

Philip E. Zegarelli
Village Manager

pzegarelli@briarcliffmanor.org



1111 Pleasantville Road
Briarcliff Manor, N.Y. 10510
Telephone: (914) 944-2782
Facsimile: (914) 941-4837

www.briarcliffmanor.org

**BOARD OF TRUSTEES
WORK SESSION AGENDA
Tuesday, February 25, 2020**

6:00 PM

OK to Post
P2

1. Executive Session: Personnel, Contractual and Litigation Items
2. Discussion with Justice Court
3. Review:
 - a. Amendment to Chapter 38 - Village Manager
 - b. Amendment to Chapter 54 - Residency Requirements
4. Town/Village Discussion
5. Discuss: Village Treasurer
6. B-Zone Discussion
7. Ingham Road Parking Discussion
8. Discuss: Board/Committee Vacancies
9. Discuss: April Meeting Dates
10. Mayor's Report:
 - a. Census/Library Board Memberships
 - b. Con Edison/Verizon Updates
 - c. Village Hall ADA Update
 - d. Streetscape Update
 - e. Law Park Drainage Basin Update
 - f. Scarborough Park Update
 - g. The Club Field
 - h. Chappaqua Road Bike Lanes
11. Manager's Updates
12. Village Counsel's Report

Chapter 38. Manager

[HISTORY: Adopted by the Board of Trustees of the Village of Briarcliff Manor as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Authority of Manager during storm emergencies — See Ch. 183.

~~Article I. Powers and Duties~~

[Adopted 1-24-1974 by L.L. No. 1-1974; amended in its entirety 9-3-2003 by L.L. No. 7-2003⁽¹⁾

[1]

Editor's Note: This local law was subject to mandatory referendum and was approved by a majority of the electors at the general election held 11-4-2003.

§ 38-1. Appointment; ~~compensation;~~ residency requirement.

[Amended 3-4-2004 by L.L. No. 3-2004; 2-5-2009 by L.L. No. 1-2009; 7-1-2009 by L.L. No. 4-2009]

The administrative and executive powers of the Village, including the power of appointment of all employees, except the Treasurer, Village Clerk, Deputy Clerk, Building Inspector and Village Attorney, and officers and members of the Police Department, are vested in an officer to be known as the "Village Manager," who shall be appointed by the Board of Trustees and hold office during the pleasure of such Board. ~~The Village Manager shall receive such compensation as shall be fixed by the Board of Trustees.~~ At the time of his or her appointment he or she need not be a resident of ~~the Village or the sNew York State~~, but shall become, within ninety (90) days after appointment, and, for the remainder of his or her tenure of office, shall remain become a resident of (i) the Village of Briarcliff Manor, the Town of Ossining or the Town of Mount Pleasant; or (ii) another location within New York State within thirty (30) drivable miles of the nearest boundary line of the Village of Briarcliff Manor and approved by a resolution of the Board of Trustees~~within 90 days after appointment and so remain during his or her tenure of office.~~ He or she shall be chosen by the Board of Trustees without regard to his or her political beliefs and solely upon the basis of his or her executive and administrative ability. He or she may be bonded as the Board of Trustees may deem necessary. No member of the Board of Trustees shall be appointed as Village Manager during the term for which he or she shall have been elected. ~~During the absence or disability of the Village Manager, the Board of Trustees may designate any properly qualified person to perform the duties of the office during such absence or disability.~~

§ 38-2. Manager under supervision of Board of Trustees.

The Village Manager shall report to, and be under the supervision of, the Board of Trustees.

§ 38-3. Enumeration of powers and duties.

The powers and duties of the Village Manager shall, except as provided hereinafter, include the following:

A.

PSC CHANGES IN YELLOW AS PER NOTES FROM COUNSEL

See that, within the Village, the laws of the state and the rules, regulations, ordinances, local laws and codes of the Village are faithfully executed and administered efficiently and fairly.

B.

~~Oversee~~ Serve as chief administrative and executive officer of the village; direct, supervise, and coordinate the administration activities of all Village departments, as provided by law, and in accordance with the policies of the Board of Trustees. Establish rules and regulations to manage the personnel policies of the Village; ensure compliance with all collective bargaining processes of the Village, and recommend to the Board of Trustees, for consideration and possible final approval, collective bargaining agreements for any applicable employees.

C.

See that all inquiries by residents of the Village, or other interested persons, are promptly acknowledged and referred to the appropriate Village official or department head for investigation ~~or~~ and response.

D.

Attend meetings of the Board of Trustees and, along with the Mayor, or any trustee his appointee, supervise the preparation of the agenda and minutes of such meetings.

E.

Supervise the preparation of necessary documents required for obtaining bids on materials, equipment or capital projects, as authorized by the Board of Trustees and letting of contracts authorized by the Board of Trustees.

F.

Supervise and control all expenditures, encumbrances and disbursements to ensure that budget appropriations are not exceeded, ~~and~~ audit all claims against the Village, and establish rules of procurement, subject to approval of the Board of Trustees, to ensure proper financial controls of expenditures. Nothing herein shall create any right of the Village Manager, or any village officer, or any other person, to create a liability or appropriate money or property of the village without authority of law, in violation of Section 4-412 of New York State Village Law.

G.

Act as, or appoint, the Budget Officer of the Village; in coordination with the Treasurer and department heads, prepare and submit to the Board of Trustees a tentative annual budget and capital program for the next fiscal year. Submit to the Board of Trustees, and subsequently make available to the public, a complete report on the finances and administrative activities of the Village as of the end of each fiscal year.

H.

From time to time, make recommendations to the Board of Trustees as to measures or programs which the Village Manager believes will improve the efficiency or economy of the Village government.

I.

Make reports to the Board of Trustees from time to time upon the affairs of the Village and keep the Board of Trustees fully advised of the financial condition and the operation of the Village, pending decisions that may impact public policy, and any other matters related to the health, safety, or welfare of the community or that might affect services provided to Village residents. ~~of the Village and its future financial needs.~~

J.

Such other duties and responsibilities as may, from time to time, be delegated by the Mayor or authorized by the Board of Trustees.

§ 38-4. Appointments of employees.

[Amended 3-4-2004 by L.L. No. 3-2004]

A.

Such Village employees as the Board of Trustees shall determine are necessary for the proper administration of the Village, except the Treasurer, Village Clerk, Deputy Village Clerk, Building Inspector, Village Attorney, and officers and members of the Police Department, shall be appointed and may be removed by the Village Manager in accordance with the civil service law and regulations; but the Village Manager shall report each such appointment and removal to the Board of Trustees at the next meeting thereof following any such appointment or removal.

B.

No citizen or elected officer of the Village shall dictate a person's appointment to, or removal from, any office by the Village Manager or by any of the Village Manager's subordinates.

§ 38-5. Communication between Manager and Mayor and Trustees.

A.

The Village Manager shall keep the Mayor and the Board of Trustees appropriate Trustee assigned as liaison to a department currently informed as to matters affecting the efficient functioning of the Village. The Board of Trustees shall determine the specific criteria and timeliness for all matters that require priority notification from the Village Manager and establish such procedures for notification. ~~department to which the Trustee is so assigned.~~

B.

Nothing contained herein, nor within any other local regulation or Village policy, shall prevent any elected Village official from requesting information or directly querying any department head or Village employee for the purposes of developing policy or ensuring the efficient operations of the Village or safety and well-being of its residents.

§ 38-6. Filling of position of Manager.

The position of the Village Manager may be filled by a person holding other positions in the Village employ, but this position shall be held only by a full-time employee. If, due to a temporary absence, vacation, disability, or illness, the Village Manager is unable to carry out the functions of his office, any Assistant Village Manager may perform all the duties of the Village Manager, unless the Mayor and Board of Trustees appoints another member of the Village's senior administrative staff, or such other qualified person approved by a majority of members of the Board of Trustees, to serve as acting Village Manager to carry out the duties enumerated herein during the Village Manager's absence.

§ 38-7. Compensation.

A.

The rate of compensation of the Village Manager shall be set by the Board of Trustees and may be adjusted from time to time as the Board deems appropriate. Subject to the terms and conditions of State law and this ordinance, the Board of Trustees and the Village Manager may enter into an employment agreement which specifies in writing the level of compensation of the Village Manager, fringe benefits including levels of support for the Village Manager's continuing professional education, agreements for separation pay upon termination of the Village Manager's employment, other appropriate agreements describing the working relationship between the Village Manager and elected officials, and performance expectations for the Village Manager. This agreement should be periodically reviewed and revised by mutual agreement of the Village Manager and the Board of Trustees at periodic intervals of no more than one year's duration.

B.

Any compensatory time, or any other requested extraordinary benefit, for the Village Manager or Assistant Village Manager shall be reviewed by the Mayor and granted only after approval by a resolution of the Board of Trustees.

§ 38-8. Removal from Office.

The Village Manager may be suspended by a resolution approved by the majority of the total membership of the Board of Trustees which shall set forth the reasons for suspension and proposed removal. A copy of such resolution shall be served immediately upon the Village Manager. The Village Manager shall have fifteen days in which to reply thereto in writing and, upon request, shall be afforded a public hearing, which shall occur not earlier than ten days nor later than fifteen days after such hearing is requested. After the public hearing, if one has been requested, and after full consideration, the Board of Trustees, by a ~~super~~^[PC1]majority vote of its total membership, may adopt a final resolution of removal. The Village Manager shall continue to receive full salary until the effective date of a final resolution of removal, unless superseded by a previous written agreement executed by both parties.

§ 38-9. Statutory Powers.

Nothing herein shall be deemed to diminish or detract from the statutory powers and authority of the Village's elected officials granted by the laws of the State of New York^[PC2].

§ 38-~~97~~. Repealer.

Local Law Nos. 2-1966, 1-1968, ~~and~~ 1-1970, 1-1974; and 7-2003 are hereby repealed and superseded. All other local laws, ordinances and resolutions heretofore adopted by the Board of Trustees are hereby repealed and superseded insofar as the same shall be inconsistent with this article.

Chapter 54. Residency Requirements

[HISTORY: Adopted by the Board of Trustees of the Village of Briarcliff Manor as indicated in article histories. Amendments noted where applicable.]

Article I. Appointed Village Officers, Police Chief and Lieutenants

[Adopted 2-5-2009 by L.L. No. 2-2009⁽¹⁾]

[1]

Editor's Note: This local law also repealed former Art. I, Treasurer, Deputy Treasurer, Assistant Manager and Superintendent of Public Works, adopted 6-17-1999 by L.L. No. 4-1999, as amended, and former Art. II, Village Clerk, adopted 9-19-2002 by L.L. No. 3-2002, as amended.

§ 54-1. Intent.

The following §§ 54-2 and 54-3 of this Chapter 54 are intended to permit the Village Board of Trustees to change the residency requirements of appointed Village officers as the Board may determine from time to time by resolution.

§ 54-2. Residence requirements for appointed Village officers, Police Chief and Lieutenants.

[Amended 4-20-2016 by L.L. No. 1-2016]

The Board of Trustees may, from time to time, by resolution, provide that all or any particular appointed officers or officer of the Village of Briarcliff Manor, except as set forth below, need not be a resident of the Village, ~~but must be a resident of Westchester County, Putnam County or Dutchess County in New York State.~~

A.

The residency of the Village Manager shall be subject to Chapter 38 of this Village Code.

B.

The Police Chief and Lieutenants in the Police Department shall reside:

(1)

In Westchester County; or

(2)

In a county within the state contiguous to Westchester County; or

(3)

In a county within the state contiguous to the Village; or

(4)

In a county within the state contiguous to a county described in Subsection B(3) hereof where the former is less than 15 miles from the Village, measured from their respective nearest boundary lines;
or

(5)

In a county within the state contiguous to a county described in Subsection **B(4)** hereof where the former is less than 30 miles from the Village, measured from their respective nearest boundary lines.

C.

The Treasurer, Village Clerk, Deputy Clerk, Building Inspector, and Village Attorney of the Village shall reside in New York State (i) within Westchester County, Putnam County or Dutchess County in New York State; or (ii) within forty (40) drivable miles of the nearest boundary line of the Village of Briarcliff Manor and subject to approval by a resolution of the Board of Trustees.

§ 54-3. Supersession of state law.

[Amended 4-20-2016 by L.L. No. 1-2016]

This article shall supersede any inconsistent provision of Public Officers Law § 3, Public Officers Law § 30, Village Law § 3-300 and Unconsolidated Laws of New York § 5711-q.