

Village Board of Trustees
Regular Meeting
December 21, 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 21st of December commencing at 7:30 p.m.

Present

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

Board of Trustees Announcements

- Mayor Vescio read a statement regarding the Holiday Display in Law Park.

The Board of Trustees wants to update our Villagers on the Law Park Holiday Display issue.

Several months prior to the 2005 holiday season a great deal of research was done to develop a holiday program that would be more representative of the diverse cultures of our Villagers. Trustees Smith and Waxenberg spoke with religious leaders, laypersons as well as Village Counsel. And input was solicited from ad hoc committees, which included members of different faiths, in order to come to a community consensus.

That research included a Supreme Court decision regarding a holiday display which was important to the Board of Trustees decision to have our Holiday Display include both a Christmas tree and a Menorah. We were advised that the Supreme Court decision ruling in County of Allegheny v. ACLU, 492 US 573 (1989) stated that a **Menorah, when displayed with other Holiday symbols, like a Christmas tree, is not a religious symbol, but another symbol of the holiday season.** This was the secular balance we were striving to achieve in order to celebrate the diverse holiday traditions our residents enjoy.

The Board of Trustees in an attempt to be more inclusive and representative of the diverse culture of our community made the decision to display both a **Christmas Tree and a Menorah for the holiday season**. Our intent was to respect, honor and celebrate the traditions of all our residents. I reiterate, this was done with the intention to represent difference of cultural holiday celebrations and not as a celebration of their religious meanings. The decision was made after struggling to decide on what most appropriately represented not only the culture, but values, of our community and this action was widely accepted and applauded by the community, including local clergy of all faiths.

The traditional Menorah has its candles lit one at a time over an eight day period. To reinforce that the Menorah was not being displayed as a religious symbol, the Menorah in the Village display had its candles lit all at once along with the Christmas tree. Both were decorated at the same time, lit and displayed together. And both were to be removed together. This is quite similar to displays commonly seen within the schools, as well as retail establishments, during this festive time of year.

Last year, when the Menorah was vandalized the Christmas tree lights were darkened until a new Menorah was erected, as a sign of unity and reflective of the fact that this was intended to be a single display. Again, our community widely applauded that decision. There was a true sense of togetherness of our community, despite our different religious beliefs and cultural celebrations.

Also last year, when the display was installed, a resident, Mr. Henry Ritell, sent a letter requesting that the Village install HIS privately owned Crèche in LAW Park. After due consideration, Mr Ritell was notified that the Village does not allow private unattended displays of any kind in Village Parks or property. **This policy is as per the “Policy of Village of Briarcliff Manor Regarding Private, Unattended Displays on Village Property”** adopted by the Board of Trustees on December 2, 1999, **which is what Mr. Ritell's Creche would have constituted.**

The Village prohibits unattended private displays of any sort in our public parks. We think this prohibition is very important. If Law Park or any of our Public parks are open to any private unattended display it must be open to all private displays. A policy of allowing unattended private displays led to a Ku Klux Klan symbol in Ohio and herd of live cows to celebrate Hinduism and a pyramid to honor the Egyptian sun god Ra in Lexington Massachusetts. **We are not saying that would happen in Briarcliff but as stewards for the Village we cannot relinquish the orderly control of our parks.**

Indeed Judge Conner even said in his decision today that **“The constitutionality of such a policy is undeniable, and without restrictions like the one of the issue herein, the Village’s parks would be cluttered with all manner of signs and displays.”**

Although Mr. Ritell could have approached the Board of Trustees at any time after the 2005 Holiday season to discuss this matter or to present different ideas on how to address his wishes, he chose not to do so but instead waited until the 2006 Holiday season was upon us once again to ask for his private display to be placed in the Law Park, knowing full well the reasoning by which his request was denied the previous year. His request was made on October 20, 2006, and was again denied, in writing.

This year after being denied his private display, Mr Ritell sought relief from a Federal Court Judge to allow him to place HIS Creche in Law Park. Village Counsel fulfilled its legal obligation to respond and filed its response to the Court as required. The Plaintiff, Mr. Ritell, did not undertake this legal action alone, as he was aided with support from two out-of-state Christian Advocacy organizations and/or legal representatives from other States. Not only did they support his suit, they helped Mr. Ritell launch a public relations campaign portraying our Village negatively.

On the first night of Hanukah, Friday, December 15, 2006, Federal District Court Judge Conner at 5:40 p.m. , faxed a Temporary Restraining Order to Village Hall which was closed, and to Village Counsel.

Judge Conner issued a Preliminary Injunction ordering the Village to either remove the Menorah or allow Mr. Ritell to erect his own Creche. The Village strongly disagreed with Judge Conner's decision and the matter of a Permanent Injunction and monetary damages sought by Mr. Ritell awaits trial.

However, in order to comply with Judge Conner's Order, on Saturday December 16, 2006 the Village removed the Menorah, but as this was erected as a single holiday display, turned off the Christmas tree lights as well, consistent with the action that the Village had taken when the Menorah was vandalized last year. Similarly, they have been darkened together in unity.

Leaders of the Jewish community have sent a note that the Village should light the Christmas tree so others will not have their Holiday saddened as well. While this is magnanimous and in the true spirit of Christmas, the Board of Trustees, in being consistent with the intent of this unified display, is constrained to not relight the Christmas tree without the Menorah. In further support of our unified community, the Briarcliff Congregational Church illuminated a Happy Chanukah sign directly across from Law Park.

These gestures go to the heart of what our Village, its values and the unity of its residents as ONE community are really about.

However, the Board of Trustees will be lighting another holiday display of lights at the Law Park Pavilion, that were installed in connection with the Village holiday bonfire and sing-along. We will continue our tradition of making the Village a decorated and festive looking place during the holidays. The other Village

decorations, including the wreaths and garlands with lights, and Our "Peace on Earth" sign, remain in celebration and to remind us of a common sentiment to the world,

The Village still had its holiday sing-along and bonfire in Law Park on Sunday for ALL to celebrate and come together as one community, which was well attended.

In light of today's decision from Judge Conner and after Village Counsel approves, the Village will be removing the star from the Christmas tree and relighting it as a Holiday tree for the remainder of the Holiday season. This is being done to replace our Holiday Display of the Christmas tree and a Menorah together.

The Village Board of Trustees cannot comment further on the legal issues as these are unresolved and the Village remains a Defendant before the Court.

We as the Board of Trustees and I as the Mayor apologize to our Villagers for any angst during this joyful time of year but **we must and will continue to act in the best interests of our Village in a deliberate, thoughtful and legal manner so as to protect not only our values but OUR Village, a Village that has thrived for over 104 years and will continue to do so.**

As Mayor, along with the entire Board of Trustees, and despite this difficult situation, we wish for each of our Villagers the following Holiday wish: While the Menorah may be down and the Christmas tree darkened, may the light, values and spirit of our Villagers shine bright forever. No matter how you celebrate or what you believe in, to each of you and your families we wish you a Happy Holiday season, a Merry Christmas, a Happy Chanukah, and a wonderful new year.

William Vescio-Mayor
David Venditti-Deputy Mayor
Elsie Smith-Trustee
Gayle Waxenberg-Trustee
Robert Mayer-Trustee

Village Managers Report

- The Westchester Library System was notified that the referendum had passed. The Village was granted a continuance on its variance.

Public Comments

Ms. Susan Bodansky of Sleepy Hollow Road thanked the Board for the stand they took with the holiday display. She further stated she was very pleased the Menorah was erected last year and was very disheartened when it was

vandalized. She stated Mr. Ritell lived in the Village for decades and she took offense to his recent actions.

Mr. Clay Tiffany of Hall Road stated it was outrageous that Ms. Bodanski was upset with Mr. Ritell. He further stated it was stated in a Village Policy that a Menorah was a religious symbol. He stated the Village had many religions and if they were going to display symbols from two religions they needed to display symbols for all. He asked why this government hadn't done anything about the swastika that was put in front of his home.

Ms. Hillary Messer of Sleepy Hollow Road stated as a member of the Jewish community she was grateful for the stance the Board took regarding the holiday display. She further stated the Menorah made a lot of children in the Village feel included.

Schedule Public Hearing: Special Use Permit Renewal, Briarcliff Congregational Church

Mr. Clay Tiffany stated the Church shouldn't be considered a religious organization due to comments made by a former minister.

Mr. Tom Myers, member of the Church's Board of Trustees asked the Board if the application was complete. He stated nothing significant had changed and they had been good upstanding members of the community.

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

BE IT RESOLVED that a Public Hearing is hereby scheduled for January 4, 2007 to hear and consider an amendment for a renewal of a Special Use Permit to the Briarcliff Congregational Church.

BE IT RESOLVED that the request for the renewal of a Special Use Permit for the Briarcliff Congregational Church pursuant to Chapter 220, Zoning, Section 6J Special Uses in Residence Districts, Subsection 1 is hereby directed to the Planning Board for review and recommendation.

Mr. Tom Leihbacher of 36 Maple Road stated he had no recollection of any former Minister making inappropriate comments.

Schedule Public Hearing: Chapter 220 Zoning, Commonly known as the Bulk Housing Law

Village Attorney Smith stated there had been some changes to the law and the public should familiarize themselves with them.

Mr. Clay Tiffany of Hall Road stated this law had been the intent of the Board since they were elected. He further stated money and development were the only things that were important to them.

Mr. Nick Evanchik of 119 Alder Drive asked if when the legislation was posted on the website if it could be related to the proposed comprehensive plan. He stated it would seem like an important thing like the “Bulk Law” would have some sort of relation to the comprehensive plan.

Deputy Mayor Venditti stated when the current law was pushed through three years ago no reference was made to any existing master plan or future comprehensive plan.

Trustee Smith stated the comprehensive plan was not about specific legislation.

Ms. Nancy Pine of Aspinwall Road stated the comprehensive plan wasn't brought up during the drafting of the current “bulk law” because a new comprehensive plan wasn't in the works. She further stated there definitely was a connection between the two and all laws should eventually come into alignment with the comprehensive plan.

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 January 8, 2007 to hear and discuss an amendment to Chapter 220, Zoning, Section 2, Definitions, Section 220:A5, Schedule Limiting the Use of Buildings and Land and the Location, Arrangement, Bulk and Size of Buildings. These provisions were part of Local Law commonly called the Bulk Housing Law.

Authorize Village Manager to Execute Agreements

New York State Department of Transportation Snow and Ice Agreement 2008-2009

Upon motion by Trustee Mayer, 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 an agreement with the New York State Department of Transportation to extend the Indexed Lump Sum Municipal Snow and Ice Agreement for the period from July 1, 2008 through June 30, 2009.

Westchester County, Credit Card Bail Transactions

Mr. Clay Tiffany of Hall Road stated many people are falsely arrested and anything to facilitate their release from jail was a good thing.

Upon motion by Trustee Waxenberg, seconded by Trustee Mayer, 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 Westchester County for Credit Card Bail Transactions.

Budget Transfer Request, Utilities

Mr. Nick Evanchik of 119 Alder Drive asked why it wasn't detected that a bill hadn't been received in a year.

Village Manager Blau stated the staff responsible was no longer working for the Village.

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

BE IT RESOLVED that the Board of Trustees does hereby authorize the following budget transfer:

FROM: A1990.499	Contingency	\$15,998.35
TO: A1620.440	General Fund, Utilities	\$15,998.35

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 Andrew Wickey to the Briarcliff Manor Hook & Ladder Company.

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 of the Village of Briarcliff Manor hereby approves the membership of Rick Pastore to the Briarcliff Fire Company.

Upon motion by Trustee Smith, seconded by Trustee Mayer, 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 Josh Hankin to the Briarcliff Fire Company.

Adjournment

Mayor Vescio wished everyone Happy Holidays, a Merry Christmas and a Happy Hanukkah.

Upon motion by Deputy Mayor Venditti, seconded by Trustee Smith, the Board voted unanimously to adjourn the regular meeting at 8:15pm.

Respectfully submitted by,

Christine Dennett