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**AGENDA**  
**APRIL 18, 2012**  
**BOARD OF TRUSTEES**  
VILLAGE OF BRIARCLIFF MANOR, NEW YORK  
REGULAR MEETING – 7:30 PM

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1. Continuation of a Public Hearing Fiscal Year 2012-2013 Tentative Budget

**Board of Trustees Announcements**

**Village Managers Report**

**Public Comments**

2. Confirmation of Fire Department Election
3. Fire Department Memberships
4. Schedule Special Budget Meeting
5. Minutes
  - April 4, 2012 – Organizational Meeting
  - April 4, 2012 – Regular Meeting

**NEXT REGULAR BOARD OF TRUSTEES MEETING – MAY 2, 2012**

VILLAGE OF BRIARCLIFF MANOR  
BOARD OF TRUSTEES AGENDA  
APRIL 18, 2012

**1. CONTINUATION PUBLIC HEARING – FISCAL YEAR 2012-2013  
TENTATIVE BUDGET**

BE IT RESOLVED, that the Board of Trustees does hereby close the Fiscal Year 2012-2013 Tentative Budget Public Hearing.

VILLAGE OF BRIARCLIFF MANOR  
BOARD OF TRUSTEES AGENDA  
APRIL 18, 2012

**2. CONFIRMATION OF FIRE DEPARTMENT ELECTION**

BE IT RESOLVED that the Board of Trustees does hereby confirm the results of the election of the Briarcliff Manor Fire Department conducted on April 5, 2012 as follows:

**Chief Officers**

Michael F. King	Chief
Robert O'Hanlon Jr.	1st Assistant Chief
Dennis L. Reilly	2nd Assistant Chief

**Briarcliff Fire Company**

Michael Garcia	Captain
Peter Fulfree	1st Lieutenant
Vincent Caruso	2nd Lieutenant
Arie Uyterlinde	3rd Lieutenant

**Briarcliff Manor Hook & Ladder Company**

Peter A. Filhan III	Captain
David Wolfson	1st Lieutenant
Anthony Kaufman	2nd Lieutenant

**Scarborough Engine Company**

Nicholas Muro	Captain
Alex Alleva	1st Lieutenant
Jeffrey Bassett	2nd Lieutenant

**Briarcliff Manor Fire Department Ambulance Corps**

Kevin Hunt	Captain
Jason Crawford	1st Lieutenant
Cheryl Davidson	2nd Lieutenant

**Briarcliff Manor Fire Police**

William Ventura	Captain
Robert Cerrone	1 <sup>st</sup> Lieutenant
Peter Guilmette	2 <sup>nd</sup> Lieutenant
Linda Urban	3 <sup>rd</sup> Lieutenant

**Safety Officer -** Alan Fleischman

BE IT FURTHER RESOLVED that the Board of Trustees does hereby certify the following appointments to the Briarcliff Manor Fire Department Deputy Chiefs Association:

Douglas Cacciola	2054
Martin Gallagher	2055
Carl LaBruzzo	2056
William Ventura	2057
Jay White	2058
Tom Farrington	2059
Larry Reilly	DC59

VILLAGE OF BRIARCLIFF MANOR  
BOARD OF TRUSTEES AGENDA  
APRIL 18, 2012

**3. FIRE DEPARTMENT MEMBERSHIPS**

BE IT RESOLVED, that the Board of Trustees of the Village of Briarcliff Manor hereby approves the membership of **Daniel J. Isaac** to the Briarcliff Manor Hook and Ladder Company.

BE IT RESOLVED, that the Board of Trustees of the Village of Briarcliff Manor hereby approves the membership of **Thomas E. Richer** to the Briarcliff Manor Hook and Ladder Company.

BE IT RESOLVED, that the Board of Trustees of the Village of Briarcliff Manor hereby approves the under 18 membership of **Eric R. Wasserman** to the Briarcliff Manor Hook and Ladder Company.

# Briarcliff Manor Fire Department

1111 PLEASANTVILLE ROAD  
BRIARCLIFF MANOR, NY 10510

Office of the Chief



MICHAEL F. KING, Chief  
ROBERT O'HANLON, 1st Ass't Chief  
DENNIS L. REILLY, 2nd Ass't Chief

EMERGENCY 911  
CHIEF'S OFFICE 941-0879  
FAX 944-2758

DATE: March 13, 2012  
TO: Christine Dennett, Village Clerk  
Briarcliff Manor Board of Trustee's  
FROM: Chief Michael F. King - Briarcliff Manor Fire Department  
SUBJECT: NEW MEMBER - Request for Village Approval

Honorable Mayor and Trustee's;

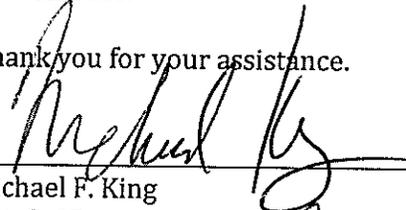
**Daniel j. Isaac**, born 1967 and residing at Briarcliff Manor, New York, has applied for membership in the Briarcliff Manor Fire Department

The applicant listed above, has been vetted by the Briarcliff Manor Hook & Ladder Company Membership Committee and determined to meet the criteria set forth by the Briarcliff Manor Fire Department.

FURTHERMORE, the Chief of Department has performed an Arson Background Check on said member who has been found to have NO record of Arson Conviction.

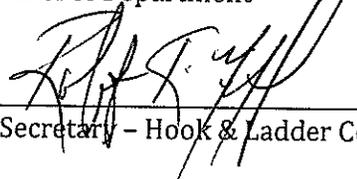
The Chief of Department Requests that the Village of Briarcliff Board of Trustee's approve the application set before you and send such confirmation to **Chiefs Office** at your earliest convenience.

Thank you for your assistance.

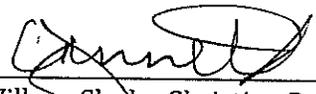
  
\_\_\_\_\_  
Michael F. King  
Chief of Department

03/13/2012

\_\_\_\_\_  
Dated

  
\_\_\_\_\_  
Secretary - Hook & Ladder Company

4/2/2012  
\_\_\_\_\_  
Dated

  
\_\_\_\_\_  
Village Clerk - Christine Dennett

4-10-12  
\_\_\_\_\_  
Dated

# Briarcliff Manor Fire Department

1111 PLEASANTVILLE ROAD  
BRIARCLIFF MANOR, NY 10510

Office of the Chief



MICHAEL F. KING, Chief  
ROBERT O'HANLON, 1st Ass't Chief  
DENNIS L. REILLY, 2nd Ass't Chief

EMERGENCY 911  
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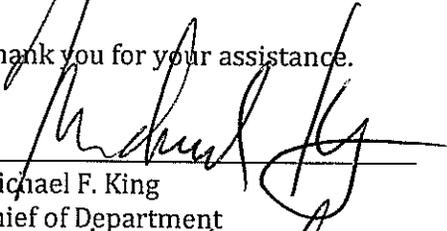
**Thomas E. Richer**, born 1970 and residing at Briarcliff Manor, New York, has applied for membership in the Briarcliff Manor Fire Department

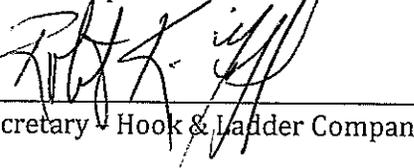
The applicant listed above, has been vetted by the Briarcliff Manor Hook & Ladder Company Membership Committee and determined to meet the criteria set forth by the Briarcliff Manor Fire Department.

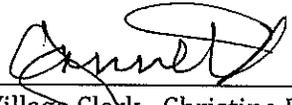
FURTHERMORE, the Chief of Department has performed an Arson Background Check on said member who has been found to have NO record of Arson Conviction.

The Chief of Department Requests that the Village of Briarcliff Board of Trustee's approve the application set before you and send such confirmation to **Chiefs Office** at your earliest convenience.

Thank you for your assistance.

  
\_\_\_\_\_  
Michael F. King  
Chief of Department

  
\_\_\_\_\_  
Secretary - Hook & Ladder Company

  
\_\_\_\_\_  
Village Clerk - Christine Dennett

03/13/2012

\_\_\_\_\_  
Dated

4/2/2012

\_\_\_\_\_  
Dated

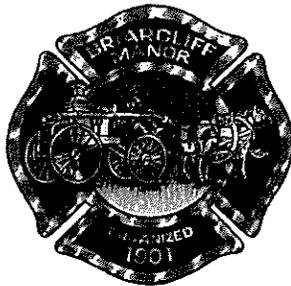
4-10-12

\_\_\_\_\_  
Dated

# Briarcliff Manor Fire Department

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BRIARCLIFF MANOR, NY 10510

Office of the Chief



MICHAEL F. KING, Chief  
ROBERT O'HANLON, 1st Ass't Chief  
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EMERGENCY 911  
CHIEF'S OFFICE 941-0879  
FAX 944-2758

DATE: March 13, 2012  
TO: Christine Dennett, Village Clerk  
Briarcliff Manor Board of Trustee's  
FROM: Chief Michael F. King - Briarcliff Manor Fire Department  
SUBJECT: NEW MEMBER - Request for Village Approval

Honorable Mayor and Trustee's;

**Eric R. Wasserman**, born 1996 and residing at Briarcliff Manor, New York, has applied for membership in the Briarcliff Manor Fire Department.

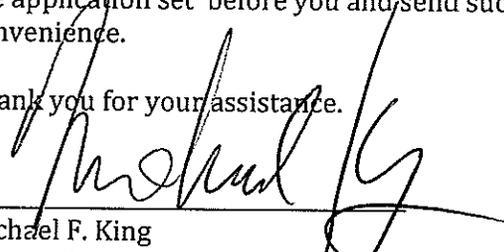
The applicant has been vetted by the Briarcliff Manor Hook & Ladder Company Membership Committee and determined to meet the criteria set forth by the Briarcliff Manor Fire Department.

FURTHERMORE, the Chief of Department has performed an Arson Background Check on said member who has been found to have NO record of Arson Conviction.

FURTHERMORE, the Chief of Department has met with the Parent(s) of the applicant, who have signed and certified the Consent and Release Form for the Applicant

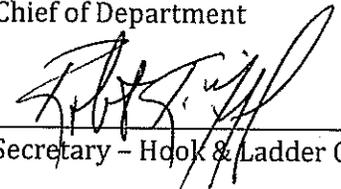
The Chief of Department Requests that the Village of Briarcliff Board of Trustee's approve the application set before you and send such confirmation to **Chiefs Office** at your earliest convenience.

Thank you for your assistance.

  
\_\_\_\_\_  
Michael F. King  
Chief of Department

03/13/2012

\_\_\_\_\_  
Dated

  
\_\_\_\_\_  
Secretary - Hook & Ladder Company

4/2/2012

\_\_\_\_\_  
Dated

  
\_\_\_\_\_  
Village Clerk - Christine Dennett

4-10-12

\_\_\_\_\_  
Dated

**CONSENT AND RELEASE FORM**

We, the parents or legal guardians of Eric Randall Wasserman (hereinafter known as the "Applicant") are aware that the Applicant wishes to join the Briarcliff Manor Fire Department (hereinafter known as the "Department"). We understand that this signed consent by the parents or legal guardians and the Applicant is required as a prerequisite of the Applicant's acceptance into membership in the Department because the Applicant has not yet attained 18 years of age.

We understand that membership in the Department is an inherently hazardous undertaking.

We understand that the Applicant will be required to attend such training courses as are required by the Chief of the Department, and will become familiar with, and adhere to, the by-laws of the Department.

We understand that the Applicant will be subject to the orders of the Departmental Chiefs and the officers of the company to which the Applicant is assigned, both in firehouse and at all alarms.

We have been provided with and have read and fully understand the Rules and Regulations governing activities permitted for members of the Briarcliff Manor Fire Department that are under 18 years of age.

By signing a copy of this Consent and Release Form, we hereby acknowledge that, pursuant to section 19 of the Volunteer Firefighters' Benefit Law, the benefits provided by the Volunteer Firefighters' Benefit Law shall be the exclusive remedy of Applicant, or his or her spouse, parents, dependents, next of kin, executor or administrator, or anyone otherwise entitled to recover damages, at common law or otherwise, for or on account of an injury to Applicant in the line of duty or death resulting from an injury to Applicant in the line of duty, as against the Village of Briarcliff Manor, its employees or agents, and any person or agency acting under governmental or statutory authority in furtherance of the duties or activities in relation to which any such injury resulted.

This Consent and Release Form must be signed by the applicant and all parents or guardians of the minor and all signatures must be notarized.

2/14/12

Dated:

Nannette B. Wasserman

Parent/Legal Guardian, Print name:

Nannette B. Wasserman

Signature of Parent/Legal Guardian from above

2/14/12

Dated:

Paul Wasserman

Parent/Legal Guardian, Print name:

Paul Wasserman

Signature of Parent/Legal Guardian from above

2/14/12

Dated:

Eric Wasserman

Applicant, Print name:

Eric R Wasserman

Signature of Applicant

STATE OF NEW YORK )  
COUNTY OF WESTCHESTER ) ss.:

On the 14 day of February in the year of 2012, before me the undersigned, personally appeared Nannette Wasserman personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person on behalf of which the individual(s) acted, executed the instrument.

DEBORAH WOLL  
Notary Public, State of New York  
No. 02WO4573218  
Qualified in Westchester County  
Commission Expires Sept. 15, 2014

Deborah Woll  
Notary Public

STATE OF NEW YORK )  
COUNTY OF WESTCHESTER ) ss.:

On the 14 day of February in the year of 2012, before me the undersigned, personally appeared Paul Wasserman personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person on behalf of which the individual(s) acted, executed the instrument.

DEBORAH WOLL  
Notary Public, State of New York  
No. 02WO4573218  
Qualified in Westchester County  
Commission Expires Sept. 15, 2014

Deborah Woll  
Notary Public

STATE OF NEW YORK )  
COUNTY OF WESTCHESTER ) ss.:

On the 14 day of February in the year of 2012, before me the undersigned, personally appeared Eric Wasserman personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person on behalf of which the individual(s) acted, executed the instrument.

DEBORAH WOLL  
Notary Public, State of New York  
No. 02WO4573218  
Qualified in Westchester County  
Commission Expires Sept. 15, 2014

Deborah Woll  
Notary Public

VILLAGE OF BRIARCLIFF MANOR  
BOARD OF TRUSTEES AGENDA  
APRIL 18, 2012

**4. SCHEDULING OF A SPECIAL BUDGET MEETING**

BE IT RESOLVED, that a Special Budget Meeting of the Board of Trustees is hereby scheduled for Tuesday, April 24, 2012 at 6:45 p.m with a work session to follow immediately thereafter.

VILLAGE OF BRIARCLIFF MANOR  
BOARD OF TRUSTEES AGENDA  
APRIL 18, 2012

**5. MINUTES**

- April 4, 2012 – Organizational Meeting
- April 4, 2012 – Regular Meeting

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 Wednesday, the 4<sup>th</sup> day of April 2012, commencing at 7:20 p.m.

**Present**

William Vescio, Mayor  
David Venditti, Deputy Mayor  
Robert Murray, Trustee  
Mark Pohar, Trustee  
Lori Sullivan, Trustee

**Also Present**

Philip Zegarelli, Village Manager  
Christine Dennett, Village Clerk  
Clinton Smith, Village Counsel  
Robin Rizzo, Village Treasurer

Upon motion by Trustee Sullivan, seconded by Deputy Mayor Venditti, the Board voted unanimously to open the meeting at 7:20pm.

**Swearing in of the Newly Elected Officials:**

Village Clerk Christine Dennett swore in Robert Murray of 12 Farm Road as Trustee and Mark Pohar of 14 Satinwood Lane as Trustee both with terms expiring in two (2) years.

**Mayoral Appointments:**

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

**Announcement of the Following Mayoral Appointments:**

Deputy Mayor	David Venditti	1 year
Board Liaisons:		
Westchester County Municipal Officials Association	William J. Vescio	1 year
Town Government	Robert Murray	1 year
County Government	David Venditti	1 year
State Government	Lori A. Sullivan	1 year
Recreation Committee	Lori A. Sullivan	1 year
Conservation Advisory Council	Mark Pohar	1 year
Library Board	William J. Vescio	1 year

School Boards	Mark Pohar	1 year
Historic River Towns of Westchester	Lori A. Sullivan	1 year
Media & Telecommunications	Robert Murray	1 year
Business District Liaison	David Venditti	1 year
Fire Dept. Liaison	David Venditti	1 year
Fire Dept. Liaison	Lori A. Sullivan	1 year

**Point Trustees/Village's Major Goals:**

Upon motion by Trustee Murray, seconded by Trustee Sullivan, the Board voted unanimously to approve the following:

Infrastructure Long Term Planning	William Vescio
BZAC/Rezoning Bus. Dist.	David Venditti
ARAC-Revise/Estab. Comm. Design	Lori A. Sullivan
Explore Village/Town	Robert Murray
Rev. Wetland/Steep Slopes Reg.	Mark Pohar

**Announcement of the Following Board of Trustees Appointments:**

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

Board of Police Commissioners	Board of Trustees	1 year
Board of Fire Commissioners	Board of Trustees	1 year
Village Manager	Philip Zegarelli	1 year
Deputy Village Clerk	Philip Zegarelli	1 year
Acting Village Justice	Laurie Sullivan	1 year
Village Counsel	Wormser, Kiely, Galef & Jacobs	1 year

**Announcement of the Appointment to the Various Boards and Commissions:**

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

***Planning Board***

Chairperson	Edward Nolan	1 year
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***Zoning Board of Appeals***

Chairperson	Ronald Alenstein	1 year
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***Recreation Advisory Committee***

Chairperson	Georgina Gualdino	1 year
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***Ethics Board***

Member	Philip Zegarelli	1 year
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***Tree Preservation***

Member-V.M.	Philip Zegarelli	1 year
Member-P.B.	Edward Nolan	1 year

**Library Board**

Member

Kim Izzarelli

12/31/12

**Dates of Regular Meetings**

Upon motion by Trustee Pohar, seconded by Trustee Murray, the Board voted unanimously to approve the following Dates of Regular Meetings:

The Village Board of Trustees regular meetings are held on the first and third Wednesday of each month at 7:30 p.m.

**Designation of Banks for the Deposit of Village Funds:**

Upon motion by Trustee Pohar, seconded by Trustee Murray, the Board voted unanimously to approve the following Banks for the Deposit of Village Funds:

- a. JP Morgan Chase
- b. Wells Fargo Bank, NA
- c. Fidelity
- d. Webster Bank

**Designation of Official Village Newspapers:**

Upon motion by Trustee Pohar, seconded by Trustee Murray, the Board voted unanimously to approve the following Village Newspapers:

- a. Journal News
- b. The Gazette

**Procurement Policy:**

Upon motion by Trustee Pohar, seconded by Trustee Murray, the Board voted unanimously to approve the following Procurement Policy:

***PROCUREMENT POLICY FOR THE VILLAGE BRIARCLIFF MANOR***

1. 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 \$35,000; 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 county 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.

2. 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 \$35,000; 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.
3. 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
<u>Estimated Amount of Public Works Contract</u>	<u>Method</u>
\$ 500-2,999	
\$3,000-34,999	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.

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

5. 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.
6. 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.
  - a. 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.

- b. 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.
- c. 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.

- d. 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.

7. This policy shall go into effect January 1, 1992, was amended April 7, 2010 and will be reviewed annually.

## **Investment Policy**

Upon motion by Trustee Murray, seconded by Trustee Sullivan, the Board voted unanimously to approve the following policy:

### **INVESTMENT POLICY OF THE VILLAGE OF BRIARCLIFF MANOR**

#### **I. SCOPE**

This investment policy applies to all monies and other financial resources available for investment on its own behalf of any other entity or individual.

#### **II. OBJECTIVES**

The primary objectives of the Village's investment activities are, in priority order,

- To conform with all applicable federal, state and other legal requirements (legal);
- To adequately safeguard principal (safety);
- To provide sufficient liquidity to meet all operating requirements (liquidity); and
- To obtain a reasonable rate of return (yield).

#### **III. DELEGATION OF AUTHORITY**

The governing board's responsibility for administration of the investment program is delegated to the Treasurer who shall establish written procedures for the operation of the investment program consistent with these investment guidelines. Such procedures shall include an adequate internal control structure to provide a satisfactory level of accountability based on a data base or records incorporating description and amounts of investment, transaction dates, and other relevant information and regulate the activities of subordinate employees.

#### **IV. PRUDENCE**

All participants in the investment process shall seek to act responsibly as custodians of the public trust and shall avoid any transaction that might impair confidence in the Village to govern effectively.

Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the safety of the principal as well as the probable income to be derived.

All participants involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program, or which could impair their ability to make impartial investment decisions.

#### **V. DIVERSIFICATION**

It is the policy of the Village to diversify its deposits and investments by financial institution, by investment instrument, and by maturity scheduling.

#### **VI. INTERNAL CONTROLS**

The Treasurer is responsible for establishing and maintaining an internal control structure to provide reasonable, but not absolute, assurance that deposits and investments are safeguarded against loss from unauthorized use or disposition, that transactions are executed in accordance with management's authorization and recorded properly, and is managed in compliance with applicable laws and regulations.

#### **VII. DESIGNATION OF DEPOSITARIES**

The banks and trust companies authorized for the deposit of monies shall be designated annually at the April Board of Trustee meeting.

#### **VIII. COLLATERALIZING OF DEPOSITS**

In accordance with the provisions of General Municipal Law, §10, all deposits of Village, including certificates of deposit and special time deposits, in excess of the amount insured under the provisions of the Federal Deposit Act shall be secured:

1. By a pledge of "eligible securities" with an aggregate "market value", or provided by General Municipal Law, §10, equal to the aggregate amount of deposits from the categories designated **Appendix A** to the policy.
2. By an eligible "irrevocable letter of credit" issued by a qualified bank other than the bank with the deposits in favor of the government for a term not to exceed 90 days with an aggregate value equal to 140% of the aggregate amount of deposits and the agreed upon interest, if any. A qualified bank is one whose commercial paper and other unsecured short-

term debt obligations are rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization or by a bank that is in compliance with applicable federal minimum risk-based capital requirements.

3. By an eligible surety bond payable to the government for an amount at least equal to 100% of the aggregate amount of deposits and the agreed upon interest, if any, executed by an insurance company authorized to do business in New York State, whose claims paying ability is rated in the highest rating category by at least two nationally recognized statistical rating organizations.

## **IX. SAFEKEEPING AND COLLATERALIZATION**

Eligible securities used for collateralizing deposits shall be held by the bank or trust company subject to security and custodial agreements.

The security agreement shall provide that eligible securities are being pledged to secure local government deposits together with agreed upon interest, if any, and any costs or expenses arising out of the collection of such deposits upon default. It shall also provide the conditions under which the securities may be sold, presents for payment, substituted or released and the events which will enable the local government to exercise its rights against the pledged securities. In the event that the securities are not registered or inscribed in the name of the local government, such securities shall be delivered in a form suitable for transfer.

The custodial agreement shall provide that securities held by the bank, or trust company, or agent of and custodian for, the local government, will be kept separate and apart from the general assets of the custodial bank or trust company and will not, in any circumstances, be commingled with or become part of the backing for any other deposit or other liabilities. The agreement should also describe that the custodian shall confirm the receipt, substitution or release of securities. The agreement shall provide for the frequency of revaluation of eligible securities and for the substitution of securities when a change in the rating of a security may cause ineligibility. Such agreement shall include all provisions necessary to provide the local government a perfected interest in the securities.

## **X. PERMITTED INVESTMENTS**

As authorized by General Municipal Law, §11, the Village authorizes the Treasurer to invest monies not required for immediate expenditure for terms not to exceed its projected cash flow needs in the following types of investments:

- Special time deposit accounts;
- Certificate of deposit;
- Obligations of the United States of America;
- Obligations guaranteed by agencies of the United States of America where the payment of principal and interest are guaranteed by the United States of America;
- Obligations of the State of New York;
- Obligations of this local governments, but only with monies in a reserve fund established pursuant to GML, §6-c, 6-d, 6-e, 6-g, 6-h, 6-j, 6-k, 6-l, 6-m, or 6-n.

All investment obligations shall be payable or redeemable at the option of the Village within such times as the proceeds will be needed to meet expenditures for purposes for which the monies were provided and, in the case of obligations purchased with the proceeds of bonds or notes, shall be payable or redeemable at the option of the Village within two years of the date of purchase.

## **XI. AUTHORIZED FINANCIAL INSTITUTIONS AND DEALERS**

All financial institutions with which the local government conducts business must be credit worthy. Banks shall provide their most recent Consolidated Report of Condition (Call Report) at the request of the Village. Security dealers not affiliated with a bank shall be required to be classified as reporting dealers affiliated with the New York Federal Reserve Bank, as primary dealers. The Village is responsible for evaluating the financial position and maintaining a listing of proposed depositaries, trading partners and custodians. Such listing shall be evaluated at least annually.

## **XII. PURCHASE OF INVESTMENTS**

All purchased obligations, unless registered or inscribed in the name of the local government, shall be purchased through, delivered to and held in the custody of a bank or trust company. Such obligations shall be purchased, sold or presented for redemption or payment by such bank or trust company only in accordance with prior written authorization from the officer authorized to make the investment. All such transactions shall be confirmed in writing to the Village by the bank or trust company. Any obligation held in the custody of a bank or trust company shall be held pursuant to a written custodial agreement as described in General Municipal Law, §10.

The custodial agreement shall provide that securities held by the bank or trust company, as agent of and custodian for, the local government, will be kept separate and apart from the general assets of the custodial bank or trust company and will not, in any circumstances, be commingled with or become

part of the backing for any other deposit or other liabilities. The agreement shall describe how the custodian shall confirm the receipt and release of the securities. Such agreement shall include all provisions necessary to provide the local government a perfected interest in the securities.

#### APPENDIX A Schedule of Eligible Securities

1. Obligations issued, or fully insured or guaranteed as to the payment of principal and interest, by the United States of America, an agency thereof or a United States government sponsored corporation.
2. Obligations issued or fully guaranteed by the International Bank for Reconstruction and Development, the Inter-American Development Bank, the Asian Development Bank, and the African Development Bank.
3. Obligations partially insured or guaranteed by any agency of the United States of America, at a proportion of the Market Value of the obligation that represents the amount of the insurance or guaranty.
4. Obligations issued or fully insured or guaranteed by the State of New York, obligations issued by a municipal corporation, school district or district corporation of such State or obligations of any public benefit corporation which under a specific State statute may be accepted as security for deposit of public monies.
5. Obligations issued by states (other than the State of New York) of the United States rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization.
6. Obligations of Puerto Rico rate in one of the three highest rating categories by at least one nationally recognized statistical rating organization.
7. Obligations of counties, cities and other governmental entities of a state other than the State of New York having the power to levy taxes that are backed by the full faith and credit of such governmental entity and rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization.
8. Obligations of domestic corporations rated in one the two highest rating categories by at least one nationally recognized statistical rating organization.
9. Any mortgage related securities, as defined in the Securities Exchange Act of 1934, as amended, which may be purchased by banks under the limitations established by bank regulatory agencies.
10. Commercial paper and bankers' acceptances issued by a bank, other than the bank, rated in the highest short-term category by at least one nationally recognized statistical rating organization and having maturities of not longer than 60 days from the date they are pledged.

Zero coupon obligations of the United States government marketed as “Treasury strips”.

**Adoption of Board of Trustees Rules of Procedure**

Upon motion by Deputy Mayor Venditti, and seconded by Trustee Pohar the Board voted unanimously to approve the following Board of Trustees Rules of Procedure as amended:

**VILLAGE OF BRIARCLIFF MANOR  
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 1<sup>st</sup> and 3<sup>rd</sup> Wednesday 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 unless prohibited from doing so by New York State Law. 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.

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Originally adopted by the Board of Trustees at its Organizational Meeting on April 7, 2005 and amended on July 20, 2006, April 9, 2007, November 5, 2009, April 6, 2011 and April 4, 2012.

### **Policies and Procedures for Advisory Committees**

Upon motion by Trustee Pohar, seconded by Trustee Murray, the Board voted unanimously to approve the following policy:

#### Formation of new committees:

- A title and mission statement will be developed for any proposed committee and formally approved and established by the Board of Trustees.
- Such committees are constituted by, serve at the pleasure of, and report to the Board of Trustees.
- The formation of any new committee will be announced in a public meeting, the newsletter and posted on the web and scroll.
- Committees' information, findings, conclusions and recommendations where requested, will be considered advisory rather than binding by the Board of Trustees. The Board of Trustees at all times retains its rights to exercise final decisions in the governance of the Village.

#### Composition

- Committee membership will be limited to a workable odd number.
- One member will be a representative from the Board of Trustees. The Mayor shall be an ex officio member of all committees with the right to make motions, speak and vote, and when present shall be counted in determining a quorum.
- Membership on committees will be representative of the community.
- Village residents, village business people, village property owners, and residents of the 10510 zip code may serve on ad hoc committees.

- The BOT shall appoint a new member within one month to fill the unexpired term of a committee member.

## Operations

- Quorum: A quorum of any committee is a simple majority of the members appointed. A quorum must be present to conduct business.
- Structure: All committees will have a chair, vice-chair and secretary who will be responsible for meeting minutes. Committee members' names and village-generated e-mail addresses will be posted on the web.
- Attendance and Participation: The obligation is to attend committee meetings. Any member who is absent for three consecutive meetings, without providing reasonable cause to the Chair, will be deemed to have resigned. Committees are working committees; all members are expected to be prepared for the meeting and participate actively.
- Meetings:
  - Committee meetings will start promptly at the time for which they were called.
  - A committee will strive for consensus. If it cannot achieve consensus, it shall act by a simple majority of the members.
  - All deliberations will be conducted in an open, respectful and inclusive manner.
- Meeting Notification: Advance notice, including an agenda, will be given for all meetings. Notices about committee work will be posted on the web site.
- Meeting Minutes: Written minutes will be taken at all committee meetings. Minutes may follow a standard template including the time, date and location of meeting, who attended, the topic of discussion, and any action taken.
- Non-members may submit their views and comments on committee activities via e-mail or written correspondence. Committees will not be required to respond to public comments.
- Discharge: Members may be discharged from a committee by the Board of Trustees as a result of the village's conflict of interest policy, lack of attendance, misconduct or resignation.
- Reports and Public Statements: An annual report from the committee shall be submitted to the BOT by the end of February. Any committee report, including summary recommendations and the annual report, is to be presented first to the BOT prior to public presentation of same.
- Volunteerism: Committee members shall serve without remuneration, but will be reimbursed for "out of pocket" expenses incurred in performing their duties. These expenses must be preauthorized by the Village Manager or designate. Village staff will provide committees with such public information, clerical assistance and other help as necessary for them to conduct their work.

- Draft Documents: Draft documents, including minutes and all committee reports, are confidential until formally approved by a majority of the committee. No draft documents should be retained in committee files. Public distribution of draft documents or any committee report prior to adoption by the committee shall be grounds for dismissal.

**Adjournment:**

Upon motion by Trustee Murray and seconded by Deputy Mayor Venditti, the Board voted unanimously to close the meeting at 7:40 p.m.

Respectfully submitted by,

Christine Dennett

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 on the 4<sup>th</sup> of April, 2012 commencing at 7:40 p.m.

**Present**

William J. Vescio, Mayor  
David Venditti, Deputy Mayor  
Robert Murray, Trustee  
Mark Pohar, Trustee  
Lori A. Sullivan, Trustee

**Also Present**

Philip Zegarelli, Village Manager  
Christine Dennett, Village Clerk  
Clinton Smith, Village Counsel  
Robin Rizzo, Village Treasurer

**Public Hearing Fiscal Year 2012-2013 Tentative Budget (to be continued to April 18th)**

Village Manager Zegarelli gave a presentation on the 8 month FY 11-12 Budget.

Upon motion by Trustee Sullivan, seconded by Deputy Mayor Venditti, the Board voted unanimously to open the Public Hearing.

Mayor Vescio stated comments could be received in person at the Public Hearing or in writing by the close of the Public Hearing. He gave the schedule of dates for the budget process.

Village Manager Zegarelli gave a presentation on the Tentative Budget for FY 12-13 and explained what the 2% Tax Cap meant.

The Board had general discussion regarding the tax cap and the disparities with the employee pension fund.

Upon motion by Trustee Sullivan, seconded by Deputy Mayor Venditti, the Board voted unanimously to adjourn the Public Hearing to the April 18, 2012 regular meeting at 7:30pm.

**Board of Trustees Announcements by Deputy Mayor Venditti**

- Hydrant flushing will be suspended in the upcoming week and will resume the week after.

- The field at the Club site will remain closed this weekend.
- The Library has had many recent successful programs. Their Spring Brochure is available on their website.
- The Briarcliff Has Heart Memorial Day Run/Walk will be held on May 28<sup>th</sup>.
- The Recreation Brochure is available online or at the Recreation Office.
- Pool and Tennis Passes for the upcoming season are currently on sale.
- Day Camp registration forms are available online and registration is currently open now through May 2<sup>nd</sup>.
- The Summercliff Players summer show will be Once on this Island. An open house will be held on April 19<sup>th</sup>.
- The Village Board welcomes the newest Recreation Staff member, Kyle Peterson.

### **Village Managers Report by Village Manager Zegarelli**

- Punch list items are being closed out on the FWSP.
- The last Department of Health report for the FWSP will be sent on April 20<sup>th</sup>.
- The Westchester County Mobile Shredder will be at Village Hall on Saturday, April 21<sup>st</sup> from 10am-1pm.
- The North State Road project is underway.
- 7 RFQ's were received for Architectural Services for the Library and Community Center.
- Village Office's will be closed on Friday but garbage pickup will occur as scheduled.

### **Public Comments**

Mrs. Sara Vescio of Old Briarcliff Road stated the official launch of Community Helping Hands, an organization for aging in place, will be held on May 8<sup>th</sup> at the Landmark Diner. She invited the Mayor to speak at the event and gave a brief synopsis of the services the organization hopes to provide to local Senior Citizens.

### **Fire Department Service Awards Program**

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

BE IT RESOLVED, that the Volunteer Firefighter Service Award Program list for all 2011 active firefighters of the Briarcliff Manor Fire Company, the Briarcliff Manor Hook, Ladder & Fire Company and the Scarborough Engine Company is hereby approved.

BE IT FURTHER RESOLVED that the list shall be directed to the respective fire companies for posting for a period of thirty (30) days.

### **Budget Amendment – Dare Merchandise**

The Board thanked the Rotary Club for their donation.

Upon motion by Trustee Pohar, seconded by Trustee Murray, the Board voted unanimously to approve the following resolution:

BE IT RESOLVED that the budget for fiscal year 2011-2012 is hereby amended to accept a gift from the Briarcliff Manor Rotary Club as follows:

Increase Appropriation – DARE Merchandise (A3120.1590) by \$1,000

Increase Revenue – Gifts (A0103.2705) by \$1,000

### **Award of Bid**

#### **Trailer Mounted Sewer Cleaner**

Trustee Sullivan requested future memorandums state the lowest responsible bidder.

Upon motion by Trustee Murray, seconded by Trustee Sullivan, the Board voted unanimously to approve the following resolution:

WHEREAS the Village received 1 bid for a Trailer Mounted Sewer Cleaner; and

BE IT RESOLVED that the bid for a Trailer Mounted Sewer Cleaner (VM-1112-10) is hereby awarded to Bahr Sales Inc. of Wallingford, CT as per their bid of \$51,000.

BE IT FURTHER RESOLVED that the Village Manager is hereby authorized and directed to execute a contract with Bahr Sales Inc. for said equipment.

#### **Heavy Duty Full Size Garbage Truck**

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

WHEREAS the Village received 2 bids for a Heavy Duty Full Size Garbage Truck; and

BE IT RESOLVED that the bid for a Heavy Duty Full Size Garbage Truck (VM-1112-9) is hereby awarded to Sanitation Equipment Corp. of Paramus, NJ as per their bid of \$152,726.

BE IT FURTHER RESOLVED that the Village Manager is hereby authorized and directed to execute a contract with Sanitation Equipment Corp. for said equipment.

**Budget Amendment – Trust and Agency Accounts – Planning Board and Guarantee and Bid Deposits**

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

BE IT RESOLVED that the Board of Trustees does hereby authorize the following appropriations for fiscal year 2011-2012:

From: A0909	General Fund Fund Balance	\$551.48
To: TA 0916	Manor Holding Site Plan	\$551.48

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From: A0909	General Fund Fund Balance	\$1,329.68
To: TA 0897	Matra	\$1,329.68

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From: TA 30	Trust & Agency	\$1,000
To: A0107.2012	Concession Revenue	\$1,000

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**Tax Certiorari**

**Wyndcrest Condominium**

Upon motion by Trustee Pohar, seconded by Trustee Murray, the Board voted unanimously to approve the following resolution:

WHEREAS, Wyndcrest Condominiums instituted tax certiorari proceedings pursuant to Article 7 of the Real Property Tax Law of the State of New York;

WHEREAS, the tax certiorari filings were for Town of Ossining assessment years 2010 and 2011; and

WHEREAS, the tax certiorari filings relate to Village of Briarcliff Manor Fiscal Year 2011-2012; and

WHEREAS, an Order and Judgment of the Supreme Court of the State of New York, County of Westchester, was entered on March 19, 2012;

WHEREAS, the Consent Judgment was received after the finalization of the approval of the Village budget for Fiscal Year 2011-2012;

WHEREAS, the Village received payments totaling of \$165,962.98 for the total 2011-2012 Village taxes due on the properties based on the assessed value prior to any adjustment under the Consent Judgment;

NOW THEREFORE, BE IT RESOLVED, that the Board of Trustees does hereby authorize the payment of tax refunds totaling \$53,592.35 for Fiscal Year 2011-2012 in the amounts set forth below based upon assessment values reduced in accordance with the Consent Judgment;

NOW THEREFORE, BE IT FURTHER RESOLVED that the assessment for the Fiscal Year 2012-2013 shall be adjusted in accordance with the Order and Judgment.

Reduce Tax Revenue Account A0102.1001 and Tax Receivable Account A0250.

Year	Reference	Original Assessed		Exemptions	New Assessed		Assessment		Original Tax		Reduced Tax	
		Value	Value		Value	Reduction	Amount	Amount	Amount	Refund		
2011	2 DEERTREE LN	\$ 26,300.00	\$ -	-	\$ 17,884.00	\$ 8,416.00	\$ 2,340.70	\$ 1,591.68	\$ 749.02			
2011	4 DEERTREE LN	\$ 18,900.00	\$ -	-	\$ 12,852.00	\$ 6,048.00	\$ 1,682.10	\$ 1,143.83	\$ 538.27			
2011	6 DEERTREE LN	\$ 12,483.00	\$ 4,517.00	-	\$ 11,560.00	\$ 5,440.00	\$ 1,110.98	\$ 626.83	\$ 485.16			
2011	8 DEERTREE LN	\$ 14,900.00	\$ -	-	\$ 10,132.00	\$ 4,768.00	\$ 1,326.10	\$ 901.75	\$ 424.35			
2011	10 DEERTREE LN	\$ 18,900.00	\$ -	-	\$ 12,852.00	\$ 6,048.00	\$ 1,682.10	\$ 1,143.83	\$ 538.27			
2011	12 DEERTREE LN	\$ 27,160.00	\$ -	-	\$ 18,469.00	\$ 8,691.00	\$ 2,417.24	\$ 1,643.74	\$ 773.50			
2011	1 DEERTREE LN	\$ 22,900.00	\$ -	-	\$ 15,572.00	\$ 7,328.00	\$ 2,038.10	\$ 1,385.91	\$ 652.19			
2011	3 DEERTREE LN	\$ 22,900.00	\$ -	-	\$ 15,572.00	\$ 7,328.00	\$ 2,038.10	\$ 1,385.91	\$ 652.19			
2011	5 DEERTREE LN	\$ 22,700.00	\$ -	-	\$ 15,436.00	\$ 7,264.00	\$ 2,020.30	\$ 1,373.80	\$ 646.50			
2011	7 DEERTREE LN	\$ 27,000.00	\$ -	-	\$ 18,360.00	\$ 8,640.00	\$ 2,403.00	\$ 1,634.04	\$ 768.96			
2011	14 DEERTREE LN	\$ 25,300.00	\$ -	-	\$ 17,204.00	\$ 8,096.00	\$ 2,251.70	\$ 1,531.16	\$ 720.54			
2011	16 DEERTREE LN	\$ 19,000.00	\$ -	-	\$ 12,920.00	\$ 6,080.00	\$ 1,691.00	\$ 1,149.88	\$ 541.12			
2011	18 DEERTREE LN	\$ 16,090.00	\$ -	-	\$ 10,941.00	\$ 5,149.00	\$ 1,432.01	\$ 973.75	\$ 458.26			
2011	20 DEERTREE LN	\$ 14,735.00	\$ -	-	\$ 10,020.00	\$ 4,715.00	\$ 1,311.41	\$ 891.78	\$ 419.64			
2011	22 DEERTREE LN	\$ 19,065.00	\$ -	-	\$ 12,964.00	\$ 6,101.00	\$ 1,696.78	\$ 1,153.80	\$ 542.99			
2011	24 DEERTREE LN	\$ 25,520.00	\$ -	-	\$ 17,354.00	\$ 8,166.00	\$ 2,271.28	\$ 1,544.51	\$ 726.77			
2011	9 DEERTREE LN	\$ 28,190.00	\$ -	-	\$ 19,169.00	\$ 9,021.00	\$ 2,508.91	\$ 1,706.04	\$ 802.87			
2011	11 DEERTREE LN	\$ 22,400.00	\$ -	-	\$ 15,232.00	\$ 7,168.00	\$ 1,993.60	\$ 1,355.65	\$ 637.95			
2011	13 DEERTREE LN	\$ 20,100.00	\$ -	-	\$ 13,668.00	\$ 6,432.00	\$ 1,788.90	\$ 1,216.45	\$ 572.45			
2011	15 DEERTREE LN	\$ 27,500.00	\$ -	-	\$ 18,700.00	\$ 8,800.00	\$ 2,447.50	\$ 1,664.30	\$ 783.20			
2011	26 DEERTREE LN	\$ 26,300.00	\$ -	-	\$ 17,884.00	\$ 8,416.00	\$ 2,340.70	\$ 1,591.68	\$ 749.02			
2011	28 DEERTREE LN	\$ 19,035.00	\$ -	-	\$ 12,944.00	\$ 6,091.00	\$ 1,694.11	\$ 1,152.02	\$ 542.10			
2011	30 DEERTREE LN	\$ 14,900.00	\$ -	-	\$ 10,132.00	\$ 4,768.00	\$ 1,326.10	\$ 901.75	\$ 424.35			
2011	32 DEERTREE LN	\$ 14,000.00	\$ -	-	\$ 9,520.00	\$ 4,480.00	\$ 1,246.00	\$ 847.28	\$ 398.72			
2011	34 DEERTREE LN	\$ 18,530.00	\$ -	-	\$ 12,600.00	\$ 5,930.00	\$ 1,649.17	\$ 1,121.40	\$ 527.77			
2011	36 DEERTREE LN	\$ 28,100.00	\$ -	-	\$ 19,108.00	\$ 8,992.00	\$ 2,500.90	\$ 1,700.61	\$ 800.29			
2011	17 DEERTREE LN	\$ 26,700.00	\$ -	-	\$ 18,156.00	\$ 8,544.00	\$ 2,376.30	\$ 1,615.88	\$ 760.42			
2011	19 DEERTREE LN	\$ 26,500.00	\$ -	-	\$ 18,020.00	\$ 8,480.00	\$ 2,358.50	\$ 1,603.78	\$ 754.72			
2011	21 DEERTREE LN	\$ 25,900.00	\$ -	-	\$ 17,612.00	\$ 8,288.00	\$ 2,305.10	\$ 1,567.47	\$ 737.63			
2011	23 DEERTREE LN	\$ 26,500.00	\$ -	-	\$ 18,020.00	\$ 8,480.00	\$ 2,358.50	\$ 1,603.78	\$ 754.72			
2011	38 DEERTREE LN	\$ 27,600.00	\$ -	-	\$ 18,768.00	\$ 8,832.00	\$ 2,456.40	\$ 1,670.35	\$ 786.05			
2011	40 DEERTREE LN	\$ 18,400.00	\$ -	-	\$ 12,512.00	\$ 5,888.00	\$ 1,637.60	\$ 1,113.57	\$ 524.03			
2011	42 DEERTREE LN	\$ 14,700.00	\$ -	-	\$ 9,996.00	\$ 4,704.00	\$ 1,308.30	\$ 889.64	\$ 418.66			
2011	44 DEERTREE LN	\$ 18,400.00	\$ -	-	\$ 12,512.00	\$ 5,888.00	\$ 1,637.60	\$ 1,113.57	\$ 524.03			

2011	46 DEERTREE LN	\$	14,700.00	\$	-	\$	9,996.00	\$	4,704.00	\$	1,308.30	\$	889.64	\$	418.66
2011	48 DEERTREE LN	\$	27,900.00	\$	-	\$	18,972.00	\$	8,928.00	\$	2,483.10	\$	1,688.51	\$	794.59
2011	25 DEERTREE LN	\$	27,900.00	\$	-	\$	18,972.00	\$	8,928.00	\$	2,483.10	\$	1,688.51	\$	794.59
2011	27 DEERTREE LN	\$	22,100.00	\$	-	\$	15,028.00	\$	7,072.00	\$	1,966.90	\$	1,337.49	\$	629.41
2011	29 DEERTREE LN	\$	20,900.00	\$	-	\$	14,212.00	\$	6,688.00	\$	1,860.10	\$	1,264.87	\$	595.23
2011	31 DEERTREE LN	\$	27,400.00	\$	-	\$	18,632.00	\$	8,768.00	\$	2,438.60	\$	1,658.25	\$	780.35
2011	50 DEERTREE LN	\$	27,800.00	\$	-	\$	18,904.00	\$	8,896.00	\$	2,474.20	\$	1,682.46	\$	791.74
2011	52 DEERTREE LN	\$	19,900.00	\$	-	\$	13,532.00	\$	6,368.00	\$	1,771.10	\$	1,204.35	\$	566.75
2011	54 DEERTREE LN	\$	14,300.00	\$	-	\$	9,724.00	\$	4,576.00	\$	1,272.70	\$	865.44	\$	407.26
2011	56 DEERTREE LN	\$	18,400.00	\$	-	\$	12,512.00	\$	5,888.00	\$	1,637.60	\$	1,113.57	\$	524.03
2011	58 DEERTREE LN	\$	14,900.00	\$	-	\$	10,132.00	\$	4,768.00	\$	1,326.10	\$	901.75	\$	424.35
2011	60 DEERTREE LN	\$	21,500.00	\$	-	\$	14,620.00	\$	6,880.00	\$	1,913.50	\$	1,301.18	\$	612.32
2011	33 DEERTREE LN	\$	29,500.00	\$	-	\$	20,060.00	\$	9,440.00	\$	2,625.50	\$	1,785.34	\$	840.16
2011	35 DEERTREE LN	\$	21,700.00	\$	-	\$	14,756.00	\$	6,944.00	\$	1,931.30	\$	1,313.28	\$	618.02
2011	37 DEERTREE LN	\$	22,200.00	\$	-	\$	15,096.00	\$	7,104.00	\$	1,975.80	\$	1,343.54	\$	632.26
2011	39 DEERTREE LN	\$	27,500.00	\$	-	\$	18,700.00	\$	8,800.00	\$	2,447.50	\$	1,664.30	\$	783.20
2011	41 DEERTREE LN	\$	28,500.00	\$	-	\$	19,380.00	\$	9,120.00	\$	2,536.50	\$	1,724.82	\$	811.68
2011	43 DEERTREE LN	\$	26,500.00	\$	-	\$	18,020.00	\$	8,480.00	\$	2,358.50	\$	1,603.78	\$	754.72
2011	1 WINTERBERRY LN	\$	27,500.00	\$	-	\$	18,700.00	\$	8,800.00	\$	2,447.50	\$	1,664.30	\$	783.20
2011	3 WINTERBERRY LN	\$	17,100.00	\$	-	\$	11,628.00	\$	5,472.00	\$	1,521.90	\$	1,034.89	\$	487.01
2011	5 WINTERBERRY LN	\$	17,015.00	\$	-	\$	11,570.00	\$	5,445.00	\$	1,514.33	\$	1,029.73	\$	484.61
2011	7 WINTERBERRY LN	\$	26,500.00	\$	-	\$	18,020.00	\$	8,480.00	\$	2,358.50	\$	1,603.78	\$	754.72
2011	2 WINTERBERRY LN	\$	15,900.00	\$	-	\$	10,812.00	\$	5,088.00	\$	1,415.10	\$	962.27	\$	452.83
2011	4 WINTERBERRY LN	\$	11,625.00	\$	-	\$	7,905.00	\$	3,720.00	\$	1,034.62	\$	703.55	\$	331.08
2011	6 WINTERBERRY LN	\$	23,100.00	\$	-	\$	15,708.00	\$	7,392.00	\$	2,055.90	\$	1,398.01	\$	657.89
2011	8 WINTERBERRY LN	\$	28,200.00	\$	-	\$	19,176.00	\$	9,024.00	\$	2,509.80	\$	1,706.66	\$	803.14
2011	9 WINTERBERRY LN	\$	28,070.00	\$	-	\$	19,088.00	\$	8,982.00	\$	2,498.23	\$	1,698.83	\$	799.40
2011	11 WINTERBERRY LN	\$	25,900.00	\$	-	\$	17,612.00	\$	8,288.00	\$	2,305.10	\$	1,567.47	\$	737.63
2011	13 WINTERBERRY LN	\$	28,620.00	\$	-	\$	19,462.00	\$	9,158.00	\$	2,547.18	\$	1,732.12	\$	815.06
2011	15 WINTERBERRY LN	\$	27,965.00	\$	-	\$	19,016.00	\$	8,949.00	\$	2,488.88	\$	1,692.42	\$	796.46
2011	10 WINTERBERRY LN	\$	30,700.00	\$	-	\$	20,876.00	\$	9,824.00	\$	2,732.30	\$	1,857.96	\$	874.34
2011	12 WINTERBERRY LN	\$	27,200.00	\$	-	\$	18,496.00	\$	8,704.00	\$	2,420.80	\$	1,646.14	\$	774.66
2011	14 WINTERBERRY LN	\$	22,400.00	\$	-	\$	15,232.00	\$	7,168.00	\$	1,993.60	\$	1,355.65	\$	637.95
2011	16 WINTERBERRY LN	\$	21,500.00	\$	-	\$	14,620.00	\$	6,880.00	\$	1,913.50	\$	1,301.18	\$	612.32
2011	18 WINTERBERRY LN	\$	25,400.00	\$	-	\$	17,272.00	\$	8,128.00	\$	2,260.60	\$	1,537.21	\$	723.39
2011	20 WINTERBERRY LN	\$	24,900.00	\$	-	\$	16,932.00	\$	7,968.00	\$	2,216.10	\$	1,506.95	\$	709.15

2011	17 WINTERBERRY LN	\$	28,500.00	\$	19,380.00	\$	9,120.00	\$	2,536.50	\$	1,724.82	\$	811.68
2011	19 WINTERBERRY LN	\$	26,500.00	\$	18,020.00	\$	8,480.00	\$	2,358.50	\$	1,603.78	\$	754.72
2011	21 WINTERBERRY LN	\$	26,500.00	\$	18,020.00	\$	8,480.00	\$	2,358.50	\$	1,603.78	\$	754.72
2011	23 WINTERBERRY LN	\$	26,500.00	\$	18,020.00	\$	8,480.00	\$	2,358.50	\$	1,603.78	\$	754.72
2011	22 WINTERBERRY LN	\$	25,100.00	\$	17,068.00	\$	8,032.00	\$	2,233.90	\$	1,519.05	\$	714.85
2011	24 WINTERBERRY LN	\$	13,800.00	\$	9,384.00	\$	4,416.00	\$	1,228.20	\$	835.18	\$	393.02
2011	26 WINTERBERRY LN	\$	14,900.00	\$	7,450.00	\$	4,768.00	\$	663.05	\$	238.70	\$	424.35
2011	28 WINTERBERRY LN	\$	25,600.00	\$	17,408.00	\$	8,192.00	\$	2,278.40	\$	1,549.31	\$	729.09
2011	25 WINTERBERRY LN	\$	22,500.00	\$	13,700.00	\$	8,800.00	\$	2,002.50	\$	1,219.30	\$	783.20
2011	27 WINTERBERRY LN	\$	26,500.00	\$	18,020.00	\$	8,480.00	\$	2,358.50	\$	1,603.78	\$	754.72
2011	29 WINTERBERRY LN	\$	26,500.00	\$	18,020.00	\$	8,480.00	\$	2,358.50	\$	1,603.78	\$	754.72
2011	31 WINTERBERRY LN	\$	28,500.00	\$	19,380.00	\$	9,120.00	\$	2,536.50	\$	1,724.82	\$	811.68

**Total Assessed**

<b>Value Reduction</b>	<b>\$ 602,150.00</b>	<b>Total Refund</b>	<b>\$ 53,592.35</b>
<b>Total Exemptions</b>	<b>\$ 16,967.00</b>		
<b>Court Order</b>	<b>\$ 602,150.00</b>		

## **Tudor III Realty, LLC**

Upon motion by Trustee Murray, seconded by Trustee Sullivan, the Board voted unanimously to approve the following resolution:

WHEREAS, Tudor III Realty, LLC instituted tax certiorari proceedings for 81-109 North State Road pursuant to Article 7 of the Real Property Tax Law of the State of New York;

WHEREAS, the tax certiorari filings were for Town of Ossining assessment years 2006 through 2011; and

WHEREAS, the tax certiorari filings relate to Village of Briarcliff Manor Fiscal Years 2007-2008, 2008-2009, 2009-2010, 2010-2011 and 2011-2012; and

WHEREAS, an Order and Judgment of the Supreme Court of the State of New York, County of Westchester, was entered on March 27, 2012;

WHEREAS, the Consent Judgment was received after the finalization of the approval of the Village budget for Fiscal Years 2007-2008, 2008-2009, 2009-2010, 2010-2011 and 2011-2012;

WHEREAS, the Village received payments totaling of \$159,653.01 for the total 2007-2008, 2008-2009, 2009-2010, 2010-2011 and 2011-2012 Village taxes due on the properties based on the assessed value prior to any adjustment under the Consent Judgment;

NOW THEREFORE, BE IT RESOLVED, that the Board of Trustees does hereby authorize the payment of tax refunds totaling \$22,144.49 for Fiscal Years 2007-2008, 2008-2009, 2009-2010, 2010-2011 and 2011-2012 in the amounts set forth below based upon assessment values reduced in accordance with the Consent Judgment;

NOW THEREFORE, BE IT FURTHER RESOLVED that the assessment for the Fiscal Year 2012-2013 shall be adjusted in accordance with the Order and Judgment.

Reduce Tax Revenue Account A0102.1001 by \$6,434.70 and Reduce Refund of Property Tax Account A1964.423 by \$15,709.79 totaling \$22,144.49.

TUDOR III REALTY, LLC

Assessment Year	Address/Parcel ID	Original Assessed Value	New Assessed Value	Assessment Reduction	Original Tax Amount	Reduced Tax Amount	Total Refund
2006	81-109 North State Road (98.10-2-34)	\$372,300.00	\$372,300.00	\$0.00	\$30,173.27	\$0.00	\$0.00
2007	81-109 North State Road (98.10-2-34)	\$372,300.00	\$320,000.00	\$52,300.00	\$31,606.14	\$27,166.08	\$4,439.96
2008	81-109 North State Road (98.10-2-34)	\$372,300.00	\$310,000.00	\$62,300.00	\$32,233.80	\$26,839.80	\$5,393.93
2009	81-109 North State Road (98.10-2-34)	\$372,300.00	\$305,000.00	\$67,300.00	\$32,505.10	\$26,629.25	\$5,875.90
2010	81-109 North State Road (98.10-2-34)	\$372,300.00	\$300,000.00	\$72,300.00	\$33,134.70	\$26,700.00	\$6,434.70
<b>TOTAL</b>				<b>\$254,200.00</b>	<b>\$159,653.01</b>	<b>\$107,335.13</b>	<b>\$22,144.49</b>

## **Briarcliff Station**

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

WHEREAS, Briarcliff Station instituted tax certiorari proceedings for 75 North State Road pursuant to Article 7 of the Real Property Tax Law of the State of New York;

WHEREAS, the tax certiorari filings were for Town of Ossining assessment years 2006 through 2011; and

WHEREAS, the tax certiorari filings relate to Village of Briarcliff Manor Fiscal Years 2007-2008, 2008-2009, 2009-2010, 2010-2011 and 2011-2012; and

WHEREAS, an Order and Judgment of the Supreme Court of the State of New York, County of Westchester, was entered on March 27, 2012;

WHEREAS, the Consent Judgment was received after the finalization of the approval of the Village budget for Fiscal Years 2007-2008, 2008-2009, 2009-2010, 2010-2011 and 2011-2012;

WHEREAS, the Village received payments totaling of \$18,829.89 for the total 2007-2008, 2008-2009, 2009-2010, 2010-2011 and 2011-2012 Village taxes due on the property based on the assessed value prior to any adjustment under the Consent Judgment;

NOW THEREFORE, BE IT RESOLVED, that the Board of Trustees does hereby authorize the payment of tax refunds totaling \$2,713.24 for Fiscal Years 2007-2008, 2008-2009, 2009-2010, 2010-2011 and 2011-2012 in the amounts set forth below based upon assessment values reduced in accordance with the Consent Judgment;

NOW THEREFORE, BE IT FURTHER RESOLVED that the assessment for the Fiscal Year 2012-2013 shall be adjusted in accordance with the Order and Judgment.

Reduce Tax Revenue Account A0102.1001 by \$744.30 and Reduce Refund of Property Tax Account A1964.423 by \$1,938.94 totaling \$2,713.24.

BRIARCLIFF STATION

Assessment Year	Address/Parcel ID	Original Assessed Value	New Assessed Value	Assessment Reduction	Original Tax Amount	Reduced Tax Amount	Total Refund
2006	75 North State Road (98.10-2-32)	\$35,800.00	\$35,800.00	\$0.00	\$2,901.43	\$0.00	\$0.00
2007	75 North State Road (98.10-2-32)	\$45,800.00	\$39,400.00	\$6,400.00	\$3,888.15	\$3,344.82	\$543.32
2008	75 North State Road (98.10-2-32)	\$45,800.00	\$38,000.00	\$7,800.00	\$3,965.37	\$3,290.04	\$675.32
2009	75 North State Road (98.10-2-32)	\$45,800.00	\$37,550.00	\$8,250.00	\$3,998.74	\$3,278.45	\$720.30
2010	75 North State Road (98.10-2-32)	\$45,800.00	\$37,100.00	\$8,700.00	\$4,076.20	\$3,301.90	\$774.30
2006	0 North State Road (98.10-2-33)	\$4,400.00	\$4,400.00	\$0.00	\$0.00	\$0.00	\$0.00
2007	0 North State Road (98.10-2-33)	\$10,400.00	\$10,400.00	\$0.00	\$0.00	\$0.00	\$0.00
2008	0 North State Road (98.10-2-33)	\$10,400.00	\$10,400.00	\$0.00	\$0.00	\$0.00	\$0.00
2009	0 North State Road (98.10-2-33)	\$10,400.00	\$10,400.00	\$0.00	\$0.00	\$0.00	\$0.00
2010	0 North State Road (98.10-2-33)	\$10,400.00	\$10,400.00	\$0.00	\$0.00	\$0.00	\$0.00
<b>TOTAL</b>				<b>\$31,150.00</b>	<b>\$18,829.89</b>	<b>\$13,215.22</b>	<b>\$2,713.24</b>

**Authorize Village Manager to Execute an Agreement with New York City Department of Environmental Protection – Long Hill Road Pump Station**

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

BE IT RESOLVED that the Village Manager is hereby authorized and directed to execute an agreement with the New York City Department of Environmental Protection (“the City”) for Land Use Permit 1834 to use New York City owned New Croton Aqueduct property located off of Long Hill Road to maintain chemical lines to the Long Hill Road Pump Station as required by New York State Department of Health and for continued use of the captioned facility connection presently covered under Permit 8068.

BE IT FURTHER RESOLVED that the Village Manager is authorized and directed to pay the City an annual permit fee for 2012 of \$3,343.04.

**Minutes**

Upon motion by Deputy Mayor Venditti, seconded by Trustee Sullivan, with two abstentions from Trustee’s Murray and Pohar, the Board voted to approve the minutes of March 21, 2012.

Upon motion by Deputy Mayor Venditti, seconded by Trustee Sullivan, with two abstentions from Trustee’s Murray and Pohar, the Board voted to approve the minutes of March 29, 2012.

**Adjournment**

Upon motion by Trustee Sullivan, seconded by Deputy Mayor Venditti, the Board voted unanimously to adjourn the meeting at 9:00pm.

Respectfully Submitted By,

Christine Dennett  
Village Clerk