

VILLAGE OF PELHAM  
 BOARD OF TRUSTEES MEETING  
 TUESDAY, FEBRUARY 15, 2005 8:00 PM  
 VILLAGE HALL - 195 SPARKS AVENUE, PELHAM, NY

MINUTES

1. Call Public Meeting To Order
2. Pledge of Allegiance
3. Mayor's Report
4. Trustees' Reports
5. Village Administrator's Report
6. Approximate Starting Time

# Agenda Items:  
of Discussion

	<b>Financial Review</b>	<b>8:15 p.m.</b>
7	Approval of audited financial statements for the 2004 fiscal year, review and analysis of the financial condition of the Village after the first eight months of the 2005 fiscal year, comparison of actual revenues and expenses to the budgeted items, and review of projected numbers through the end of the 2005 fiscal year.	<b>Discussed and approved.</b>
	<b>Grants</b>	<b>9:15 p.m.</b>
8	Authorizing an application to the Quality Communities program, for funding for the planning and design for the downtown streetscape, and for planning and design to consolidate public and private facilities to improve the Downtown.	
	<b>Judgments and Claims</b>	<b>9:30 p.m.</b>
9	Authorizing a Judgment and Claim in the Tax Certiorari case for 21 5 <sup>th</sup> Avenue for Tax Years 1987 through 2002.	
	<b>Housekeeping</b>	<b>9:45 p.m.</b>
10	Old Business/New Business – Executive Session on Contractual Negotiations with the CSEA. Item A. Appointing a Hearing Officer for a Section 207-c hearing regarding Police Officer Shamus Sliney. Item B. Appointing a Hearing Officer for a Section 207-a hearing regarding Firefighter Christopher Warn.	<b>Approved.</b> <b>Approved.</b> <b>Approved.</b>
11	Approval of accounts payable and authorization of payment.	
12	Motion to approve the minutes.	
13	Adjournment.	

\* Next meeting of the Board of Trustees – 8 p.m. Tuesday, March 1, 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, NEW YORK  
FEBRUARY 15, 2005 – 8 P.M.

Mayor Michael J. Clain called the meeting to order at 8:00 p.m., and the pledge of allegiance followed.

The following members of the Board of Trustees (BOT) were present:  
Mayor Michael J. Clain; Trustees Greco, Hotchkiss, Merrick and Potocki.

Absent: Trustees Homan and Rozycki.

Village staff attending the meeting were:  
Village Administrator Richard Slingerland.

Item #3 – Mayor's Report:

Mayor Clain asked for a moment of silence in memory of Jean Wayne, the former Receiver of Taxes for the Town of Pelham, and mother of Deputy Treasurer Deborah DelGrosso, and he conveyed his sympathies to their family.

Mayor Clain reported on preliminary discussions with New Rochelle on flooding.

Item #4 – Trustees's Reports:

Trustee Greco reported the next meeting of the Planning and Zoning Code Committee would be Wednesday, February 16, 2005, at 7:30 p.m. He announced that as liaison to the Fire Department, he would like to begin contractual negotiations with the Firefighters soon.

Trustee Potocki reported on the shared services discussions with Pelham Manor, he gave an update on the K-9 dog, he reminded everyone about the parking survey being circulated and about the availability of parking meter keys.

Trustee Hotchkiss asked that the video scroll and the website be updated to show when the Board Meetings would be broadcast.

Item #5 – Administrator's Report: The Administrator noted that the Board had received the Financial status report of the Village through the end of January 31, 2005.

Item #6 – Public Comment: There were no comments from the public.

Item #7 -- Approval of audited financial statements for the 2004 fiscal year, review and analysis of the financial condition of the Village after the first eight

months of the 2005 fiscal year, comparison of actual revenues and expenses to the budgeted items, and review of projected numbers through the end of the 2005 fiscal year.

The Board briefly discussed the report by the Village's auditors – O'Connor, Davies, Munns & Dobbins, and noted they had no comments or changes to it. After discussion, the Board unanimously approved the Village's audit of FY 2003-2004.

Item #8 -- Authorizing an application to the Quality Communities program, for funding for the planning and design for the downtown streetscape, and for planning and design to consolidate public and private facilities to improve the Downtown.

After discussion, on the motion of Trustee Hotchkiss, seconded by Trustee Greco, the Board of Trustees adopted the following resolution unanimously by vote of five in favor, none opposed, (Homan and Rozycki absent), as follows:

#### RESOLUTION

AUTHORIZING A GRANT APPLICATION TO THE NY STATE DEPT. OF STATE QUALITY COMMUNITIES PROGRAM REQUESTING A GRANT IN THE AMOUNT OF  
OF  
\$40,000 TO FUND DOWNTOWN PLANNING IN THE FORM OF LANDSCAPING, PLANNING AND DESIGN IMPROVEMENTS WITH A FOCUS ON PARKING NEEDS AND THE LINEAR GREENSPACE ON WOLFS LANE

WHEREAS, the Board of Trustees of the Village of Pelham is issuing a Request for Proposals (RFP) for Streetscape Planning and Design, with parking alternatives; and

WHEREAS, the Village of Pelham is making a multi-faceted approach to Downtown Revitalization and Economic Development, which includes the hiring of a Downtown Business Consultant, and implementation of a recently approved FTA Grant of \$257,000 for Architectural and Engineering Planning and Design for public commuter parking at municipally-owned parking lots on First Street and off of Sparks Avenue, and a Hudson River Greenway Grant in the amount of \$7,500 for Downtown Streetscape Planning and Design; and is preparing an application to the Main Street Program coordinated by the New York State Housing Trust Fund; and

WHEREAS, the Village is seeking to take a broad approach to improving the Downtown by consolidating municipal offices, keeping the Post Office in the Downtown Business area, and establishing a plan for the best use(s) for privately owned property, including the best mix of retail and residential uses; and

WHEREAS, the Village is working cooperatively with the Town of Pelham to file a joint application for this program.

BE IT RESOLVED that the Mayor and Board of Trustees of the Village of Pelham authorizes the submission of an application by the Village of Pelham by the Village

Administrator to the NYS Dept. of State in the amount of forty thousand dollars (\$40,000) with at least a local match of \$30,825 by the Village of Pelham for time and labor, and a Hudson River Greenway match of \$7,500, to establish a design and plan for implementation of landscaping, planning and design improvements, with a focus on improvements to address parking needs and to beautify the linear greenspace on Wolfs Lane.

BE IT FURTHER RESOLVED, that the Village Administrator is authorized to submit the application, sign all the necessary documents and make all the appropriate and necessary assurances, and the Village Board thanks the Town of Pelham for cooperating with the Village on this vital project.

Item #9 -- Authorizing a Judgment and Claim in the Tax Certiorari case for 21 5<sup>th</sup> Avenue for Tax Years 1987 through 2002.

On the motion of Trustee Greco, seconded by Trustee Merrick, the Board of Trustees of the Village of Pelham voted unanimously to authorize the following resolution by a vote of five in favor, none opposed, two absent (Homan and Rozycki):

RESOLUTION

AUTHORIZING PAYMENT OF A  
COURT ORDERED TAX CERTIORARI JUDGMENT AND SETTLEMENT OF  
CLAIM  
IN THE MATTER OF SIMKOWITZ v. TOWN OF PELHAM FOR 21 5<sup>th</sup> AVENUE  
FOR ASSESSMENT YEARS 1987 THROUGH 1997  
(TAX YEARS 1998 THROUGH 2002 NO REDUCTION IN ASSESSED VALUE)

BE IT RESOLVED, that the Board of Trustees of the Village of Pelham hereby ratifies the Court Order and Judgment for 21 5<sup>TH</sup> Avenue, known as Section 1, Block 186, Lot 9, payable to Lindemann and Lindemann as Tax Attorneys for the petitioner, for Assessment Years 1987 through 2002; and

BE IT FURTHER RESOLVED, that the Board of Trustees of the Village of Pelham authorizes payment of \$47,200 from Judgments and Claims account, and authorizes an appropriation of additional fund balance and an increase in expenditures in the amount of \$61,028 as follows:

GENERAL FUND BUDGET AMENDMENT

<u>Account #</u>	<u>Description</u>	<u>Amount</u>	<u>Account #</u>	<u>Description</u>
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INCREASE REVENUE

A4000	Approp. Fund Bal.	
	Judgments and Claims	\$61,028

INCREASE EXPENDITURE

A1930	
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AND, BE IT FURTHER RESOLVED, that the Board of Trustees of the Village of Pelham authorizes payment in the total amount of one hundred eight thousand two-hundred twenty-seven dollars and seventy-six cents (\$108,227.76), and authorizes the Mayor, Village Attorney and the Village Administrator/Treasurer to take the necessary and appropriate actions to effect this Court Order and refund these taxes.

(\* continued on next page.)

Item #10 -- Old Business/New Business:

Item A. Appointing a Hearing Officer for a Section 207-c hearing regarding Police Officer Shamus Sliney.

On the motion of Trustee Greco, seconded by Trustee Potocki, the Board of Trustees of the Village of Pelham voted unanimously to authorize the following resolution by a vote of five in favor, none opposed, two absent (Homan and Rozycki):

RESOLUTION  
APPOINTING A HEARING OFFICER FOR A SECTION 207-c HEARING  
REGARDING POLICE OFFICER SHAMUS SLINEY

BE IT RESOLVED that the Board of Trustees hereby appoints John D. Cavallaro, Esq. as Hearing Officer to conduct a hearing pursuant to Section 207-c of the General Municipal Law as to whether Police Officer Shamus Sliney is physically capable of performing a light duty assignment. Mr. Cavallaro should conduct such a hearing and cause a record to be made of same. The record and his recommendation whether Officer Sliney can perform a light duty assignment should be forwarded to the Board for final determination.

Item #10 -- Old Business/New Business:

Item B. Appointing a Hearing Officer for a Section 207-a hearing regarding Firefighter Christopher Warn.

On the motion of Trustee Greco, seconded by Trustee Merrick, the Board of Trustees of the Village of Pelham voted unanimously to authorize the following resolution by a vote of five in favor, none opposed, two absent (Homan and Rozycki):

RESOLUTION  
APPOINTING A HEARING OFFICER FOR A SECTION 207-a HEARING  
REGARDING FIREFIGHTER CHRISTOPHER WARN

BE IT RESOLVED that the Board of Trustees hereby appoints John D. Cavallaro, Esq. as Hearing Officer to conduct a hearing pursuant to Section 207-a of the General Municipal Law as to whether Firefighter Christopher Warn is physically capable of performing a light duty assignment. Mr. Cavallaro should conduct such a hearing and cause a record to be made of same. The record and his recommendation whether Firefighter Warn can perform a light duty assignment should be forwarded to the Board for final determination.

Item #11 – Approval of accounts payable and authorization of payment.

On the motion of Trustee Greco, seconded by Trustee Potocki, the Board of Trustees of the Village of Pelham voted unanimously to authorize the following resolution by a vote of five in favor, none opposed, two absent (Homan and Rozycki):

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	\$183,983.68
Water Fund	\$250.00
Capital Projects Fund	\$0.00
Trust and Agency Fund	\$200.00
H3 Fund	0.00
Grand Total	\$184,433.68

**NOW, THEREFORE, BE IT**

**RESOLVED**, that this Board hereby approves payment of the above mentioned claims and authorizes payment thereof.

Item #12 –Minutes of September 21, 2004 and October 5, 2004.

The Board tabled the minutes in order to complete their review.

Item #13 – Adjournment:

On the motion of Trustee Greco, seconded by Trustee Potocki, the Board of Trustees of the Village of Pelham voted unanimously to hold an executive session after the public meeting on the ongoing collective bargaining negotiations with the CSEA by a vote of five in favor, none opposed, two absent (Homan and Rozycki).

On the motion of Trustee Merrick, seconded by Trustee Hotchkiss, the Board of Trustees of the Village of Pelham voted unanimously to adjourn the public portion of the meeting by vote of five in favor, none opposed, two absent (Homan and Rozycki). The meeting adjourned at 9:35 p.m.

Respectfully submitted,

Richard Slingerland  
Administrator/Deputy Clerk