

BOARD OF TRUSTEES

August 19, 2013

PRESENT: Mayor Sellier  
Trustee Schwarzfeld  
Trustee Vandenberg  
Trustee Annunziata  
Trustee Winston  
Attorney McLaughlin  
Manager Pierpont

PLEDGE OF ALLEGIANCE AND FIRE SAFETY ANNOUNCEMENT

Mayor Sellier led those assembled in the Pledge of Allegiance and notified those in attendance where the fire exits were located.

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MINUTES

The Mayor asked if there were any comments, questions or corrections on the minutes. There were no comments, questions or corrections.

After discussion and upon motion duly made and seconded, it was unanimously

RESOLVED, That the minutes from the July 15, 2013 Regular Meeting of the Board of Trustees be and hereby are approved.

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REPORTS

Police Commissioner Vandenberg noted that it was a very busy month. The Chief said that there was a lot of activity and manpower being used “down the hill” on Boston Post Road and Pelham Parkway. They also discussed the hit and run on Pelhamdale Avenue and Witherbee Avenue. The Police Department is still investigating the incident. They are also trying to recover the ATM that was stolen from Number One Chinese Restaurant. The Chief confirmed that the bomb threat at BJ’s was a hoax. The Chief said that a STEP grant from Westchester County will be used for traffic enforcement on Pelhamdale Avenue and Boston Post Road for two to three hours in the morning during the month of September. The grant is for sixteen hundred dollars and will be used randomly throughout the month.

Trustee Annunziata asked about the person arrested for intoxication on page six of the report. He wanted to know if the person, who was supposed to show up on their own recognizance, did appear in court. The Chief said that he would find out the answer to that question.

Trustee Winston asked the Chief how the new Ford Taurus was doing and was told that the car handles well and that it was a good choice.

The Mayor and Board thanked the Chief for his report.

Fire Commissioner Schwarzfeld discussed the report with Chief Ruggiero. The Chief said that the bomb scare at BJ’s was intense. He said that the County sent Alfred the dog in addition to two people. The Chief said that the number of fire inspections was light this month because of the work that was being done on the Hutchinson River Parkway Bridge. He said that he thought that the DOT project went well. He noted that the response time for the department got better.

Mayor Sellier said the DOT project was phenomenal. It was an interesting piece of engineering.

Trustee Annunziata said that he just stayed off the Hutch.

The Fire Commissioner discussed false alarms and the lack of sick time being taken by the department.

The Mayor and Board thanked the Chief for his report.

The Village Clerk commented that processing of dog licenses has remained steady.

The Village Treasurer said that the final year end report has been reviewed by the auditor. It was a credit to the entire organization. The June 2013 report did not have much information this early in the new fiscal year. The sales tax figures were within a percent and a half of revenue projections. One hundred one and two tenths percent is closer than the Treasurer would like, but the Village did wind up on the plus side.

After discussion and upon motion duly made and seconded, it was unanimously

RESOLVED, That the reports be and hereby are approved.

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#### SWEARING IN NEW POLICE OFFICER

Alfred Mosiello, Jr. is thirty one years old and lives in Mahopac. He graduated from Hobart College with a Bachelors degree in economics and a minor in law. His father has been in the Pelham Manor Police Department for thirty four years and is the Village's Police Chief. Police Officer Mosiello is currently attending the Police Academy.

Mayor Sellier administered the Oath of Office to Alfred Mosiello, Jr. All in attendance congratulated the newest member of the Police Department.

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#### LETTER FROM CHRIS TARTAGLIA, HIGH POINT ENGINEERING, REQUESTING RELIEF FROM THE BUILDING MORATORIUM ON BEHALF OF 4350 BOSTON POST ROAD

The gas station would like to replace an oil tank and needs relief from the building moratorium to replace the underground storage tank. The Board of Trustees can grant relief. The estimated time of construction takes between six and eight weeks.

Trustee Schwarzfeld asked if someone inspected the surrounding soil and was told yes.

After discussion and upon motion duly made and seconded, it was unanimously

RESOLVED, That 4350 Boston Post Road be and hereby is granted relief from the building moratorium.

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#### LETTER FROM BRIAN DENNIS, PRESIDENT OF EASTCHESTER CHRYSLER JEEP DODGE, RE: STORAGE SPACE

The Board received a letter from Brian Dennis. The Village Manager suggested that the Board might want to table this matter. Payment was supposed to be made and that did not occur.

After discussion and upon motion duly made and seconded, it was unanimously

RESOLVED, That the letter from Brian Dennis regarding storage space be and hereby is tabled.

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**RESOLUTION TO ADOPT STANDARD WORK DAY AND REPORTING FOR NEW YORK RETIREMENT SYSTEM**

The New York State Retirement System requires standard work day and reporting for unclassified employees. The Board passed this resolution at its annual meeting, but the State required some minor changes to the report and the resolution has to be re adopted.

After discussion and upon motion duly made and seconded, it was unanimously

RESOLVED, That the Village of Pelham Manor, Location Code 40024, hereby establishes standard work days for elected and appointed officials, adopts form RS 2417-A, and will report the days worked to the New York State and Local Employees Retirement System based on time keeping system records or the record of activities maintained and submitted by these officials to the Village Clerk.

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**BID OPENING FOR SAFE ROUTES TO SCHOOL PEDESTRIAN IMPROVEMENTS PELHAMDALE AVENUE PROJECT**

Four contractors picked up plans and specifications and two bid on the job. Palladino bid two hundred forty seven thousand six hundred twenty dollars and fifty three cents and ELQ bid one hundred ninety six thousand three hundred ninety eight dollars and sixty nine cents. Dolph Rotfeld Engineering, the Village's consultant for this project, recommended awarding the work to the low bidder. Village Manager Pierpont concurred with their decision.

After discussion and upon motion duly made and seconded, it was unanimously

RESOLVED, That the bid for the Pedestrian Improvements on Pelhamdale Avenue ( Safe Routes to School ) be and hereby is awarded to the low bidder ELQ for a sum of one hundred ninety six thousand three hundred ninety eight dollars and sixty nine cents.

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**REQUEST FROM AISLING BIER RE: PELHAM CHILDREN'S CENTER ANNUAL PUMPKIN FESTIVAL AND FAMILY 5 K RACE AND FAMILY FUN RUN ON COTOBER 5, 2013**

After discussion and upon motion duly made and seconded, it was unanimously

RESOLVED, That the request from the Pelham Children's Center for Police cooperation with the Annual Pumpkin Festival and Family 5K Race and Family Fun Run on October 5, 2013 be and hereby is approved.

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SIGN FOR JEMBRO

The newly designed sign without the tag line has been reviewed by AKRF, the Village’s planning consultant and it is now in compliance with the Village’s tenant sign design criteria.

After discussion and upon motion duly made and seconded, it was unanimously

RESOLVED, That the revised sign for Jembro be and hereby is approved.

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EXTENET FRANCHISE AGREEMENT

The Right of Way Agreement between ExteNet and the Village of Pelham Manor was discussed. It is for a ten year term with an option to renew for another ten years. After that, the agreement would be for five years. The Village would receive seven hundred fifty dollars for an administrative fee and an attachment fee of fifty nine dollars per month for the first pole. The Village would receive an additional twenty nine dollars and fifty cents for a second carrier and fourteen dollars and seventy five cents per pole for a third carrier. This dollar amount would be per month per pole. The Village would receive two thousand eight hundred thirty two dollars per year. There are four installations planned in the Village.

Trustee Schwarzfeld thought that the Administrative fee was too low. The Board decided that the Administrative fee should be fifteen hundred dollars and the Village should be reimbursed for any out of pocket fees such as attorney fees.

After discussion and upon motion duly made and seconded, it was unanimously

RESOLVED, That the ExteNet Franchise Agreement be and hereby is amended to increase the Administrative fee from seven hundred fifty dollars to one thousand five hundred dollars and to include reimbursement for review and preparation costs.

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REQUEST FROM CARL A. PANNUTI, JR., 623 JAMES STREET, TO CLOSE JAMES STREET ON SATURDAY, SEPTEMBER 28, 2013 FOR A BLOCK PARTY FROM 2:00 P.M. UNTIL 8:00 P.M.

After discussion and upon motion duly made and seconded, it was unanimously

RESOLVED, That Carl A. Pannuti, Jr., 623 James Street, be and hereby is permitted to close James Street on Saturday, September 28, 2013 for a block party from two o’clock in the afternoon until eight o’clock in the evening.

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RESOLUTION AUTHORIZING THE MAYOR TO SIGN ABSTRACT OF VOUCHERS NUMBERS 19317-19425

After discussion and upon motion duly made and seconded, it was unanimously

RESOLVED, That the Mayor be and hereby is authorized to sign Abstract of Vouchers Numbers 19317-19425.

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PUBLIC COMMENT

Anthony Marrella, 103 Iden Avenue, discussed the tax bills from various communities in Long Island.

Maggie Klein, editor of The Pelham Weekly, asked when the Pelhamdale Avenue project might start and was told that it would probably start in September.

EXECUTIVE SESSION

After discussion and upon motion duly made and seconded, it was unanimously

RESOLVED, that the Board be and hereby is authorized to conduct an Executive Session to discuss proposed, pending, or current litigation.

No action was taken in Executive Session.

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RESUMPTION OF REGULAR MEETING

RESOLUTION REGARDING FIVE CANAL ROAD

After discussion and upon motion duly made and seconded, it was unanimously

RESOLVED, that whereas the property known as Five Canal Road in the Village of Pelham Manor ( “the Property’ ) has been occupied without a certificate of occupancy and has also been declared unsafe by the Village, and

WHEREAS, attempts to have the owner of the Property both vacate the Property and repair or remove the dangerous and /or unsafe conditions have been unsuccessful, and

WHEREAS, this Village Board believes, absent an injunction against the continuation of the illegal occupancy, as well as the dangerous and/or unsafe conditions, there is a significant likelihood that the owner of the Property shall continue to ignore the directions by the Village to vacate the property, which is not only a clear violation of the Village Code but a potential danger to life and/or property of others from the conditions at the Property,

NOW, THEREORE, BE IT RESOLVED, That the Village’s special counsel Silverberg Zalantis LLP be and hereby is authorized and directed to commence actions against the owner of the Property seeking injunctive and other relief based upon the continued illegal occupancy and the condition of the Property being a public nuisance and a violation of specific provisions of the Village Code.

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ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned.

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Clerk

