



**AGENDA**  
**NOVEMBER 18, 2015**  
**BOARD OF TRUSTEES**  
VILLAGE OF BRIARCLIFF MANOR, NEW YORK  
REGULAR MEETING – 8:00PM

---

**Board of Trustees Announcements**

**Village Managers Report**

**Public Comments**

1. Budget Transfers – Close out Capital Projects
2. Minutes
  - November 4, 2015

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

1. Resolution to Suspend an Employee

**THE NEXT REGULAR BOARD OF TRUSTEES MEETING WILL BE  
DECEMBER 2, 2015 AT 8:00PM**

VILLAGE OF BRIARCLIFF MANOR  
BOARD OF TRUSTEES AGENDA  
NOVEMBER 18, 2015

**1. BUDGET TRANSFERS – CLOSE OUT CAPITAL PROJECTS**

BE IT RESOLVED that the Board of Trustees does hereby authorize the following budget transfers for FY 2015-2016:

**CAPITAL PROJECTS TO DEBT SERVICE**

<b>From:</b>	H1230.201.13270	Tech Upgrades 12-13	\$299.99
	H1440.201.13200	445 N. State Road	\$135.69
	H1440.201.14220	DPW Generator	\$1,069.10
	H8397.201.14531	Excavator	\$127.12
		TOTAL	\$1,631.90
<b>To:</b>	V0102.5034	Debt Service	\$1,631.90

## BUDGET TRANSFER (FY 15-16) REQUEST FORM

Amount from:	Muni Code	Budget Line
\$ 299.99	H1230.201.13270	Tech Upgrades 12-13
\$ 135.69	H1440.201.13200	445 North State Road
\$ 1,069.10	H1440.201.14220	DPW Generator
\$ 127.12	H8397.201.14531	Excavator
<b>Total: \$1,631.90</b>		
Amount to:	Muni Code	Budget Line
\$ 1,631.90	V0102.5034	Debt Service (Transfer in from Capital)

Reason for Transfer Request: Close the above referenced Capital Projects and transfer the remaining funds to Debt Service.



Village Manager Approval

10 NOV

Date Signed



Village Treasurer Approval

11/10/15

Date Signed

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

"445"  
Close-out Project

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 November, 2015 commencing at 8:00 p.m.

**Present**

Lori A. Sullivan, Mayor  
Mark Pohar, Deputy Mayor  
Cesare DeRose, Jr. Trustee  
Mark L. Wilson, Trustee  
Bryan Zirman, Trustee

**Also Present**

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

**Board of Trustees Announcements by Trustee Wilson**

- The Library's Fall Brochure is online. Many programs are available.
- Residents in grades 9-12 are invited to join the Teen Advisory Board.
- Platform Tennis Permits are on sale.
- Thank you to all that attended the Ragamuffin Parade.
- Registration is open for Recreation Fall Programs.
- The Winter Brochure will be online soon.
- The Holiday Bonfire will be on December 4<sup>th</sup> at 6pm.

The Board sent their condolences to the McFadden Family for the loss of Kevin McFadden who was a long time Village employee.

**Village Managers Report by Village Manager Zegarelli**

The Village Manager gave the four month budget presentation for Fiscal Year 2015-2016.

- The Westchester County Mobile Shredder was a great success.
- Leaf Pickup has begun.
- Con Edison is doing a tree trimming project and residents with concerns should contact Village Hall.
- The gas main work on Pleasantville Road will be finishing up soon.

**Public Comments**

Ms. Larissa Wayne-Paulmeno of 90 Tuttle Road requested her road be paved because she injured herself while walking her dog on more than one occasion.

Mayor Sullivan stated the road needed substantial improvements including drainage and paving work and stated the Board would look into solutions that would be cost effective and work well to be a permanent fix. She asked Ms. Paulmeno to give any suggestions to the Building Department for consideration.

Village Manager Zegarelli stated a drainage analysis would be done.

**Election Resolution for Annual Village Election 2016**

Upon motion by Trustee Zirman, seconded by Trustee DeRose, the Board voted unanimously to approve the following resolution:

BE IT RESOLVED that the annual Village Election will be held in the Village of Briarcliff Manor on Tuesday, March 15, 2016 between the hours of 6:00am and 9:00pm during which the polls will be open.

BE IT FURTHER RESOLVED that the following Village Offices are to be elected at the annual Village Election of March 15, 2016 for the terms as set forth herein:

<u>Office</u>	<u>Term</u>
Trustee (2)	2 Years

**Budget Amendments**

**SEMO Superstorm Sandy**

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

BE IT RESOLVED that the General Fund for fiscal year 2015-2016 is hereby amended to accept SEMO monies for funding from Superstorm Sandy as follows:

**Increase Revenues by \$49,191.03**

Increase Revenue – A0101.3560 (SEMO) by	\$47,874.10
	\$1,316.93
<b>TOTAL</b>	<b>\$49,191.03</b>

**Capital Budget FY15-16 Safe Routes to School Grant**

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

BE IT RESOLVED, that the Board of Trustees does hereby amend the Capital Budget for Fiscal Year 2015-2016 in the amount of \$490,000 and create a budget for matching NYS grant revenue as follows:

Increase: H.0101.3097 State Grant Revenue \$490,000

Increase: H.1440.201.16202 Pedestrian Improvement \$490,000

**Budget Transfers – Retirement**

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

BE IT RESOLVED that the Board of Trustees does hereby authorize the following budget transfers for FY 2015-2016:

**Retirement (General Fund)**

<b>From:</b>	A1010.840	Retirement	\$29.67
	A1110.840	Retirement	\$729.34
	A1230.840	Retirement	\$659.01
	A1325.840	Retirement	\$1,017.34
	A1410.840	Retirement	\$548.03
	A1440.840	Retirement	\$513.57
	A1490.840	Retirement	\$1,680.20
	A1640.840	Retirement	\$902.91
	A3120.840	Retirement	\$111,871.54
	A3620.101	Retirement	\$1,114.78
	A5110.840	Retirement	\$3,790.38
	A5112.840	Retirement	\$29.67
	A5142.840	Retirement	\$446.96
	A5182.840	Retirement	\$554.97
	A7020.840	Retirement	\$2,186.35
	A7110.840	Retirement	\$1,708.85
	A7160.840	Retirement	\$29.38
	A7181.840	Retirement	\$11.40
	A7311.840	Retirement	\$5.85
	A7314.840	Retirement	\$52.07
	A7315.840	Retirement	\$17.91
	A7610.840	Retirement	\$53.35
	A7621.840	Retirement	\$21.93
	A8010.840	Retirement	\$8.88
	A8020.840	Retirement	\$22.26

	A8090.840	Retirement	\$1,410.21
	A8160.840	Retirement	\$2,994.34
	A8510.840	Retirement	\$675.35
	A8989.840	Retirement	\$1,142.83
		TOTAL	\$134,229.33
<b>To:</b>	A1990.499	Contingency	\$134,229.33

**Retirement (Water Fund)**

<b>From:</b>	F1640.840	Retirement	\$300.21
	F8120.840	Retirement	\$598.08
	F8310.840	Retirement	\$3,485.87
	F8320.840	Retirement	\$113.13
	F8340.840	Retirement	\$3,039.46
		TOTAL	\$7,536.75
<b>To:</b>	F1990.499	Contingency	\$7,536.75

**Retirement (Library Fund)**

<b>From:</b>	L7410.840	Retirement	\$1,924.12
<b>To:</b>	L7410.499	Contingency	\$1,924.12

**Authorize Village Manager to Execute a Supplemental Agreement for Pedestrian Improvements (Safe Routes to School Grant) with the New York State Department of Transportation**

**SEQRA**

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

**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 assessment 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 included 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.

### **Safe Routes**

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

WHEREAS, a Project for Pedestrian Improvements in the Briarcliff Manor Union Free School District, Village of Briarcliff Manor, Westchester County, PIN 8761.12 (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 100% Federal funds and 0% non-federal funds; and

WHEREAS, the Village of Briarcliff Manor desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of the construction, construction inspection and construction supervision work.

NOW, THEREFORE, the Briarcliff Manor Village Trustees, duly convened does hereby

RESOLVE, that the Briarcliff Manor Village Trustees hereby approves the above-subject project; and it is hereby further

RESOLVED, that the Briarcliff Manor Village Trustees hereby authorizes the Village of Briarcliff Manor to pay in the first instance 100% of the federal and non-federal share of the cost of the construction, construction inspection and construction supervision work for the Project or portions thereof; and it is further

RESOLVED, that the sum of \$490,000 is hereby appropriated from H1440.201.16202 (Pedestrian Improvements) and made available to cover the cost of participation in the above phase of the Project; and it is further

RESOLVED, that in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, the Briarcliff Manor Village Trustees shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the Village Manager thereof, and it is further

RESOLVED, that the Village Manager of the Village of Briarcliff Manor be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or applicable Marchiselli Aid on behalf of the Village of Briarcliff Manor with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and it is further

RESOLVED, that in addition to the Village Manager, the following municipal titles: Mayor, Village Engineer, and Village Treasurer, are each also hereby authorized to execute any necessary Agreements or certifications on behalf of the Municipality/Sponsor, with NYSDOT in connection with the advancement or approval of the project identified in the State/Local Agreement;

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project, and it is further

RESOLVED, this Resolution shall take effect immediately.

### **Minutes**

Upon motion by Trustee Zirman, seconded by Trustee Wilson, the Board voted unanimously to approve the minutes of October 21, 2015.

### **Board of Police Commissioners Meeting**

Upon motion by Trustee DeRose, seconded by Trustee Wilson, the Board voted unanimously to reconvene as the Board of Police Commissioners.

### **Authorize Village Manager to Execute a Stipulated Settlement Agreement with Police Officer A**

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

WHEREAS, a certain person is employed by the Village of Briarcliff Manor as a police officer ("Police Officer A"); and

WHEREAS, on or about August 17, 2015, the Village advised Police Officer A that it intended to prefer disciplinary charges against Police Officer A pursuant to NYS Unconsolidated Laws §5711-q; and

WHEREAS, the Village and Police Officer A have agreed upon the terms of a negotiated resolution of the potential disciplinary charges to avoid the cost, time, and risk of hearings and potential litigation between them;

NOW, THEREFORE, BE IT

RESOLVED, that the Village of Briarcliff Manor Board of Trustees, acting as Trustees and/or as the Board of Police Commissioners, does hereby ratify the settlement of the potential disciplinary charges against Police Officer A on the terms set forth in the form of agreement circulated to the Board by electronic message of the Village Manager dated October 30, 2015, and presently on the dais before the Board, including but not limited to Police Officer A's voluntary resignation and separation from service with the Village ("Stipulated Settlement"); and be it further

RESOLVED, that Board of Trustees authorizes and directs the Village Manager to execute and deliver the Stipulated Settlement on behalf of the Village; and be it further

RESOLVED, that the Village Manager is further authorized to make or accept any change to the Stipulated Settlement 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.

Upon motion by Trustee Wilson, seconded by Trustee DeRose, the Board voted unanimously to adjourn as the Board of Police Commissioners and reconvene as the Board of Trustees.

### **Adjournment**

The Work Session scheduled for November 25, 2015 will be rescheduled.

Upon motion by Trustee Wilson, seconded by Deputy Mayor Pohar, the Board voted unanimously to adjourn the regular meeting at 9:05pm.

Respectfully Submitted By,

Christine Dennett  
Village Clerk

VILLAGE OF BRIARCLIFF MANOR  
BOARD OF POLICE COMMISSIONERS AGENDA  
NOVEMBER 18, 2015

**1. RESOLUTION TO SUSPEND AN EMPLOYEE**

BE IT RESOLVED that the Board of Trustees sitting as the Board of Police Commissioners of the Village of Briarcliff Manor hereby authorizes the suspension without pay of an employee against whom disciplinary charges have been filed, effective the day after the service of the charges upon the employee and pending the hearing and determination of those charges.