

VILLAGE OF PELHAM BOARD OF TRUSTEES
 ORGANIZATIONAL AND SCHEDULED MEETING
 TUESDAY, APRIL 4, 2006, 7:30 PM
 VILLAGE HALL – 195 SPARKS AVENUE, PELHAM, NY

MINUTES

1. Call To Order
2. Pledge of Allegiance
3. Oaths of Office for 3 Trustees given by Judge Stephen Huff
4. Mayor's Report
5. Trustees' Reports
6. Village Administrator's Report
7. Public Comment

Approximate
StartingTime
of Discussion

#	Agenda Items:	
	Land Use – Cliff remediation review	8:00 p.m.
8	Considering the authorization for rock cliff scaling plan-of-action for the following property owners: a. Lordae Realty's 5 th Avenue properties b. Pelham Medical Group's 5 th Avenue property	Lordae Approved PelMedical tabled
	Organizational Items	8:45 p.m.
9	Annual Organizational Resolutions and Appointments	approved
	Public Hearings	8:55 p.m.
10	Presentation and Public Hearing on the Village of Pelham Proposed Budget for Fiscal Year 2006-2007.	Opened; continued
	Contracts and General Business	9:00 p.m.
11	Authorizing renewal of the contract between the Village and NYMIR for insurance coverage	Approved
12	Authorizing the contract between the Village and the Firefighters.	Approved
13	Considering the award or rejection of all bids and re-bid for a diesel exhaust system for the Pelham Fire Department.	Approved
14	Authorizing the Chamber of Commerce's Annual Street Fair 6/3	Approved, w/req to disc. further
15	Considering the request by Tiffany's for endorsement to allow the company to expand its operations into Mount Vernon by relocating existing jobs from the Village to the City, which shall be back-filled in Pelham, for no economic impact on Pelham.	Approved
	Housekeeping	9:30 p.m.
16	Authorizing the Accounts Payable.	Approved
17	Old Business/New Business	
18	Minutes – March 7 and March 21, 2006	
19	Adjournment	

Next Regular Board Meetings are Tuesday April 18 and May 2, 2006 at 7:30 p.m.

Budget Work Sessions at 7:30 p.m. March 23rd and 28th; April 5th and 11th

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, APRIL 4, 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 Greco, Hotchkiss, Merrick, Mohan and Potocki.

Absent – Trustee Homan.

Village staff in attendance:

Village Administrator Richard Slingerland.

Other Officials in attendance:

Town Justice Stephen Huff.

Item #2 – Pledge of Allegiance

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

Item #3 – Oaths of Office for 3 Trustees

The Oaths of Office were given by Judge Stephen Huff to re-elected Trustees Ciro Greco, Peter Potocki, and newly elected Trustee Theresa Mohan.

Item #4 – Mayor’s Report – The Mayor had nothing to report at this time.

Item #5 – Trustees’ Reports:

Trustee Greco had nothing to report.

Trustee Potocki gave a report on parking near the Middle and High Schools. He thanked Pelhamites for their support and looked forward to serving for another 2 years. He also thanked Mike Rozycki for his service on the Board.

Trustee Hotchkiss gave a report on the trash around the Metro North Station, as well as the missing “P” letters on the MTA Pelham Station sign facing First Street. Administrator Slingerland reported that he had walked around the Station with the MTA to show them their property lines and their responsibilities, and they advised they and their contractors would take better care of MTA property.

Trustee Merrick gave a report on the Wolfs Lane Park Committee, and announced a planned walking tour of the park scheduled for Sunday, April 9th.

Trustee Mohan thanked the community for its support and she announced her eagerness to serve on the Board.

Item #6 – Administrator’s Report:

Administrator Slingerland reported on the following matters:

- He gave a financial status report at the current time in the Fiscal Year;
- He announced the Wartburg’s loan application to the Housing Implementation Fund for a feasibility study on the creation of affordable senior housing in Pelham
- He announced the DOT had finally issued the permit for the First Street storm drain project and that the last hurdle had been cleared for the project to proceed

Item #7 – Public Comment:

James Mitrione, PBA President, welcomed back Trustees Greco and Potocki, and welcomed new Trustee Mohan.

Paul McKenna of B & B asked to speak about the elimination of 2 parking spaces on 7th Street. The Board explained the reason for the change was to allow emergency vehicles to get through on 7th Street from 5th Avenue. The Mayor asked Mr. McKenna to come back in 2 weeks, which Mr. McKenna agreed to do.

Item #8 – Land Use – Cliff remediation review:

Considering the authorization for rock cliff scaling plan-of-action for Lordae Realty’s 5th Avenue properties:

Dan Hollis, Esq., of Shamberg Marwell made a presentation on behalf of Lordae Realty for the remediation plan to begin the “rock scaling” demolition operation, to remove the unsafe rocks off of the cliff behind Lordae Realty’s properties at 126 through 142A 5th Avenue. Mark Stier, P.E., Engineer from Tectonic, Engineers, of Mountainville, NY, gave the technical specifics of the plan. He explained the plan with their contractor Janod, out of Canada, and that the larger boulders would be split, broken into small pieces and carted out through the buildings. Some steel mesh netting and rock anchor bolts would be required. He recommended pre-construction surveys for all surrounding homes and buildings. He explained that the scaling operation was in three phases, beginning at the north end and finishing up at the south end, in the worst area behind the Rigatoni restaurant.

Joel Sachs, Esq., advised that he was working on the Village’s behalf on easements and cross-easements to allow the work to proceed. There was discussion that the cliff scaling work would not cut back to the property line with the homes.

Bob Simpson, P.E., from Carlin Simpson Engineers of Sayreville, NJ, gave his report from the Village's consideration.

Mr. Simpson reported and recommended the following (his report to be attached to and made part of the Board minutes):

- Phase 1 okay from station 0+00 to 2+25 only
- Start at the north and move south
- Some netting will remain; cutting down the distance between control points
- Useful life would be 50-100 years, with review in 3-5 years, and check in again after 20 years
- Mr. Sachs suggested there could be a covenant with the land to require future maintenance of the rock

Planning Board Member Phil Perrorazio reported the Planning Board's recommendation to go along with the remediation plan and all the details stated earlier.

Building Inspector Russo recommended:

- Daily supervision by a qualified engineer; recommended 3rd party oversight
- Street closings to be coordinated with the Police and Fire Departments
- He said the existing building(s) should be kept and protected from damage, if at all possible

Ken Nilsen of 125 6th Avenue asked what would be done to minimize the impact on the 6th Avenue homeowners, and the details were explained and included in amendments to the resolution, including vibration monitoring.

A motion was made by Trustee Merrick, seconded by Trustee Greco, to adopt the Resolution as amended. The Applicant also was to research and report back to the Village on insurance liability coverage naming the homeowners and building tenants as additional insured. The resolution was adopted as amended by vote of six in favor, none opposed, one absent (Trustee Homan).

**RESOLUTION
AUTHORIZING THE PHASE 1 ROCK CLIFF CORRECTION AND REMEDIATION
PLAN-OF-ACTION FOR LORDAE REALTY AS DISCUSSED
AT THE SPECIAL PLANNING BOARD MEETING OF MARCH 28, 2006**

BE IT RESOLVED, by the Board of Trustees of the Village of Pelham that the report and recommendation of the Planning Board which shall be based on the discussion and presentation by Tectonic that took place at a Special Planning Board Meeting at 7:30 p.m. on March 28, 2006, and the report and recommendation of the Village's Consulting Engineer, Robert Simpson, P.E., a Geotechnical Engineer with Carlin Simpson Consulting Engineers of Sayreville, New Jersey, specifically for the rock cliff remediation plan Phase 1 proposed by Tectonic Engineers of Mountainville, New York, are found to be acceptable and the plan is accepted to temporarily remedy the unsafe condition and

stabilize the cliff behind the buildings at 126 through 142A 5th Avenue, which are owned by Lordae Realty; and

BE IT FURTHER RESOLVED, that the conditions and requirements of approval include the following:

1. A plan or statement of plan from the applicant's contractor Janod on how they are going to remove the materials from the site
2. A timeline for the work taking place
3. A plan for the maintenance and protection of traffic, including a plan for closures of the street to traffic and pedestrians
4. A buffer of eight feet in width protecting the construction and demolition site area is required under New York State Law
5. A Hold Harmless and Indemnification agreement naming the Village of Pelham and its officers, boards, agencies and officials is required prior to the start of work, including a statement that the Village is not responsible for any damage caused by the work
6. On-site 3rd party engineering oversight of all work at all times to be paid for by the applicant
7. Performance Bond to ensure completion of Phase 1 of the rock demolition work.
8. Applicant pre-work structural surveys of adjacent residential properties to the east to document the existing conditions
9. Applicant's contractor must provide vibration monitoring on all properties adjacent to the slope, including the "Brick Park" 2nd Street public staircase.
10. A completed building permit application, along with the appropriate insurance including liability policies naming the Village of Pelham as additional insured and all appropriate fees for building and other permits paid to the Village.
11. That all conditions be complied with as listed in the April 4, 2006 letter prepared and submitted by Robert Simpson, P.E. of Carlin Simpson & Associates Engineers of Sayreville, New Jersey, and the letter is attached to and made a part of this resolution.

BE IT FURTHER RESOLVED, that the Mayor, Village Administrator, Building Inspector and other appropriate Village officials are authorized to take the necessary and appropriate actions to effect this approval and authorize this remediation plan to proceed, including the imposition of additional requirements as may be necessary.

Item #8 b. – Cliff Remediation Review for Pelham Medical Group’s 5th Avenue property:

As there was no submission or approval or report with a recommendation from the Planning Board, this matter was tabled pending the submission of future plans.

Organizational Items:

Item #9 -- Annual Organizational Resolutions and Appointments:

On the motion of Trustee Hotchkiss, seconded by Trustee Mohan, the following resolution was adopted by vote of six in favor, none opposed, one absent (Trustee Homan).

ANNUAL ORGANIZATIONAL MEETING RESOLUTIONS 2006

RESOLUTIONS OF APPOINTMENT OF THE FOLLOWING OFFICIALS:

RESOLVED, that Trustee Mia Homan is re-appointed by the Mayor as Deputy Mayor.

RESOLVED, that Richard C. Slingerland, Village Administrator, of Ossining, New York, is hereby re-appointed Village Treasurer and Second Deputy Village Clerk.

RESOLVED, that Robert Tracy is hereby re-appointed as Village Attorney.

RESOLVED, that Martha Conforti is hereby re-appointed as Village Prosecuting Attorney for the Pelham Court.

RESOLVED, that Robert Wise is hereby re-appointed as Counsel to the Zoning Board of Appeals

RESOLVED, that Michele Casandra, Assessor for the Town of Pelham, is hereby re-appointed as the Assessor for the Village of Pelham.

RESOLVED, that Charles Amann, Receiver of Taxes for the Town of Pelham, is hereby re-appointed as Receiver of Taxes for the Village of Pelham.

RESOLVED, that Deborah DelGrosso is hereby re-appointed as Deputy Treasurer, Deputy Registrar of Vital Statistics and Water System Clerk for the Village of Pelham.

RESOLVED, that Terri Rouke is hereby re-appointed as Village Clerk and Registrar of Vital Statistics for the Village of Pelham.

RESOLVED, that Sandra Shriman is hereby re-appointed as Deputy Village Clerk.

RESOLVED, that the First (1st) and Third (3rd) Tuesdays of every month are hereby

designated as the Regularly scheduled Meeting nights of the Village of Pelham Board of Trustees (meetings will begin at 7:30 p.m.).

DESIGNATION OF SIGNATORIES

RESOLVED, that the Mayor, the Deputy Mayor, the Village Administrator/Treasurer, and the Deputy Village Treasurer are hereby authorized to sign checks on behalf of the Village of Pelham.

DESIGNATION OF DEPOSITORIES

RESOLVED, that J P Morgan/Chase Bank N.A. and HSBC Bank are hereby designated as depositories for the Village of Pelham.

DESIGNATION OF OFFICIAL NEWSPAPERS

RESOLVED, that the Pelham Weekly is hereby designated as the official newspaper, and the Journal News is hereby designated as the back-up official newspaper of the Village of Pelham for the ensuing official year.

LAND-USE BOARD APPOINTMENTS

On the motion of Trustee Greco, seconded by Trustee Hotchkiss, the following resolution was adopted by vote of six in favor, none opposed, one absent (Trustee Homan).

ZONING BOARD OF APPEALS

RESOLVED, that Charles Ippolito of 54 Highbrook Avenue, Pelham, is re-appointed by the Mayor as a Member of the Village of Pelham Zoning Board of Appeals, to a five-year term that will expire on March 31, 2011.

PLANNING BOARD

RESOLVED, that Gwen Miller-Tapogna of 175 Sparks Avenue, Pelham, is re-appointed by the Mayor to the Village of Pelham Planning Board, to a five-year term that will expire on March 31, 2011.

ARCHITECTURAL REVIEW BOARD

RESOLVED, that Brian Chabrunn of 266 Elderwood Avenue, Pelham, is re-appointed by the Mayor to the Village of Pelham Architectural Review Board, to a three-year term that will expire on March 31, 2009.

RESOLVED, that Martin Semjen of 41 Boulevard, Pelham, is appointed by the Mayor to the Village of Pelham Architectural Review Board, to a three-year term that will expire on March 31, 2009.

DEPARTMENTAL TRUSTEE LIAISONS

Trustee Theresa Mohan is appointed to serve as the Liaison to the Pelham Fire Department

Trustee Mia Homan is appointed to serve as the Liaison to the Pelham Public Works Department.

Trustee Peter Potocki is appointed to serve as the Liaison to the Pelham Police Department.

Trustee Ciro Greco is appointed to serve as the Liaison to the Building Department and coordinator of Public Works capital projects, including Flooding remediation.

Item #10 – Public Hearing on the Village Budget for Fiscal Year 2006-2007.

The hearing was opened and continued on to April 18, 2006. There were no speakers.

Village of Pelham, NY
Notice of Public Hearing
On the 2006-2007 Proposed Budget

BE IT RESOLVED, that pursuant to Section 5-508 of the NYS Village Law, the Board of Trustees of the Village of Pelham hereby gives notice that there will be a Public Hearing held on Tuesday, April 4, 2006, at 7:30 p.m. in Village Hall, 195 Sparks Avenue, Pelham, New York, on the Proposed Budget of the Village of Pelham for Fiscal Year 2006-2007.

A copy of the budget will be available at the office of the Village Clerk in compliance with New York State Law at or after 4 p.m. Noon, on Monday, March 20, 2006 and any interested person may request a copy or may inspect it there by during normal office hours of 8 a.m. to 5:00 p.m.

As required by State Law, notice is hereby made that the compensation of the Mayor and Board of Trustees is as follows:

Title	Positions	Annual Compensation
Mayor	(1)	\$5,000
Trustees	(6)	\$2,000

* Note: The Budget hearing may be continued, but must be adjourned on or before April 20, 2006.

By Order Of Mayor Michael J. Clain
And the Board Of Trustees
Friday, March 24, 2006
Richard Slingerland, Village Administrator/Treasurer

Item #11 -- Authorizing renewal of the contract between the Village and NYMIR for insurance coverage.

On the motion of Trustee Hotchkiss, seconded by Trustee Mohan, the following resolution was adopted by vote of six in favor, none opposed, one absent (Trustee Homan).

RESOLUTION
AUTHORIZING THE RENEWAL FOR TWO (2) YEARS
UNDER THE FIRST OF TWO RENEWAL TERMS
BETWEEN THE VILLAGE AND THE
NEW YORK MUNICIPAL INSURANCE RECIPROCAL (NYMIR)
FOR INSURANCE COVERAGE OF THE VILLAGE OF PELHAM

BE IT RESOLVED, by the Board of Trustees of the Village of Pelham authorizes the first renewal of the agreement with NYMIR for Insurance coverage and services to the Village of Pelham, through the Spain Agency, for the period of June 1, 2006 through May 31, 2008, and authorizes the Mayor, the Administrator and all appropriate officials to execute this agreement and take the necessary and appropriate actions to continue the Village's insurance coverage.

Item #12 -- Authorizing the contract between the Village and the Firefighters.

On the motion of Trustee Greco, seconded by Trustee Hotchkiss, the following resolution was adopted by vote of six in favor, none opposed, one absent (Trustee Homan).

RESOLUTION
AUTHORIZING THE CONTRACT BETWEEN THE VILLAGE OF PELHAM
AND THE PELHAM FIREMEN'S TAYLOR ACT COMMITTEE (IAFF LOCAL 2213)
FOR THE PERIOD OF JUNE 1, 2005 THROUGH MAY 31, 2009

BE IT RESOLVED, that the Board of Trustees of the Village of Pelham hereby authorizes the signature of the Collective Bargaining Agreement, previously authorized by this Board on January 17, 2006, and amended February 7, 2006, to provide for additional clothing allowance, the entire contract period covering June 1, 2005 through May 31, 2009 and authorizes the Mayor, Village Administrator, Village Attorney and Labor Counsel to take the necessary and appropriate actions to execute and finalize the collective bargaining agreement.

Item #13 -- Considering the award or rejection of all bids and re-bid for a diesel exhaust system for the Pelham Fire Department.

On the motion of Trustee Merrick, seconded by Trustee Greco, the following resolution was adopted by vote of six in favor, none opposed, one absent (Trustee Homan).

RESOLUTION
AUTHORIZING THE REJECTION OF ALL BIDS
FOR CONTRACT 2006-#02
FOR A DIESEL EXHAUST SYSTEM FOR THE PELHAM FIRE DEPARTMENT

WHEREAS, The Village Of Pelham Issued A Notice to Bidders on Contract # 2006-02 for a new Fire Department Diesel vehicle exhaust system, wholly funded by the U.S. Department of Homeland Security Assistance to Firefighters Program; and

WHEREAS, a public notice was duly published on Monday, April 6, 2006, and the Department received and opened three (3) bids on Monday, February 27, 2006, but with inadequate information about the manufacturer's specifications and the equipment being proposed to make an informed decision, despite subsequent requests and communications from the Village for such information.

THEREFORE, BE IT RESOLVED, that on the recommendation of the Village Administrator and the Deputy Fire Chief, the Mayor and Board of Trustees authorizes the rejection of all bids, and the preparation of new specification and proposal documents to be re-advertised and publicly bid for this equipment.

Item #14 -- Authorizing the Chamber of Commerce's Annual Street Fair 6/3/2006.

The Board discussed this item, and approved the date, but suggested the Chamber look for an alternate location to avoid conflict with the 5th Avenue cliff remediation work just approved. On the motion of Trustee Merrick, seconded by Trustee Greco, the following resolution was adopted as amended by vote of six in favor, none opposed, one absent (Trustee Homan).

RESOLUTION
AUTHORIZING THE ANNUAL CHAMBER OF COMMERCE STREET FAIR
TO BE HELD ON SATURDAY, JUNE 3, 2006

BE IT RESOLVED, that the Mayor and Board of Trustees of the Village of Pelham hereby authorizes the Annual Chamber of Commerce Street Fair to take place on Saturday, June 3, 2006, with the requirement for adequate insurance covering the Village of Pelham for this event, such coverage to be not less than two (2) million dollars, with such support and street closure as necessary for the Fair, with review and further determination about location of the street fair.

A motion was made by Trustee Merrick, seconded by Trustee Greco to adopt the Resolution. The resolution was adopted by vote of six in favor, none opposed, one absent (Trustee Homan).

RESOLUTION

For a Shift of Operation into an Empire Zone
By Tiffany & Company

WHEREAS, Tiffany & Company has operations at 143 Sparks Avenue in the Village of Pelham, New York, from 1996 to present; and

WHEREAS, Tiffany & Company employs approximately 250 people in the Village of Pelham; and

WHEREAS, Tiffany & Company due to space constraints at 143 Sparks Avenue in the Village of Pelham, has transferred employees and projects and will need to transfer additional employees to the City of Mount Vernon to accommodate new employees of specific skills needed in conjunction with a manufacturing line expansion at the Village of Pelham location, with the understanding that employment levels in Pelham will return to prior levels in 2007; and

WHEREAS, the Board of Trustees of the Village of Pelham has provided the opportunity for public comment and none was made on the issue, and comments have been submitted on behalf of Tiffany's that extraordinary circumstances exist to warrant the transfer of employees of Tiffany & Company to the City of Mount Vernon Empire Zone.

BE IT RESOLVED, that the Village of Pelham consents to the relocation of employees of Tiffany & Company from the Village of Pelham to the Mt. Vernon Empire Zone.

Item #16 -- Authorizing the Accounts Payable:

A motion was made by Trustee Merrick, seconded by Trustee Hotchkiss to adopt the Resolution. The resolution was adopted by vote of six in favor, none opposed, one absent (Trustee Homan).

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	\$55,861.70
Water Fund	\$710.09
Capital Projects Fund	\$1,446.03
Trust and Agency Fund	\$0.00
H3 Fund	\$0.00
Grand Total	\$57,307.73

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

Item #17 -- Old Business/New Business:

Residents of 37 & 39 3rd Avenue requested the removal of a Village tree due to buds and fruit creating a nuisance, to be replaced by another type of street tree.

Item #18 – Minutes of March 7 and March 21, 2006: The minutes were not ready for approval at this time.

Item #19 – Adjournment:

On the motion of Trustee Mohan, seconded by Trustee Merrick, the Board agreed to adjourn the meeting at 10:55 p.m.

Respectfully submitted,

Richard Slingerland
Village Administrator/Deputy Village Clerk