

VILLAGE OF PELHAM
 BOARD OF TRUSTEES MEETING
 TUESDAY, SEPTEMBER 20, 2005, 7:30 PM
 VILLAGE HALL - 195 SPARKS AVENUE, PELHAM, NY

MEETING MINUTES

1. Meeting Called To Order – 7:30 p.m.
2. Pledge of Allegiance
3. Mayor’s Report
4. Trustees’ Reports
5. Village Administrator’s Report
6. Public
Comment

**AGENDA ITEM**
VOTE

	Land Use	
7	Authorization for Site Plan approval for property subdivided into two (2) lots at 117 Harmon Avenue (owned by Merrick).	APPROVED
	Business	
8	Establishing a \$500 pre-authorization limit on the Village credit card.	APPROVED
9	Authorizing a change to the Capital Budget for DPW Equipment (new plow and frame), and for Wolfs Lane Park design.	APPROVED
10	Scheduling a hearing on the Village of Pelham’s Annual Housing Plan, for Federal Year April 1, 2006 through March 31, 2007.	APPROVED
	Parking	
11	Adding weekend pre-paid permit parking on First Street, east of Wolfs Lane.	APPROVED
12	Considering the creation of six parking spaces in front of the Middle School on Franklin Place.	APPROVED
13	Considering the creation of short-term visitor parking (4 spaces) adjacent to the Middle School on Wolfs Lane.	APPROVED
	Personnel	
14	Calling for a hearing and appointing a hearing officer related to police 207-c benefits for a police officer.	APPROVED
	Housekeeping	
15	Authorization and approval of accounts payable	
16	Old Business/New Business:	
17	Minutes: June 21, 2005 July 19, 2005 August 24, 2005 September 6, 2005	

18	Executive Session on Personnel matters	
19	Adjournment	APPROVED

MINUTES OF A REGULAR MEETING OF THE
VILLAGE OF PELHAM BOARD OF TRUSTEES
VILLAGE HALL - 195 SPARKS AVENUE, PELHAM, NY
TUESDAY, SEPTEMBER 20, 2005

Mayor Michael Clain called the meeting to order at 7:30 p.m., and the Board recited the Pledge of Allegiance.

The following members of the Board of Trustees were present:

All present -- Mayor Michael Clain, Trustees Ciro Greco, Mia Homan, David Merrick, Peter Potocki and Michael Rozycki (8:15 p.m.). Absent – Trustee Edward Hotchkiss.

Village staff in attendance:

Village Administrator Richard Slingerland.

Item #3. Mayor's Report

Mayor Clain announced that the Village has received a grant through the Assistance to Firefighters Grant Program. The grant will be used to make necessary improvements and equipment purchases for the Fire Department.

Mayor Clain reminded all those who interested were welcome to attend a Public Meeting on the Village Yard and T&L Proposals to be held 9/27/05 at 7:30 p.m.

The Village received a thank you letter from Mr. Burrows, a village resident. He thanked Street Foreman Harry Pallet and Assistant to the Administrator Dennis DelBorgo for their efforts to remedy a flooding condition in front of his property.

Item #4. Trustees Reports

Trustee Mia Homan: No Report.

Trustee David Merrick reported that the dedication of the Highbrook Gates would be taking place close to Columbus Day, and he suggested the Village try to coordinate and hold the memorial ceremony for Helen Harper at the clock tower at the same time.

Trustee Peter Potocki reported that Police Officer James Mitrione will begin a two-week training course with the Federal Bureau of Investigation. He wished him good luck in completing this valuable training.

Trustee Ciro Greco: No Report.

Item #5. Village Administrator's Report

Administrator Slingerland reported that negotiations with the Police Benevolent Association are continuing. There will also be a Labor-Management Meeting with CSEA employees on 9/21/05.

Item #6. Public Comment

Gwen Miller Topogna, Chairwoman of the Planning Board, made comments concerning the Commerce Bank Proposal at Fifth Avenue and Lincoln Avenue. She stated that the plans showed the building set back too far from the street frontage, that turn-in and turn-out lanes could be problematic, and that at least 5 parking meters along Lincoln Avenue should remain.

Item #7 -- Authorization for Site Plan approval for property subdivided into two (2) lots at 117 Harmon Avenue (owned by Merrick).

Trustee Merrick excused himself from the room prior to the start of the discussion. Emily Freidberg-Merrick made a brief presentation about the application.

Mayor Clain reviewed the timeline of events for the Review of the Merrick Application beginning January 2nd, 2002 to the present. Applicant, Emily Friedberg made a presentation on the Site Plan. Planning Board Chairwoman Gwen Miller-Topogna, Architectural Review Board Chairman Nigel Scott-Williams, and Zoning Board of Appeals Chairman David Daly all summarized the reviews and recommendations by their respective boards.

Neighbors Peter Moskowitz of 15 Pell Place and Teresa Mohan – Moskowitz of 15 Pell Place both made presentations objecting to the location of the living space proposed for 117 Harmon Avenue, in particular the continued use of the Pool House, and requested that a door facing their property be removed and sealed during reconstruction. John Visheski, of Seventh Avenue, Mary Ward of Seventh Avenue, Sharon McGuckin of Seventh Avenue all commented on the process. They all felt there was not enough public information about the project, and suggested that Mr. Merrick and his family were being given special consideration because he is currently a Village Trustee. The Administrator and the Mayor assured them that this was not true, and explained some of the lengths to which the Village had kept the Moskowitzes informed about the progress of the application.

After lengthy discussion about the details of code provisions, the objections by the residents of 15 Pell Place were reduced to their concerns about privacy. The Board of Trustees discussed that the code limits side yard fences to four feet in

height, and the Board amended the resolution to provide for a side yard fence of four feet in height, and a row of arbor-vitae of six feet in height.

The Moskowitz's accepted this solution.

There was no further comment, and Mayor Clain requested a motion to adopt the Resolution, as amended.

A motion was made by Trustee Greco, with a second by Trustee Potocki to adopt the Resolution, as amended. The motion passed with 5 in favor, and none opposed. Trustee Merrick and Trustee Hotchkiss absent.

RESOLUTION
AUTHORIZING THE SITE PLAN (MERRICK) FOR ONE FAMILY RESIDENCE
AT 117 HARMON AVENUE

RESOLVED, that the application for a Site Plan to construct a one family residence on Lot A and proposed ramp and retaining wall on Lot B by Merrick is approved, with the revised lot line based on the Planning Board review and Plan L-1 with revision dated 7-20-2005 based on the review and recommendations by the Architectural Review Board and the Planning Board and;

BE IT FURTHER RESOLVED, that conditions apply as follows:

1. That the Residence must be built in accordance with plans dated ,July 29,2004, with revisions on August 17, 2004, October 22, 2004, December 28.2004, January 26, 2005, and July 20, 2005, and must be built according to the window and trim details, porch details, landscaping plan, and approved colors and materials (as specified on plans) and with the ARB giving conceptual approval of the plans and still requiring submission of the French door specifications to fit the door openings as indicated, and ARB needs a revised plan to coordinate the door/ window elevations with door /window openings on the plan (see notes on drawing-A-1) and
 - a. Window Schedules (see plans p. A-1);
 - b. Door Schedules (see plans, p A-1);
 - c. All elevation details as per sheets (pp,L-1, A-1);
 - d. Drywell calculations as per sheet, (p L-1);
2. The One Family Residence must be built according to the notations for the following:
 - a. Every finish
 - b. Full pallet and detail of materials
 - c. Colors
 - d. Window specifications
 - e. Mechanicals in the basements
3. The proposed ramp and retaining wall must be built as per specifications on plan (p. L-1)

4. That the landscaping plan must be complied with, with minimums as per specifications as shown on site plan (p L-1):
5. That there must be at least nine (9) drywells, two (2) 138 cubic foot, one (1) 98 cubic foot, two (2) 198 cubic foot, two (2) 198 cubic foot, two (2) 198 cubic foot on Lot A and seven (7) new drywalls, Four (4) 700 cubic feet, two(2) 198 cubic feet, and One (1) 69 cubic feet to add to the existing drywalls on Lot B, the sites as shown on the plans, to collect stormwater and minimize contribution to the Village's stormwater management system.
6. Any other actions deemed necessary by the Mayor, Village Administrator, Building Inspector, Village Engineer, and other officials of the Village of Pelham.
7. That the application and permit shall remain subject to the continued jurisdiction of the Board of Trustees.
8. At no time may construction commence and not strictly adhere to the construction timeline this will be considered a violation of the Planning Board approval;
9. That there shall be a privacy screen, either in the form of a fence or arbor vitae of at least six feet in height, running from the poolhouse to the west façade of the garage;

AND, BE IT FURTHER RESOLVED, that this application for a site plan by Merrick for 117 Harmon Avenue, Lot A & Lot B is subject to the procedures, regulations and requirements of the Pelham Village Code and Pelham Building Department; and

BE IT FURTHER RESOLVED, that the Mayor, Village Administrator, Building Inspector and officials of the Village of Pelham are authorized to take the necessary and appropriate actions to effect this site plan approval.

Discussion and review of this matter concluded at 9:45 p.m.

Item #8 -- Establishing a \$500 pre-authorization limit on the Village credit card.

This Resolution was approved at the last meeting. The Administrator requested a pre-authorization minimum amount of \$500, which is more in line with the Village's purchasing policy.

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

RESOLUTION

AUTHORIZING THE VILLAGE OF PELHAM
TO ESTABLISH A VILLAGE CREDIT CARD ACCOUNT

WITH JP MORGAN CHASE

BE IT RESOLVED, that the Board of Trustees of the Village of Pelham authorizes the Village to enter into an agreement for a VISA/Mastercard credit card for Village purchases, at a maximum limit of \$5,000 for the credit line account, for use only on authorized purchases for the Village of Pelham and its departments that have been authorized in advance by the Mayor or any Trustee in conformance with the Village's purchasing policy, that such purchases may be made by the Village Administrator/Treasurer and the Deputy Treasurer, and that such purchases on the credit account must comply with all policies set forth as the most current in effect as stated in the Village of Pelham's purchasing policy; and

BE IT FURTHER RESOLVED, that the Mayor and the Village Administrator Treasurer are authorized to take the necessary and appropriate actions to sign this agreement and any necessary and appropriate documents, and the appropriate Village officials including the Village Attorney are authorized to take the necessary and appropriate actions to effect this agreement; and

BE IT FURTHER RESOLVED, that the Administrator is authorized to make purchases utilizing the credit card for amounts up to \$500 without pre-authorization, and that purchases in the amount of \$500 or greater require written (including e-mail) preauthorization by the Mayor or a Trustee.

Item #9 -- Authorizing a change to the Capital Budget for DPW Equipment (new plow and frame), and for Wolfs Lane Park design.

The Administrator submitted a revised and clarified budget amendment resolution. A motion was made by Trustee Greco, with a second by Trustee Rozycki. The motion passed with 6 in favor, and none opposed. Trustee Hotchkiss was absent.

AMENDED RESOLUTION

AUTHORIZING AN AMENDMENT TO THE 2005-2006 CAPITAL BUDGET
FOR DPW EQUIPMENT TO REPROGRAM MONIES FROM
THE PURCHASE OF A NEW TRUCK DUMP-BODY TO A PLOW AND
EQUIPMENT
FOR THE NEWLY PURCHASED LIGHT-DUMP TRUCK
AND REFLECTING THE WOLFS LANE PARK IMPROVEMENT PROJECT

BE IT RESOLVED, by the Board of Trustees of the Village of Pelham that the following amendments and transfers to the Village of Pelham Capital Fund Budget and the General Fund Budget, as follows:

Account Description
Amount
CAPITAL FUND

DECREASE APPROPRIATIONS

H.5110.200 Replace Ford Dump Body (cancelled) \$30,000

DECREASE REVENUE

H.2831.1 Transfer from General Fund \$22,500

Re-allocate those monies as follows:

GENERAL FUND

DECREASE -- Expenditure

A.9550.000 Transfer to Capital Projects \$22,500

A.1990.990 (Appropriation from) Contingency \$ 2,655

Total

\$25,155

INCREASE – Expenditure (re-allocated)

A.1640.201 Central Garage – Equipment \$ 2,000

A.5142.415 Snow Removal Supplies and Materials \$ 4,000

A.1910.910 Unallocated Insurance \$19,155

Total

\$25,155

CAPITAL FUND

INCREASE REVENUES

H.3502 State Aid (Greenway Grant) \$ 7,500

Reallocate – remainder from Dump Body \$ 7,500

INCREASE APPROPRIATION (Village match \$7,500 from Dump Body)

H.8510.401 Wolfs Lane Park \$15,000

Item #10 -- Scheduling a hearing on the Village of Pelham's Annual Housing Plan, for Federal Year April 1, 2006 through March 31, 2007.

Administrator Slingerland will amend the Resolution to reflect a change in the start time from 8:00pm to 7:30 pm.

A motion was made Trustee Homan, with a second by Trustee Rozycki. The motion passed with 6 in favor, and none opposed. Trustee Hotchkiss was absent.

RESOLUTION

SCHEDULING A PUBLIC HEARING TO BE HELD
ON TUESDAY, NOVEMBER 15, 2005,
ON THE VILLAGE OF PELHAM PUBLIC HOUSING AGENCY PLAN
FOR THE FISCAL YEAR 4/1/06 THROUGH 3/31/07

BE IT RESOLVED that the Board of Trustees of the Village of Pelham will hold a public hearing at 7:30 p.m. on Tuesday, November 15, 2005, at Pelham Village Hall, 195 Sparks Avenue, Pelham, New York, on the draft year 2006 Annual Public Housing Agency Plan for Fiscal Years 2006-2007. The Draft Annual Plan provides details about the Village's immediate operations, program participants and the Village strategy for handling operational concerns and the needs and concerns of the participants.

COPIES OF THE DRAFT PLANS ARE AVAILABLE FOR REVIEW AT THE FOLLOWING LOCATIONS:

Village Hall
Village of Pelham
195 Sparks Avenue
Pelham, NY 10803

And

NRNRC
400 North Avenue
New Rochelle, New York 10801

All interested persons are invited to attend said hearing or submit written communications to the Village Administrator at or before the hearing. Copies of the plan are available during Village Hall normal business hours of 8 a.m. to 5 p.m., Monday through Friday.

	Parking	
11	Adding weekend pre-paid permit parking on First Street, east of Wolfs Lane, and effecting other changes.	PASSED 6-0

A motion was made by Trustee Homan, with a second by Trustee Merrick. The motion was passed with 6 in favor, and none opposed. Trustee Hotchkiss was absent.

RESOLUTION

ADDING WEEKEND PRE-PAID PERMIT PARKING ON FIRST STREET,
EAST OF WOLFS LANE

AND EFFECTING OTHER PARKING CHANGES
FOR LONG-TERM PARKING NEAR THE TRAIN STATION

RESOLVED, that the Board of Trustees makes the changes and amendments to the Village Code, Section 90 – Vehicles and Traffic, regarding parking, as follows:

§ 90-16. All-night parking. [Amended 9-6-1988 by L.L. No. 4-1988]
The parking of vehicles is hereby prohibited on all streets within the Village within the hours of 2:00 a.m. and 6:00 a.m., except:

A. In those locations where all-night parking of passenger vehicles only shall be permitted by specific authorization of the Village Board. (new language as follows) **Parking at long-term meters on First Street east of Wolfs Lane shall be permitted to begin at 5 a.m.**

And

BE IT FURTHER RESOLVED, that Saturday only pre-paid parking permits are established at the long term meters on First Street, between Wolfs Lane and the Taxi Permit parking space as follows:

Zone 1.

Name of Street	Side	Number of Meters	Hours of Use	Location
First Street Wolfs Lane,	North	All	8 a.m. to 6 p.m., Saturdays only	East of to the Taxi Stand.

And

BE IT FURTHER RESOLVED, that the fee for Saturday-only pre-paid permit parking at these spaces shall be sixty dollars (\$60) per year.

Motion – to remove the 24 hour/7 day signs to be replaced on First Street with “8 a.m. to 6 p.m., Monday through Saturday”. (Note: there are still 24-hour meters on Harmon and Nyac). Also – add “No parking, 2 a.m. to 5 a.m.” at the First Street meters

Item #12 -- Considering the creation of six parking spaces in front of the Middle School on Franklin Place.

A motion was made by Trustee Greco, with a second by Trustee Rozycki. The motion passed with 5 in favor, and Trustee Homan opposed. Trustee Hotchkiss was absent.

RESOLUTION

CONSIDERING THE CREATION OF SIX PARKING SPACES IN
FRONT OF THE MIDDLE SCHOOL ON FRANKLIN PLACE

RESOLVED, that the Board of Trustees makes the changes and amendments to the Village Code, Section 90 – Vehicles and Traffic, regarding parking, as follows:

AMEND to read as follows: Section 90-49 – No Parking Any Time

Franklin Place	Both Sides	east of Nyac
Franklin Place	North Side	west of Nyac

AMEND to read as follows: Section § 90-53. Schedule XIV: Limited-Time Parking.

DELETE:

Name of Street	Side	Time Limit	Hours/Days	Location
Franklin Avenue [Added 8-17-1993] to a point	North	2 hrs. All times		30 feet from Nyac Avenue 119 feet from Nyac Avenue
Franklin Avenue [Added 8-17-1993] a point 81	North	2 hrs. All times		142 feet from Wolf's Lane to feet from Wolf's La.

ADD NEW LANGUAGE:

Name of Street	Side	Time Limit	Hours/Days	Location
Franklin Place spaces, west of	South	9 a.m. to 4 p.m.	M-F, and all day Saturday	6 Nyac Avenue, in front of the Middle School.

Item #13 -- Considering the creation of short-term visitor parking (4 spaces) adjacent to the Middle School on Wolfs Lane.

The Board discussed this matter and the fact that the no left turn is listed in the Code, but no sign is posted at this location. Chief Benefico had raised some concerns about safety.

A motion was made by Trustee Homan, with a second by Trustee Potocki. The motion passed with 6 in favor, with none opposed. Trustee Hotchkiss was absent.

RESOLUTION

CREATING SHORT-TERM VISITOR PARKING (4 SPACES) ADJACENT TO THE MIDDLE SCHOOL ON WOLFS LANE

Wolfs Lane spaces, from a 30 feet south	East	7 a.m. to 4 p.m. "Visitor Parking"	2 hours M-F	4 place of Franklin Place and the fire hydrant "No Parking" area south of Franklin.
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AND BE IT FURTHER RESOLVED, that the Board reinforces the "No Left Turn" from Franklin Place onto Wolfs Lane during school hours and asks that the appropriate signs be installed immediately.

Item #14 -- Calling for a hearing and appointing a hearing officer related to police 207-c benefits for a police officer.

A motion was made by Trustee Greco, with a second by Trustee Rozycki. The motion passed with 6 in favor, none opposed. Trustee Hotchkiss was absent.

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RESOLUTION

**APPOINTING A HEARING OFFICER FOR A SECTION 207-C HEARING
REGARDING POLICE OFFICER JOSEPH DEMASI**

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

Item #15 -- Authorization and approval of accounts payable. Tabled until October 5, 2005.

Item #16 -- Old Business/New Business:

Item #17 – Minutes – None approved at this time.

Item #18 – Executive Session – Mayor Clain asked for an Executive Session on Personnel matters, in particular to meet with a potential candidate for a management position in the Fire Department, to discuss the particulars of contractual negotiations, and to discuss potential litigation. On the motion of Trustee Homan, seconded by Trustee Greco, the Board agreed by vote of six to none, Hotchkiss absent, to go into Executive Session on these matters.

Item #19 – Adjournment:

Next the Mayor asked for a motion to adjourn the public portion of the meeting. On the motion of Trustee Rozycki, seconded by Trustee Homan, the Board agreed by vote of six to none, Hotchkiss absent, to adjourn the public portion of the meeting at 10:27 p.m.

Respectfully submitted,

Dennis DelBorgo, Administrative Aide

Richard Slingerland, Administrator/Deputy Clerk