

VILLAGE OF PELHAM BOARD OF TRUSTEES MEETING
TUESDAY, FEBRUARY 28, 2006, 7:30 P.M.
VILLAGE HALL - 195 SPARKS AVENUE, PELHAM, NY

MINUTES

1. Meeting Called To Order
2. Pledge of Allegiance
3. Mayor's Report
4. Trustees' Reports
5. Village Administrator's Report
6. Public Comment

Approximate
Starting Time
of Discussion

| # | Agenda Items: | Approximate Starting Time of Discussion |
|----|---|---|
| | Human Resources | 7:40 p.m. |
| 7 | Authorizing renewal of the contract with the Village Administrator. | Approved |
| | Village Property | 7:50 p.m. |
| 8 | Discussion of request by Ferguson and plan to proceed with the sale of 273 s.f. of surplus and residual village property, adjacent to their property. | Pub. Hrg. Sched. For March 7 |
| 9 | Discussion and consideration of a proposed amendment and lease extension agreement between the Village of Pelham, and Cingular Wireless, as the successor to A T & T Wireless, for the maintenance and/or upgrade of antennae currently located on the roof of the Pelham Firehouse at 219 5 th Ave. | Approved |
| | Contracts | 8:05 p.m. |
| 10 | Authorizing a retainer agreement with Carlin Simpson & Associates for review of plans relevant to the 5 th Avenue cliff. | Approved |
| 11 | Authorizing a retainer agreement with Keane & Beane for legal review of documents and/or plans relevant to the 5 th Avenue cliff. | Approved |
| | Housekeeping | 8:05 p.m. |
| 12 | Authorizing and approving the accounts payable | Approved |
| 13 | Old Business/New Business -- Accepting and Adopting a decision from a hearing officer on the matter of Police Officer Shamus Sliney for him to work back-office transitional light duty while on 207-c injured status. | Approved |
| 14 | Minutes: 12/20/05; 1/3/06; 1/17/06; 2/7/06 | Tabled |
| 15 | Adjournment – 8:45 p.m. | Adjourned |

Next Meetings are as follows:

Regular Board Meetings Tuesday March 7, 2006 and Tuesday March 21, 2006
Meetings start at 7:30 p.m. unless otherwise noted.

* Agenda is subject to change until the night of the meeting.

VILLAGE OF PELHAM BOARD OF TRUSTEES
VILLAGE HALL - 195 SPARKS AVENUE, PELHAM, NY
TUESDAY, FEBRUARY 28, 2006

Item #1 – Meeting called to order: The meeting of the Village of Pelham Board of Trustees was called to order by Mayor Michael J. Clain at 7:35 p.m.

The following members of the Board of Trustees were present:

Mayor Michael Clain, Trustees Mia Homan, Edward Hotchkiss, David Merrick and Michael Rozycki.

Absent – Trustees Ciro Greco and Peter Potocki.

Village staff in attendance:

Village Administrator Richard Slingerland.

Item #2 – Pledge of Allegiance

The Pledge of Allegiance was led by Mayor Michael J. Clain.

Item #3 – Mayor's Report

Mayor Clain gave his report on numerous items:

- Mayor Clain expressed his condolences to the Trotta family on the passing of Joe Trotta, former Mayor, former Supervisor, long time Senior Advocate, and all around contributor to the Pelham Community.
- He congratulated Daryl and Dexter Jackson on their recent award and recognition.
- He reported on the School Parking Committee, and noted the appointment of Trustee Peter Potocki as Board of Trustees representative to the Committee, and Susan Cartelli as a representative of the neighborhood.
- He reported on the negotiations with Pelpark for a potential joint project with the Village of Pelham, and noted that meetings have gone well.
- He reported on the progress of the buildings on 5th Avenue, and commented that Building Inspector Len Russo has been extremely diligent in his work to require progress from the landlords in the land-use process.
- He reported that the Village would be requiring contributions from the landlords towards escrow accounts to fund the Village's professional service expenses in the review of the applications.
- He reported on the Village's contact to the State Insurance Department, including a request for them to meet with the business owners. The Insurance Department agreed to send a representative if there is enough interest – from at least 5 or more businesses.
- He reported on the Village's request to the Governor for him to declare an Economic Injury, which was expected any day now.

- He reported on the appointment and progress of his Committee to review and make recommendations for improvements to Wolfs Lane Park.
- He gave an update on discussions with the Post Office on a new location, and mentioned they had renewed their lease at their current location for 10 years, and would continue to explore other alternatives.

Item #4 – Trustees Reports:

Trustee Rozycki commented that if the Post Office goes to 5th Avenue and 3rd Street, the Village would need to replace those spots. Trustee Homan commented that neither the new location on First Street nor the location at 5th Avenue at 3rd Street by the Art Center were appropriate locations.

Trustee Homan reported on the meeting of the Governing Boards at which it was agreed (i) that the Town would temporarily place a constable at the corner of Stellar and Colonial to prevent students from crossing there, (ii) that Pelham Manor would close Stellar between 7 and 9 am school days at the Iden intersection, to reduce drop-offs, and (iii) that the governments would consider adding crosswalks across Colonial west of Pelhamdale and west of Wolfs Lane.

Item #5 – Village Administrator's Report:

Administrator Slingerland reported that the First Street project permit had been approved by the NYS DOT, but that the Village was waiting for the paperwork and bureaucracy to be processed. He reported that Verde Electric was making good progress on the traffic and signal improvements along the Colonial Avenue and Wolfs Lane corridors.

Item #4 – Trustees reports continued:

Trustee Homan mentioned that the Council of Governing Boards was looking at safety improvements on Sandford Boulevard and that the Village was making traffic counts. The Administrator reported he would be meeting with the traffic counting contractors tomorrow, to schedule the traffic counts the first weekend in May. The Mayor and Board went on to discuss various issues with traffic and safety in the corridor, and noted that they would be revisiting the issues over the next few months.

Trustee Hotchkiss reported that he had reconvened the Village's Zoning Committee to review the Code. He suggested the Board consider a new section of the code on Subdivisions, and suggested the Zoning Code be simplified and zones consolidated.

He reported he had noticed that the area around the Metro North station was a mess. The Administrator promised to contact Metro North about their property, and he would ask the General Foreman to address the Village's property.

Trustee Hotchkiss also asked that the meeting dates be put on the Board tapes, and suggested that the broadcast times be listed on the scroll.

Item #6 – Public Comment:

John Cassone of 7th Avenue reported on the dirt and debris had increased in the Downtown after the rock cliff disaster. He suggested that the demolition site partition be moved back and the Village require that the site be better secured by fencing, or jersey barriers, or gates.

Item #7 – Authorizing renewal of the contract with the Village Administrator.

The Mayor announced that the Administrator's contract was being renewed on basically the same terms, with a modest increase. On the motion of Trustee Hotchkiss, seconded by Trustee Merrick the resolution was approved by vote of five in favor, none opposed, Trustees Greco and Potocki absent.

RESOLUTIONAUTHORIZING RENEWAL OF AN
AGREEMENT WITH RICHARD SLINGERLAND
AS ADMINISTRATOR OF THE VILLAGE OF PELHAM

BE IT RESOLVED, that the Board of Trustees of the Village of Pelham hereby authorizes the renewal of an agreement between the Village of Pelham and Richard Slingerland of Ossining, NY, as Administrator of the Village of Pelham, with provisions as agreed upon by the Board of Trustees, for a term of two (2) years effective in March, 2006 and expiring on March 31, 2008.

The Administrator thanked the Mayor and Board for the opportunity to work for the Village, and looked forward to working with the Board and the Village on the many ongoing projects.

Item # 8 -- Discussion of request by Ferguson and plan to proceed with the sale of 273 s.f. of surplus and residual village property, adjacent to their property (and calling for a public hearing on the issue for March 7, 2006).

The Administrator explained that based on the process determined with counsel Martha Conforti for the last sale of surplus property, which the Village authorized in May, 2004 (Smith), the Board should call for a public hearing on this new matter (Ferguson). Another sale of surplus property would begin shortly with Ramsey, for another odd-shaped surplus parcel of the B & W Right-Of-Way.

On the motion of Trustee Rozycki, seconded by Trustee Merrick, the resolution calling for a public hearing on the proposed sale was approved by vote of five in favor, none opposed, Trustees Greco and Potocki absent.

RESOLUTION

CALLING FOR A PUBLIC HEARING
TO BE HELD ON TUESDAY, MARCH 7, 2006
ON A REQUEST BY THE RESIDENTS OF 208 YOUNG AVENUE (FERGUSON)
TO PURCHASE AN ODD-SHAPED 273 SQ. FT. PARCEL OF SURPLUS VILLAGE
PROPERTY
WHICH IS CURRENTLY PART OF THE FORMER B & W RIGHT-OF-WAY.

BE IT RESOLVED, that the Board of Trustees of the Village of Pelham hereby gives notice that there will be a Public Hearing at 8 p.m. on Tuesday, March 7, 2006, in Village Hall, 195 Sparks Avenue, Pelham, New York, on a request by residents of 208 Young Avenue (Ferguson) to purchase a 273 sq. ft. parcel of surplus Village property which is currently part of the former B & W Right of Way, on the northern side of the B & W property.

* Note: This delineation and sale of surplus property will in no way impinge upon or restrict municipal or public access to or from the Village-owned Right-of-Way property (former B & W property). It squares off the Village property.

A copy of the delineated land is included as part of this public notice. The Value of the property has been established at \$817.50 by a licensed, practicing land-appraiser. Copy available in Village Hall.

The plan materials are available for review at during normal business hours of 8 a.m. to 5 p.m. in Village Hall, 195 Sparks Avenue, Pelham, New York, 10803.

by Order Of the Mayor and Board Of Trustees
on Tuesday, February 28, 2006

The Administrator also shared the draft resolution with the Board to be considered at the March 7, 2006 Board Meeting.

DRAFT RESOLUTION

DELINEATING AND DECLARING SURPLUS AND OF NO USE TO THE VILLAGE OF PELHAM, A 273 SQ. FT. PIECE OF VILLAGE PROPERTY ABUTTING 208 YOUNG AVENUE AND AUTHORIZING THE SALE OF THE SAME PROPERTY TO STEPHEN FERGUSON AND BERNADETTE FERGUSON, OWNERS OF 208 YOUNG AVENUE, FOR THE AMOUNT OF EIGHT HUNDRED SEVENTEEN DOLLARS AND FIFTY CENTS (\$817.50), PLUS OTHER PREVIOUSLY DEFINED EXPENSES AND COSTS.

WHEREAS the Board of Trustees of the Village of Pelham has received a request from Stephen and Bernadette Ferguson, owners of 208 Young Avenue, Pelham, New York to delineate and purchase an odd shaped 273 sq. ft. piece of land abutting 208 Young Avenue, hereinafter referred to as "the property"; and

WHEREAS a licensed land surveyor with Aristotle Bournazos Land Surveyors of Mt. Vernon, New York has prepared and submitted a survey of the property, a copy of which survey is attached hereto as Exhibit A, and at closing Stephen and Bernadette Ferguson will pay for their survey; and

WHEREAS a licensed land appraiser with the Landmark Appraisal Group of Mamaroneck, New York has submitted an appraisal of the property that determines the property's value is \$817.50, and Stephen and Bernadette Ferguson have agreed to pay for the appraisal; and

WHEREAS after studying the submitted survey and appraisal of the property, the Board of Trustees of the Village of Pelham finds that the property is surplus and available for sale because the Village has no useful municipal purpose for the property and the sale of the property would in no way restrict municipal or public access to and from the Village's right-of-way property, the former B & W property; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the Village of Pelham that the property, the piece of land delineated by the survey prepared by Aristotle Bournazos Land Surveyors of Mount Vernon, New York and attached hereto as Exhibit A, has no useful municipal purpose, does not restrict municipal or public access to and from other Village property and is thus found to be surplus; that the property is to be sold for the fair and adequate consideration of eight hundred seventeen dollars (\$817.50), plus other previously defined expenses and costs (including legal fees), Stephen Ferguson and Bernadette Ferguson, the owners of 208 Young Avenue; and the Mayor, the Village Administrator, Village's Legal Counsel Conforti and Tarcher, the Village Engineer, the Tax Assessor and the Receiver of Taxes are authorized to take the necessary and appropriate actions to effect the sale of the property and to add the property to the tax rolls under the ownership of Stephen and Bernadette Ferguson, the owners of 208 Young Avenue, Pelham, New York.

* END OF DRAFT RESOLUTION.

Item #9 -- Discussion and consideration of a proposed amendment and lease extension agreement between the Village of Pelham, and Cingular Wireless, as the successor to A T & T Wireless, for the maintenance and/or upgrade of antennae currently located on the roof of the Pelham Firehouse at 219 5th Ave.

The Administrator shared the package of information about this lease renegotiation with the Board, which had been shared with the Board for the last meeting.

He reviewed that the Board had discussed this item at the last Board meeting. They had asked Trustee Homan to get in touch with the Village's old consultant. She and the

Administrator discussed that person today, and I found his contact information, but we found it unnecessary to hire a consultant on this case.

The Administrator reviewed that he had already cooperated with the Village of Scarsdale on a study in 2005 of municipal cell phone site leases, which he had shared with the Board. The study of 15 municipalities found the average lease rate is \$33,425. 9 municipalities responding replied with numbers; 6 municipalities don't lease space to cell phone companies.

The amount Cingular is proposing is right on the average (actually slightly higher). They are proposing a lease that is about 30% less on an annual basis than the \$50,000 per year they pay now. The proposal was for \$34,970.28 in proposed monthly payments of \$2914.19. This number is about 4.6% higher than the average.

The Administrator suggested there is a high likelihood that Cingular/AT&T would take their business elsewhere, and the Mayor and Board agreed with that assessment. The Administrator attached the site and lease survey to the Board for their consideration.

* See attached document.

25-Feb-05

Wireless Telecommunication Facilities Survey

| Municipality | Facility Type | Annual Charge | Term of Lease (yrs) (all renewable) | Rent Increases (annually) |
|--------------------|---------------|-----------------|--|------------------------------|
| Briarcliff Manor | Water Tank | \$25,000 * | 5 | CPI |
| Hastings-on-Hudson | Building | \$42,000 | 10 | 4% |
| Mamaroneck/Town | Smokestack | \$34,000 | | |
| | Smokestack | \$34,000 | | |
| Mamaroneck/Village | Flagpole | \$30,000 | | 4% |
| | Flagpole | \$30,000 | | 4% |
| | Flagpole | \$30,000 | | 5% |
| Mount Kisco | Water Tank | \$54,698 ** | | |
| Ossining | Water Tank | \$27,000 | | No *** |
| Pelham | Building | \$25,000 | | |
| | Building | \$40,000 | | Yes |
| Scarsdale**** | Building | \$36,500 | 15 | 4% or CPI **** |
| | Building | \$35,095 | 15 | 4% or CPI **** |
| | Building | \$36,500 | 15 | 4% or CPI **** |
| Sleepy Hollow | Building | \$27,500 * | | Yes |
| | Building | \$27,500 * | | Yes |
| Average | | \$33,425 | | |

Notes: Responded municipalities that do not have telecommunication facilities on municipal property:
Ardsley, Bronxville, Croton-on-Hudson***, Elmsford, New Rochelle, Rye Brook***

* An average
 ** Vendor has stopped paying rent, in the process of renegotiating
 *** Currently negotiating a lease
 **** Whichever is higher

The Mayor asked for a motion, which was made to extend the lease with Cingular Wireless and accept the terms of the proposal from Cingular Wireless. On the motion made by Trustee Rozycki, seconded by Trustee Homan, the motion was approved by vote of five in favor, none opposed, Trustees Greco and Potocki absent.

Item #10 -- Authorizing a retainer agreement with Carlin Simpson & Associates for review of plans relevant to the 5th Avenue cliff.

The Administrator reported that he had contacted Bob Simpson, Engineer, of Carlin and Simpson Engineers, who has submitted a proposal to provide consulting services to the Village of Pelham for the review of the proposals and submittals regarding the 5th Avenue cliff. The Mayor reported that Mr. Simpson had come recommended by the Village's counsel on the Pelpark issue, and by engineer Bernard Grossfield, who had worked on the GDC site plan revisions. The Mayor reported that the costs for Mr. Simpson's fees would be borne by the applicants, subject to Section 70 of the Village Code requiring applicant payment costs for Professional Review Fees. Trustee Rozycki asked if the matter had to be bid, but the Mayor and Administrator reported that engineering and legal services were exempt from bid under State law and the Village's purchasing policy.

On the motion of Trustee Merrick, seconded by Trustee Homan, the motion was approved by vote of five in favor, none opposed, Trustees Greco and Potocki absent.

RESOLUTION

AUTHORIZING A RETAINER AGREEMENT WITH
CARLIN, SIMPSON and ASSOCIATES, OF SAYREVILLE, NJ,
FOR CONSULTING GEOTECHNICAL ENGINEERING SERVICES
FOR THE REVIEW OF PLANS, PROPOSALS AND SUBMITTALS BY APPLICANTS
RELEVANT TO THE 5TH AVENUE ROCK WALL COLLAPSE

BE IT RESOLVED, that the Board of Trustees of the Village of Pelham hereby authorizes a consulting agreement with Carlin, Simpson and Associates for Geotechnical Engineering Services in the review of the plans, proposals and related site plan review of the 5th Avenue properties that are impacted by the December 20, 2005 rock wall collapse; and

BE IT FURTHER RESOLVED, that the Mayor, Village Administrator, Village Attorney and other applicable village officials are authorized to take the necessary and appropriate actions to effect this agreement and proceed with this work.

Item #11 -- Authorizing a retainer agreement with Keane & Beane for legal review of documents and/or plans relevant to the 5th Avenue cliff.

The Administrator reported that Joel Sachs, Esq., had submitted a proposal to provide consulting services to the Village for the review of the proposals and submittals by the property owners regarding the 5th Avenue cliff. The Board had no further discussion

after their discussion on the Carlin and Simpson agreement. John Cassone asked for the hourly rates for the engineering services and legal services, and the Mayor read them back to him out of the proposals -- \$150 an hour for a principal engineer, \$95 an hour for staff engineers; \$225.50 per hour for legal partner, and \$190 per hour for senior associate attorney.

On the motion of Trustee Merrick, seconded by Trustee Homan, the motion was approved by vote of five in favor, none opposed, Trustees Greco and Potocki absent.

RESOLUTION

AUTHORIZING A RETAINER AGREEMENT WITH
KEANE and BEANE, P.C. OF WHITE PLAINS, NEW YORK,
FOR LEGAL SERVICES IN RELATION TO THE
REVIEW OF PLANS, PROPOSALS AND SUBMITTALS BY APPLICANTS
RELEVANT TO THE 5TH AVENUE ROCK WALL COLLAPSE

BE IT RESOLVED, that the Board of Trustees of the Village of Pelham hereby authorizes a consulting agreement with Keane and Beane, PC, of White Plains, New York, for Legal Services in the review of the plans, proposals and related site plan review of the 5th Avenue properties that are impacted by the December 20, 2005 rock wall collapse; and

BE IT FURTHER RESOLVED, that the Mayor, Village Administrator, Village Attorney and other applicable village officials are authorized to take the necessary and appropriate actions to effect this agreement and proceed with this work.

Item #12 -- Authorizing and approving the accounts payable.

The Mayor reminded the Administrator to get the lists of accounts payable out to the Board in the agenda packet, as they had been left out of this one.

Trustee Merrick reported he had reviewed all the bills, asked questions of the Administrator, and had received satisfactory answers to his questions.

The Mayor asked everyone to take a quick look at the bills and question anything that raised their concern. Trustee Merrick and the Administrator quickly reviewed the bills and their discussions of them.

After review of the bills, and discussion of the items, the Board agreed to authorize the payment of the checks, but with the understanding that the Board would take the time to make further review and approval of all the bills.

On the motion of Trustee Merrick, seconded by Trustee Rozycki, the Board approved the resolution by vote of five in favor, none opposed, Trustees Greco and Potocki absent.

RESOLUTION

WHEREAS, pursuant to Section 5-524 of the New York State Village Law, the Board of Trustees shall audit all claims against the Village.

NOW, THEREFORE, BE IT HEREBY RESOLVED, that the Board of Trustees after audit of the following claims, authorizes payment for services rendered and materials received, for the following items that have been submitted to the Treasurer's Office for payment and authorized by the Village Administrator:

| <u>Fund Name:</u> | <u>Amount</u> |
|-----------------------|---------------|
| General Fund | \$113,443.19 |
| Water Fund | \$2056.56 |
| Capital Projects Fund | \$31,603.33 |
| Trust and Agency Fund | \$2,360.00 |
| H3 Fund | \$0.00 |
| Grand Total | \$149,463.08 |

NOW, THEREFORE, BE IT RESOLVED, that this Board hereby approves payment of the above-mentioned claims and authorizes payment thereof, subject to further Board review and approval.

Item #13 -- Old Business/New Business -- Accepting and Adopting a decision from a hearing officer on the matter of Police Officer Shamus Sliney for him to work back-office transitional light duty while on 207-c injured status.

The Mayor read the resolution. The Board asked the Administrator to convey the decision and give an order to Mr. Sliney to return to work as soon as possible. On the motion of Trustee Merrick, seconded by Trustee Rozycki, the resolution was approved by vote of five in favor, none opposed, Trustees Greco and Potocki absent.

RESOLUTION

BE IT RESOLVED, the Report and Findings dated February 17, 2006, of the Hearing Officer appointed to hold a hearing pursuant to Section 207-c of the General Municipal Law regarding the physical ability of Police Officer Shamus Sliney to perform a light duty assignment for back-office desk duty on a five (5) day per week basis is hereby adopted in full; and

BE IT FURTHER RESOLVED that commencing on Monday, March 6, 2006, Police Officer Shamus Sliney is directed to report to work at 8:00 A.M.

Item #14 – Minutes: December 20, 2005; January 3, 2006; January 17, 2006; February 7, 2006.

The Mayor mentioned that the Board Members should review the minutes, which had just been prepared and circulated.

Item #15 – Adjournment.

There was no further business. On the motion of Trustee Rozycki, seconded by Trustee Homan, the Board voted to adjourn the meeting by vote of five in favor, none opposed, Trustees Greco and Potocki absent.

The meeting adjourned at 8:45 p.m.

Respectfully submitted,

Richard Slingerland
Village Administrator/Deputy Village Clerk