



AGENDA
MARCH 4, 2015
BOARD OF TRUSTEES
VILLAGE OF BRIARCLIFF MANOR, NEW YORK
REGULAR MEETING – 7:30 PM

Board of Trustees Announcements

Village Managers Report

Public Comments

1. Award of Bid – Ambulance
2. Refunding Bond Resolution
3. Adoption of Fund Balance Policy
4. Authorize Village Manager to Execute a Grant Disbursement Agreement – Library and Community Center Generator
5. Minutes
 - February 18, 2015

The Board will adjourn the regular meeting and reconvene as the Board of Police Commissioners.

1. Amend Procedures Manual for the Briarcliff Manor Police Department – Conductive Energy Device

NEXT REGULAR BOARD OF TRUSTEES MEETING – MARCH 18, 2015

VILLAGE OF BRIARCLIFF MANOR
BOARD OF TRUSTEES AGENDA
MARCH 4, 2015

1. AWARD OF BID – AMBULANCE

WHEREAS the Village received 1 bid for the purchase of an Ambulance (VM-1415-10); and

NOW, THEREFORE, BE IT RESOLVED that the bid for the purchase of an Ambulance (VM-1415-10) is hereby awarded to VCI Emergency Vehicle Specialists with their bid proposal of \$207,763 including a deduction in the amount of \$7,000 for the trade-in of the Village owned 1999 Horton Ambulance; and

BE IT FURTHER RESOLVED that additional equipment is required to be installed to put the new ambulance into service totaling \$41,406 for a total project cost not to exceed \$249,169 which will be charged to budget code H3410.201.15600; and

BE IT FURTHER RESOLVED that the Village Manager is hereby authorized and directed to execute a contract with VCI Emergency Vehicle Specialists of Holbrook, NY for said vehicle.



MEMORANDUM

February 6, 2015

To: Philip E. Zegarelli – Village Manager



From: David J. Turiano, P.E. *DAJ*

Re: **VM-1415-10 Ambulance**

Bids were opened on January 29, 2015 at 11:00 a.m. for the above referenced project. Present at the bid opening was Chief O'Hanlon, Second Assistant Chief Garcia and Gerald Quartucio, Assistant Building Inspector. One (1) bid was received.

The scope of work includes the manufacturing and delivery of an ambulance.

Knowing that the ambulance is a specialty item, the Village and the Fire Department conducted a rather extensive solicitation process to secure as many bids as possible. Approximately 10 bid notices were sent out to vendors known to supply this type of vehicle. Despite the Village's efforts, only one bid was received.

The sole bidder was VCI Emergency Vehicle Specialists with a bid price of \$214,763.00 With a deduction of \$7,000.00 for the trade-in of the 1999 Horton Ambulance, for a total bid price of \$207,763.00.

As background, the Village originally purchased the above referenced 1999 Horton Ambulance for \$115,325.00. Given the rate of inflation of 3%, the same vehicle would cost \$174,000.00 plus the cost of NFPA, federal vehicle requirements, and annual maintenance in excess of \$2,000.00 would most likely place the cost as bid.

In order to put the ambulance in service, the following additional equipment is required:

Supply and install VHF, UHF, and trunking radio \$ 1,930.00

The existing radio equipment has reached its lifetime expectation and needs to be upgraded. The above cost represents the purchase of new installed equipment.

Supply and install Power Load Lift Gate \$31,651.00

The Fire Department has requested the installation of a power lift. This mechanism coupled together with standard gurneys eliminates the need for first responders to lift injured

persons into the ambulance. These lift devices are ideal in conditions whereby you have a broad base of volunteers some who not be able to lift larger patients into the ambulance. It also works well on hilly or otherwise uneven terrain. Patient safety is greatly enhanced with the use of this system and will greatly decrease the probability of back injury to the volunteers.

Installation of safety striping and decals \$ 2,325.00

This cost represents the installation of Village specific decals that need to be supplied and installed. In addition, high visibility, 8" Scotch Lite striping is proposed.

Remove & replace computer and medical equipment \$ 5,500.00

The existing computer system is older and needs to be upgraded. In addition, the entire ambulance needs to be restocked with new medical supplies and equipment.

Funds are available under H3410.201.15600 in the amount of \$250,000.00.

Based on the above, it is my recommendation that the Village award the contract to VCI Emergency Vehicle Specialists, 920 Lincoln Avenue, Suite 13, Holbrook, N.Y. 11741, for \$207,763.00.

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

VILLAGE OF BRIARCLIFF MANOR
BOARD OF TRUSTEES AGENDA
MARCH 4, 2015

2. REFUNDING BOND RESOLUTION

REFUNDING BOND RESOLUTION OF THE VILLAGE OF BRIARCLIFF MANOR, COUNTY OF WESTCHESTER, STATE OF NEW YORK, ADOPTED MARCH 4, 2015, AUTHORIZING THE REFUNDING OF ALL OR A PORTION OF CERTAIN OUTSTANDING SERIAL BONDS OF SAID VILLAGE, STATING THE PLAN OF REFUNDING, AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$8,800,000 REFUNDING SERIAL BONDS OF THE VILLAGE, AND MAKING CERTAIN OTHER DETERMINATIONS ALL RELATIVE THERETO.

WHEREAS, the Village of Briarcliff Manor, located in Westchester County, State of New York (the "Village") previously issued \$5,445,880 principal amount of Public Improvement (Serial) Bonds, 2004 (the "Series 2004 Bonds") pursuant to a certificate of determination of the Village Treasurer of the Village (sometimes referred to herein as the "Chief Fiscal Officer"), dated January 22, 2004, which Series 2004 Bonds are dated January 15, 2004 and matured or mature in annual installments on November 15 in each of the years 2004 to 2024, inclusive, as follows:

\$430,880 in the year 2004;
\$500,000 in the year 2005;
\$475,000 in the year 2006;
\$475,000 in the year 2007,
\$475,000 in the year 2008,
\$250,000 in the year 2009,
\$250,000 in the year 2010,
\$255,000 in the year 2011,
\$255,000 in the year 2012,
\$260,000 in the year 2013,
\$205,000 in the year 2014,
\$200,000 in the year 2015,
\$200,000 in the year 2016,
\$200,000 in the year 2017,
\$175,000 in the year 2018,
\$140,000 in the year 2019,
\$140,000 in the year 2020,
\$140,000 in the year 2021,
\$140,000 in the year 2022,
\$140,000 in the year 2023, and
\$140,000 in the year 2024;

WHEREAS, the Series 2004 Bonds were authorized pursuant to a serial bond resolutions duly adopted by the Board of Trustees of the Village for the objects or purposes described therein and delegated to the Chief Fiscal Officer the power to prescribe the terms, form and contents of and to sell and deliver such serial bonds of the Village; and

WHEREAS, \$1,615,000 aggregate principal amount of the Series 2004 Bonds currently remain outstanding and unredeemed as of the date hereof; and

WHEREAS, the Village previously issued \$9,626,000 principal amount of Public Improvement Serial Bonds, Series 2006A (the "Series 2006 Bonds", and together with the 2004 Bonds, the "Refunded Bonds") pursuant to a certificate of determination of the Village Treasurer of the Village, dated October 5, 2006, which Series 2006 Bonds are dated October 1, 2006 and matured or mature in annual installments on October 1 in each of the years 2007 to 2026, inclusive, as follows:

\$136,000 in the year 2007,
\$335,000 in the year 2008,
\$350,000 in the year 2009,
\$360,000 in the year 2010,
\$375,000 in the year 2011,
\$400,000 in the year 2012,
\$410,000 in the year 2013,
\$425,000 in the year 2014,
\$450,000 in the year 2015,
\$475,000 in the year 2016,
\$480,000 in the year 2017,
\$500,000 in the year 2018,
\$525,000 in the year 2019,
\$550,000 in the year 2020,
\$575,000 in the year 2021,
\$600,000 in the year 2022
\$625,000 in the year 2023,
\$660,000 in the year 2024,
\$680,000 in the year 2025, and
\$715,000 in the year 2026.

WHEREAS, the Series 2006 Bonds were authorized pursuant to serial bond resolutions duly adopted by the Board of Trustees of the Village for the objects or purposes described therein and delegated to the Chief Fiscal Officer the power to prescribe the terms, form and contents of and to sell and deliver such serial bonds of the Village; and

WHEREAS, \$5,910,000 aggregate principal amount of the Series 2006 Bonds currently remain outstanding and unredeemed as of the date hereof; and

WHEREAS, it is hereby determined to be in the public interest of the Village to refund (i) all of the said outstanding \$1,615,000 aggregate principal amount Series 2004 Bonds maturing in 2015 and thereafter and (ii) all of the said outstanding \$5,910,000 aggregate principal amount Series 2006 Bonds maturing in 2015 and thereafter, by the issuance of the refunding bonds authorized herein pursuant to Section 90.10 of the Local Finance Law; and

WHEREAS, such refunding will only be undertaken if it results in present value savings in debt service as required by Section 90.10 of the Local Finance Law;

NOW THEREFORE, THE BOARD OF TRUSTEES OF THE VILLAGE OF BRIARCLIFF MANOR, NEW YORK, HEREBY RESOLVES (by the favorable vote of two-thirds of all the members of said Board of Trustees), AS FOLLOWS:

Section 1. For the purpose of refunding the outstanding principal balance of the Refunded Bonds as more fully set forth in the Refunding Financial Plan (hereinafter defined), including providing moneys which, together with the interest earned from the investment of certain of the proceeds of the refunding bonds herein authorized shall be sufficient to pay: (i) the principal amount of the Refunded Bonds; (ii) the aggregate amount of the unmatured interest payable on the Refunded Bonds to and including the date on which any series of the Refunded Bonds which are callable are to be redeemed prior to their respective maturities in accordance with the Refunding Financial Plan (as hereinafter defined) attached hereto as Exhibit B and made a part of this resolution; (iii) the costs and expenses incidental to the issuance of the refunding bonds hereinafter authorized, including without limitation, the development of the Refunding Financial Plan, costs and expenses of executing and performing the terms and conditions of the Escrow Contract (as hereinafter defined), and any securities supply contract, the premium with respect to any bond insurance policy or policies acquired with respect to the Refunding Bonds (as defined below), discount or compensation of underwriters, fees of bond counsel and financial advisors, rating agency fees, printing and service agency fees and expenses, and fees and charges of the Escrow Holder (as hereafter described); and (iv) the redemption premium, if any, to be paid on any series of the Refunded Bonds which are to be called prior to their respective maturities; there are hereby authorized to be issued in one or more series not exceeding \$8,800,000 aggregate principal amount of refunding serial bonds of the Village pursuant to the provisions of Section 90.10 of the Local Finance Law (the "Refunding Bonds"), it being anticipated that the amount of Refunding Bonds actually to be issued will be approximately \$8,200,000 as provided in Section 4 hereof. The proposed principal amounts and dates of maturity of such Refunding Bonds are set forth in the Refunding Financial Plan attached hereto.

Section 2. It is hereby determined pursuant to Section 90.10 that:

(a) the maximum amount of the Refunding Bonds authorized to be issued pursuant to this resolution does not exceed the limitation imposed by subdivision 1 of paragraph (b) of Section 90.10 of the Local Finance Law with respect to each series of the Refunded Bonds;

(b) the maximum period of probable usefulness permitted by law at the time of the issuance of the Refunded Bonds for the objects or purposes for which the Refunded Bonds were issued is as shown in Exhibit A attached hereto;

(c) the last installment of the Refunding Bonds will mature not later than expiration of the maximum period of probable usefulness of the objects or purposes for which the Refunded Bonds were issued, or in the alternative, the weighted average remaining period of probable usefulness of the objects or purposes (or classes of objects or purposes) financed with the Refunded Bonds, in accordance with the provisions of Section 90.10(c)(1) of the Local Finance Law;

(d) the estimated present value of the total debt service savings anticipated as a result of the issuance of the Refunding Bonds, computed in accordance with subparagraph (a) of subdivision 2 of paragraph b of Section 90.10 of the Local Finance Law is as shown in the Refunding Financial Plan described in Section 4 hereof, subject to changes in market interest rates;

Section 3. (a) The Village Treasurer is hereby authorized and directed to enter into an escrow contract (the "Escrow Contract") with a bank or trust company located and authorized to do business in the State of New York as the Village Treasurer shall designate (the "Escrow Holder") for the purpose of having the Escrow Holder act, in connection with the Refunding Bonds, as the escrow holder to perform the services described in Section 90.10 of the Local Finance Law. In addition, the Escrow Contract may include a forward supply or purchase contract or agreement as part thereof or as a separate agreement for the provision of acquiring obligations of the United States of America or unconditionally guaranteed by the United States of America or other obligations or instruments qualified under Section 90.10 of the Local Finance Law or may be necessary for the completion of the Refunding Financial Plan. The Escrow Contract shall contain such terms and conditions as shall be necessary or required, including terms and conditions required for the completion of the Refunding Financial Plan, including provisions for the Escrow Holder, without further authorization or direction from the Board of Trustees of the Village, except as otherwise provided therein, including, without limitation, (i) to make all required payments of principal, interest and any redemption premiums to appropriate paying agents with respect to the Refunded Bonds, (ii) to pay costs and expenses incidental to the issuance of the Refunding Bonds, including the development of the Refunding Financial Plan, and of executing and performing the terms and conditions of the Escrow Contract by the Escrow Holder, (iii) at the appropriate time or times, to cause to be given on behalf of the Village in the manner provided by law the notice of redemption authorized to be given pursuant to Section 7 hereof, and (iv) to invest the moneys held by the Escrow Holder pursuant to the terms of the Escrow Contract and consistent with the provisions of the Refunding Financial Plan. The Escrow Contract shall be irrevocable and shall constitute a covenant with the owners of the Refunding Bonds.

(b) The proceeds, inclusive of any premium, from the sale of the Refunding Bonds, immediately upon receipt, shall be placed in escrow by the Village with the Escrow Holder

pursuant to the terms of the Escrow Contract. All moneys held by the Escrow Holder shall be invested only in direct obligations of the United States of America, in obligations the principal of and interest on which are unconditionally guaranteed by the United States of America or in obligations or instruments qualified under Section 90.10 of the Local Finance Law, which obligations or instruments shall mature or be subject to redemption at the option of the Escrow Holder not later than the respective dates when such moneys will be required to make payments in accordance with the Escrow Contract and the Refunding Financial Plan. Any such moneys remaining in the custody of the Escrow Holder after the performance in full of the Escrow Contract by the Escrow Holder shall be returned to the Village and shall be applied by the Village Treasurer to the payment of the principal of or interest on the Refunding Bonds then outstanding, to the payment of any amounts required to be paid to the United States of America in connection with the refunding of the Refunding Bonds or to the payment of or reimbursement for the costs of issuance or other administrative costs incurred in connection with the issuance of the Refunding Bonds. In connection with the investment of moneys held by the Escrow Holder under the Escrow Contract, the Village Treasurer is authorized to execute on behalf of the Village any forward purchase or supply contract for the purchase or supply of the securities described in this subsection (b) at a date subsequent to the delivery of the Refunding Bonds, as is needed to accomplish the purposes of the Refunding Financial Plan.

Section 4. The financial plan for the refunding authorized by this resolution (the "Refunding Financial Plan"), showing the sources and amounts of all moneys required to accomplish such refunding, the estimated present value of the total debt service savings and the basis for the computation of the aforesaid estimated present value of total debt service savings, are set forth in Exhibit B attached hereto and made a part hereof. The Refunding Financial Plan has been prepared based upon the assumption that the Refunding Bonds will be issued in the aggregate principal amount of \$8,130,000 and will mature, be of such terms, and bear such interest as set forth in the Refunding Financial Plan. The Board of Trustees of the Village recognizes that the principal amount of the Refunding Bonds, the series, maturities, terms, interest rate or rates borne by the Refunding Bonds, the provisions for redemption thereof prior to maturity and whether or not all of the Refunding Bonds will be insured, and the resulting present value savings are likely to vary from such assumptions and that the Refunding Financial Plan will likely vary from that attached hereto as Exhibit B. The Village Treasurer is hereby authorized and directed to determine the principal amount of the Refunding Bonds to be issued, the series and designation or designations thereof, the time or times of the sale thereof, the maturities and terms thereof, the provisions relating to the redemption of the Refunding Bonds prior to maturity, if any, the rate or rates of interest to be borne thereby, whether or not the Refunding Bonds will be insured in whole or in part or uninsured, and to prepare, or cause to be provided, a final Refunding Financial Plan, all in accordance herewith, and all powers in connection therewith may be exercised by the Village Treasurer; provided, that the terms of the Refunding Bonds to be issued, including the rate or rates of interest borne thereby, shall comply with the requirements of Section 90.10 of the Local Finance Law. The Village Treasurer shall file a copy of a certificate determining the details of the Refunding Bonds and the final Refunding Financial Plan with the Village Clerk within ten (10) days after the delivery of the Refunding Bonds, as herein provided.

Section 5. The faith and credit of the Village are hereby irrevocably pledged to the payment of the principal of and interest on the Refunding Bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on the Refunding Bonds becoming due and payable in such year. To the extent that the same are not paid from other sources, there shall be annually levied on all the taxable real property in the Village a tax sufficient to pay the principal of and interest on the Refunding Bonds as the same become due and payable, subject to applicable statutory limitations.

Section 6. Proceeds from the sale of the Refunding Bonds, including any accrued interest and, together with interest earned thereon, which shall be required for the payment of the principal of and interest on the Refunded Bonds, including any redemption or call premiums, in accordance with the Refunding Financial Plan, shall be irrevocably committed and pledged to such purpose and the owners of the Refunded Bonds shall have a lien upon such moneys and the investments thereof held by the Escrow Holder. The pledge and lien provided by this resolution shall become valid and binding upon the issuance of the Refunding Bonds and the moneys and investments held by the Escrow Holder shall immediately be subject thereto without any further act. Such pledge and lien shall be valid and binding against all parties having claims of any kind in tort, contract, equity, at law or otherwise against the Village irrespective of whether such parties have notice thereof. Neither this resolution, the Escrow Contract, nor any other instrument relating to such pledge and lien, needs to be filed or recorded.

Section 7. In accordance with the terms of the Refunded Bonds and the provisions of Section 53.00 and of paragraph (h) of Section 90.10 of the Local Finance Law, the Village hereby elects to call in and redeem each Refunded Bond, which the Village Treasurer shall determine to be refunded at the earliest call date available. The sum to be paid therefor on such redemption date shall be the par value thereof plus the redemption premium, if any, and the accrued interest to such redemption date. The Escrow Holder is hereby authorized and directed to cause notice of such call for redemption to be given in the name of the Village in the manner and within the times provided in the issuance proceedings for the Refunded Bonds. Such notice of redemption shall be in substantially the form attached to the Escrow Contract. Upon the issuance of the Refunding Bonds, the election to call in and redeem the Refunded Bonds and the direction to the Escrow Holder to cause notice thereof to be given as provided in this paragraph shall become irrevocable, provided that this paragraph may be amended from time to time as may be necessary in order to comply with the notice requirements of paragraph (a) of Section 53.00 of the Local Finance Law, or any successor law thereto. It is hereby determined that with respect to the series of Refunded Bonds to be called in and redeemed as provided in this Section 7, it is to the financial advantage of the Village not to charge, impose and collect or receive from registered owners of the Refunded Bonds mailing, shipping, insurance or other similar charges in connection with such redemption or calls. Accordingly, pursuant to paragraph (c) of Section 70.00 of the Local Finance Law, no such charges shall be so charged, collected or received by the Chief Fiscal Officer, as fiscal agent.

Section 8. The Refunding Bonds shall be sold at a public sale using a notice of sale, or at the election of the Village Treasurer, at a private sale by negotiation, in either case to a purchaser (the "Purchaser") for a purchase price to be determined by the Village Treasurer, plus accrued interest from the date of the delivery of and payment for the Refunding Bonds, subject to the approval of the terms and conditions of such sale by the State Comptroller as may be required by subdivision 2 of paragraph f of Section 90.10 of the Local Finance Law. If sold at a public sale, the Village Treasurer is hereby authorized to conduct such public sale in accordance with the provisions of the Local Finance Law and all other applicable statutes and regulations, and to make all final decisions with respect to or arising out of such public sale. After the Refunding Bonds have been duly executed, they shall be delivered by the Village Treasurer to the Purchaser in accordance with the notice of sale or a purchase contract between the Village and the Purchaser, which shall be in form and substance satisfactory to the Village Treasurer.

Section 9. The Board of Trustees of the Village hereby appoints the law firm of Cahill Gambino LLP, of New York, New York, as bond counsel in connection with the issuance and sale of the Refunding Bonds. The Board of Trustees of the Village hereby appoints the firm of Capital Markets Advisors, LLC of Hopewell Junction, New York, as financial advisor in connection with the issuance and sale of the Bonds. The Board of Trustees of the Village is hereby authorized to appoint an Escrow Holder, as that term is referred to herein, at a future date.

Section 10. Each of the Refunding Bonds authorized by this resolution shall contain the recital of validity prescribed by Section 52.00 of the Local Finance Law and the Refunding Bonds shall be general obligations of the Village, payable as to both principal and interest by a general tax upon all the taxable real property within the Village, subject to applicable statutory limitations imposed by Chapter 97 of the Laws of 2011 of the State.

Section 11. The Village Treasurer, pursuant to Sections 50.00, 90.00, 90.10 and 168.00 of the Local Finance Law, and all other officers, employees and agents of the Village are hereby authorized and directed for and on behalf of the Village to execute and deliver all certificates and other documents, perform all acts and do all things required or contemplated to be executed, performed or done by this resolution or any document or agreement approved hereby, including to correct or amend the documents and certificates authorized to complete the transactions contemplated by this resolution.

Section 12. All other matters pertaining to the terms, issuance and sale of the Refunding Bonds consistent with the provisions of Section 90.10 of the Local Finance Law shall be determined by the Village Treasurer and the powers in connection therewith not otherwise heretofore delegated thereto are hereby delegated to the Village Treasurer.

Section 13. The Village Treasurer is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the Refunding Bonds as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the

"Code") and, if applicable, to designate the Refunding Bonds authorized by this resolution as "qualified tax-exempt obligations" in accordance with Section 265 of the Code.

Section 14. For the benefit of the holders and beneficial owners from time to time of the obligations, the Village agrees, in accordance with and as an obligated person with respect to the obligations under, Rule 15c2-12 promulgated by the Securities Exchange Commission pursuant to the Securities Exchange Act of 1934 (the "Rule"), to provide or cause to be provided such financial information and operating data, financial statements and notices, in such manner, as may be required for purposes of the Rule. In order to describe and specify certain terms of the Village's continuing disclosure agreement for that purpose, and thereby to implement that agreement, including provisions for enforcement, amendment and termination, the Village Treasurer is authorized and directed to sign and deliver, in the name and on behalf of the Village, the commitment authorized by subsection 6(c) of the Rule (the "Commitment"), to be placed on file with the Village Clerk, which shall constitute the continuing disclosure agreement made by the Village for the benefit of holders and beneficial owners of the obligations in accordance with the Rule, with any changes or amendments that are not inconsistent with this resolution and not substantially adverse to the Village and that are approved by the Village Treasurer on behalf of the Village, all of which shall be conclusively evidenced by the signing of the Commitment or amendments thereto. The agreement formed collectively by this paragraph and the Commitment, shall be the Village's continuing disclosure agreement for purposes of the Rule, and its performance shall be subject to the availability of funds and their annual appropriation to meet the costs the Village would be required to incur to perform thereunder. The Village Treasurer of the Village is further authorized and directed to establish procedures in order to ensure compliance by the Village with its continuing disclosure agreement, including the timely provision of information and notices. Prior to making any filing in accordance with the agreement or providing notice of the occurrence of any material event, the Village Treasurer of the Village shall consult with, as appropriate, the Village Attorney and bond counsel or other qualified independent special counsel to the Village. The Village Treasurer of the Village, acting in the name and on behalf of the Village, shall be entitled to rely upon any legal advice provided by such Village Attorney or bond counsel or other qualified independent special counsel in determining whether a filing should be made.

Section 15. When this refunding bond resolution takes effect, the Village Clerk shall cause the same, or a summary thereof, to be published together with a notice in substantially the form prescribed by Section 81.00 of the Local Finance Law in The Gazette, a newspaper having a general circulation in the Village. The validity of the Refunding Bonds authorized by this bond resolution may be contested only if such obligations are authorized for an object or purpose, or class of object or purpose, for which the Village is not authorized to expend money, or the provisions of law which should have been complied with as of the date of publication of this bond resolution, or such summary thereof, were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication, or if such obligations are authorized in violation of the provisions of the Constitution of the State of New York.

Section 16. In the absence or unavailability of the Village Treasurer, the Deputy Village Treasurer is hereby specifically authorized to exercise the powers delegated to the Village Treasurer.

Section 17. The Village hereby determines that the issuance of the Refunding Bonds is a Type II action that will not have a significant effect on the environment and, therefore, no other determination or procedures under the State Environmental Quality Review Act ("SEQR") are required.

Section 18. This bond resolution shall take effect immediately upon its adoption by the Board of Trustees of the Village.

EXHIBIT A

DESCRIPTION OF CAPITAL IMPROVEMENTS FINANCED WITH THE PROCEEDS OF THE REFUNDED BONDS

\$5,445,880 Public Improvement Serial Bonds, Series 2004A

<u>Object or Purpose</u>	<u>Period of Probable Usefulness</u>
Road Paving	15 years
Dump Trucks	15 years
Sewer Pump	30 years
Mapping Sanitary Sewer	5 years
Mapping Storm Sewer	5 years
Village Roads	15 years
Drainage Facility	30 years
Salt Storage Shed	30 years
Equipment	15 years
Village Buildings	20 years
Village Water	40 years
Water Distribution	40 years
Equipment	5 years
Project Planning	5 years
Salt Storage Shed	30 years
Parking Lots	10 years
Road Improvements	15 years
Park Facilities	15 years
Vehicles	10 years
Vehicles	15 years
Demolition	10 years
Water Meters	20 years
Water Linings	40 years
Demolition	10 years

\$9,626,000 Public Improvement Serial Bonds, Series 2006A

<u>Object or Purpose</u>	<u>Period of Probable Usefulness</u>
Tax Certs	5 years
Oil Tanks	15 years
Land Acquisition	40 years
Sewer Pump	40 years
Village Road	15 years
Village Sidewalks	5 years
Generator	30 years
Sewer Ejector	40 years
Boiler	10 years
Park Facilities	15 years
Fire Truck	20 years
Land Acquisition	40 years
Equipment	15 years
Equipment	10 years
Flood Control Plan	5 years
Streetscape	5 years
Planning for Parking	5 years
Fire Equipment	5 years

<u>Object or Purpose</u>	<u>Period of Probable Usefulness</u>
Vehicles	3 years
Traffic Signs	10 years
Salt Shed	30 years
Sewers	30 years
Intersections	10 years
Salt Shed	15 years
Sidewalks	10 years
Parking Planning	10 years
Sewer Improvements	30 years
Improvements	30 years
Village Roads	15 years
Park Improvements	15 years
Machinery	15 years
Municipal Buildings	25 years
Fire Vehicles	20 years
Communication Equipment	20 years
Todd Lane Bridge	20 years
Motor Vehicles	5 years
Computer Software	5 years
Building Improvements	25 years
Fire Chief Vehicles	5 years
Vehicles	5 years
Pump Station	40 years
Sewer Survey	40 years
Village Roads	15 years
Backhoe	15 years
Infield Groomer	15 years
Dump Truck	15 years
Dump S-1800	15 years
Chevy Dump	15 years
Recycling Truck	15 years
Spreader	15 years
Spreader	15 years
Skid Steer	15 years
Backhoe	15 years
Generator	30 years
Water Pump	40 years
Water Lines	15 years
Water System Improvements	40 years
Waterway Improvements	30 years
Village Water System	40 years
Water Lines	40 years
Utility Vehicle	5 years

VILLAGE OF BRIARCLIFF MANOR
BOARD OF TRUSTEES AGENDA
MARCH 4, 2015

3. ADOPTION OF THE FUND BALANCE POLICY

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

**Village of Briarcliff Manor
Fund Balance Policy**

Policy Purpose:

The Village of Briarcliff Manor (VBM) has an important fiduciary responsibility to its citizens to responsibly account for public funds, to manage municipal finances wisely and to plan the adequate funding of services desired by the public, including the provision and maintenance of public facilities. Credit agencies rate municipal creditworthiness. Their primary focus is the year to year growth in our fund balance. Municipalities strive to increase their bond rating, and now more than ever must focus on increasing fund balance.

Reserve Funds:

A. Reserve funds (which essentially are legally authorized allocated funds for particular and specific purposes) are a component in the VBM's financial planning for specific expenses, future projects, acquisitions and other lawful purposes. To achieve this governmental goal, the Village may establish and maintain reserve funds in accordance with New York State laws. This includes, but is not limited to, considering rules and/or opinions issued by the New York State Comptroller.

B. Village reserves funds must be properly established, designated, and maintained by the Mayor and Board of Trustees (M/BOT)'s to promote the goals of creating an open, transparent and accountable use of public funds. The VBM may engage independent experts and professionals, including but not limited to auditors, accountants and other financial and legal counsel, as necessary to monitor all reserve fund activity and prepare reports that the M/BOT may require.

Fund Balance Reporting:

GASB issued Statement No. 54, "*Fund Balance Reporting and Governmental Fund Type Definitions*", in February 2009. The requirements of GASB Statement No. 54 became effective for financial statements for the Village's fiscal period ending 31 May 2012. GASB Statement No. 54 abandoned the reserved and unreserved classifications of fund balance and replaced them with five new classifications: Non-spendable, restricted, committed, assigned and unassigned which are currently defined by the GASB as follows:

Nonspendable – consists of assets that are inherently non-spendable in the current period either because of their form or because they must be maintained intact, including prepaid items, inventories, long-term portions of loans receivable, financial assets held for resale and principal of endowments.

Restricted – consists of amounts that are subject to externally enforceable legal purpose restrictions imposed by creditors, grantors, contributors, or laws and regulations of other governments; or through constitutional provisions or enabling legislation.

Committed – consists of amounts that are subject to a purpose constraint imposed by a formal action of the government's highest level of decision-making authority (for VBM its M/BOT) before the end of the fiscal year, and that require the same level of formal action to remove the constraint.

Assigned – consists of amounts that are subject to a purpose constraint that represents an intended use established by the government's highest level of decision-making authority (M/BOT), or by their designated body or official. The purpose of the assignment must be narrower than the purpose of the General Fund, and in funds other than the General Fund, assigned fund balance represents the residual amount of fund balance.

Unassigned – represents the residual classification for the government's General Fund, and could report a surplus or deficit. In funds other than the General Fund, the unassigned classification should be used only to report a deficit balance resulting from overspending.

For the purposes of this Village Policy the term "Unassigned" shall be deemed to include not only General Fund but also Water Fund which is budgeted and operated separate from the General Fund.

Funding Policy for restricted or committed and assigned fund balances:

The formal action of the government's highest level of decision-making authority (M/BOT) that restricts, commits or assigns fund balance to a specific purpose should occur prior to the end of the reporting period, but the amount, if any, which will be subject to the constraint, may be determined in the subsequent financial reporting period.

Spending policy for all (General and Water) Fund Balances:

By adoption of this policy, the VBM shall maintain the unassigned fund balances at a level no less than 10% each of the total annual revenues for the General Fund and Water Fund. Should a fund balance fall below the 10% floor due to emergencies or service delivery requirements above or beyond the limitations established by the Financial Goals and Policies, the M/BOT will develop a plan to re-establish at least a 10% floor within a period of no more than three years. Village policy shall be to grow Fund Balance to a 20% threshold. When this threshold is achieved, Village

management shall make recommendations to the M/BOT to adjust/adhere to current economic and operational indicators. In all cases, reserves shall be set aside for unknown and unpredictable events, such as the result of a natural disaster, and may be used for unbudgeted and/or unpredictable expenses. The M/BOT shall make a formal resolution and vote in public on such recommendation.

The M/BOT will determine the composition of its ending fund balance(s) by applying its accounting policies regarding whether it considers restricted or unrestricted amounts to have been spent when an expenditure is incurred for purposes for which both restricted and unrestricted (committed, assigned, or unassigned) amounts are available. Similarly, within the unrestricted fund balance(s), the classification should be based on the government's accounting policies regarding whether it considers committed, assigned or unassigned amounts to have been spent when an expenditure is incurred for purposes for which amounts in any of those unrestricted fund balance(s) classifications could be used. If a government does not establish a policy for its use of unrestricted fund balance(s) amounts, it should consider that committed amounts would be reduced first, followed by assigned amounts, and then unassigned amounts when expenditures are incurred for purposes for which amounts in any of those unrestricted fund balance classifications could be used.

Periodic review and annual report:

A. The M/BOT and Village Manager (VM) will periodically review all restricted committed and assigned fund balances. The VM will prepare and submit an annual report of all restricted, committed and assigned funds for the M/BOT. The annual report shall include the following information for each reserve fund.

- (1) The type and description of the reserve fund.
- (2) The interest earned on each reserve fund.
- (3) Capital gains or losses resulting from the sale of investments of the reserve funds from
the previous reporting period.
- (4) The sum total increase and sum total decrease in the reserve funds.
- (5) The ending balance in the reserve funds at fiscal yearend.
- (6) A summary statement of projected use and the need of the reserve funds
exclusive of
the unassigned.

B. The M/BOT shall utilize the information in the annual report to discuss reserve fund balances and to adequately maintain necessary funds for the VBM's long-term financial planning. The M/BOT will be mindful of its role and responsibility as a fiduciary of public funds when acting on all reserve fund issues.

VILLAGE OF BRIARCLIFF MANOR
BOARD OF TRUSTEES AGENDA
MARCH 4, 2015

**4. AUTHORIZE VILLAGE MANAGER TO EXECUTE A GRANT
DISBURSEMENT AGREEMENT — LIBRARY & COMMUNITY CENTER
GENERATOR**

WHEREAS, the Village of Briarcliff Manor (“Village”) renovated and converted a portion of the former Briarcliff Manor Public Library building as the Village Community Center, including among other things, a full 2 story interior renovation, creation of a new mezzanine level, new dormers, new roofing, new exit stair and enclosure, and new mechanical, electrical and plumbing systems (“Project”), as intended by the Village when the building was expanded in and around 2008; and

WHEREAS, the State of New York provides funding for specialty capital projects for the public purpose under its Community Capital Assistance Program (“CCAP”) through the New York State Assembly and Senate; and

WHEREAS, the Village applied for and was awarded a grant for CCAP funding in the amount of \$50,000.00 in the name and on behalf of the Briarcliff Manor Public Library for a generator incorporated as part of the Project (“CCAP Generator Funding Grant”); and

WHEREAS, the has received a Grant Disbursement Agreement from the Dormitory Authority of the State of New York for the CCAP Generator Funding Grant;

NOW, THEREFORE, BE IT RESOLVED, that the Village Board of Trustees does hereby authorize the Village Manager to execute a Grant Disbursement Agreement for the CCAP Generator Funding Grant in the form received from the Dormitory Authority of the State of New York by letter to Briarcliff Manor Library Director dated January 20, 2015; and be it further

RESOLVED, that any action taken to date by the Village Manager to execute or implement the Grant Disbursement Agreement for the CCAP Generator Funding Grant in the form received from the Dormitory Authority of the State of New York by letter to Briarcliff Manor Library Director dated January 20, 2015, is ratified and approved; and be it further

RESOLVED, that the Village Manager is further authorized to make or accept any change to the Grant Disbursement Agreement so long as the change is not material and adverse to the Village's interests and is acceptable to Village Counsel in form and substance.

January 20, 2015

VIA REGULAR MAIL

Ms. Melinda Greenblatt
Library Director
Village of Briarcliff Manor
1111 Pleasantville Road
Briarcliff Manor, NY 10510

Re: *Community Capital Assistance Program ("CCAP")
Purchase and Installation of an Emergency Generator
Project ID: # 6179*

Dear Ms. Greenblatt:

As you are aware, the Village of Briarcliff Manor has been selected in accordance with procedures required to receive a Community Capital Assistance Program ("CCAP") grant in the amount of \$50,000. The project for which the Grant will be utilized is for purchase and installation of an emergency generator.

Our records indicate that you have fulfilled all of the criteria necessary to receive a CCAP Grant as set forth in the authorizing legislation for CCAP.

Enclosed please find two (2) execution copies of the Grant Disbursement Agreement (the "GDA"). For your convenience a *Grant Disbursement Agreement Checklist* and portions of a sample GDA are being provided to assist you. Please execute and date two (2) original GDAs and return them in their entirety to:

Grants Administration
DASNY
515 Broadway
Albany, New York 12207

Please note that certain exhibits to the GDA must be completed prior to the disbursement of any grant funds, including:

Exhibit A: Project Budget: Please verify that the purpose and use of the Grant funds as described substantially comply with the description and budget provided by the Village of Briarcliff Manor in its Preliminary Application. Any deviation in purpose or use must be separately indicated and explained. Failure to do so may delay the processing of the GDA. **Please be sure to include anticipated project start and end dates relating to each task.**

CORPORATE HEADQUARTERS

515 Broadway
Albany, New York 12207-2964
T 518.257.3000
F 518.257.3100

NEW YORK OFFICE

One Penn Plaza, 52nd Floor
New York, New York 10119-0098
T 212.273.5000
F 212.273.5121

BUFFALO OFFICE

539 Franklin Street
Buffalo, New York 14202-1109
T 716.884.9780
F 716.884.9787

Exhibit B: Opinion of Counsel: Please be sure that the opinion of counsel returned by the grantee substantially conforms to the template provided in Exhibit B and contains an original signature on the Attorney's letterhead.

Once the execution copies and the completed exhibits are returned to the Dormitory Authority of the State of New York ("DASNY"), we will ensure that they are completed properly and continue to satisfy the requirements of the CCAP program. Upon DASNY's satisfactory review, a fully executed GDA will be returned to you. It is at that time you may begin the requisition process.

Should you or your attorney have any questions concerning the enclosed document, please call (518) 257-3177.

Thank you.

Sincerely,



Tammie C. Barnhart, MBA
Grant Administrator

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 18th of February, 2015 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 Trustee Announcements by Deputy Mayor Sullivan

- The Ice Rink in Law Park is open and permits are required.
- The Platform Tennis Courts are open and permits are required.
- Planning for Spring and Summer Recreation programs is underway brochure will be available in March.
- Summer Camp registration begins March 16th.

Village Managers Report by Village Manager Zegarelli

Village Manager Zegarelli gave an update on the 8 Month status of the FY 14-15 budget.

The Board requested information on seeking additional ambulance revenue to ease up on the deficit in the budget.

- The Department of Labor visited the Village and issued inspection reports. All items have been resolved.
- We are up to our 13th snow event this winter.
- A butterfly valve was installed at the pump station.
- The budget process has begun for FY 15-16.

Public Comments

There were no public comments.

Appointment of Police Officer

The Board stated Officer Chin had over 10 years of experience as a Police Officer and welcomed him to the Village

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

BE IT RESOLVED that Peter Chin of Peekskill, New York is hereby appointed, effective March 1, 2015, to the position of Police Officer Step 6, Grade 1 to be paid at an annual salary of \$92,696.85 as per the Village of Briarcliff Manor PBA Collective Bargaining Agreement salary scale effective June 1, 2010.

Minutes

Upon motion by Trustee Pohar, seconded by Deputy Mayor Sullivan, with one abstention from Trustee DeRose, the Board voted to approve the minutes of February 4, 2015.

Adjournment

The Annual Village Election is Wednesday, March 18th from 6am-9pm at the Youth Center.

There is a Work Session scheduled for Tuesday, February 24th at 6:45pm.

Upon motion by Trustee Wilson, seconded by Trustee Pohar, the Board voted unanimously to adjourn the regular meeting at 7:50pm.

Respectfully Submitted By,

Christine Dennett
Village Clerk

VILLAGE OF BRIARCLIFF MANOR
BOARD OF POLICE COMMISSIONERS AGENDA
MARCH 4, 2015

**1. AMEND PROCEDURES MANUAL FOR THE BRIARCLIFF MANOR
POLICE DEPARTMENT**

BE IT RESOLVED that the Board of Trustees, acting in their capacity as the Board of Police Commissioners, does hereby amend the Procedures Manual for the Briarcliff Manor Police Department to add Procedure Number 614, Conductive Energy Devices.

MEMORANDUM

copy to m/BOT

New Policy
@ Tasers
↳

Date: 2-6-15

To: Philip Zegarelli, Village Manager

From: Norman Campion, Chief of Police 

RE: Conductive Energy Device Procedure (Taser)

Attached to this memo please find the Conductive Energy Device Procedure, commonly called Tasers. As you know, the police department has recently acquired Taser devices and all police officers are being trained in the use of these devices. As part of the new Taser program, I have established a written procedure that encompasses the use, training and maintenance of the Taser devices. In order to incorporate this procedure into the Police Department Manual of Procedure, The Mayor and Board of Trustees need to pass a resolution adopting the procedure. Therefore, I am requesting that this matter be placed on the next Board of Trustees meeting for adoption.

Add to w/s

VILLAGE OF BRIARCLIFF MANOR POLICE DEPARTMENT

ISSUE DATE: 2-5-15	EFFECTIVE DATE: 2-5-15	REVISES: NA	REPEALED NA
SUBJECT: Conductive Energy Devices			
DISTRIBUTION: ALL MEMBERS	RE-EVALUATION DATE: As Needed	PAGES: 4	
ISSUING AUTHORITY: CHIEF NORMAN R. CAMPION			

PURPOSE:

To establish procedures for the proper use of the Conductive Energy Device (“CED”).

POLICY:

Sworn Members are authorized to use a CED, as hereinafter provided, as an instrument for the application of force as may be permitted by the Department Manual.

PROCEDURE:

GUIDELINES FOR USE:

1. A CED shall be issued, carried and used only by such Sworn Members who have been trained by the Department in the use of the CED, and such Sworn Members shall use a CED in a manner consistent with the Department Manual and current Department training standards.
2. Sworn Members shall carry a CED only in a Department approved holster to be worn on the Sworn Member’s non-shooting side for cross-draw. If an officer wants to use a holster other than the department issued holster, that officer shall make a written request to the Chief of Police indicating what type of holster they wish to use. After review by the Chief of Police, a determination will be made and communicated to the requesting officer.

3. A CED may be used to help effect an arrest, or gain control of or compliance from an individual.
4. Sworn Members shall not use a CED:
 - a. to solicit information from any person;
 - b. to gain compliance from or control over subjects who do not present an immediate threat to the safety of the Sworn Member, the subject or another person;
 - c. against a subject restrained by handcuffs or other means unless such subject shall present an immediate threat to the safety of themselves or another person;
 - d. against a subject who has been exposed to flammable liquids;
 - e. in a flammable or explosive environment (such as a methamphetamine lab); or
 - f. when the subject could fall from a significant height or into a pool, river or other body of water wherein a risk of drowning exists.
5. Individual Sworn Members shall not simultaneously draw and hold a CED and any Firearm.
6. Sworn Members deploying a CED should be prepared for a drive stun (delivery of a CED discharge by direct contact with the device rather than through the tethered electrodes) follow-up or to fire a second cartridge in the event that the initial cartridge misses the target or fails to function properly.
7. When Sworn Members determine that a CED should be used, they should consider assembling, if possible, a sufficient number of Sworn Members (given the circumstances) to assist with taking the suspect into custody.
8. If time and resources permit, responsibilities with respect to the deployment of a CED should be assigned as follows:
 - a. One Sworn Member to fire the CED.
 - b. One or more Sworn Members to act as "custody officer(s)" with the responsibility to gain control over and handcuff the subject.
 - c. One Sworn Member to act as a "protection officer" prepared to deliver an alternative means of Physical Force, if necessary.

NOTE: If under any given circumstances, a Sworn Member believes that he or she must take immediate action, nothing in this policy prohibits such Sworn Member from deploying and firing a CED without requesting or having the presence of additional officers.

9. An effective alternative to a CED should be considered before electing to use a CED against a subject who is obviously pregnant, or who is elderly or a child.
10. When using a CED against a person, Sworn Members shall use the minimum activations necessary to gain control over the subject.

NOTE: No more than one officer will activate a CED against a person at a time.

MEDICAL ATTENTION

11. Sworn Members using a CED shall immediately evaluate the need for medical assistance for the subject.
12. In the event that CED probes are embedded in the subject's skin following the discharge of the device, the probes may be removed only by medical personnel, and, in such event, the Sworn Member using the CED shall either summon an ambulance to the subject's location or transport the subject to a medical facility.
13. Sworn Members maintaining custody or other supervision of the subject of CED use shall monitor the subject for any adverse effects of CED use.

TOUR SUPERVISOR

14. Upon any discharge of a CED, the Tour Supervisor shall ensure that:
 - a. discharged cartridges, probes, and a sampling of "confetti" and identification tags that are discharged with the probes shall be collected as evidence and properly secured in evidence;
 - b. discharged CED probes are packaged as bio-hazardous "sharps;"
 - c. the discharged CED is delivered to Lieutenant for data download;
 - d. photographs are taken of probe impact sites and any other injuries incurred by the subject of the CED discharge, if possible;
 - e. photographs are taken of the expended CED cartridges and probes; and
 - f. the subject of a CED activation is monitored regularly while in police custody even after receiving medical attention.

NOTE: The foregoing shall apply to any accidental as well as intentional discharge of a CED.

CARE AND MAINTENANCE

15. Sworn Members assigned a CED are responsible for maintaining the device's operational readiness in accordance with the manufacturer's guidelines.
16. Sworn Member assigned a CED shall:
 - a. store the device and at least one extra cartridge in the issued holster or case;
 - b. check the CED's battery strength at the commencement of each tour.
 - c. check the expiration date and condition of the CED cartridges, and if the cartridges are found to be expired or otherwise faulty, replace same;
 - d. ensure that any port protection covers are in place when the CED is not in use;
 - e. report expired, damaged or otherwise deficient CED's or cartridges to the Lieutenant.