



AGENDA
SEPTEMBER 30, 2014
BOARD OF TRUSTEES
VILLAGE OF BRIARCLIFF MANOR, NEW YORK
REGULAR MEETING – 7:30 PM

Board of Trustees Announcements

Village Managers Report

Public Comments

1. Adoption of Village Fixed Asset Policy
2. Award of Bid – Annual Street Paving
3. Tax Certiorari – Lawrence Praeger
4. Authorize Village Manager to Execute an Amendment to an Agreement – NYSDOT Snow and Ice
5. Budget Transfer – Police Expenditures
6. Schedule Public Hearing to Amend Chapter 220, Zoning to Add a New Section 220-9.2 for the Regulation of Residential Use of Dwelling Units in Existing Accessory Buildings in the R80A, the R60A, the R40A, and the R40B Single-Family Residence Zoning Districts
7. Minutes
 - September 17, 2014

NEXT REGULAR BOARD OF TRUSTEES MEETING – OCTOBER 15, 2014

VILLAGE OF BRIARCLIFF MANOR
BOARD OF TRUSTEES AGENDA
SEPTEMBER 30, 2014

1. **ADOPTION OF VILLAGE FIXED ASSET POLICY**

BE IT RESOLVED that Board of Trustees does hereby adopt the following policy:

**Village of Briarcliff Manor
Fixed Asset Policy**

Policy Statement:

The purpose of this policy is to provide guidelines for the physical inventory and reporting controls of Village of Briarcliff Manor (VBM) assets. These assets include, but not limited to, accounting of the assets; meeting financial reporting needs; asset management records keeping; and, where appropriate, the disposal of VBM assets to maximize value for aged, obsolete and/or distressed assets no longer necessary for the operational needs of the VBM.

Policy Purpose:

The intent of this policy is to describe and formulate standard policies required for recording new and existing assets; changes in assets; methodology of record keeping; and, the disposal of assets when the VBM so determines. In addition, this policy is intended to provide a sequence of events for VBM personnel in the safeguarding, accounting for and disposing of VBM assets. New York State Law and VBM accounting standards require that the VBM accurately record and account for capital assets on a routine basis. Because each VBM Department holds and/or is responsible for the use of capital equipment or other such VBM-owned property, this policy outlines the roles and responsibilities in regards to VBM's overall capital assets.

Physical Inventory of Equipment:

As provided for by a New York State fixed asset control reporting, department heads are to provide a listing of all reportable property by department responsibility and/or area purchased each fiscal year. The payment should be named a Fixed Asset (FA) when entered into financial software. The department head is to provide the information to the VBM Treasurer who will coordinate the reporting and documentation of all physical inventories. Effective December 1, 2014, a review of all physical inventories shall be made and reported to the VBM Treasurer. A physical inventory shall be conducted semi-annually thereafter: that is, on or about June 1 and December 1 of each year. All new purchases shall be recorded at the time of acquisition to ensure that all assets are verified and recorded on the VBM's physical inventories listing. The purpose of this physical inventory is to verify the existence

and condition of the equipment as well as to ensure the accuracy of VBM records. Lost, stolen equipment and/or the destruction of VBM equipment by accident or otherwise shall be reported as soon as the loss is known and assessed. Unreported discrepancies are to be noted and the Village Manager is to coordinate with all departments to verify the nature of the loss.

Physical Asset Reporting Threshold:

For purposes of this policy, the Asset Reporting Threshold shall be set as the gross cost at the time of acquisition: now established as \$5,000.00. Notwithstanding common rates of depreciation, "wear and tear" and/or useful life or obsolescence, purchase price (including consolidation of parts or equipment enhancements) shall prevail. However, such items as bulk "fire hose" and firefighter clothing are to be reported as a lump sum fiscal year expense.

Disposal of Assets:

Upon review of the December semi-annual inventory, each department head shall determine and recommend to the Village Manager what specific assets are no longer of use for VBM operations. Those assets shall be identified and described as to its original purchase price, current condition, and determination as to its non-operational need for each department. There may come a time or purpose that an asset has no value or redeemable use. An estimated sale value shall be provided as an indicator of revenue recovery. The VBM Treasurer and the VBM Clerk shall coordinate all documentation and provide a listing of all defined disposable assets to the Village Manager as soon as practicable, thereafter. The Village Manager, in keeping with New York State asset control reporting and sound accounting practices, shall provide a list to the Mayor and Board of Trustees (M/BOT) for their determination as to the need and their approval to dispose of such assets. The M/BOT, by formal resolution, shall determine that such an asset listing should be disposed of. Unless otherwise provided, the M/BOT resolution shall direct the Village Manager to provide for public notice as to the sale of all identified assets. Unless otherwise determined, all assets are to be sold by sealed bid on an "as is, where is" basis. Where appropriate, minimum base prices will be established and a 10% down payment included in the bid. Public notice and the procedures for sealed bids shall be determined according to standard New York State and municipal accounting standards. The disposal of such assets as determined by the respective department head and the Village Manager are not to be disposed of, gifted, or otherwise abandoned without a resolution by the M/BOT. All bids are to be reviewed by the Village Manager and any/all assets may be withdrawn from the scheduled sale even after publicly noticed for sale.

Disposition and Removal of Equipment:

Upon award of bids, the VBM Clerk shall notify the highest bidder and that the equipment is to be paid for in cash or like money instrument within 3 business days.

The equipment is to be removed within 5 business days after full payment is verified. If the winning bidder fails to pay in full, the VBM shall be entitled to seize the 10% down payment. The Village Manager shall determine if the next highest bidder meets the requirements of the bid process for the asset to be disposed or not. Upon payment for the bid item, the Village Clerk and Village Treasurer shall update the VBM's inventory records.

Conclusion:

The VBM shall ensure that this policy's effectiveness be monitored and executed as defined. Variances and/or amendments are to be reported to the M/BOT for their resolution and confirmation. This policy shall be renewed at the M/BOT's annual Re-organizational Meeting as proscribed by New York State Village Law and amended as necessary or appropriate.

VILLAGE OF BRIARCLIFF MANOR
BOARD OF TRUSTEES AGENDA
SEPTEMBER 30, 2014

2. AWARD OF BID – ANNUAL STREET PAVING

WHEREAS the Village received 5 bids for the Annual Street Paving Project (VM-1415-5); and

NOW, THEREFORE, BE IT RESOLVED that the bid for the Annual Street Paving Project (VM-1415-5) is hereby awarded to Clove Excavators with their bid proposal of \$265,000 of which \$212,000 will be charged to budget code A0105.3501 and \$53,000 will be charged to H.5110.201.14490.

BE IT FURTHER RESOLVED that the Village Manager is hereby authorized and directed to execute a contract with Clove Excavators for said project.



MEMORANDUM

September 18, 2014

To: Philip E. Zegarelli – Village Manager
From: David J. Turiano, P.E. DJT
Re: **VM-1415-5 – Annual Street Paving**

Bids were opened on September 18, 2014 at 11:00 a.m. for the above referenced project. Present at the bid opening was David J. Turiano, Village Engineer, and Gerald Quartuccio, Assistant Building Inspector. Five (5) bids were received (see the bid tabulation below and spreadsheet attached).

The scope of work includes the surface preparation via cold asphalt milling, install and raise existing manholes and other surface preparation followed by the furnishing and installation of asphalt wearing course on various Village of Briarcliff Manor (VBM) roads as shown in the bid documents.

In the past, the Village “piggybacked” its *laid in place* asphalt bid with the Town of Mount Pleasant (TMP). The Village chose to bid its road resurfacing project on its own this year for the following reasons:

- In a past audit, the Village was cited for not going through the proper channels for bidding the work cooperatively with the TMP. i.e., there was no IMA in place. Presently, despite several efforts, the VBM was not able to secure an IMA mostly due to non-responsiveness from TMP.
- The VBM chose to pursue cold milling longitudinally along the curb lines to preserve the curb heights and road profiles that presently exist.

The low bidder for this work is Clove Excavators.

Bidder	Bid Amount
Clove Excavators	\$ 265,000.00
Core Construction	\$ 286,000.00
Bilotta Construction	\$ 294,925.00
ELQ Industries, Inc.	\$ 301,875.00
Morano Brothers	\$ 346,650.00

The bids were reviewed by the Village Engineer and reference calls were made to several agencies that contracted Clove to perform similar work. These agencies included the Dutchess Community College, Town of Beekman, Village of Nelsonville, and the Town of Kent. In all instances, the reference checks were favorable, each having nothing but good things to say about the contractor.

Funds are available under Consolidated Highway Aid-CHIPS A0105.3501 in the amount of \$212,000.00 and under H5110.201.14490 in the amount of \$53,000.00.

Based on the above, it is my recommendation that the Village award the contract to Clove Excavators of Poughkeepsie, New York in the amount of \$265,000.00.

Please feel free to contact me if you have any questions with the above.

Attachment

**ANNUAL STREET PAVING VM 1415-5
BIDS - SEPTEMBER 18, 2014**

Contractor	Furnishing & Placing Asphalt ±2,000 Tons	Cold Milling & Removing of Roadways 11,500 sq.yd.	Supply and Install Adjustment Rings for Manholes 20 each	Maintenance and Protection of Traffic 10 days	Total Bid
Clove Excavators	\$ 98.00 \$ 196,000.00	\$ 4.00 \$ 46,000.00	\$ 400.00 \$ 8,000.00	\$ 1,500.00 \$ 15,000.00	\$ 265,000.00
Core Construction	\$ 110.00 \$ 220,000.00	\$ 4.00 \$ 46,000.00	\$ 250.00 \$ 5,000.00	\$ 1,500.00 \$ 15,000.00	\$ 286,000.00
Bilotta Construction	\$ 105.50 \$ 211,000.00	\$ 4.95 \$ 56,925.00	\$ 250.00 \$ 5,000.00	\$ 2,200.00 \$ 22,000.00	\$ 294,925.00
ELQ Industries, Inc.	\$ 116.00 \$ 232,000.00	\$ 4.25 \$ 48,875.00	\$ 450.00 \$ 9,000.00	\$ 1,200.00 \$ 12,000.00	\$ 301,875.00
Morano Brothers	\$ 130.00 \$ 260,000.00	\$ 5.50 \$ 63,250.00	\$ 270.00 \$ 5,400.00	\$ 1,800.00 \$ 18,000.00	\$ 346,650.00

VILLAGE OF BRIARCLIFF MANOR
 BOARD OF TRUSTEES AGENDA
 AUGUST 6, 2014

3. TAX CERTIORARI – LAWRENCE PRAEGER

WHEREAS, Lawrence Praeger (57 Becker Lane) instituted tax certiorari proceedings pursuant to Article 7 of the Real Property Tax Law of the State of New York; and

WHEREAS, the tax certiorari filings were for Town of Ossining assessment year 2013; and

WHEREAS, the tax certiorari filings relate to Village of Briarcliff Manor fiscal year 2014-2015; and

WHEREAS, a Consent Order of the Supreme Court of the State of New York, County of Westchester, was entered on August 25, 2014;

WHEREAS, the Consent Order was received after the finalization of the approval of the Village budget for Fiscal Year 2014-2015;

WHEREAS, the Consent Order reduced the tax assessment for the subject property for the Fiscal Year 2014-2015 assessment roll; and

NOW THEREFORE, BE IT RESOLVED that the Board of Trustees does hereby authorize the refund of the tax bill for Fiscal Year first half of 2014-2015 in the amount of \$984.15 and the abatement of the second half tax bill in the amount of \$926.48 based upon the reduced assessment values in the Consent Order.

Fiscal Year	57 Becker Lane	Assessed Value	Current Tax Bill	New Assessed Value	Change	New Tax Amount	Paid to date with penalties and fees	
2014	97.20-1-30	-	\$ -	62,700	62,700	\$ 6,092.31	\$ 3,230.84	partial refund
2014	97.20-1-30.1	37,740	\$ 3,667.04	0	(37,740)	\$ (3,667.04)	\$ 1,945.53	refund
2014	97.20-1-30.2	44,030	\$ 4,278.22	0	(44,030)	\$ (4,278.22)	\$ 2,269.46	refund
					(19,070)	\$ (1,852.96)	\$ (984.15)	Net Refund
		Refund 1st Installment Abatement 2nd Installment	A0102.1001	\$ (984.15)				
				\$ (926.48)				

GRIFFIN, COOGAN, SULZER & HORGAN, P.C.

ATTORNEYS AND COUNSELORS AT LAW

51 PONDFIELD ROAD

BRONXVILLE, NEW YORK 10708

TELEPHONE (914) 961-1300

FAX (914) 771-7298

WWW.GCSHLAW.COM

JAMES M. COOGAN

WILLIAM E. SULZER (ALSO NJ)

MICHAEL F. HORGAN, JR. (ALSO CT)

KEVIN M. BRADY, JR.

KATHLEEN M. MERRIGAN

WILLIAM E. GRIFFIN

1932-2012

August 25, 2014

Treasurer/ Tax Receiver
Village of Briarcliff Manor
1111 Pleasantville Road
Briarcliff Manor, New York 10510

**Re: Lawrence Praeger v. Town of Ossining
Assessment Year(s): 2013**

Dear Sir/Madam:

Enclosed please find as service upon you a copy of a Consent Judgment together with Notice of Entry and Application for Refund.

As set forth in the Judgment, all refunds are to be made payable to this law firm as the attorneys for the Petitioners. This is in accordance with §475 of the Judiciary Law.

Please acknowledge receipt by signing the enclosed copy of this letter and returning it to me in the self-addressed, stamped envelope also enclosed.

Thank you for your attention to this matter.

Very truly yours,

Bill Sulzer kmb

William E. Sulzer

WES:kmb

Enclosure

6090/6396

**RECEIPT ACKNOWLEDGED:
VILLAGE OF BRIARCLIFF MANOR**

By: CD

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER**

-----X
In the Matter of the Application of

LAWRENCE PRAEGER,

Petitioner,

- against -

**THE ASSESSOR OF THE TOWN OF OSSINING,
BOARD OF ASSESSMENT REVIEW OF THE
TOWN OF OSSINING AND THE TOWN OF
OSSINING,**

Respondents,

**For a Review of Tax Assessments under
Article 7 of the Real Property Tax Law.**

**NOTICE OF ENTRY
APPLICATION FOR
REFUND**

**Section 97.20
Block 1
Lot 30.1 & 30.2**

Becker Lane

-----X
SIRS:

PLEASE TAKE NOTICE that the within is a true copy of Judgment in the above-entitled matter dated August 13, 2014, and filed in the Office of the County Clerk of Westchester County on August 25, 2014,

PLEASE TAKE FURTHER NOTICE that the undersigned hereby demands that the refunds directed to be audited, allowed and paid to the petitioner in the above-entitled proceeding be allowed and paid according to the terms of said Order, and

PLEASE TAKE FURTHER NOTICE that this demand is made pursuant to §726 of the Real Property Tax Law of the State of New York.

Dated: Bronxville, New York
August 25, 2014

GRIFFIN, COOGAN, SULZER & HORGAN, P.C.
Attorneys for Petitioner
51 Pondfield Road
Bronxville, New York 10708
(914) 961-1300

**TO: TOWN OF OSSINING
VILLAGE OF BRIARCLIFF MANOR
BRIARCLIFF MANOR UNION FREE SCHOOL DISTRICT**

At an IAS Term of the Supreme Court of the State of New York held in and for the County of Westchester, at the Courthouse located in White Plains, New York.

TOWN OF OSSINING

PRESENT:

JUN 18 2014

HON. BRUCE E. TOLBERT,

ASSESSORS OFFICE

Justice.

-----X
In the Matter of the Application of

**CONSENT
JUDGMENT**

LAWRENCE PRAEGER,

Petitioner,

Index Nos.

-against-

67319/13 ✓

**THE ASSESSOR OF THE TOWN OF OSSINING,
THE BOARD OF REVIEW OF THE TOWN OF
OSSINING and THE TOWN OF OSSINING,**

Respondents,

For Review Under Article 7 of the RPTL.
-----X

The above Petitioner having heretofore served and filed the Petition and Notice to review the tax assessments fixed by the Town of Ossining for the 2013 assessment year upon certain real property located at Becker Lane, Town of Ossining, and designated as Section 97.20, Block 1, Lot 30.1, on the Official Assessment Map of the Town of Ossining, and upon certain real property located at Becker Lane, Town of Ossining, and designated as Section 97.20, Block 1, Lot 30.2, on the Official Assessment Map of the Town of Ossining, and

The issues of these proceedings having duly come on for trial at an IAS Term of this Court, and the petitioner having appeared by **WILLIAM E. SULZER, ESQ.**, of Griffin, Coogan, Sulzer & Horgan, P.C., and the respondents having appeared by **WAYNE SPECTOR, ESQ.**, Town Attorney, and the parties having made their settlement, it is

ORDERED, ADJUDGED AND DECREED, that the Respondent Town shall remove Section 97.20, Block 1, Lot 30.1 and Section 97.20, Block 1, Lot 30.2 from the 2013 assessment roll and create a parcel known as Section 97.20, Block 1, Lot 30 and reduce the assessments from 81,700 to 62,700 as follows:

<u>ASSESSMENT ROLL</u>	<u>FROM PROPERTY</u>			<u>AMOUNT OF ASSESSMENT</u>
	<u>SECTION,</u>	<u>BLOCK</u>	<u>LOT</u>	
2013	97.20,	1,	30.1	37,740
2013	97.20,	1,	30.2	<u>44,030</u>
				81,700

<u>ASSESSMENT ROLL</u>	<u>TO PROPERTY</u>			<u>AMOUNT OF ASSESSMENT</u>
	<u>SECTION,</u>	<u>BLOCK</u>	<u>LOT</u>	
2013	97.20,	1,	30	62,700

, and it is further

ORDERED, ADJUDGED AND DECREED, that the officer or officers having

19000 * 97.166
= 1,846.15

custody of the assessment rolls upon which the above-mentioned assessments and any taxes levied thereon are entered shall correct the said entries in conformity with this Order and shall note upon the margin of said rolls, opposite of said entries, that the same have been corrected by the authority of this order, and it is further

ORDERED, ADJUDGED AND DECREED, that there shall be audited, allowed and paid to the petitioner by the **TOWN OF OSSINING** the amount of all Town, Ambulance, and any other ad valorem taxes, together with the proportionate share of any interest, penalty, or collection fee paid by reason of delinquent payment of any excess taxes, paid by the petitioner as taxes against the said erroneous assessments in excess of what the taxes would have been if the said assessments made in the aforesaid years had been determined by this Order, together with interest thereon from the date of payment thereof as provided by statute, and it is further

ORDERED, ADJUDGED AND DECREED, that there shall be audited, allowed and paid to the petitioner by the **BRIARCLIFF MANOR UNION FREE SCHOOL DISTRICT** the amount of all School and/or library taxes, paid by the petitioner as taxes against the said erroneous assessments in excess of what the taxes would have been if the said assessments made in the aforesaid years had been determined by this Order, together with interest thereon from the date of payment thereof as provided by statute, and it is further

ORDERED, ADJUDGED AND DECREED, that there shall be audited, allowed and paid to the petition by the **VILLAGE OF BRIARCLIFF MANOR** the amount of all Village taxes paid by the petitioner as taxes against the said erroneous assessment in excess of what the taxes would have been if the said assessment made in the aforesaid years had been determined by this Order, together with interest thereon from the date of payment thereof as provided by statute, and it is further

ORDERED, ADJUDGED AND DECREED, that the County Legislators of the **COUNTY OF WESTCHESTER**, State of New York, be and are hereby directed and authorized to audit, allow and pay to the petitioner the amount, if any, of State, County, Judiciary and Sewer District taxes, paid by the petitioner as taxes against the erroneous assessments in excess of what the taxes would have been if the said assessments had been determined by this Order, together with interest thereon from the date of payment thereof as provided by statute, and it is further

ORDERED, ADJUDGED AND DECREED, that the Commissioner of Finance of Westchester County be served with a copy of this judgment, together with proof of payment of State, County, Judiciary, Sewer and any other Westchester County special district taxes, and it is further

ORDERED, ADJUDGED AND DECREED, that all tax refunds are to be paid with interest pursuant to §726 of the Real Property Tax Law of the State of New York; provided, however, interest shall be waived in the event that payment is made within sixty (60) days from the date of service of this Order, time of the essence, with notice of entry upon the respective taxing authorities, and it is further

ORDERED, ADJUDGED AND DECREED, that all tax refunds hereinabove directed to be made by respondent, the **TOWN OF OSSINING** and/or any of the various taxing authorities, be made by check or draft payable to the order of **GRIFFIN, COOGAN, SULZER & HORGAN, P.C.**, as attorneys for the petitioner, who are to hold the proceeds as trust funds for appropriate distribution, and who are to remain subject to the further jurisdiction of this Court in regard to their attorney's lien, pursuant to Judiciary Law §475 and it is further

ORDERED, ADJUDGED AND DECREED, that this Order hereby constitutes and represents full settlement of each of the tax review proceedings herein, and there are no costs or allowances awarded to, by or against any of the parties, and that upon compliance with the terms of this Order, the above-entitled proceedings be and the same are settled and discontinued.

Dated: *August 13, 2014*
White Plains, NY

ENTER,

Bruce E. Tolbert
HON. BRUCE E. TOLBERT, J.S.C.

SIGNING AND ENTRY OF THE WITHIN
ORDER IS HEREBY CONSENTED TO:

Trinity C. Spina
08-25-2014

Wayne Spector
WAYNE SPECTOR, ESQ.
Attorney for Respondents
16 Croton Avenue
Ossining, New York 10562
(914) 762-6004

William E. Sulzer
WILLIAM E. SULZER, ESQ.
Griffin, Coogan, Sulzer & Horgan, P.C.
Attorneys for Petitioner
51 Pondfield Road
Bronxville, New York 10708
(914) 961-1300

THE OFFICE OF THE WESTCHESTER
COUNTY ATTORNEY HAS NO OBJECTION
TO THE ENTERING OF THE WITHIN
ORDER.

DATED: *August 11, 2014*

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David L. Butera
Sr. Asst. COUNTY ATTORNEY
THE COUNTY OF WESTCHESTER

VILLAGE OF BRIARCLIFF MANOR
BOARD OF TRUSTEES AGENDA
SEPTEMBER 30, 2014

4. **AUTHORIZE VILLAGE MANAGER TO EXECUTE AN AMENDMENT TO AN AGREEMENT WITH NEW YORK STATE DEPARTMENT OF TRANSPORTATION TO ADJUST THE SNOW AND ICE AGREEMENT FOR 2013-2014**

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 amend the Indexed Lump Sum Municipal Snow and Ice Agreement for the period from July 1, 2013 through June 30, 2014.



State of New York
 Department of Transportation
 Residency 8-8 Northern Westchester - Katonah
 85 Route 100
 Katonah, NY 10536
 (914) 232-3060 Off.
 (914) 232-0719 Fax

com to M/BOT

w/s Agenda -
 1 OCT BOT
 Mtg.

William J. Gorton, P.E.
 Regional Director

Joan McDonald
 Commissioner

September 19, 2014

Village of Briarcliff Manor

1111 Pleasantville Road
 Briarcliff Manor, NY 10510
 ATTN: Phillip Zegarelli

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RE: **Indexed Lump Sum Contracts,
 Payment Factor Adjustment -
 Amendment B, for the winter of:
2013 - 2014**

Dear Mr. Zegarelli:

In order to more efficiently track all costs associated with each Municipal Snow and Ice Agreement, New York State has changed the format by which the Indexed Lump Sum Payment Factor Adjustment is paid. The package for the **2013 – 2014 Adjustment** is being sent with this cover letter. This package consists of four (4) “**Amendment B**” forms. Each municipality must issue a **Signed & Sealed Resolution** for the Revised Estimated Expenditure from their governing body authorizing a Municipal Official to enter into the above Amendment.

It is important that four (4) **completed** Amendment packages be returned to this office for processing as soon as possible. The package shall include the items as listed below.

1. **Four (4) Amendments:** Fill in the blanks on the *back* of the page *including original signature and notary seals* on each.
2. **Four (4) Resolutions:** Resolutions from the municipality must be *complete with original signatures and certified with the Municipal Seal* on each. Attach one (1) Resolution to each Amendment.

Four original Amendments and four original Resolutions are needed to execute a contract.

PLEASE RETURN PACKAGES TO:

New York State DOT
 85 Route 100
 Katonah, NY 10536
 Attn: Jorge Argote

It has been a pleasure doing business with you in the past, and we look forward to continuing to do so. If you have any questions or comments, feel free to call me at (845) 473-3076.

Chuck A. Walter

Chuck A. Walter, Permit Field Engineer Residency 8 - 2
 (for Jorge Argote, PE, RE, Res 8-8)

CC: B. Lane, TMD
 Jorge Argote, P.E. R.E. Residency 8 - 8
 Files

AMENDMENT B

Contract #	Municipality	Ext. Season	Region #
D014708	VILLAGE OF BRIARCLIFF MANOR/Westchester	2014/15	8
Beginning Date of Contract Period	7/1/2001	Ending Contract Period	6/30/2015

AMENDMENT TO CHANGE THE ESTIMATED EXPENDITURE FOR SNOW & ICE AGREEMENT

Due to the severity of the winter during 2013/14 the MUNICIPALITY requests that the Municipal Snow and Ice Agreement estimated expenditure be revised to reflect the additional lane miles of state roads that were plowed/treated during the winter season. All the terms and conditions of the original contract extension remain in effect except as follows:

ADDITIONAL S&I OPERATIONS						
J-Mile Base	13/14 J-Miles	S&I LM Base	13/14 LM	Pay ¹ Factor	Original Estimated Expenditure	Index Adjustment ²
50,634	125,346	590	659	2.216	\$5,197.80	\$6,320.52
Pay Factor ¹ = (13/14 J-Miles/(13/14 LM))/(J-Mile Base/S&I LM Base)						
Index Adjustment ² = (Original Estimated Expenditure * Pay Factor ¹) - Original Estimated Expenditure						
TOTAL REVISED ESTIMATED EXPENDITURE						
Original Estimated Expenditure		Index Adjustment ²			Rev. Est. Expenditure ³	
\$5,197.80		\$6,320.52			\$11,518.32	
Revised Estimated Expenditure ³ = Original Estimated Expenditure + Index Adjustment ²						

IN WITNESS WHEREOF, this agreement has been executed by the State, acting by and through the duly authorized representative of the COMMISSIONER OF TRANSPORTATION and the MUNICIPALITY, which has caused this Agreement to be executed by its duly authorized officer on the date and year first written in the original contract extension.

VILLAGE OF BRIARCLIFF MANOR
BOARD OF TRUSTEES AGENDA
SEPTEMBER 30, 2014

5. BUDGET TRANSFERS– POLICE EXPENDITURES

BE IT RESOLVED that the Board of Trustees does hereby authorize the following budget transfers for FY 2013-2014 totaling \$146,368.27:

GENERAL FUND

POLICE

From:	A1990.499	Contingency	\$146,368.27
To:	A3120.101	Police Salary	\$83,749.00
	A3120.840	Retirement & Pension	\$57,466.00
	A3120.850	Social Security	\$5,153.27

BUDGET TRANSFER REQUEST FORM
FISCAL YEAR 2013-14

To:	Budget Code	Budget Code	From:
\$ 83,749.00	A3120.101	A1990.499	\$ 146,368.27
\$ 57,466.00	A3120.840		
\$ 5,153.27	A3120.850		
\$ 146,368.27			

Reason for Transfer Request: To cover police expenditures for 13-14

R. L. Lewis
 Signature of Requesting Department Head

Sept 19, 2014
 Date:

R. E. Segun
 Village Manager Approval

19 Sept 2014
 Date:

R. L. Lewis
 Village Treasurer Approval

Sept 19, 2014
 Date:

If over \$10,000, Board of Trustees Approval Date: _____

VILLAGE OF BRIARCLIFF MANOR
BOARD OF TRUSTEES AGENDA
SEPTEMBER 30, 2014

6. SCHEDULE PUBLIC HEARING: CHAPTER 220-2, ZONING, TO ADD A NEW SECTION 220-9.2 FOR THE REGULATION OF RESIDENTIAL USE OF DWELLING UNITS IN EXISTING ACCESSORY BUILDINGS IN THE R80A, THE R60A, THE R40A, AND THE R40B SINGLE-FAMILY RESIDENCE ZONING DISTRICTS

BE IT RESOLVED that a Public Hearing is hereby scheduled for the October 15 or November 5, 2014, Board of Trustees meeting to hear and discuss a proposed local law to amend Chapter 220, Zoning of the Code of the Village of Briarcliff Manor to add a new Section 220-9.2 for the regulation of residential use of dwelling units in existing accessory buildings in the R80A, the R60A, the R40A, and the R40B single-family residence zoning districts; and be it

RESOLVED FURTHER that the proposed local law to amend Chapter 220 of the Code of the Village of Briarcliff Manor to add a new Section 220-9.2 for the regulation of residential use of dwelling units in existing accessory buildings in the R80A, the R60A, the R40A, and the R40B single-family residence zoning districts is hereby directed to the Village Planning Board and to the Westchester County Planning Board for review and recommendation and to the Town of Ossining, Town of Mount Pleasant, and Village of Ossining for review and comment as they see fit.

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 17th of September, 2014 commencing at 7:30 p.m.

Present

William J. Vescio, Mayor
Lori A. Sullivan, Deputy Mayor
Cesare DeRose, Jr.
Mark Pohar, Trustee
Mark L. Wilson, Trustee

Also Present

Philip Zegarelli, Village Manager
Christine Dennett, Village Clerk
Clinton Smith, Village Counsel

Board of Trustees Announcements by Trustee DeRose

- The Village has been listed as the Safest Community in New York State.
- Thank you to the Community, the Recreation Department and the Department of Public Works for making Community Day a success.
- The Community Center Bids are on hold and will be rebid at a future date.

Village Managers Report by Village Manager Zegarelli

- The Westchester County Mobile Shredder will be in front of the Youth Center on Saturday, September 27th.
- The Round Hill Road Cement Lining Project began on September 8th and is expected to last for 60 days.
- The Village Annual Audit was completed last week.
- The ISO Fire Inspection was completed.

Mayor Vescio congratulated Trustee DeRose and his wife on the birth of their second daughter.

Public Comments

There were no public comments.

SEQRA Determination for the Safe Routes to School Grant

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

**State Environmental Quality Review Act Determination
Type II
Pleasantville & Ingham Road Improvements**

WHEREAS, the Board of Trustees ("Board of Trustees") of the Village of Briarcliff Manor, New York ("Village") has applied for and been awarded grant funding for pedestrian safety improvements at the intersection of Pleasantville Road and Ingham Road, which include installation of new sidewalk along the north side of Pleasantville Road from Ingham Road west to meet and extend existing sidewalk on the north side of Pleasantville Road, replacement of an existing sidewalk on Ingham Road, and installation of a flashing beacon signal at the intersection ("Proposed Action"); and

WHEREAS, the Board of Trustees has reviewed a Short Environmental Assessment Form, Parts 1 & 2 dated September 3, 2014, prepared by the Village Engineer for assessments of the environmental impacts of the Proposed Action ("Short EAF"); and

WHEREAS, based on the information contained in the Short EAF, Village staff and consultants have concluded that the proposed action is a Type II Action under the New York State Environmental Quality Review Act ("SEQR") and qualifies for an Automatic Categorical Exclusion under the National Environmental Protection Act ("NEPA") and have so advised the Board of Trustees; and

NOW THEREFORE BE IT:

RESOLVED, that the Board of Trustees hereby determines that the Proposed Action is a Type II Action under 6 N.Y.C.R.R. §617.5(c)(l).(2), (16), & (20) for purposes of SEQR; and be it further

RESOLVED, that the Board of Trustees hereby determines that the Proposed Action qualifies for an Automatic Categorical Exclusion for purposes of NEPA.

Addition of Parcel to Ossining Sewer District

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

WHEREAS, on May 21, 2001, the Westchester County Board of Legislators adopted legislation to modify the Ossining and Saw Mill Sanitary Sewer Districts by removing a total of 332 parcels of property not currently connected to the County sewer system and treated at the County operated wastewater treatment plants; and

WHEREAS, the property at 30 Chestnut Hill Lane, identified on the Village Tax Maps as Section 105, Plate 10, Block 1, Lot 29 ("Property"), was removed from the Ossining Sanitary Sewer District; and

WHEREAS, the owner of the Property asked the Board of Trustees to request the Westchester County Board of Legislators to extend the Ossining Sanitary Sewer District to add the Property, but not adjacent property, to that sewer district; and

NOW THEREFORE BE IT RESOLVED, that the Board of Trustees hereby authorizes the Village Engineer to submit a request to the Westchester County Board of Legislators for the addition of the Property into the Ossining Sanitary Sewer District.

Minutes

Upon motion by Deputy Mayor Sullivan, seconded by Trustee DeRose, the Board voted unanimously to approve the minutes of September 3, 2014.

Adjournment

There will be a Work Session on Tuesday, September 23, 2014 at 6:45pm.

Upon motion by Trustee Wilson, seconded by Deputy Mayor Sullivan, the Board voted unanimously to adjourn the regular meeting at 7:55pm.

Respectfully Submitted By,

Christine Dennett
Village Clerk