

VILLAGE OF PELHAM BOARD OF TRUSTEES SCHEDULED MEETING
TUESDAY, JUNE 20, 2006, 7:30 PM
VILLAGE HALL – 195 SPARKS AVENUE, PELHAM, NY
MINUTES

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

Approximate

StartingTime
Agenda
Items: of
Discussion

	Planning and Development	7:45 p.m.
7	Consideration of a proposal from Pelpark for an exchange of real property	Tabled.
	Land Use – Site Plan Review	8:15 p.m.
8	Consideration of site plan submitted by Pelham Medical Group for remediation and stabilization of the cliff behind its 5 th Avenue property	Referred to Planning Board
9	Consideration of amendments to site plan submitted by Lordae Realty for Phase 1 rock cliff stabilization on 5 th Avenue	Approved
	Parks and Green Space	9:00 p.m.
10	Report of the Linear Park Committee	Discussed
	Public Hearings	9:30 p.m.
11	Hearing on a draft proposed Local Law to enact various amendments to the Village Code regarding enforcement of various building and property codes and other Village ordinances.	Continued to August 8th
12	Hearing on a draft proposed Local Law to enact Water System Regulations in the Pelham Village Code.	Continued to August 8th
	Contracts	9:35 p.m.
13	Authorizing the bid award for Contract #2006-06 Tree Trimming, Removal and Stump Grinding.	Approved.
14	Authorizing the bid award for Contract #2006-04 RFP for Lease w the Option to buy a Dept. Head Vehicle with Front or AWD.	Rejected and Re-bid
15	Authorizing the Village to enter into a permanent easement with the owners of 574 and 512 7 th Avenue for the existing Village storm-drain sewer.	Approved.
16	Authorizing the release of funds from the Sandford Blvd. Escrow.	Approved.
17	Discussion about purchase of a GEM (electric motorcar) for	Tabled.

	enforcement.	
	Housekeeping	10:00 p.m.
18	Authorizing the accounts payable.	Approved.
19	Old Business/New Business. Speed Humps and Parking rules.	On for 7/18
20	Minutes: June 6 and June 8, 2006.	Approved.
21	Adjournment. Mtg. adjourned at 11 p.m.	Adjourned

Next Regular Board Meetings are Tuesday, July 18, and (tentatively) Tuesday,
August 8

A Special Meeting of the Board is tentatively scheduled for Tuesday, June 27,
2006

All 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 MEETING MINUTES
VILLAGE HALL - 195 SPARKS AVENUE, PELHAM, NY
TUESDAY, JUNE 20, 2006

Item #1 – Meeting called to order: The meeting of the Board of Trustees was called to order by Mayor Michael J. Clain at 7:37 p.m.

The following members of the Board of Trustees were present:
Mayor Michael Clain, Trustees Greco, Hotchkiss, Merrick, Mohan and Potocki.

Village staff in attendance:
Village Administrator Richard Slingerland, Administrative Aide Devron Wilson and Building Inspector Len Russo.

Item #2 – Pledge of Allegiance
The Pledge of Allegiance was led by Mayor Michael J. Clain.

Item #3 – Mayor's Report
Mayor Clain reported that 7 to 8 proposals were received by the village for Sr. Housing. Interviews will be conducted the week of 6/25/06.

Item #4 – Trustees Reports:
Trustee Greco reported that the flooding remediation contract on 1st Street and 1st Avenue is on hold while the village is researching costs to repair the broken sanitary sewer next to it. Currently the village is bypassing the broken sewer line and re-routing the sewage into the Westchester County trunk line sewer near at First St. and First Ave.

Trustee Potocki reported that he went to a parking meeting last week where Steve Grogg of TRC Raymond Keyes Associates reviewed parking issues and ideas around the schools. Some ideas like diagonal parking weren't practical or economically viable and ultimately were dismissed. The two (2) new ideas that were considered at the meeting were 6 parallel spots on the south end of Franklin Place and eighty seven (87) parking spots in Pelham Manor. The 87 parking spots in the Manor are on Carol, Pelhamdale, Iden and Stellar. This fall, parking will remain on the temporary lot at Ingalls and at the north lot of Glover Field. TRC will do more research to determine the most viable solutions.

Item #5 – Village Administrator's Report:
Administrator Slingerland reported that there is a sewer break on 1st St. and 1st Ave. however, no one in that area is experiencing any problems.

Item #6 – Public Comment -- None.

Item #7 - Consideration of a proposal from Pelpark for an exchange of real property: Mayor Clain summarized the Pelpark proposal as either a separate

development of village parking and the village DPW garage or a cooperative development of Pelpark property including village parking and DPW garage. Furthermore, Mayor Clain discussed the concerns the village has with the Pelpark proposal, which were as follows:

1. Who is responsible for contamination/ environmental clean up on the property that was transferred from the village to Pelpark?
2. Who is responsible for building the DPW garage and establishing interim measures for DPW while construction of the garage is taking place?

Lester Kravitz of Pelpark LLC confirmed Mayor Clain's summary was basically correct. He mentioned that the village and Pelpark had a meeting at which the village agreed to the proposal of a single building concept. Furthermore, he stated that the village added the idea of Pelpark being responsible for the environmental clean up and DPW garage, about which he stated objections. He claimed this idea was not discussed in earlier meetings. Nevertheless, Pelpark does not want to be responsible for environmental clean up and the DPW garage because it would not be economically feasible for them, but they would research these issues and consider them if the village agreed to a cap.

Pelpark went back to research the numbers on the Buckhurst Fish original project of 39 units and bring it to the next meeting on Tuesday June 27, 2006. Proposals will go out for architectural services on the village property after Tuesday June 27, 2006 if the village decides not to proceed with Pelpark's plan.

* Note: This topic was tabled until June 27, 2006.

Item #8 – Consideration of site plan submitted by Pelham Medical Group for remediation and stabilization of the cliff behind its 5th Avenue property:

Peter White, Construction Manager for Pelham Medical Group proposed that Pelham Medical would like to remediate and stabilize the cliff behind its 5th Avenue property by building a wall 20ft. high and 15ft, 6in. from the back of the building. Bob Simpson, P.E. the village's consultant commented that Pelham Medical does not have to build their wall that far back from the building and have a drop-off within one foot (1') of the property line. Planning Board Chairman Gwen Tapogna reported the board is not opposed to the wall just the proximity to the property line of the residents above the cliff.

Building Inspector Len Russo expressed concerns if the village was to allow Pelham Medical to cut out 1,200 – 1,400 cubic yards of rock to build a wall, without knowing the condition and stability of the rock that lies behind it. He asked for research or borings that showed the rock in the cliff is stable before he would approve the project.

Mayor Clain stated his concerns on Pelham Medical's incomplete plans for remediation. There was no consensus from the Board of Trustees on this issue therefore the topic was tabled and Dr. Sindhvani of Pelham Medical Group along with his engineering team and consultants were referred back to the planning board. Dr. Sindhvani was instructed to go before the planning board on Monday June 26, 2006 to present a revised plan.

By consensus of the Board, this matter was referred back to the Planning Board.

Item #9 - Consideration of site plan submitted by Lordae Realty for Phase 1 rock cliff stabilization on 5th Avenue:

Attorney Dan Hollis and Tectonic representative George Murphy, P.E. reported on the progress of Lordae Realty Phase 1 rock cliff stabilization on 5th Avenue. Mr. Hollis reported that Phase 1 of the rock cliff stabilization is almost finished. He mentioned that an easement was obtained from Pelham Medical to stabilize "Block B" which is the northern block. George Murphy reported that rock-bolts would be installed into the cliff to stabilize Block B. He mentioned they would present Phase 2 plans to the planning board on Monday June 26, 2006. The bulk of Phase 2 is stabilization of lots, 14, 15, and 16 (northern lots). Mr. Murphy then mentioned there were several major changes encountered during Phase 1. The major changes were as follows:

1. Anchors were put in to support the upper cables that suspend the ring net structure.
2. Intermediate guide cables were put in to pull the cables tight to catch any falling blocks in the future.
3. A small section of ring-mesh was added to the north end of the site.
4. Temporary stabilization of rocks at Nielsen's property was put in place.

A motion was made by Trustee Greco, with a second by Trustee Merrick to adopt the resolution. The motion passed unanimously by vote of six in favor, none opposed.

RESOLUTION
AUTHORIZING THE PHASE 1 ROCK CLIFF CORRECTION AND
REMEDATION
PLAN-OF-ACTION FOR LORDAE REALTY AS DISCUSSED
AT THE PLANNING BOARD MEETING OF JUNE 13, 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 Planning Board Meeting at 7:30 p.m. on June 13, 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 signoff on completion of Phase 1 and a brief inspection report on soundness.
A plan or statement of plan from the applicant's contractor Janod on how they are going to remove the materials from the site. A statement from Tectonic and Janod on the ability to reoccupy stores during Phase 2.
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 barrier of eight feet in width protecting the construction and demolition site area is required under New York State Law. Same 8ft. barrier at rear of stores closing of area of work.
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. Reports submitted weekly and site visits by Bob Simpson arranged by Tectonic.
7. Performance Bond to ensure completion of Phase 2 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. Applicant must submit plan for stabilization of stairway and rock formation on North side of stairway at Brick Park.
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 June 15, 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 #10 – Report of the Linear Park Committee:

Landscape Architect Jane Cooke reported that the Linear Park stretches from Boulevard to 1st Street and up to Highbrook Avenue. She reported that the highlights of the park will consist of (2) two walkways through the park, and a memorial green. Trustee Hotchkiss suggested the village should keep the 3 parking spots in the middle of the park and assign garbage disposal within certain parts of the park.

Mayor Clain was pleased to see the great job done by the Linear Park Committee and thanked them. The Linear Park Committee will meet again, review the suggestions, and move on to finalize the plans and recommendations for the park.

Item #11 – Hearing on a draft proposed Local Law that makes the following changes to the Village Code -- amends Chapter 35; repeals licensing laws preempted by Westchester County law; adopts new sections to require vendor licenses; and adopts new sections and amends others to set higher minimum fines for certain violations of Village law.

A motion was made by Trustee Merrick, with a second by Trustee Greco to continue the public hearing to the August 8th meeting. The motion passed unanimously by vote of six in favor, none opposed.

Draft 5/25/06

**SEQ CHAPTER \h \r 1 LOCAL LAW NUMBER OF 2006
SEQ CHAPTER \h \r 1**

A local law that amends Chapter 35, repeals licensing laws preempted by Westchester County law, adopts new sections to require vendor licenses, and adopts new sections and amends others to set higher minimum fines for certain violations of Village law.

Item #12 – Hearing on a draft proposed Local Law to enact Water System Regulations in the Pelham Village Code:

A motion was made by Trustee Merrick, with a second by Trustee Greco to continue the public hearing to the August 8th meeting. The motion passed unanimously by vote of six in favor, none opposed.

4th Draft 5/25/2006

SEQ CHAPTER \h \r 1 LOCAL LAW NUMBER OF 2006

CHAPTER \h \r 1A local law that

Village of Pelham.

SEQ

**establishes a water code
for the**

Item #13 – Authorizing the bid award for Contract #2006-06 Tree Trimming, Removal and Stump Grinding:

A motion was made by Trustee Hotchkiss, with a second by Trustee Merrick to adopt the resolution. The motion passed unanimously by vote of six in favor, none opposed.

RESOLUTION

**AUTHORIZING THE AWARD OF CONTRACT NUMBER 2006-06
FOR TREE AND STUMP REMOVAL AND TREE-TRIMMING**

WHEREAS, The Village Of Pelham Issued A Notice to Bidders and Request For Bids for Contract 2006-06 for Tree and Stump Removal and Tree-Trimming in the Village Of Pelham; and

WHEREAS, a public notice was duly published on Monday, June 5, 2006, 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, June 16, 2006, the Village of Pelham publicly opened and read two (2) proposals; and

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

	Base Bid
1. Manor Tree Service of Pelham Manor, NY	\$12,800
2. Almstead Tree Care Co. of New Rochelle, NY	\$13,418

WHEREAS, Administrator Richard Slingerland has determined that the lowest responsible bid that meets requirements is Manor Tree Service of Pelham Manor, NY.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of the Village of Pelham Village hereby award Contract 2006-06 for Tree and Stump Removal and Tree-Trimming in the Village Of Pelham to Manor Tree Service of Pelham Manor, NY., at the total approximate bid cost of twelve thousand eight hundred dollars (\$12,800), with provisions in the bid for additional trees at prices listed, as needed; 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.

Item #14 – Authorizing the bid award for Contract #2006-04 RFP for Lease w the Option to buy a Dept. Head Vehicle with Front or AWD:

* Note: As of Friday evening, the Police Chief had not had the chance to review the bid or check with other potential bidders to determine why only one bid had

been submitted. He committed to checking with the other dealers to see if this matter should be re-bid.

A motion was made by Trustee Merrick, with a second by Trustee Greco to reject the resolution and have the contract re-bid. The motion passed unanimously by vote of six in favor, none opposed.

Item #15 – Authorizing the Village to enter into a permanent easement with the owners of 574 and 512 7th Avenue for the existing Village storm-drain sewer:

A motion was made by Trustee Greco, with a second by Trustee Potocki to adopt the resolution. The motion passed unanimously by vote of six in favor, none opposed.

RESOLUTION

AUTHORIZING THE VILLAGE TO ENTER INTO A PERMANENT EASEMENT
WITH THE OWNERS OF 574 AND 512 SEVENTH AVENUE
FOR THE EXISTING VILLAGE STORM-DRAIN SEWER
AND AUTHORIZES THE CONSOLIDATION OF THESE PROPERTIES

WHEREAS, upon the sale of the Town property known as 574 Seventh Avenue, the Town notified the buyer that they would have to contact the Village and provide an easement to the Village for the long-existing storm drain sewer that runs beneath the property; and

WHEREAS, the applicant Mr. Zhu, through his attorney Patrick Vetrano, has requested authorization for the owners of 512 and 574 7th Avenue to consolidate said properties and to enter into an easement agreement with the Village.

BE IT RESOLVED, that the Board of Trustees of the Village of Pelham hereby authorizes the owners of 512 and 574 7th Avenue to consolidate said properties and authorizes the Village to enter into an easement agreement, to be prepared and made acceptable to the Village Attorney, with a permanent easement and agreement filed in the offices of the Land Records Department of the County Clerk and authorizes the Mayor and the Village Administrator to sign all necessary documents to effect such easement agreement and easement, and requires the applicant to pay all attorney fees and expenses for filing this easement and easement agreement pursuant to Section 70 of the Village Code.

Item #16 – Authorizing the release of funds from the Sandford Blvd. Escrow:

The Board was directed to note Mayor Clain's letters and escrow documents circulated Thursday, June 15, 2006.

In that letter, Mayor Clain spelled out parameters to the Council of Governing Boards (the Schools, the Town, Pelham Manor Village and Pelham Village) to authorize payments to the Town and the Village of Pelham for work completed to improve areas around Sandford Boulevard, Colonial Avenue and Wolfs Lane, including Glover Field parking lot.

Pursuant to the Mayor's letter, the escrow agent for the funds – attorneys at Thacher, Proffitt and Wood – were directed to remit the Escrow Funds and all interest accrued thereon as follows:

1. Pay \$127,979.44 to the Town (the "Town Reimbursement") for work performed.
2. Pay \$97,226.25 to the Village (the "Village Reimbursement") for work performed.
3. Pay \$25,545.44, together with interest accrued on such amount while held in the Escrow Account from June 1, 2006, to the date of payment (the "Manor Share"); and
4. The balance of the funds were to be deposited into a new tri-partite escrow account under agreement between the Town, the Schools and Pelham Village.

A motion was made by Trustee Hotchkiss, with a second by Trustee Greco to adopt the resolution. The motion passed unanimously by vote of six in favor, none opposed.

RESOLUTION

AUTHORIZING THE RELEASE OF FUNDS FROM THE SANDFORD BOULEVARD SETTLEMENT ESCROW ACCOUNT FOR THE VILLAGE OF PELHAM AND TOWN OF PELHAM EXPENDITURES FOR IMPROVEMENTS AT GLOVER FIELD, ALONG SANDFORD BOULEVARD, COLONIAL AVENUE AND WOLFS LANE

BE IT RESOLVED, that the Village of Pelham Board of Trustees hereby authorizes the following actions:

- Authorizes the release of funds from the Sandford Boulevard Settlement Escrow for Village of Pelham expenditures pursuant to the escrow agreement
- Authorizes the release of funds from the Sandford Boulevard Settlement Escrow for Town of Pelham expenditures pursuant to the escrow agreement
- Authorizes the Village of Pelham to take the necessary and appropriate actions to accept these funds and credit the appropriate accounts for expenditures pursuant to the escrow agreement

- Authorizes the release of funds from the escrow to the Village of Pelham Manor,
- Authorizes the Mayor to sign the new tri-partite escrow agreement between with the Town of Pelham, Pelham School District and the Village of Pelham.

Item #17 – Discussion about purchase of a GEM (electric motorcar) for enforcement:

Trustee Potocki recommended that the village check with Police Chief Joe Benefico whether we need 1 or 2 electric motorcars.

* The Board should note that these vehicles are available under NYS Office of General Services contract. The NY Power Authority authorizes contribution/co-funding of about 40% of the cost for a municipality to buy one of these vehicles. We estimate a vehicle equipped as we would need it, including doors, would cost approximately \$8,000 to \$8,500. Please see the attached spread sheet.

From: Solomon, Randall [Randall.Solomon@nypa.gov]
 Sent: Tuesday, June 13, 2006 3:48 PM
 To: richard.slingerland@pelhamgov.com
 Cc: King, Kerry-jane
 Subject: gem 2006 program funding table.xls

Richard,
 Attached is a spreadsheet that shows the co-funding amounts for the Gem vehicles. We can provide incentives up to two vehicles. If you have any other questions about the program, please give me a call. Best regards, Randy Solomon NYPA Systems Engineer Electrical Transportation Work 914-390-8205 <<gem 2006 program funding table.xls>>

* Note: This topic has been tabled until the next meeting on June 27, 2006.

Item #18 –Authorizing the accounts payable:

A motion was made by Trustee Potocki, with a second by Trustee Mohan to approve the resolution. The motion passed unanimously by vote of six in favor, none opposed.

RESOLUTION
 ACCOUNTS PAYABLE

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/Treasurer:

<u>Fund Name:</u>	<u>Amount</u>
General Fund	\$590,785.33
Water Fund	\$27,086.47
Capital Projects Fund	\$31,494.09
Trust and Agency Fund	\$14,822.50
H3 Fund	\$0.00
Grand Total	\$44,667.08

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

Item #19 – Old Business/New Business:

Village Administrator Richard Slingerland mentioned Mr. and Mrs. Winn’s request to put a handicapped spot in front of the Winn residence. Mayor Clain mentioned the topic of speed bumps being put on Carol and Brookside Avenues.

* Note: Both of these matters were tabled until the July 18th meeting.

Item #20 – Minutes: June 6 and June 8, 2006:

A motion was made by Trustee Mohan, with a second by Trustee Greco to approve the minutes from June 6 and June 8, 2006. The motion passed unanimously by vote of six in favor, none opposed.

Item #21 – Adjournment:

The Mayor asked for a motion to go into Executive Session on a matter of potential litigation. On the motion of Trustee Mohan, seconded by Trustee Greco, the Board agreed unanimously to adjourn the public portion of the Board Meeting and go into Executive Session to discuss the stated matter.

On the motion of Trustee Mohan, seconded by Trustee Hotchkiss, the Board voted unanimously to adjourn the public portion of the board meeting at 11:00 p.m.

Respectfully submitted,

Devron Wilson, Administrative Aide

Richard Slingerland, Administrator/Deputy Clerk