

Village Board of Trustees
Regular Meeting
August 17, 2006
7:30 p.m.

A 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 17th of August commencing at 7:30 p.m.

Present

William J. Vescio, Mayor
David Venditti, Deputy Mayor
Robert Mayer, Trustee
Gayle Waxenberg, Trustee

Also Present

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

Absent

Elsie Smith, Trustee
Christine Dennett, Village Clerk

Mayor Vescio announced that Trump would not be presenting. He further stated the only action would be discussing the possible referral of their application to the Planning Board for review.

Presentation by Geraldine Mahoney, Library Director

Ms. Geraldine Mahoney, Library Director presented to the Board and the Public.

Mrs. Margo Berger of 2 Elizabeth Court asked if a lecture space would be available for the public's use.

Mayor Vescio stated there would be a community room with moveable walls for available for multiple uses.

Mr. Clay Tiffany of Hall Road stated he has boycotted the Briarcliff Manor library for years. He further stated he has always had good experiences with other libraries and has not used the Briarcliff Manor Library since Ms. Mahoney took over. He further stated any construction cost for renovations should be incurred by Hyatt and any member of the public should be allowed to use the community room.

Mr. Nick Evanchik of 119 Alder Drive stated he was unequivocally for a new library but he was unsure of the location and the cost. He stated there were many benefits to having the library located on the Hyatt property. He further stated there should a very objective evaluation of the location.

Site Plan Review, Library Expansion and Renovation Project

Jim Lothrop explained the proposed renovations and expansion to the library

Sue Fasnat from Chas Sells explained the proposed site plan.

Mr. Jay Teitelbaum of 107 Holly Place stated he had concerns with the site location and the parking. He further stated it was a multiuse site and a meeting room had never been discussed when it was before the Planning Board. He stated there currently were 40 parking spaces and he didn't feel that was sufficient. He further stated the throat to the entrance was too narrow which created a backup on Pleasantville Road.

Mr. Mort Berger of 2 Elizabeth Court stated the Village's future would include several hundred of new senior residents that may want to use the library. He further stated he agreed parking was a critical issue.

Mr. Clay Tiffany stated if the library was turned into a Children's Library it would meet the criteria for Westchester Library System. He stated the parking lot was used for other things besides the library and the basement was a Trojan horse for further expenditures. He further stated the library was overstaffed and under worked and the past referendums have not passed.

Mayor Vescio stated the action would be subject to permissive referendum. He further stated the basement was an inexpensive way to gain more space for storage, expansion and other Village space needs. The public sentiment was they didn't want the library at Hyatt according to the questionnaire.

Village Manager Blau stated the Village researched converting it into a Children's Library and it could only happen if it was a satellite of another library.

Mr. Nick Evanchik stated he wasn't keen on referendums but it should be up to the Board of Trustees to decide whether it should be put up for a vote or not.

Board of Trustees Announcements

- Community Day would be September 9, 2007
- The BMCC encourages dinners at Community Day to be alcohol free.

Village Manager's Report

- The drainage project at Aspinwall was scheduled to start on September 5, 2007
- Marlborough Road would be widened and repaved in October.
- The Holly Place and Cottonwood Lane Pump Station projects were nearing completion. The final details of the landscaping plans were being worked out.
- The Cleaning and Lining project in the downtown was completed.

Mr. Jay Teitelbaum stated the entire street should have been informed of the landscaping plans for Holly Place.

Mr. Nick Evanchik stated the former Village Manager Tom Ferguson was a good man and his family was undergoing hardships due to his illness. He further stated the Village should make a contribution to the fund being organized by his current place of employment.

Mr. Clay Tiffany stated the Village should send a message about drug and alcohol use by closing the bar in the firehouse.

Public comments

Mr. Nick Evanchik stated a knowledgeable member was removed from the Comprehensive Plan Committee because of a letter he wrote. He further stated the Board disregarded open government and freedom of speech. He stated if Bill Gorlin was removed the other "signers" of the letter should be removed as well.

Mayor Vescio stated the Comprehensive Plan Committee was a non-partisan committee and should not be used as a political tool. He further stated the letter should have been discussed with the entire committee in an open forum and Mr. Gorlin was dismissed because he misused the committee process, not because of his political opinion.

Ms. Nancy Pine of Aspinwall Road stated the letter was co-authored by five individuals and read aloud at a public meeting. She further stated the Board was concocting a story to justify their actions. She stated the letter was circulated to all non-trustee members and people shouldn't need permission from the recipients to write a letter to them. She stated no other Board has ever censored a committee member and the public has a right to express their opinions.

Mr. Mort Berger stated he was the one who suggested to Bill Gorlin the letter be written. He further stated it was not meant to be a political instrument but an expression of opinions they felt were consistent with the Comprehensive Plan.

He stated the Board was killing the messenger and all five “signers” were equally responsible.

Mr. Lynn Kenner of Old Sleepy Hollow Road stated it was not subversive to express your opinion.

Mr. Jay Teitelbaum stated the Board was using hearsay from the other members of the committee. He further stated the letter was willingly signed by educated people and the issue was much bigger than Bill Gorlin’s dismissal. He asked why there was no public notice when the trees were being torn down on South State Road. He further stated it was a lack of open government and the Mayor knew of the magnitude of the project because his business bid on the project.

Mayor Vescio stated his company did bid on the project which is in the Town of Mount Pleasant however his work had nothing to do with the Village and if it did he would recuse himself while it was being discussed. He further stated the “flyover” was in the works for the last 12 years and it wasn’t even in the Village. He stated he hid nothing and Mr. Teitelbaum’s comments were politically motivated.

Mr. Clay Tiffany stated Officer Farrington threatened him in Scarborough Park in July and crimes had been committed against him in the past and nothing had been done.

Mayor Vescio stated Mr. Tiffany’s case against the Village had been settled and the Judge asked him if he could move on and he stated yes and it was time to move on.

Mrs. Alexandra Kenner of Old Sleepy Hollow Road stated at the Bulk Hearing a number of people spoke of democracy and the Board was taking away people’s freedom of speech. She further stated the public deserved a Board that represented their principles.

Mr. Bill Gorlin of 100 Central Drive stated he wanted to set the record straight that he sent an email to every member of the Comprehensive Plan Committee minus the two trustees, to open up a dialog regarding the letter. He further stated he was treated unfairly.

Ms. Deborah Pangle of 106 Dalmeny Road stated she was the spokesperson for her neighborhood where they had serious safety issues with errant golf balls. She asked what the steps were for amending a special use permit.

Mayor Vescio explained the special use permit process.

Mrs. Margo Berger stated there was an open wound in the community because of Bill Gorlin’s dismissal. She further stated five members chose to sign the letter

and it wasn't meant to be read at a public meeting. She stated perhaps the letter was handled incorrectly and the Board had the power to heal the wound.

Mayor Vescio stated the Board went out of their way to appoint people to the Comprehensive Plan Committee that had diverse views. He stated the issue wasn't opinions but the misuse of the committee process.

Mr. Steve Kavee of Ingham Road stated he was a former member and chairman of the CAC and thought the Board's take no prisoners approach was unfortunate. He further stated if a government official was going to be thin-skinned they were in the wrong business. He stated if Bill Gorlin wasn't going to be put back on the committee he would offer his diverse opinion and services.

Authorize Village Manager to Execute Agreement with New York City Department of Environmental Protection

Mr. Jay Teitelbaum asked why it was urgent to approve this.

Mayor Vescio stated it was urgent to obtain water at a lesser rate from Sleepy Hollow.

Mr. Clay Tiffany requested the water customers from Mt. Pleasant be allowed to comment.

Upon motion by Trustee Mayer, 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 authorizes and directs the Village Manager to execute a Temporary Water Supply Permit with the New York City Department of Environmental Protection.

Appointment of Village Clerk

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

BE IT RESOLVED that Christine Dennett is hereby appointed to the position of Village Clerk, effective August 21, 2006, at an annual salary of \$64,000.

BE IT FURTHER RESOLVED that the term of this appointment shall end on April 1, 2007.

BE IT FURTHER RESOLVED that Christine Dennett shall also be appointed to the position of Registrar of Vital Statistics.

Adoption of Policy – Damaged Personal Property

Upon motion by Deputy Mayor Venditti, seconded by Trustee Mayer, 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 damage to personal property of Volunteer Firefighters and non-union employees.

In order to address the possibility that Volunteer Firefighters and non-union employees may damage personal property due to their provision of service to the Village or their jobs and job responsibilities with the Village, the following shall be the policy of the Village of Briarcliff Manor in regards to damaged personal property. This policy shall not govern any issues regarding damaged property of union employees, who shall be subject to any provisions (or lack thereof) in their Collective Bargaining Agreements.

- The Village shall not reimburse for lost property.
- The maximum amount that the Village shall reimburse on a fiscal year basis is \$300.
- The person requesting reimbursement for damaged property shall complete a claim form created by the Village for the purpose of reimbursement of damaged personal property.
- The damage to personal property must have occurred as the result of that person carrying out his/her volunteer firefighter functions or job responsibilities while on or at the job location.
- The person requesting reimbursement shall turn in the damaged personal property for which they are requesting reimbursement. Upon approval for reimbursement, the person shall purchase the replacement item(s) and shall provide a receipt as proof that the personal property damaged has been replaced. The Village shall then process the reimbursement claim.
- The Village shall not provide reimbursement for damaged property if the damage to the personal property was caused by the negligence of the person requesting reimbursement or due to misuse of the personal property by the person requesting reimbursement. For disputes regarding determination of negligence, a three member committee consisting of the persons direct supervisor, the Village Manager and the Assistant Village Manager shall be the decision making body and their determination shall be final.

Fire Department Membership

Upon motion by Trustee Mayer, 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 Maxx Larson to the Briarcliff Manor Fire Company.

Special Use Permit Amendment, Trump Briarcliff Manor Development, LLC (Trump National Golf Club)

Mr. Jay Teitelbaum stated he did some legal research on the matter and submitted a memorandum to the Board. He further stated when the original application was approved there was a concept of finality. He stated large scale tournaments were discussed during the application process and taken off the table by the applicant. He stated there may not even be a legal basis to revisit it. He asked that Trump not be referred to the Planning Board.

Village Attorney Smith stated the question was whether or not to review the application and he needed to research it further. He stated the Board was free to analyze it on a much broader scope.

Mayor Vescio asked if the application could be referred to the Planning Board.

Village Attorney Smith stated there was no reason not to refer it but it was a matter of what the Board felt would help them to make the best decision.

Mr. Teitelbaum stated the project was approved in its entirety and Trump told the Village time and time again they had no intention of having tournaments.

Village Attorney Smith stated the Board had to receive any application but what is done after it was submitted was up to them. He stated the Board could wait on referring it to the Planning Board if they chose to.

Mayor Vescio stated the Board was treating Trump in the same manner as any other applicant.

Trustee Mayer stated Mr. Teitelbaum had raised an interesting subject and he didn't think it would hurt to wait to hear Counsel's opinion.

Mayor Vescio recommended the Board wait to take action until after hearing from Counsel.

Adjournment

Upon motion by Deputy Mayor Venditti, seconded by Trustee Mayer, the Board voted unanimously to close the regular meeting at 10:25pm.

Respectfully submitted by,

Christine Dennett