and may be recognized again by the presiding officer after other speakers have had an opportunity to speak.

Speakers may not yield any remaining time they may have to another speaker.

Board members may, with the permission of the presiding officer, interrupt a speaker during the speaker's remarks, but only for the purpose of clarification or information.

All remarks shall be addressed to the presiding officer.

Speakers shall observe the commonly accepted rules of courtesy, decorum, dignity and good taste and shall not use foul language, display unacceptable behavior, or be disruptive of the proceedings.

Upon being notified by the presiding officer that his or her four (4) minute limit has been reached, a speaker shall cease speaking, and leave the microphone or lectern, if one is provided.

Interested parties or their representatives may address the Board with written communications. Written communications shall be delivered to the Village Manager or Village Clerk. Speakers may not read written communications verbatim but should summarize their contents.

The presiding officer may modify these guidelines if warranted.

SECTION C3 - Use of Recording Equipment

All members of the public and all public officials are allowed to tape or video record public meetings so long as the recording is done in a manner which does not interfere with the meeting. Recording is not allowed during executive sessions. The presiding officer may

make the determination that the recording is being done in a manner that interferes with the meeting after taking into consideration, brightness of lights, distance from the deliberations of the Board, noise, size of the equipment, the ability of the public to still participate in the meeting, and any other pertinent factor. If the presiding officer makes the determination that the recording is interfering with the meeting, the presiding officer may request an accommodation to avoid the interference and if not sufficient or complied with, order the recording to be stopped

SECTION C4 - Amendments to the Rules of Procedure

The foregoing procedures may be amended from time to time by the affirmative vote of three (3) members of the Board.

SECTION C5 - Executive Session Policy

It is the policy of the Board of Trustees of the Village of Briarcliff Manor to conduct Village business in an open fashion and to make available as much information as may legally and practically be disseminated.

The New York Open Meetings Law authorizes the Board to conduct business in executive session in a number of areas. These include:

1. matters which will imperil the public safety if disclosed;
2. matters which may disclose the identity of a law enforcement agent or informer;
3. information relating to criminal investigations which would imperil effective law enforcement if disclosed;
4. discussions relating to proposed, pending or current litigation;
5. collective bargaining negotiations;
6. personnel matters relating to particular individuals; and
7. the proposed acquisition, sale, or lease of real property or securities when disclosure would substantially affect the value.

The Board recognizes that it is authorized to use executive sessions in these and other situations, but will do so with restraint.

To maintain confidentiality and to encourage the uninhibited discussion of the subject matter in Executive Session, all statements made and positions taken by all participants must remain confidential and may not be disclosed by any participant unless and until disclosure is authorized by affirmative vote of three members of the Board.

It has been and continues to be the practice of the Board that all members of the Board, acting together, come to agreement by consensus on the specific information which is to be

released to the public, the suitable vehicle for reporting that information, and the timing of the reporting.

Adjournment:

Upon motion by Trustee Mayer, and seconded by Trustee Waxenberg the Board voted unanimously to close the meeting at 7:30 p.m.

Respectfully submitted by,

Christine Dennett