

VILLAGE OF PELHAM  
 BOARD OF TRUSTEES MEETING  
 TUESDAY, JUNE 7, 2005, 7:30 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. Public  
 Comment  
 Approximate

Starting Time

# Agenda

Items:

of

Discussion

	<b>Land Use Applications and Review</b>	<b>7:40 p.m.</b>
7	Calling for a public hearing on proposed changes to the Village Code that would prohibit the construction of new two-family homes in the Village of Pelham.	<b>Tabled</b>
8	Declaration of intent by the Board of Trustees to act as Lead Agency by Board of Trustees for the review under the New York S.E.Q.R.A. for the development application by Commerce Bank.	<b>7-0</b>
	<b>Equipment</b>	<b>8:30 p.m.</b>
9	Discussion of different alternatives to auction surplus vehicles and equipment.	<b>Discussed</b>
	<b>Contracts</b>	<b>8:45 p.m.</b>
10	Authorization of intermunicipal agreement with the Town of Pelham regarding the 9/11 memorial.	<b>Approved</b>
11	Award of contract to upgrade traffic signal equipment at several intersections on or near Colonial Avenue.	<b>Approved</b>
	<b>Emergency Response</b>	<b>9:30 p.m.</b>
12	Scheduling a public discussion of requests by the Westchester County Officer of Emergency Services to clarify and re-name or renumber portions of streets in the Village of Pelham.	<b>Discussed</b>
	<b>Human Resources</b>	<b>9:45 p.m.</b>
13	Authorizing Settlement and Acceptance of Terms for a Contract Between the Village of Pelham and the Civil Service Employees Association (CSEA) Local 1000 for the period of June 1, 2004 through May 31, 2007.	<b>Approved</b>
14	Authorizing the appointment of Denise Boyle of Pelham, NY, as a Parking Enforcement Officer/School Crossing Guard.	<b>Approved</b>
15	Authorizing settlement agreement with a member of the Village	<b>Discussed,</b>

	of Pelham Fire Department.	<b>no action.</b>
	<b>Housekeeping</b>	<b>10:15 p.m.</b>
16	Old Business/New Business: Re-adopting the GDC contribution agreement, with Murphy, Stecich and Powell as escrow agent.	<b>Approved</b>
17	Minutes: March 15, 2005; April 4, 2005; April 26, 2005; May 3, 2005 and May 17, 2005	<b>All minutes Approved</b>
18	Adjournment.	<b>Adjourned</b>

\* 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, MAY 17, 2005

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

The following members of the Board of Trustees were present:

Mayor Michael J. Clain; Trustees Ciro Greco (8:25), David Merrick (8:35), Peter Potocki, Mia Homan, Edward Hotchkiss, Trustee Michael Rozycki.

Village staff in attendance:

Village Administrator Richard Slingerland

Item #3 – Mayor’s Report

Mayor Clain reported on the recent meeting with the Glenwood Lake Homeowner’s Association, and the meeting scheduled for Monday June 13<sup>th</sup> at Amy Paulin’s Office, attempting to resolve the flooding problem in Pelham, and purchase and preserve for open space some privately owned land. He also reported on the ongoing progress for the Village’s planning consultants – Buckhurst, Fish and Jacquemart – on the Village Yard and Village Hall site plan review, and asked for an update on the status of the light at Glover Field.

Item #4 – Trustee’s Reports

Trustee Potocki reported he had met with Lucille Munz, one of the Landscape Architects contracted by the Village to plan and design improvements to the downtown streetscape, parking and Wolfs Lane Linear Park. Trustee Potocki also congratulated the Chamber of Commerce on a great Street Fair.

Trustee Rozycki reported on the need to renew the agreement with O’Conner, Davies, Munns and Dobbins, LLP. This financial accountant and consulting firm is responsible for the village’s audits.

Trustee Homan reported that the Chamber of Commerce Street Fair was a success. She also reported that she had also met with Lucille Munz, who walked the length of the Wolfs Lane Park. She stated that there was a need for a process to be completed prior to the installation of memorials and trees around the Village.

Trustee Hotchkiss mentioned he had spoken with the Village Attorney. He was working to have all people responsible remove the remaining campaign signs.

Trustee Merrick also mentioned the proliferation of "Yard Sale" signs, and asked the Village to address them at the same time as the campaign signs.

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

The Administrator advised the Board of a letter about parking issues the Village had received from Charles Wilson, Superintendent of Schools. The Board discussed the parking issues and request by the High School to address the parking needs of the teachers, particularly with regard to the Pelham School's request to establish more parking on the streets around the High School and Middle School. Trustee Homan commented that the parking burden should be shared equally between both Villages. The Administrator also mentioned he had spoken to a member of the School Board, and advised them that the School Board member had asked him to advise the Mayor and Trustees of the School Systems' plan to reconfigure parking around the school, and that the Village should delay re-paving Corlies Avenue. He mentioned that instead he would like to finish off the remainder of the paving contract with ELQ by paving approximately half of 2<sup>nd</sup> Avenue, between 5<sup>th</sup> Street and 6<sup>th</sup> Street, and the Board assented.

#### Item #6 – Public Comment

Andrea Bayer of Pelham Manor commented on evening commuter parking. She had grown increasingly uneasy about walking in and out of the Lot 7 parking area behind Village Hall. She had witnessed several near accidents. She suggested more lighting and a pedestrian walkway to get to the back.

Brian Diffley of 392 Washington Avenue had comments on the construction being completed at the Metro-North Train Station, particular as it relates to drilling, the catenary tower, and drainage. He stated that the contractors had placed a large equipment building on Metro North property behind his house, and had re-graded Metro North's property at least two feet above his property, which he claimed was causing drainage problems on his property.

Mathew Polanzani of 394 Washington Avenue had similar comments on the work being completed at the Metro-North Train Station. He stated that the contractors

had cut his drain line and sump pump, as well as altered the grade resulting in drainage problems.

The Administrator promised to follow up on the matters, and contact Metro North for a further update on the situation.

Item #14 – Authorizing the appointment of Denise Boyle of Pelham, New York as a Parking Enforcement Officer / School Crossing Guard.

Denise Boyle was appointed to the position of Parking Enforcement Officer/School Crossing Guard. She was given her Oath of Office by Mayor Clain.

A motion was made by Trustee Homan to adopt the Resolution, with a second by Trustee Greco. The motion passed unopposed.

RESOLUTION  
TO APPOINT DENISE BOYLE  
AS PARKING ENFORCEMENT OFFICER/SCHOOL CROSSING GUARD  
(PEO/SCG) (PROVISIONAL APPOINTMENT)  
WITH THE VILLAGE OF PELHAM.

BE IT RESOLVED, that the Board of Trustees of the Village of Pelham hereby authorizes the appointment by the Mayor of Denise Boyle, effective immediately, to the position of Parking Enforcement Officer/School Crossing Guard (PEO/SCG) on a Provisional basis, subject to the requirements of Civil Service, at a starting salary of \$28,500, with an effective date of hire of Monday, June 13, 2005; and

BE IT FURTHER RESOLVED, that the Mayor, the Village Administrator and the Police Chief are authorized to take the necessary and appropriate actions to effect this appointment.

Item #7 – Calling for a Public Hearing on proposed changes to the Village Code that would prohibit the construction of new two-family homes in the Village of Pelham.

John Cassone of Seventh Avenue suggested that the issue be tabled until September.

Trustee Merrick stated that there might be a rush of applications to the Building Department for the construction or conversion of single-family homes to two-family homes. He asked if there should be a moratorium, but the Board did not feel that such a step was necessary. He suggested an alternative that property owners be permitted to have accessory uses, or perhaps the Code could be changed to further limit the size of the new development.

Mayor Clain stated there were about five empty lots, and about 158 single-family homes that could be converted to two-family under the present Building Code. He requested information on how many two-family homes there are currently in the village, as well as the number of conversions in the past five years.

Trustee Homan stated that if the village was trying to address issues regarding development, that perhaps a more targeted piece of legislation is needed.

Trustee Potocki stated that he did not believe there was enough information at the present time to move forward with the public hearing.

The issue was raised about whether a Moratorium was needed. Trustee Homan and Mayor Clain did not believe this would be a problem. Trustee Greco did not agree, saying that there was the potential for a problem with a rush of applications.

Robert Rios of 46 2<sup>nd</sup> Avenue requested that the Village get more information out in July and August, prior to revisiting the issue in September.

Chip Nyborg of 71 6<sup>th</sup> Street suggested that going forward with the proposal could result in a lot of illegal apartments.

Richard Altobelli of 105 Fifth Avenue stated that going forward with the proposal could hurt younger kids in the area that need housing. He commented that taxes and assessments are high in the village.

John Cassone of Seventh Avenue stated that he had been in Pelham since 1970. There used to be two Kindergarten classes at Hutch School, and there are three now. The proposal should be tightened up to prevent "McMansions", and that the current proposal could hurt senior citizens and property owners who want to do something with their homes.

Trustee Homan commended the Building Code Revision Committee for being proactive.

Mayor Clain closed the matter, saying that the Board would call for a hearing sometime in September, after everyone had returned from summer vacations.

Item #8 – Declaration by Board of Trustees of their intent to act as lead agency for review under the New York SEQRA for the application by Commerce Bank.

Craig Tompkins of Bohler Engineering made a presentation to the Village Board on behalf of Commerce Bank. He stated that the proposal is for a 3300 square foot building, including three curb cuts. New locations have recently opened in White Plains, Port Chester, Larchmont, New Castle and Mount Kisco. The bank's hours of operations would be from 7:30 am to 8:30 pm, with an ATM open

24 hours per day and seven days per week. Employees include 4-6 people per shift. Commerce Bank had no objections to the declaration of the Village board as lead agency for the SEQRA review. Commerce Bank's attorney, Paul Noto, commented that the application had been revised to meet changes requested by the Planning Board. He mentioned that the application did not exceed any SEQRA thresholds to initiate the process for a full review and preparation of an Environmental Impact Statement. The Administrator replied that it did not preclude the Board's right to request study and analysis on issues relevant to the application, such as traffic.

A motion was made by Trustee Homan to adopt the Resolution, with a second by Trustee Greco. The motion passed unopposed by vote of seven to none.

RESOLUTION  
DECLARING THE INTENT OF THE VILLAGE OF PELHAM BOARD OF  
TRUSTEES  
TO ACT AS LEAD AGENCY IN THE REVIEW OF THE SITE PLAN  
APPLICATION  
BY COMMERCE BANK, INC.

BE IT RESOLVED that the Board of Trustees of the Village of Pelham, pursuant to Article 8 of the New York State Environmental Conservation Law (State Environmental Quality Review Act, a.k.a. SEQRA) hereby declares its intent to be the lead agency for the environmental review of the Commerce Bank Development Project located at properties on the northwest corner of Lincoln Avenue at 5<sup>th</sup> Avenue, as submitted on behalf of Commerce Bank.

Item #9 – Discussion of different alternatives to auction surplus vehicles and equipment.

The Village Board reviewed two different options to auction surplus equipment, in addition to the normal public bidding process. Alternatives to this method were internet based auction sites, particularly propertyroom.com and ebay.com. The Village Board agreed that the most cost-effective way should be pursued, and asked the Administrator to take the appropriate and most cost-effective action.

Item #10 – Authorization of Inter-Municipal Agreement with the Town of Pelham regarding the 9/11 memorial.

A motion was made by Trustee Homan to adopt the Resolution, with a second by Trustee Merrick. The motion passed unopposed by vote of seven to none.

RESOLUTION  
AUTHORIZING AN INTERMUNICIPAL AGREEMENT  
BETWEEN THE VILLAGE OF PELHAM AND THE TOWN OF PELHAM  
FOR A 9/11 MEMORIAL

BE IT RESOLVED, that the Board of Trustees of the Village of Pelham hereby authorizes an Inter-Municipal Agreement (IMA) between the Village and the Town of Pelham to establish a 9/11 Memorial on Harmon Avenue Park owned by the Village of Pelham, pursuant to the agreement between the Town and the Village, for a period of ten (10) years and authorizes the Mayor, the Deputy Mayor, the Village Administrator and the Village Attorney to take the necessary and appropriate actions to effect and sign the agreement.



Item #11 – Award of the contract to upgrade traffic signal equipment at several intersections on or near Colonial Avenue.

The matter was discussed by the Board. Mayor Clain advised the Board that it had been discussed by the Council of Governing Boards who were parties to the Sandford Boulevard lawsuit. He noted that the Town of Pelham and Village of Pelham, and the Pelham Schools, had agreed to charge all the improvements to the escrow, to a total of sixty thousand dollars (\$60,000). He noted that the remaining \$26,000 would be shared between the Village of Pelham, the Town of Pelham, and the Pelham Schools, and that Pelham Manor would get back an additional \$10,000 to spend out of the escrow.

A motion was made by Trustee Homan to adopt the Resolution, with a second by Trustee Greco. The motion passed unopposed by vote of seven to none.

RESOLUTION  
AUTHORIZING THE AWARD OF CONTRACT 2005-05  
FOR TRAFFIC SIGNAL UPGRADES AND IMPROVEMENTS ALONG  
COLONIAL AVENUE AT THE INTERSECTIONS WITH WOLFS LANE AND  
PELHAMDALE AVE.,  
PLUS UPGRADES AT WOLFS LANE INTERSECTIONS OF THE HUTCH-EXIT,  
AND BOULEVARD  
TO BE FUNDED BY THE SANDFORD BOULEVARD LAWSUIT SETTLEMENT  
ESCROW

WHEREAS, The Village Of Pelham Issued A Request For Bids/Proposals on Contract # 2005-05 for Traffic Signal Upgrades and Improvements along Colonial Avenue at the intersections with Wolfs Lane and Pelhamdale Ave., to be funded by the Sandford Boulevard lawsuit settlement escrow; and

WHEREAS, a public notice was duly published on Wednesday, April 6, 2005, in the Gannett Westchester Newspaper, an official newspaper of the Village of Pelham; and

WHEREAS, during the notice period six (6) companies received the notice and a copy of the contract, with the list of such contractors on file in the Village Administration Office, and in response to questions raised by potential bidders one (1) correction was issued; and

WHEREAS, at 11:00 a.m. E.S.T., Monday, April 25, 2005, the Village of Pelham publicly opened and read two (2) proposals, which were as follows:

- |    |                                  |            |          |
|----|----------------------------------|------------|----------|
| 1. | Company                          |            |          |
|    | Verde Electric of Mt. Vernon, NY | (Base Bid) | \$85,890 |

		Alternate	
\$25,750.45			
2. Phoenix Signal and Electric of Suffern, NY	(Base Bid)	\$87,957	
	Alternate		
\$29,800			

AND WHEREAS, Administrator Richard Slingerland has determined that the lowest responsible bid that meets the requirements is the Verde Electric of Mt. Vernon, NY, at the total approximate bid price of eighty five thousand eight hundred ninety dollars (\$85,890), plus an amendment to accommodate alternate, decorative poles, if selected, in the amount of \$25,750.45.

NOW, THEREFORE, BE IT RESOLVED, that the Village hereby awards Contract 2005-05 for Traffic Signal Upgrades and Improvements along Colonial Avenue at the intersections with Wolfs Lane and Pelhamdale Ave., and other intersections along Wolfs Lane as provided in the project plans, to be funded by the Sandford Boulevard lawsuit settlement escrow to the lowest responsible bidder Verde Electric of Mt. Vernon, NY, at the total approximate bid price of eighty five thousand eight hundred ninety dollars (\$85,890), plus an amendment to accommodate alternate, decorative poles, if selected, in the amount of \$25,750.45; 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.

Item #12 – Scheduling a public discussion of requests by the Westchester County Office of Emergency Services to clarify and re-name or re-number portions of streets in the Village of Pelham.

The Administrator advised the Board of a letter from the Westchester County Office of Disaster and Emergency Services, requesting a portion of Highbrook Avenue be renamed North Highbrook, between Harmon and Lincoln Avenues, and a portion of Second Street be renamed East Second Street, between Wolfs Lane and Ancon Avenue. He also advised the Board of other changes, including addresses on First Street, between First Avenue and Fifth Avenue, and addresses on First Street between Highbrook Avenue and Ancon Avenue. The main crux of the problem was that emergency responders (in particular ambulances) had been confused. The addresses are out of sequence and mis-numbered, which has caused the misdirection of ambulances to the incorrect location in a few instances, which had caused a delay in emergency response.

The Board discussed the matter, and asked the Administrator to send a letter to all the affected homes, and advise them to attend the 2<sup>nd</sup> Board Meeting in September (on September 20<sup>th</sup>). They also asked him to speak to the affected businesses – Very Fit and Villanova – and also to discuss the matter with the Town of Pelham.

Item #13 – Authorizing Settlement and Acceptance of Terms for a contract between the Village of Pelham and the Civil Service Employees Association (CSEA) Local 1000 for the period of June 1, 2004 through May 31, 2007.

Trustee Homan discussed the CSEA negotiations. She mentioned that the settlement provided for 3.75% increases each year of a 3-year agreement for the covered employees, and that the CSEA had agreed to a provision that new employees contribute towards their health insurance over the life of their employment.

A motion was made by Trustee Homan to adopt the Resolution, with a second by Trustee Greco. The motion passed unopposed by vote of seven to none.

RESOLUTION

AUTHORIZING SETTLEMENT AND ACCEPTANCE OF TERMS  
FOR A CONTRACT BETWEEN THE VILLAGE OF PELHAM  
AND THE CIVIL SERVICE EMPLOYEES ASSOCIATION (CSEA) LOCAL 1000  
FOR THE PERIOD OF JUNE 1, 2004 THROUGH MAY 31, 2007

BE IT RESOLVED, that the Board of Trustees of the Village of Pelham hereby authorizes the settlement and signature of documents including the Collective Bargaining Agreement (C.B.A.) to effect the completion of contract negotiations with the Pelham Chapter of the CSEA, Regional 1000, Local Unit #9178, pursuant to the memorandum of understanding dated May 2005, and

BE IT FURTHER RESOLVED, that the items detailed in the Memorandum of Understanding negotiated and as herein presented are adopted and made a part of this settlement; and

BE IT FURTHER RESOLVED, that the Mayor, Trustee Liaison, Village Administrator, Village Attorney and Labor Counsel are authorized to take the necessary and appropriate actions and execute any and all documents including the C.B.A. necessary to effect this settlement.

Item #15 – Authorizing settlement agreement with a member of the Village of Pelham Fire Department.

This matter was discussed briefly, but no action was taken on it.

Item #16 – Old Business / New Business: Re-adopting the Ginsburg Development Corporation contribution agreement, changing the escrow agent from Clifton Budd and DeMaria to Murphy, Stecich and Powell.

A motion was made by Trustee Homan to adopt the Resolution, with a second by Trustee Rozycki. The motion passed unopposed by vote of seven to none.

## RESOLUTION

### AUTHORIZING A CONTRIBUTION AGREEMENT AND AN ESCROW AGREEMENT BETWEEN THE VILLAGE OF PELHAM AND GINSBURG DEVELOPMENT CORP. TO ADDRESS INFRASTRUCTURE ISSUES ON FIRST STREET

BE IT RESOLVED, that the Board of Trustees of the Village of Pelham authorizes a contribution agreement for the Village of Pelham to receive \$250,000 from the Marbury Corners L.L.C. to fund the relocation of storm sewer lines and/or sanitary sewer lines, and if any funds remain after the contract is awarded and completed, they shall be used for flooding remediation; and

BE IT RESOLVED, that the Board of Trustees of the Village of Pelham authorizes an escrow agreement for the Village of Pelham to receive \$250,000 to be held in escrow on behalf of the Village by Murphy, Stecich and Powell to be used by the Village; and

BE IT FURTHER RESOLVED, that the Mayor, the Village Attorney, the Village Administrator and all other appropriate Village Officials are authorized to take the necessary and appropriate actions to effect the provisions of these agreements, provided that the Board is satisfied with Metro North's approvals.

Item #17 – Minutes: March 15, 2005; April 4, 2005; April 26, 2005; May 3, 2005; and May 17, 2005.

On the motion of Trustee Rozycki, seconded Trustee Potocki, the Board agreed unanimously to adopt the minutes of March 15, 2005 by vote of seven to none.

On the motion of Trustee Homan, seconded Trustee Potocki, the Board agreed to adopt the minutes of April 4, 2005 by vote of six to none. Trustee Rozycki abstained due to absence from the meeting.

On the motion of Trustee Rozycki, seconded Trustee Potocki, the Board agreed to adopt the minutes of April 26, 2005 by vote of six to none. Trustee Homan abstained due to absence from the meeting.

On the motion of Trustee Rozycki, seconded Trustee Potocki, the Board agreed to adopt the minutes of May 3, 2005 by vote of four to none. Trustees Greco, Homan and Merrick abstained due to absence from the meeting.

On the motion of Trustee Rozycki, seconded Trustee Potocki, the Board agreed to adopt the minutes of May 3, 2005 by vote of four to none. Trustees Greco, Homan and Merrick abstained due to absence from the meeting.

On the motion of Trustee Homan, seconded Trustee Potocki, the Board agreed to adopt the minutes of May 17, 2005 by vote of six to none. Trustee Rozycki abstained due to absence from the meeting.

A motion was made by Trustee Homan, with a second by Trustee Potocki to accept the accounts payable contingent upon confirmation that a member of the Board of Trustees had previously reviewed the bills. The motion passed unopposed, with Trustee Rozycki absent.

Additional Item – Approval of claims and authorization to make payment:

The Board discussed the issue, and commented that they had not received the backup to review. However, they agreed to approve of the audited claims provided they have the chance review the claims.

A motion was made by Trustee Homan to adopt the Resolution, with a second by Trustee Rozycki. The motion passed unopposed by vote of seven to none.

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	\$105,748.42
Water Fund	\$1,010.00
Capital Projects Fund	\$41,628.01
Trust and Agency Fund	\$1,280.00
H3 Fund	\$0.00
Grand Total	\$149,666.43

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

\* Administrator's Note: On reviewing the minutes, this resolution and all backup was approved at the May 17<sup>th</sup> Board of Trustees Meeting. No claims or new checks were submitted at this time.

Item #18 – Adjournment

On the motion of Trustee Homan, seconded by Trustee Potocki, the Board agreed unanimously by vote of seven to none to adjourn the meeting at 10:10 p.m.

Respectfully submitted

Dennis DelBorgo  
Administrative Assistant

