

VILLAGE OF PELHAM BOARD OF TRUSTEES MEETING  
TUESDAY, JANUARY 3, 2006, 7:30 P.M.  
VILLAGE HALL - 195 SPARKS AVENUE, PELHAM, NY

MINUTES

1. Meeting Called To Order
2. Pledge of Allegiance
- \* Oaths of Office for 3 new Police Officers
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
	<b>Contracts</b>	<b>7:45 p.m.</b>
7	Authorizing a contract with the New York State Emergency Management Office for a Pre-Disaster Hazard Mitigation planning Grant.	<b>Approved</b>
8	Authorizing a contract in the amount of \$250,000 for CDBG funds to be paid to the Village of Pelham for the First Street sewer project.	<b>Approved</b>
9	Authorizing the Village of Pelham's portion of the payment from the Sandford Boulevard Settlement Escrow in the amount of \$29,982.36, for the Glover Field and Colonial Avenue improvements project.	<b>Approved</b>
10	Authorizing a change-order to the agreement with Dolph Rotfeld Engineering for the re-design and re-bid of the First Street Sewer construction contract, and authorizing a contract for construction oversight not to exceed forty thousand dollars (\$40,000).	<b>Tabled</b>
11	Authorizing the annual renewal of the Westchester County Stop-DWI program	<b>Approved</b>
	<b>Human Resources</b>	<b>8:15 p.m.</b>
12	Authorizing the payment of pooled compensatory time to Police Officer Joseph DeMasi upon his retirement.	<b>Approved</b>
	<b>Housekeeping</b>	<b>8:30 p.m.</b>
13	Authorizing and approving the accounts payable	<b>Approved</b>
14	Old Business/New Business	
15	Minutes: November 15, 2005 and December 6, 2005	<b>Approved</b>
16	Executive Session	<b>Approved</b>
17	Adjournment	<b>9:10 p.m.</b>

Next Meetings are as follows:

Regular Board Meetings Tuesday January 17, 2006 and Tuesday February 7, 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, JANUARY 3, 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 7:30 p.m.

The following members of the Board of Trustees were present:

Mayor Michael Clain, Trustees Ciro Greco, Mia Homan, David Merrick, Peter Potocki, and Michael Rozycki. Trustee Edward Hotchkiss was absent.

Village staff in attendance:

Village Administrator Richard Slingerland, Firefighter Arthur Viggiano and Village Attorney Robert Tracy.

Item #2 – Pledge of Allegiance

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

Oaths of Office – The Mayor asked the three new police officers recently hired to come forward and take their oaths of office. Police Officers Paul Sousa, Ahmed Artola and Daniel Green all took their oaths of office with Mayor Clain.

Item #3 – Mayor's Report

Mayor Clain wished everyone well for the new year. He gave an update on the rock wall collapse that had occurred on December 20<sup>th</sup>. Lordae Realty (Santomero) and Pelham Medical Group (Dr. Sindhwani) had both hired Mueser Rutledge Engineers, to provide a report and plan of action. They had begun to map the face of the cliff with lasers. Len Russo had asked that each property owner submit a letter outlining a time line to show when and how they would make progress. The Mayor reported that the Village expected the letter and timeline within the next day or two. He noted that the Village's responsibility for the cliff was to make sure the situation is deemed safe. The cliff appears to be all privately owned. He reminded everyone that on December 20<sup>th</sup>, the rock crushed one of the buildings; Con Ed had requested that the building be made safe enough to get in to the buildings and cut off the gas to prevent any gas leaks or other hazard. The roof had been taken down, along with a portion of the building, and minor amounts of asbestos had been detected. The building north of the medical building had been closed, affecting about 11 businesses, including Rigatoni, Earfield Travel, Rangoli, Pelham Laundromat, Top 2 Nails, Posh Parties, the Pelham Picture House, Great American Photo, and Tropical Lights Tanning. He noted that the businesses would remain closed until the cliff was deemed safe, and the Village expected a plan from the landlords' engineers which would recommend whether the undamaged building would have to come down in order to stabilize the cliff. The Village had contacted county, state and Federal officials for assistance. State Senator Jeff Klein had met with the merchants, and Congresswoman Nita Lowey would be meeting

with the businesses on Thursday. The Mayor commented he had been in touch both with Dr. Sindhvani and Mr. Santomero, and he advised the Board that the Village would work with them to expedite action on the Village's part, as much as possible.

John Cassone of 7<sup>th</sup> Avenue asked for a status report on the 6<sup>th</sup> Avenue homes. Mayor Clain reported that the homes appeared to be safe, and the engineers had not stated any concerns about the safety of those homes or residents. Paul Bloom, a resident of 6<sup>th</sup> Avenue in the affected area, asked to be kept informed. Administrator Slingerland advised him that if he submitted his e-mail, he would be included in the informational e-mails. The Board asked how the 6<sup>th</sup> Avenue homes had been determined to be safe. The Administrator mentioned that the engineer from the NYS Geological Survey had walked the properties, and inspected all the foundations and structures from the outside, as had the Police Chief, Fire Chief and Building Inspector, and had found no evidence of existing damage or potential further damage (by cracks, fissures or sinkholes).

Richard Altobelli Sr. of 5<sup>th</sup> Avenue and Paul Bloom of 6<sup>th</sup> Avenue both stated that the Board and the Village had done a good job of keeping everything under control after the damage had occurred. There was some brief discussion of whether the buildings would be rebuilt, or the area would be redeveloped. The Board also touched on parking, but decided it was a little premature to get into any details. Trustee Homan mentioned that it would be prudent of the homeowners on 6<sup>th</sup> Avenue to hire their own engineers to have input on any plans. Trustee Potocki asked if SEMO had any resources, and the Administrator said he would look into that. Mayor Clain concluded that at this point, the primary goal is to determine what is necessary to make the cliff safe.

#### Item #4 – Trustees Reports:

Trustee Greco mentioned that the Village had reached an agreement with the Fire Department, and expected to be settled in another 2 weeks or so. The Administrator mentioned that everything would be wrapped up as soon as the Village received the signed Memorandum of Understanding back from the firefighters.

Trustee Potocki mentioned that on a Monday in January, all the police officers would be participating in an "active shooter" training at the Middle School. He mentioned that Pelham Manor had been invited to participate in the training. Trustee Potocki also reviewed the parking counts along Wolfs Lane over the past few months, to give a sense when there are fewer parking spots, and where the need is. The Board discussed the study and the parking patterns; Trustee Potocki mentioned that the Village would have to see the impact from the Picture House over a longer period of time. He mentioned he'd like to see the study performed one more time in the Spring. Mayor Clain discussed the issue of empty spots on the east side of the street, and mentioned that the Village would be looking into putting lights to improve lighting and safety.

Trustees Rozycki, Homan, Merrick had nothing additional to report at this time.

#### Item #5 – Village Administrator's Report:

Administrator Slingerland reported that the Village had received a report from the County Traffic Engineer, regarding the intersection at Lincoln and 9<sup>th</sup>. One was to increase the "all clear" delay, to prevent rear-end collisions. It also recommended splitting out 9<sup>th</sup> and Highbrook for detection activation, and keep Lincoln Avenue moving. The County also committed to installing a "signal ahead" sign on westbound Lincoln Avenue, and they advised they would be getting back to the Village with the traffic light retiming study soon, in approximately 4-6 weeks.

The Administrator also asked to add an item to the agenda, for the annual renewal of the County's Stop DWI program.

He also discussed with the Board that they should authorize a Bond for \$200,000, to cover the difference between revenues and expenditures for storm water and sewer improvement projects. He reviewed the expenditures to date, along with the grant and Village revenues, and explained the need to reach approximately \$1.1 million in revenues, to cover the estimated total spent or planned \$1.1 million in project costs. The Board discussed the costs, and the change orders, and the fact that the Village would need to bond to fund the amount of about \$500,000, and would receive grants and contributions in the additional amount of \$609,000. They also discussed the status of the First Street project, how long it would take, that the materials ordered would take about 6-8 weeks. Actual time of construction given good weather was set at about 8 weeks.

The Mayor asked whether the Village had heard back from United Water. The Administrator advised that he had spoken with United Water, and that he needed some information to write a letter and proceed with removing a water main that was creating about a 40% restriction in the north end of the storm sewer system.

Item #6 – Public Comment:

Item #7 -- Authorizing a contract with the New York State Emergency Management Office for a Pre-Disaster Hazard Mitigation planning Grant.

The Board discussed the grant, and thanked Dennis DelBorgo for all his hard work in preparing this grant application. They also discussed the cost sharing of 75% State/25% Local match, with the Village responsible for a match of up to \$8,337.50. It also noted that the State was responsible at most for their match of \$25,012.50. It was also discussed that these types of plans would be to define and hopefully correct pre-disaster such hazards (compared to Hurricane Katrina).

Trustee Potocki mentioned that if we have such a pre-hazard mitigation plan, we could qualify later for other FEMA grants to address the hazards. The Board also discussed changing air traffic patterns over the Village of Pelham, and mentioned that such a plan might consider addressing hazards from a plane disaster too. It was recommended that the Police, Fire and Public Works Departments should participate in the pre-planning committee.

On the motion of Trustee Merrick, seconded by Trustee Rozycki, the Board authorized the resolution by a vote of six in favor, none opposed, one absent (Trustee Hotchkiss).

RESOLUTION

AUTHORIZING THE VILLAGE OF PELHAM  
TO ENTER INTO AN AGREEMENT  
WITH THE NYS EMERGENCY MANAGEMENT OFFICE  
TO PREPARE A PRE-DISASTER HAZARD MITIGATION PLAN.

BE IT RESOLVED, that the Mayor and the Village Administrator and other appropriate village officials are authorized to take the necessary and appropriate actions, and either the Mayor or the Village Administrator are authorized to sign the agreements for the Village of Pelham to participate in the Pre-Disaster Hazard Mitigation Program in a grant amount not to exceed \$25,012.50, a village contribution not to exceed \$8,337.50, on a 75/25% Federal / non-Federal basis; and

BE IT FURTHER RESOLVED, that all appropriate village officials are authorized to take the necessary and appropriate actions to effect and execute this contract and to procure the services provided for under this grant.

Item #8 – Authorizing a contract in the amount of \$250,000 for CDBG funds to be paid to the Village of Pelham for the First Street sewer project.

The Board discussed this agreement, and asked if they had not already approved this agreement. The Administrator mentioned that the Village had met with the County on Friday, December 23<sup>rd</sup>, to discuss the agreement, and that he was asking the Board to approve the agreement before the Village had actually received the agreement.

On the motion of Trustee Rozycki, seconded by Trustee Greco, the Board authorized the resolution as amended, to approve the agreement subject to the approval of the Village Attorney. The Board authorized the resolution by a vote of six in favor, none opposed, one absent (Trustee Hotchkiss).

RESOLUTION

AUTHORIZING AN AGREEMENT BETWEEN  
THE COUNTY OF WESTCHESTER AND THE VILLAGE OF PELHAM  
FOR THE VILLAGE TO RECEIVE \$250,000 IN CDBG FUNDS  
AS PART OF THE WESTCHESTER COUNTY URBAN COUNTY CONSORTIUM

BE IT RESOLVED, that the Board of Trustees of the Village of Pelham hereby authorizes an agreement between the Village of Pelham and Westchester County, subject to the review and approval of the Village Attorney, for the Village to receive two

hundred and fifty thousand dollars (\$250,000) to be matched by at least \$250,000 by the Village of Pelham, with the Village complying with all applicable Federal requirements, and

BE IT FURTHER RESOLVED, that the Mayor, the Village Administrator, the Village Attorney are authorized to take all necessary and appropriate actions, including signing all documents, to effect this agreement.

Item 9 – Authorizing the Village of Pelham’s portion of the payment from the Sandford Boulevard Settlement Escrow in the amount of \$29,982.36, for the Glover Field and Colonial Avenue improvements project.

The Board discussed this item, and reviewed the invoices. The Board found it difficult to agree, due to Pelham Manor’s declining cooperation regarding the Colonial Avenue traffic improvements, and the closure of Carol Avenue was primarily benefiting Pelham Manor residents. It was discussed that the Village of Pelham’s jurisdiction over Colonial Avenue extended to a right-of-way that goes up to the property lines of the homes south of Colonial Avenue. On the motion of Trustee Homan, seconded by Trustee Merrick, the Board authorized the resolution by a vote of six in favor, none opposed, one absent (Trustee Hotchkiss).

#### RESOLUTION

AUTHORIZING THE VILLAGE OF PELHAM'S PORTION  
OF THE PAYMENT FROM THE SANDFORD BOULEVARD SETTLEMENT ESCROW  
IN THE AMOUNT OF \$29,982.36  
FOR THE GLOVER FIELD AND CAROL PLACE IMPROVEMENTS PROJECT.

BE IT RESOLVED, that the Board of Trustees of the Village of Pelham authorizes payment, as requested by the Town of Pelham, from the Sandford Boulevard Settlement Escrow, in the amount of twenty-nine thousand nine-hundred eighty-two dollars and thirty six cents (\$29,982.36), and requests payment be made by Thacher Proffitt and Wood to the Town of Pelham to fund their payment to Peter J. Landi, Inc. for all work performed pursuant to the contract between the Town of Pelham and Peter J. Landi, Inc.

Item 10 – Authorizing a change-order to the agreement with Dolph Rotfeld Engineering for the re-design and re-bid of the First Street Sewer construction contract, and authorizing a contract for construction oversight and inspection not to exceed forty thousand dollars (\$40,000).

The Mayor asked for a motion and a second, and then discussed the item. Trustee Merrick moved, and Trustee Potocki seconded the motion.

On review of the bills, it was discussed that the original estimates were much lower than the actual bids – that the original estimate was between \$700,000 to \$800,000. Trustee Potocki had a problem with the fact that the bids were actually much higher than the

original estimates, close to \$1.2 million, or about 50% more than the estimates. The Board discussed and objected to paying for a revised bid, since it seemed the cause of the re-bid was the engineer's under-estimation of the costs.

After discussion, the Board decided to table this item for further discussion, and asked the Administrator to go back to Dolph Rotfeld and ask for a detail and explanation of how the estimate could be so far off the actual bids. Trustee Potocki did not want to authorize the additional expenses for the rebid. The Board did not question Rotfeld Engineers' qualifications, and they wanted to continue using him, but it was requested that the Village receive some kind of compensation, or reduction in the change order.

Item #11 – Authorizing the annual renewal of the Westchester County Stop-DWI program.

The Board discussed this item, and asked for a breakdown of the Police overtime expenditures. On the motion of Trustee Potocki, seconded by Trustee Rozycki, the Board authorized this resolution by vote of six in favor, none opposed, one absent (Trustee Hotchkiss).

RESOLUTION

AUTHORIZING RENEWAL AND CONTINUED PARTICIPATION BY  
THE VILLAGE OF PELHAM  
IN THE WESTCHESTER COUNTY STOP DWI PATROL/DATAMASTER PROJECT  
WITH FUNDING FROM THE COUNTY NOT TO EXCEED \$8,400

BE IT RESOLVED, that the Board of Trustees of the Village of Pelham hereby authorizes the renewal of an agreement and continued participation by the Village of Pelham in the Westchester County Stop DWI Patrol/Datamaster Project With Funding From The County Not To Exceed \$8,400; and

BE IT RESOLVED, that the term of the agreement shall be for a one (1) year period commencing on or about January 1, 2006 and finishing December 31, 2006; and

BE IT FURTHER RESOLVED, that the Board of Trustees of the Village of Pelham does hereby request the additional \$2,400, for the full amount of the \$8,400 DWI Patrol/Datamaster program; and

BE IT FURTHER RESOLVED, that the Mayor, the Village Administrator, the Village Attorney and the Police Chief are authorized to take all necessary and appropriate actions, including signing all documents, to effect this agreement.

Item #12 -- Authorizing the payment of pooled compensatory time to Police Officer Joseph DeMasi upon his retirement.

Mayor Clain read the resolution, and mentioned that this is typically done for all retiring police officers. The Board discussed the bookkeeping of the comp time issue, and

asked for an update. On the motion of Trustee Potocki, seconded by Trustee Greco, the Board authorized this resolution by vote of six in favor, none opposed, one absent (Trustee Hotchkiss).

### RESOLUTION

#### AUTHORIZING PAYMENT OF POOLED COMPENSATORY TIME TO POLICE OFFICER JOSEPH DEMASI UPON HIS RETIREMENT

BE IT RESOLVED, that the Board of Trustees of the Village of Pelham acknowledged the retirement of Police Officer Joseph DeMasi effective December 9, 2005, after completion of over twenty years of employment with the Village of Pelham, and authorizes the reduction of police officer compensatory time banks by a day each as recommended by the Police Chief and Lieutenant in the total amount of six thousand three hundred eighty-five dollars and twenty five cents (\$6,385.25).

#### Item #13 -- Authorizing and approving the accounts payable.

It was mentioned that the Village had under-budgeted for the annual audit. The Administrator advised the Board that the Village received the proposal from our auditors after the budget had been adopted. It was also discussed that gasoline consumption is fairly high – about 1000 gallons a week. Trustee Greco had reviewed and questioned the bills, but had received answers for all his questions. Mayor Clain asked about the AAA Emergency bill for bunker gear, in the amount of about \$23,918, and it was mentioned that AAA was under state contract for fire gear. On the motion of Trustee Greco, seconded by Trustee Homan, the Board approved the bills by vote of six in favor, none opposed, one absent (Trustee Hotchkiss).

### 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	\$89,702.05
Water Fund	\$310.00
Capital Projects Fund	\$1,950.00
Trust and Agency Fund	\$0.00
H3 Fund	\$0.00
Grand Total	\$91,962.05

**NOW, THEREFORE, BE IT RESOLVED**, that this Board hereby approves payment of the above-mentioned claims and authorizes payment thereof.

Item #14 – Old Business/New Business – Trustee Homan asked about a large pothole in the Heights. She also mentioned that the fire zone across from the Firehouse is often parked in; she asked that a 2-hour parking sign be moved so that it's clear there is no parking in the Fire Zone.

Trustee Rozycki asked about the status of the municipal planning firms; we have some additional planning to do on the Downtown. Mayor Clain advised that the Village was ready to proceed on the 12<sup>th</sup> or the 19<sup>th</sup>, but that the final report had not been submitted. He mentioned that Al Delbello had submitted a new counter-proposal, and that he and Frank Fish would be meeting with him. The Board also asked about the additional proposal from Ralph Papa and Rockwells. Trustee Greco mentioned that he would sit with them in the near future to discuss it with them.

The Board also discussed the no parking on 3<sup>rd</sup> Avenue, near Marbury Corners. They also discussed the no parking on First Street, from 2<sup>nd</sup> Avenue eastward, to improve sight-lines for cars exiting 2<sup>nd</sup> Avenue.

Mayor Clain advised the Board of one item of new business – that there are still a lot of leaves. The Administrator advised the Mayor and Board that he had spoken with the General Foreman to finish up on the leaf removal, and that the crews had been slowed by snow removal, but that they would be done in 1-2 weeks. He mentioned that Christmas trees were being picked up and shredded at the same time.

Trustee Homan asked for a reminder to the public that computer monitors be handled correctly. She mentioned that there is one that's out on Monterey.

Item #15 – Minutes – November 15<sup>th</sup> and December 6<sup>th</sup>.

Trustee Merrick moved, Trustee Homan seconded, and the Board approved the minutes from November 15<sup>th</sup> and December 6<sup>th</sup> by vote of five in favor, none opposed, one abstention (Rozycki), and one absent (Hotchkiss).

Item #16 – Executive Session.

The Mayor asked a motion to go into Executive Session to discuss personnel employment issues, and real estate contract issues. On the motion of Trustee Homan, seconded by Trustee Potocki, the Board agreed to go into Executive Session to discuss these matters.

Item #17 – Adjournment.

The Mayor asked for a motion to adjourn the public session of the Board Meeting, to go into Executive Session, after which the Board would adjourn the Board Meeting for the

evening. On the motion of Trustee Homan, seconded by Trustee Rozycki, the Board agreed to adjourn the public portion of the Board Meeting.

Meeting adjourned at approximately 9:10 p.m.

Respectfully submitted,

Richard Slingerland  
Village Administrator/Deputy Village Clerk