

Village Board of Trustees
Regular Meeting
December 7, 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 7th of December commencing at 7:30 p.m.

Present

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

Also Present

Michael Blau, Village Manager
Ingrid Richards, Assistant Village Manager
Clinton Smith, Village Attorney
Christine Dennett, Village Clerk

Absent

Robert Mayer, Trustee

Presentation: Eberlin & Eberlin, Chilmark Park Improvements

Mr. Ron Tetelman and Ms. Tracy Chalifoux of Eberlin & Eberlin presented to the Board and the public the phases of the project.

Mr. Tom Vincent asked if drainage was a major problem in the park why it wasn't being addressed until phase 3.

Mr. Henry Jamin, Superintendent of Recreation stated they hoped redoing the ball field would lessen a lot of the drainage issues.

Mayor Vescio explained that phase 2 was when the first ground disturbance would begin.

Mrs. Margo Berger of 2 Elizabeth Court asked if there would be night lighting and if the restrooms would be handicapped accessible.

Mr. Jamin stated there would be no night lighting.

Ms. Chalifoux stated there would be 12 out of 113 spaces reserved for the handicapped.

The Board had general discussion relating to contingency figures, administrative costs, engineering fees and the “comfort area”.

Mayor Vescio thanked Eberlin & Eberlin for their presentation and complimented the Recreation Committee for their work.

Board of Trustees Announcements

- Free Smoke Detectors and Carbon Monoxide Detectors would be provided to the Village’s Senior Citizens while supplies lasted by the Fire Department and Recreation Department. They could be picked up from 9:00am-3:00pm at the Recreation Center.
- In the Event of a Fire Dial 911
- The Westchester County Senior Citizens Hall of Fame honored Bill Sharman.
- The Community Bonfire will be held on December 17th at 5:00pm at the Law Park Pavilion.
- New York State Legislation has mandated 4 hours of annual training for all Zoning and Planning Board members.
- Congratulations to Chris Hoffman for attaining the rank of Eagle Scout.

Village Managers Report

- Leaf collection was in the 4th lap and completion was anticipated by the end of December.
- An official tally was received from the County Board of Elections for the Library Referendum. 2644 total votes. 1443, yes and 1211 no.

Public Comments

Mr. Jerry Morrissy of Orchard Road addressed the recent library referendum. He stated that false information was given on behalf of the Village to the public. He further stated the Board was responsible for the library communications in which several false statements were made. He read aloud some of the misinformation. He urged the Board to repudiate the vote. He stated the referendum was sold on the basis of falsehoods.

Mayor Vescio stated the Board was informed by the Executive Director of the Westchester Library System the residents couldn’t purchase library cards. He stated he would not be in favor of overturning the referendum but he would be happy to sit down and discuss the falsehoods with Mr. Morrissy.

Mr. Morrissy stated he would like to meet with the Board and he was not making accusations but assertions.

Ms. Ellen Melnick of North State Road stated the audio on the cable station wasn't working. She further stated it had been an issue for at least 4 months. She asked what was spent on Eberlin & Eberlin and when construction would begin at Scarborough Station.

Mayor Vescio stated the Media and Telecommunications would be addressing the matter. He stated he didn't have the figures for Eberlin & Eberlin but it was discussed at a prior public meeting. He stated the Scarborough Station Committee had met several times and they were working on a solution.

Mrs. Margo Berger of 2 Elizabeth Court stated the commercial tax base in the Village was very limited and she felt the number needed to be improved. She proposed a public discussion of the Village's strengths and weaknesses to look at the whole picture.

Trustee Waxenberg stated the Land Use Committee was looking at all of the Village Land and it didn't help to send out multiple mailings that created unnecessary hysteria.

Mr. Jim Brown of Beechwood Way stated he was a long suffering double library tax payer. He further stated with the new construction of the Ossining library it has become more of a problem.

Ms. Maggie Kolman-Mandle of 15 Macy Circle stated she was also very upset by the pamphlet the library put out. She stated it had a lot of misinformation and it wasn't a fair fight. She further stated the Village should pursue creating a special library district.

Mr. Clay Tiffany of Hall Road stated the audio was bad when the meetings were broadcasted on the cable television station. He stated Mayor Bloomberg showed compassion to the recent shooting victim and he had never received any compassion from the Village. He asked why a DPW worker wasn't suspended when he was caught doing illegal activities and why Officer Tartaglione was continuing to be paid.

Special Use Permit, Sleepy Hollow Country Club

Mr. Clay Tiffany stated the golf courses had gotten away with murder with their taxes. He asked if a DWI had ever been issued to anyone leaving the Country Club.

Village Attorney Smith stated the Village would be receiving an Environmental Quality Review from the applicant.

Upon motion by Trustee Waxenberg, seconded by Deputy Mayor Venditti, with one abstention by Trustee Smith, the Board voted to approve the following resolution:

BE IT RESOLVED that the request for the issuance of a Special Use Permit for the Sleepy Hollow Country Club as a club not operated for gain pursuant to Chapter 220, Zoning, Section 6J Special Uses in Residence Districts, Subsection 6 is hereby directed to the Planning Board for review and recommendation.

Adoption of Government Access Channel Policy

Mr. Clay Tiffany offered his services to videotape the meetings.

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 relating to the Government Access Channel.

VILLAGE OF BRIARCLIFF MANOR
Government Access Channel Policy

The Village of Briarcliff Manor Government Access Channel, which presently operates on channel 78¹ in the Village of Briarcliff Manor, is hereby subject to the following rules and regulations which shall be known as the “Village of Briarcliff Manor Government Access Channel Policy”:

1. Management

The management of the Government Access Channel is administered by the Village of Briarcliff Manor Village Manager's Office, with advice from the Village of Briarcliff Manor Media and Communications Advisory Committee (herein referred to as the “Committee”).

The Village has established the Committee to advise the Village Board of Trustees and the Village Manager's office on issues regarding media communications services that relate to governmental access.

2. Programming

¹ In the event the channel number for the Government Access Channel is re-designated by the local Cable Operator, this Policy will automatically be deemed amended to reflect such new channel number.

Programming on the Government Access Channel is administered by the Village Manager's Office, with advice from the Committee. Only the following types of programming shall be eligible for airing on the Governmental Access Channel:

- a. **Live Programs**: Live coverage of selected Village meetings and Village-sponsored events. This shall include Village Board of Trustees meetings, Planning Board meetings, and other Village Programming as set forth below.
- b. **Tape delayed Programs**: Meetings and events referenced in 2.a. above recorded and aired at a later time. Some events such as Board of Trustees and Planning Board meetings will be aired live and will also be recorded for later playback.
- c. **Other Village Programming**: Non-partisan programs produced by the Village of Briarcliff Manor, Westchester County and the State of New York, including but not limited to programs by Village departments and/or Village sponsored entities which programs pertain to issues related to Village of Briarcliff Manor government.
- d. **Bulletin Board Information**: Character generated messages related to Village of Briarcliff Manor activities, programs, services, and events. This service will operate 24 hours daily when other programs are not scheduled.

3. Access Policy

Only programming identified in Section 2 above may be aired on the Government Access Channel. Utilization of the channel for personal gain, political, economic or otherwise, is expressly prohibited.

No programming shall be accepted for the Government Access Channel which contains obscene material, sexually explicit conduct, or material soliciting or promoting unlawful conduct as prohibited under Section 10(c) of the Cable Television Consumer Protection and Competition Act of 1992 ("Cable Act") as implemented by regulations of the Federal Communications Commission.

Commercial, political (except as noted in Section 5 below), personal, lottery, and libelous, slanderous, or defamatory programming are expressly prohibited from airing on the Government Access Channel.

.The Committee shall provide the Village, the Village Manager, and /or other staff designated by the Village Manager with advice concerning governmental issues that are relevant to the Village of Briarcliff Manor government and the development and procurement of information, information services, and programming responsive to those issues. The Committee shall regularly consult

with eligible governmental entities to identify relevant governmental topics and or issues that may be aired. The Committee is open to comments and suggestions from the Village for input on services and programming. The Public is welcome to attend the Committee's monthly meetings.

The designated Village Staff in consultation with the Committee shall be responsible for accepting programming information and materials from eligible governmental entities and to assist in and coordinate the production of Government Access Channel programming for such entities as they may require, subject to available facilities, funds and personnel and in accordance with the criteria set forth above.

The designated Village Staff, in conjunction with the Committee, shall approve, schedule, produce, and distribute programs in accordance with the criteria set forth above.

4. Scheduling

The designated Village Staff is responsible for scheduling approved programs on the Government Access Channel. The following general priorities for scheduling shall apply:

- a. Programming of an emergency nature that would involve public safety or health matters.
- b. Programming on or about meetings of policy making bodies of the Village of Briarcliff Manor, the Village Board of Trustees, other Village Boards and Committees, and regulatory bodies of Village of Briarcliff Manor government.
- c. Programming concerning various departments of Village of Briarcliff Manor government and their services.
- d. Other Village Programming, as defined above.
- e. Village of Briarcliff Manor Bulletin Board.

5. Political Programming

Political programming will not be permitted on the Government Access Channel with the exception of providing factual information on any ballot issue affecting Village, County, or State government service.

Direct access to the Government Access Channel for individual candidates or supporters of any candidate or issues is expressly prohibited.

Upon declaration of official candidacy, any member of any Village Board or other Village Official shall appear on the Government Access Channel only while serving in their official capacity as duly elected or appointed Village board member or Village Official.

6. Editing

Meetings of Village of Briarcliff Manor boards shall be aired unedited and without editorial comment except for the placement of informational items on-screen such as name of the person shown, subject being discussed, time and date, and so forth. Meeting coverage shall be gavel-to-gavel including any breaks or intermissions. Meetings recorded for later re-airing on the Government Access Channel shall be shown in their entirety.

Messages to be programmed into the Village of Briarcliff Bulletin Board portion of the Governmental Access Channel shall be submitted by officials, departments, and agencies of the Village of Briarcliff Manor government. The designated Village Staff may edit the proposed message to provide clarity and maximize utilization of pages available.

The Village of Briarcliff Manor, and/or the video operations facility shall not be responsible for the accuracy of any information over the Government Access Channel that was submitted by outside sources.

7. Promotions

Promotional announcements for Village-sponsored events shall be permitted on the Government Access Channel. Promotional announcements for events or organizations in which the Village has no official interest, affiliation or sponsorship shall be expressly prohibited on the Government Access Channel.

8. Equipment

Use of the equipment maintained by the Government Access Channel shall be restricted to Village employees qualified to operate such equipment only and others trained and under direct supervision of such qualified personnel.

9. Ownership of Content

All submissions for airing on the Government Access Channel shall be or become the property of the Village of Briarcliff Manor. All staff-produced programs, meetings, or events shall be retained for a period of at least six months. Requests for longer retention must be made prior to the expiration of the six month limit.

The recordings of the meetings shall not be considered an official record of any meeting.

The Village of Briarcliff Manor or its agents shall not be responsible for loss or damage to any such tape or return of any tape left in the Village's custody.

10. Interpretation

In the event a question or dispute arises regarding the applicability or interpretation of this Policy, such question or dispute shall be directed to the Village Manager.

Any party who disagrees with the decision of the Village Manager may request from the Board of Trustees, a review of such decision by the Village Manager. Such a request must be made in writing and submitted to the Board of Trustees within 15 days of the decision of the Village Manager.

The Board of Trustees will make a decision and notify all interested parties within 30 business days of the Board of Trustees receipt of the written request for such an appeal.

11. Amendment and Repeal

The Village Board of Trustees may amend or repeal this Policy or any portion hereof, as it deems necessary.

Award of Bid, Ambulance

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

BE IT RESOLVED that the bid for the purchase of a 2007 Ford E-450 Chassis, PL Custom Emergency Vehicle, Gold Medallion Model (VM-0616) is hereby awarded to Specialty Vehicle Sales Corp., Plainview, New York per their bid of \$146,879.00.

BE IT FURTHER RESOLVED that the Village Manager is hereby authorized and directed to execute a contract associated with the purchase of the PL Custom Emergency Vehicle, Gold Medallion Model with Specialty Vehicle Sales Corp.

Fire Department Membership

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

BE IT RESOLVED, that the Board of Trustees of the Village of Briarcliff Manor hereby approves the membership of Chris Jackson to the Briarcliff Manor Hook & Ladder Company pending the submittal of the complete paperwork.

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

BE IT RESOLVED, that the Board of Trustees of the Village of Briarcliff Manor hereby approves the membership of Joseph Williams to the Briarcliff Manor Hook & Ladder Company pending the submittal of the complete paperwork.

Library Board Appointment

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

BE IT RESOLVED that the Board of Trustees hereby reappoints Julie Peskoe to the Library Board for a five year term beginning January 1, 2007.

Minutes

Upon motion by Trustee Waxenberg, seconded by Deputy Mayor Venditti, the Board voted unanimously to approve the minutes of November 16, 2006.

Adjournment

Upon motion by Deputy Mayor Venditti, seconded by Trustee Smith, the Board voted unanimously to adjourn the regular meeting.

Adopt Procedures Manual for the Briarcliff Manor Police Department

Upon motion by Deputy Mayor Venditti, seconded by Trustee Waxenberg, the Board voted unanimously to reconvene as the Police Commissioners.

Deputy Mayor Venditti requested a simple statement be added that if the Procedures Manual conflicts with the collective bargaining agreement the agreement shall supersede.

Village Attorney Smith stated the Board might want to make the adoption of the Procedures Manual retroactive.

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 adopt the Procedures Manual for the Briarcliff Manor Police Department.

Adjournment

Upon motion by Deputy Mayor Venditti, seconded by Trustee Smith, the Board voted unanimously to adjourn the meeting at 9:10pm.

Respectfully submitted by,

Christine Dennett