

23	Old Business/New Business:	DISCUSSED
24	Adjournment	PASSED 5-0

Next Meetings are as follows:

Tuesday, September 6, 2005 and Tuesday, September 20, 2005

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

MINUTES OF A REGULAR MEETING OF THE
VILLAGE OF PELHAM BOARD OF TRUSTEES
VILLAGE HALL - 195 SPARKS AVENUE, PELHAM, NY
TUESDAY, AUGUST 24, 2005

Mayor Michael Clain called the meeting to order at 7:30 pm and the Pledge of Allegiance followed.

The following members of the Board of Trustees were present:

Mayor Michael Clain, Trustees Mia Homan, Edward Hotchkiss, David Merrick, Peter Potocki. (Absent: Trustees Ciro Greco and Michael Rozycki.)

Village staff in attendance:

Village Administrator Richard Slingerland, General Foreman Harry Pallett

Immediately following the Pledge of Allegiance, Mayor Clain presented an award honoring Street Department Foreman Harry Pallett. Mr. Pallett, a Pelham resident, has worked for the Street Department for 40 years. The Mayor, Board and Administrator all thanked Mr. Pallett for his many years of dedicated service.

Item #18 -- Authorizing the appointment of Arthur Viggiano as a Firefighter.

The Mayor, Village Administrator and Board of Trustees briefly discussed the candidate for Firefighter. His family announced he is the 4th generation in their family to be a Pelham Firefighter. The candidate, Arthur Viggiano, was present and Mayor Clain performed the swearing in and gave him his oath of office.

A motion was made by Trustee Homan, with a second by Trustee Potocki to adopt the Resolution. The motion passed with 5 in favor, none opposed, Trustees Greco and Rozycki absent.

RESOLUTION

AUTHORIZING THE APPOINTMENT OF ARTHUR VIGGIANO
AS A FIREFIGHTER RECRUIT, WITHOUT EMT,
CONTINGENT PERMANENT APPOINTMENT
WITH THE VILLAGE OF PELHAM FIRE DEPARTMENT

BE IT RESOLVED, that the Board of Trustees of the Village of Pelham hereby authorizes the appointment of Arthur Viggiano of Pelham, NY, 10803 Monday, September 12, 2005, to the position of Firefighter Recruit, Contingent Permanent appointment, without EMT, at a starting salary of \$24,718.68, to fill the vacancy of Christopher Warn who is on disability leave, subject to the requirements of Civil Service, for a one-year probationary period, and authorizes the Mayor, the

Village Administrator and the Fire Chief to take the necessary and appropriate actions to effect this appointment.

3. Mayor's Report: Mayor Clain had nothing to report.

4. Trustees Reports

Trustee Potocki reported on the progress of the Cherbuliez Munz Wolfs Lane Greenspace and parking conceptual designs. He announced that there would be increased vehicle and traffic enforcement around the Village and that there would be lighting improvements to improve safety around the Metro North station,

Trustee Homan reported on a problem with debris overflowing from the Metro North property along the old brook culvert which empties onto Highbrook Avenue, and asked that it be cleaned up before the school year.

5. Village Administrator's Report: Administrator Slingerland had nothing to report.

6. Public Comment

Mr. Pat DeAngelis wanted to make an appeal to the Board of Trustees again for his awning applications for 135-139 Wolfs Lane, and the Mayor advised him it would be put on the September 6th Agenda, and that the Architectural Review Board (ARB) would be asked to report on the situation.

Mr. Richard Altobelli of 5th Avenue commended the Board for doing a good job on many issues. However, he complained about the ARB making it difficult for businesses to improve their buildings. Mr. Altobelli also complained that the 911 response procedures were not working well and that the Village should reconsider using County Control for dispatch. The Board promised to look into it with the Administrator and the Police Chief.

Mr. Martin Carlin of 4th Avenue complained about debris blocking the 4th Avenue catch-basins and causing them to overflow. The Administrator promised to look into it and have the General Foreman contact him.

Item #7 -- Resolution to enact 3-hour parking on a portion of Wolfs Lane between Sparks Avenue and Boulevard.

A motion was made by Trustee Potocki, with a second by Trustee Homan to adopt the Resolution. The motion passed with 5 in favor, none opposed, Trustees Greco and Rozycki absent.

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RESOLUTION

AMENDING THE VILLAGE CODE
TO AMEND 2-HOUR AND 3-HOUR PARKING ALONG WOLFS LANE
BETWEEN SPARKS AVENUE AND BOULEVARD.

BE IT RESOLVED, by the Board of Trustees of the Village of Pelham, hereby enacts a three (3) hour parking time limit on Wolfs Lane, between Sparks Avenue and Boulevard, as follows:

§ 90-56. Schedule XVII: On-Street Parking Meter Zones.

Name of Street Location	Side	Time Limit	
Delete the following:			
Wolfs Lane Street to	Both	2 hrs.	From First Sparks Avenue
Amend the following, based on the resolution adopted July 19, 2005:			
Wolfs Lane	East to the	2 hrs.	From First St. 15 th meter north of Second Street
Wolfs Lane First St. to the	West	2 hrs.	From 7 th meter north of Second Street
Wolfs Lane	East the 15 th meter	3 hrs.	From north of Second Street to Boulevard
Wolf's Lane	West meter	3 hrs.	From the 7 th

north of
Second
Street, to
Marquand
Place

BE IT FURTHER RESOLVED, that the Administrator, Village Clerk, Police Chief and other village officials are authorized to take the necessary and appropriate actions to enact these regulations.

Item #8 -- Resolution to create Taxi and Police Parking on Corlies Avenue, by First Street.

A motion was made by Trustee Homan with a second by Trustee Merrick to adopt the Resolution. The motion passed with 5 in favor, none opposed, Trustees Greco and Rozycki absent.

RESOLUTION

AMENDING THE VILLAGE CODE
TO ESTABLISH TAXI AND POLICE PARKING
ON CORLIES AVENUE, BY FIRST STREET.

BE IT RESOLVED, by the Board of Trustees of the Village of Pelham, hereby amends § 90-57. Schedule XVIII: Taxi Stands. [Added 8-6-2002 by L.L. No. 3-2002], as follows:

In accordance with § 90-22.2, Taxi stands, the following locations are designated as taxi stands:

Name of Street	Side	Hours	Location
Corlies Avenue intersection of	East	24 hrs.	from a point 35 feet south of the Corlies Avenue and First Street, to a point 85 feet South of First Street.

And be it further resolved, that the Mayor and Board of Trustees establishes "Emergency Vehicle Parking Only" on the first space south of First Street on the east side of Corlies Avenue, to a point 35 feet south of Corlies Avenue;

And be it further resolved, that the Mayor and Board of Trustees establishes the annual fee for Taxi Parking, in the amount of \$800 per year, per space.

Item #9 -- Rejecting bids for Contract 2005-#06 First Street Storm Drain and Sewer relocation as the bids exceed the project budget.

The Administrator explained that upon receipt and review of all the bids, they all greatly exceeded the project budget of \$700,000-\$800,000, even with a bid addendum issued during the bid process to allow sheeting and shoring to be removed, which greatly reduced the total overall bids. He assured the Board he

would sit down with the Village's Engineers at Dolph Rotfeld Engineering, see if efficiencies could be found, if the project scheduling could be adjusted, and explore whether items could be removed from the overall project to reduce costs to more closely reflect the Village's budget estimates.

A motion was made by Trustee Merrick, with a second by Trustee Homan to adopt the Resolution. The motion passed with 5 in favor, none opposed, Trustees Greco and Rozycki absent. The project will be re-bid in 30-60 days.

RESOLUTION

AUTHORIZING THE REJECTION OF ALL BIDS FOR CONTRACT 2005-#06 FOR FIRST STREET STORM DRAIN AND SEWER RELOCATION WORK AS THE BIDS GREATLY EXCEED THE PROJECT BUDGET.

WHEREAS, The Village Of Pelham Issued A Notice to Bidders on Contract # 2005-06 for First Street Storm Drain and Sewer relocation; and

WHEREAS, a public notice was duly published on Friday, July 15, 2005, in the Gannett Westchester Newspaper, an official newspaper of the Village of Pelham; and

WHEREAS, during the notice period sixteen (16) companies received the notice and a copy of the contract, with the list of such contractors on file in the Village Administration Office; and

WHEREAS, at 11:00 a.m. E.S.T., Friday, August 12, 2005, the Village of Pelham publicly opened and read five (5) proposals, which ranged from \$1.16 million to \$1.93 million, all of which exceed the estimated budget for the project by approximately 70%; and

WHEREAS, Administrator Richard Slingerland has reviewed the bids in light of the project budget and recommends that all bids be rejected and the Village revisit the scope and schedule of work to be performed in order to effect savings and reduce the project expenses to amounts closer to the estimated budget for the project of \$700,000-\$800,000.

FURTHER RESOLVED, that the Mayor, Village Administrator, Village Attorney and Village Engineer are authorized to take the necessary and appropriate actions to effect the provisions of this contract, reject all bids, and review the contract for revisions and re-bid.

Item #10 -- Adding to the list of utilities and contracts to be approved for automatic payment.

It was discussed that some items had been overlooked in earlier requests to the Board to approve a list of companies and contracts authorized for automatic payment, and the Board agreed with the list.

A motion was made by Trustee Homan with a second by Trustee Merrick to adopt the Resolution. The motion passed with 5 in favor, none opposed, Trustees Greco and Rozycki absent.

RESOLUTION

ADDING TO THE LIST OF UTILITIES AND CONTRACTS TO BE APPROVED FOR AUTOMATIC PAYMENT (PRIOR TO AUDIT AND APPROVAL BY THE BOARD)

WHEREAS, pursuant to Section 5-524 of the New York State Village Law, the Board of Trustees shall audit all claims against the Village, with allowances for exclusion from prior audit of certain bills in advance of audit of claims by the Board of Trustees, including public utility services, postage, and amounts due on contracts for periods exceeding one year.

BE IT RESOLVED, pursuant to the New York State Village Law, the Board of Trustees authorizes additions to the list of bills to be paid in advance of audit of claims, as follows:

ADP

A T & T

D's Exterminating

Ben Lowenberg (elevator inspections)

Molly Maid

NADE (Federal DOT drug testing)

New Rochelle Neighborhood Revitalization Corporation (NRNRC) – monthly payment

New York State Department of Agriculture and Markets (dog license fees to NY State)

Westchester County (Dept. of Labs & Research, Dept. of Environmental Facilities)

Xerox

Item #11 -- Authorizing the renewal of the contract between the Village of Pelham and NRNRC.

The Board asked if this was a mistake, as it seemed that the Village had just approved a contract with this not-for-profit company, the New Rochelle Neighborhood Revitalization Corporation (NRNRC). The Administrator advised the Board this was a renewal of the existing contract. He reviewed the Village's history with NRNRC, which dates back to 1997, to administer the Village's Section 8 Housing program.

A motion was made by Trustee Merrick, with a second by Trustee Homan to adopt the Resolution. The motion passed with 5 in favor, none opposed, Trustees Greco and Rozycki absent.

RESOLUTION

AUTHORIZING THE RENEWAL OF THE CONTRACT BETWEEN THE VILLAGE OF PELHAM AND NRNRC

RESOLVED, that the proposal to renew the Agreement with the NRNRC is hereby accepted and the agreement is authorized by the Board of Trustees of the Village of Pelham; and

BE IT FURTHER RESOLVED, that the term of this agreement is for two (2) Federal Program years, expiring March 31, 2007; and

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

Item #12 -- Authorizing an agreement for Animal Control Services between the Village of Pelham and the Westchester Shore Humane Society.

This item was tabled, as the Village had been advised it should be advertised in order to meet the requirements of the Village's purchasing policy and NYS contract law, based on input from the Comptroller's Office after its recent audit of the Village's purchasing practices.

Item #13 -- Authorizing award of the Tree Contract 2005-#07.

On the motion of Trustee Merrick, seconded by Trustee Hotchkiss, the resolution was adopted by the Board of Trustees by a vote of five in favor, none opposed, two absent (Trustees Greco and Rozycki) as follows:

RESOLUTION

AUTHORIZING THE AWARD OF CONTRACT NUMBER 2005-07 FOR TREE AND STUMP REMOVAL AND TREE-TRIMMING

WHEREAS, The Village Of Pelham Issued A Notice to Bidders and Request For Bids for Contract 2005-07 for Tree and Stump Removal and Tree-Trimming in the Village Of Pelham; and

WHEREAS, a public notice was duly published on Friday, August 5, 2005, in the Gannett Westchester Newspaper, an official newspaper of the Village of Pelham; and

WHEREAS, during the notice period eleven (11) companies were contacted and sent copies of the contract documents; and

WHEREAS, at 11 a.m. E.S.T., Friday, August 19, 2005, the Village of Pelham publicly opened and read three (3) proposals; and

WHEREAS, on reviewing the proposals, the bids were as follows:

	Base Bid
1. Almstead Tree Care Co. of New Rochelle, NY	\$12,625
2. Manor Tree Service of Pelham Manor, NY	\$12,800
3. Dom's Tree Service of Port Washington, NY	\$33,825

WHEREAS, Administrator Richard Slingerland has determined that the lowest responsible bid that meets requirements is Almstead Tree Care Co. of New Rochelle, NY, at the total approximate bid cost of twelve thousand six hundred twenty five dollars (\$12,625).

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of the Village of Pelham Village hereby award Contract 2005-07 for Tree and Stump Removal and Tree-Trimming in the Village Of Pelham to Almstead Tree Care Co. of New Rochelle, NY, at the total approximate bid cost of twelve thousand six hundred twenty five dollars (\$12,625); and be it

FURTHER RESOLVED, that the Mayor and Village Administrator are authorized to take the necessary and appropriate actions to effect and execute this contract for these services, including any additional trees at the prices listed in the bid document.

Item #14 -- Authorizing additional 2004-2005 year-end Budget Transfers.

On the motion by Trustee Merrick with a second by Trustee Homan, the resolution was approved by vote of 5 in favor, none opposed, Trustees Greco and Rozycki absent.

RESOLUTION

Re: Additional Year-end Budget Transfers for 2004-05

Whereas, pursuant to the provisions of Section 5-520 of the New York State Village Law, the Board of Trustees, by resolution, may amend existing appropriations by transferring funds; and

Whereas, on July 19, 2005, the Board of Trustees of the Village of Pelham adopted budget amendment resolutions, and at this time has additional amendments to enact and include with those made in that resolution.

BE IT RESOLVED, that pursuant to the Village Law, Section 5-520, the Board of Trustees of the Village of Pelham hereby authorizes and directs the proper Village officers to modify the 2004-2005 Budget by making the following transfers:

2004/05 Budget Transfers as of May 31, 2005			
Capital Fund TO: H8510.401 Wolfs Lane Park	\$9,000	FROM: H5900.299 Paint & Seal Lot H5650.103 Street Pkg. Equipmt.	\$6,000 \$3,000
Transfers due to Year-End Audit Adjustments:			
General Fund To: A9015.915 P & F Ret. Sys.	\$2,709	From: A9070.970 Comp. Absncs.	\$2,709
* Due to Audit Accrual			
A1420.482 Legal Services	\$5,038	A1420.400 Legal Contractual	\$5038
**Due to audit adjustment to accrue bill for bond counsel			
A5989.453 Traffic Equip. Maint.	\$3,485	A8020.415 Planning Bd Supplies	\$2,000
		A1950.1952 website design	\$1,485
Water Fund F8310 Water Admin. Supplies *** Due to audit adjustment to correctly charge \$10,958 for hydrant rentals	\$3132	F8320.422 Utilities	\$3,132
Totals	\$23,364		\$23,364

Item #15 -- Declaring the Pelham Fire Department's ladder truck as surplus and available for auction and sale (transfer to take place upon arrival of new Ladder Truck).

A motion was made by Trustee Homan, with a second by Trustee Merrick to adopt the Resolution. The motion passed with 5 in favor, none opposed, Trustees Greco and Rozycki absent.

RESOLUTION

DESIGNATING THE VILLAGE OF PELHAM'S SEAGRAVE LADDER TRUCK
AS SURPLUS AND AVAILABLE FOR AUCTION AND SALE

(TRANSFER ONLY TO TAKE PLACE UPON DELIVERY AND ACCEPTANCE
OF NEW LADDER TRUCK BY THE VILLAGE

BE IT RESOLVED, that the Board of Trustees of the Village of Pelham hereby declares certain vehicles and equipment as surplus and authorizes their sale by public notice (in as-is condition), as follows:

Year	Vehicle	VIN	Plate/Description	Mileage
'1975	100' Seagrave Rear-Mount Aerial	E75073	no plate	
Road:	18738.3			
	Ladder Fire Apparatus			
Engine:	1746.67			

BE IT FURTHER RESOLVED, that the Mayor and the Village Administrator are authorized to take the necessary and appropriate actions to publish notice of sale, take bids, and sell this surplus vehicle (to be authorized by the Board). Item #16 -- Authorizing the Village to enter into a Grant agreement with the NYS DOH and Health Research Inc. to provide 50 smoke alarms to eligible Pelham Senior Citizens.

A motion was made by Trustee Homan, with a second by Trustee Potocki to adopt the Resolution. The motion passed with 5 in favor, none opposed, Trustees Greco and Rozycki absent.

RESOLUTION

AUTHORIZING THE VILLAGE OF PELHAM
TO ENTER INTO A GRANT AGREEMENT
WITH THE NYS DOH AND HEALTH RESEARCH INC.
TO PROVIDE 50 SMOKE ALARMS TO ELIGIBLE PELHAM SENIOR CITIZENS.

BE IT RESOLVED, that the Mayor, the Fire Chief and the Village Administrator and the Fire Chief are authorized the necessary and appropriate actions for the Village of Pelham to participate in a program through the New York state Department of Health for the Village to accept and disseminate free smoke detectors to eligible senior citizens; and

BE IT FURTHER RESOLVED, that the Mayor and Village Administrator are authorized to take the necessary and appropriate actions to effect and execute this contract for these materials and services.

Item #17 -- Authorizing the permanent appointment of Sean McDowell as a Police Officer, based on successful completion of his probation.

A motion was made by Trustee Potocki, with a second by Trustee Homan to adopt the Resolution. The motion passed with 5 in favor, none opposed, Trustees Greco and Rozycki absent.

RESOLUTION

AUTHORIZING THE PERMANENT APPOINTMENT OF SEAN MCDOWELL AS A POLICE OFFICER, BASED ON SUCCESFUL COMPLETION OF HIS PROBATION

BE IT RESOLVED, that the Board of Trustees of the Village of Pelham hereby notes the successful completion of probation of Police Officer Sean McDowell, based on his start date of January 26, 2004, and the date of the completion of his eighteen (18) month probationary period on July 26, 2005, and authorizes the Mayor, the Village Administrator and the Police Chief to take the necessary and appropriate actions to take the necessary and appropriate actions to effect the completion of his probationary status under Civil Service.

Item #19 -- Authorizing the appointment by the Mayor of Robert Benkwitt as Fire Prevention Officer.

A motion was made by Trustee Homan, with a second by Trustee Merrick to adopt the Resolution. The motion passed with 5 in favor, none opposed, Trustees Greco and Rozycki absent.

RESOLUTION

AUTHORIZING APPOINTMENT BY THE MAYOR OF ROBERT BENKWITT AS FIRE PREVENTION OFFICER.

BE IT RESOLVED, that Robert Benkwitt, firefighter, is hereby appointed by the Mayor as Fire Prevention Officer.

Item #20 -- Accepting the resignation of Domenic Ragno from the Pelham Police Department.

Trustee Potocki noted that Mr. Ragno was resigning after nine years on the job, that for a while he had been the personal defense training officer, and the Board wished him the best and good luck in the future.

A motion was made by Trustee Homan, with a second by Trustee Merrick to adopt the Resolution. The motion passed with 5 in favor, none opposed, Trustees Greco and Rozycki absent.

RESOLUTION

ACCEPTING DOMENIC RAGNO RESIGNATION

BE IT RESOLVED, that the Board of Trustees hereby accepts the irrevocable resignation of Police Officer Domenic Ragno received on August 24, 2005, to be effective 12:01 A.M. on September 5, 2005.

Item #21 -- Authorizing changes to the Village of Pelham's Policy Against Sexual Harassment and other prohibited acts.

The Administrator noted that this matter had come up during the negotiations and discussions with the PBA, and that they had requested some wording adjustments to the Policy to reflect their concerns.

He advised the Board that he had been coordinating with the Village Attorney and the Village's Labor Counsel, and they were both fine with the changes.

A motion was made by Trustee Homan, with a second by Trustee Merrick to adopt the Resolution. The motion passed with 5 in favor, none opposed, Trustees Greco and Rozycki absent.

RESOLUTION

**AUTHORIZING CHANGES TO THE VILLAGE OF PELHAM'S
POLICY AGAINST SEXUAL HARASSMENT AND OTHER PROHIBITED ACTS.**

BE IT RESOLVED, that the Mayor and Board of Trustees hereby re-adopts the Village of Pelham's Policy against sexual harassment and other prohibited acts, as amended at the request of the PBA, effective immediately.

Item #22 -- Authorization and approval of accounts payable.

A motion was made by Trustee Hotchkiss with a second by Trustee Homan to adopt the Resolution. The motion passed with 5 in favor, none opposed, Trustees Greco and Rozycki 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	\$467,264.14
Water Fund	\$44,575.89
Capital Projects Fund	\$40,098.00
Trust and Agency Fund	\$0.00
H3 Fund	\$0.00
Grand Total	\$551,938.03

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

Item #23 -- Old Business/New Business:

Trustee Potocki announced that the Village was hiring new Crossing Guards and if anyone was interested in exploring this job, they should contact the Police Chief.

Maggie Klein of the Pelham Weekly asked for the date of the next Public Meeting on the Village Hall Site Plan. The Mayor and Administrator announced that it was being planned for late September, after the Committee had the chance to get together and go over the redrafted concept plans.

There was no further business. The Mayor asked for a motion to go into executive session to discuss personnel issues, in particular to talk to discuss ongoing litigation on a personnel matter, and to discuss a potential candidate for a management position in the Pelham Fire Department. Trustee Homan objected to going into Executive Session, as she felt the recent meetings had been too lengthy.

On the motion of Trustee Hotchkiss, seconded by Trustee Merrick, the Board agreed to adjourn the public portion of the meeting and go into Executive Session for the reasons mentioned before, by vote of four in favor, Trustee Homan opposed, and Trustees Greco and Rozycki absent.

The public portion of the meeting adjourned at 9:20 p.m.

Respectfully submitted,

Dennis DelBorgo, Administrative Aide

Richard Slingerland, Administrator/Deputy Clerk