

VILLAGE OF PELHAM BOARD OF TRUSTEES REGULAR MEETING
TUESDAY, MARCH 25, 2008 – 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 | Approximate |
| 6. | Public Comment | Starting Time |
| # | Agenda Items: | of Discussion |

	Committee Reports	7:40 p.m.
7.	Website / Telecommunications (Verizon Fios, Website upgrades, E-mail notifications).	Discussed
8.	Flooding (Grants, Engineer Report, etc.).	Discussed
9.	Environmental (Earth Day & Public Space Cleanliness).	Discussed
10.	Development (Comprehensive Plan, Site Plan Review, Pelham Medical Group, Pelham Picture House & Main St./Downtown grant).	Discussed
11.	Human Resources & Administration (HR Manual, Risk Assessment).	Discussed
12.	Census 2010 update.	Discussed
	Human Resources and Board Appointees	8:00 p.m.
13.	Considering the appointment by the Mayor of a new ZBA member.	Approved
14.	Authorizing the completion of probation for a firefighter.	Authorized
	Grants	8:20 p.m.
15.	Authorizing a grant application to the Safe Routes to School Program, for various enhancements to walking routes for school children, including capital improvements to advance the goals enacted for the Hutchinson Elementary School.	Approved as amended
16.	Authorizing a grant application to the U.S. Assistance to Firefighters Program, for an emergency back-up generator for the Pelham Fire Department building at 219 5 th Avenue.	Authorized
17.	Authorizing a Flooding Remediation grant application and letter of commitment to FEMA, for the Appropriations Grant by Congresswoman Nita Lowey in the amount of \$125,000, requiring a match of 25% (\$41,700), and submitting a request to SEMO to provide half of the matching funds (12.5%).	Approved
	Code Changes	
18.	Scheduling a Public Hearing on a Code Change to amend Chapter 76-2 of the Village Code, on time allowed to effect sidewalk repairs.	Approved
	Budget	8:40 p.m.
19.	Scheduling a Public Hearing on the Village of Pelham Proposed Budget, to be held on Tuesday, April 8, 2008 at 7:30 p.m.	Approved
	Housekeeping	8:50 p.m.
20.	Authorizing the Accounts Payable	Approved
21.	Old Business/New Business	Discussed
22.	Minutes: January 8 & 22; February 5 & 26; and March 11, 2008	Tabled
23.	Executive Session	Approved
24.	Adjournment	Adjourned

The next Regular Board Meetings are Tuesdays April 8 and April 22, 2008.

Budget Work Sessions are scheduled for March 27th, and April 1st and 3rd at 7 p.m.

The March 18, 2008 has been canceled to accommodate the Village Elections.

* All meetings start at 7:30 p.m. unless otherwise noted. Work Sessions will start at 7 p.m.*
Agenda is subject to change.

VILLAGE OF PELHAM BOARD OF TRUSTEES REGULAR MEETING
TUESDAY, MARCH 25, 2008 – 7:30 P.M.
VILLAGE HALL – 195 SPARKS AVENUE, PELHAM, NY

Item #1 – Meeting called to order: The meeting of the Board of Trustees was called to order by Mayor Edward Hotchkiss at 7:35 p.m.

The following members of the Board of Trustees were present:

Mayor Edward Hotchkiss, Trustees Greco, Homan, Morris and Potocki. Trustee Lewis arrived at 7:45 p.m. Trustee Weinstein was absent.

Village staff in attendance:

Administrator/Treasurer Richard Slingerland and Administrative Aide Devron Wilson.

Item #2 – Pledge of Allegiance:

The Pledge of Allegiance was led by Mayor Edward Hotchkiss.

Item #3 – Mayor's Report:

The Mayor reported that there will be a change of membership on the board. The meeting on March 25, 2008 will be Trustee Greco's last meeting as Village of Pelham trustee. Trustee Greco has served on the village board for the past (4) four years as trustee and fire department liaison. Mayor Hotchkiss thanked Mr. Greco for his service to the village. Greg Breskin will be filling Mr. Greco's spot on the village board of trustees.

Village Administrator Richard Slingerland mentioned that Trustee Greco did a great job working with the Village and the departments, and was especially helpful with the 1st Street storm drain installation project.

Everyone applauded Trustee Greco, and wished him well.

Item #4 – Trustees' Report:

Trustee Greco reported that acquisition of a new fire truck is still on track. The village can expect delivery soon, some time in mid April.

Trustee Potocki thanked Village of Pelham residents for voting for him and Mia Homan in the March 18th election. Trustee Potocki wished Greg Breskin the best of luck with his new term on the village board. Trustee Potocki also commended the Pelham Police Department on its diligent efforts in cooperation with the Westchester County Dept. of Public Safety towards the recent arrest in a homicide case that occurred in Pelham 25 years ago.

Trustee Homan reported that the water line and valve locator device that the village purchased has already been put to use, and is working great. Trustee Homan observed Department of Public Works staff using the device which helped them to find a water line to which the valve box had been damaged or buried.

Trustee Morris had nothing on which to report that was not on the agenda.

Trustee Lewis had nothing on which to report that was not on the agenda.

Item #5 – Village Administrator’s Report:

Administrator Slingerland reported that this year’s budget for 2007-2008 is generally on track. Some lines are over-spent and some lines are under-spent, and some revenues are coming in over budget and some revenues are coming in under budget, but they balance out generally. He mentioned the Village expects to use about half of the appropriated fund balance from this Fiscal Year, and that it is proposed to roll over the remaining amount of about \$175,000 into Fiscal Year 2008-2009.

Item #6 – Public Comment: There was no public comment at this time.

Item #13 – Considering the appointment by the Mayor of a new ZBA member:

****THIS TOPIC WAS MOVED UP FROM LATER IN THE AGENDA.****

Zoning Board of Appeals Chairman Bill McDevitt spoke briefly about the purpose of the Zoning Board of Appeals (ZBA), and how it deals with variances from the Village Zoning Code for use and area requirements. He also mentioned the ZBA reviews all applications for pool permits in the Village of Pelham. Mr. McDevitt stated that any municipality that has an ordinance or code must have a ZBA.

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

RESOLUTION

APPOINTING GARY HYER AS A MEMBER OF THE ZBA
FOR A TERM THAT BEGINS IMMEDIATELY
TO REPLACE ALYSSA TALANKER, WHO HAS RESIGNED

RESOLVED, that Gary Hyer of Fourth Avenue, Pelham, is appointed by the Mayor as a Member of the Village of Pelham Zoning Board of Appeals (ZBA), replacing Alyssa Talanker, who has resigned, completing her term which expires in five days on March 31, 2008, and appointing him to his own five (5) year term effective April 1, 2008, and expiring on March 31, 2013.

Mayor Hotchkiss gave Mr. Hyer his oath of office as the new member of the Zoning Board of Appeals.

Item #7 – Website / Telecommunications (Verizon Fios, Website upgrades, E-mail notifications):

Mayor Hotchkiss mentioned that the village is in the process of setting up another meeting with Verizon to discuss providing Verizon Fios cable service to Pelham residents.

Administrative Aide Devron Wilson reported the village is in the process of working with staff and students of the Pelham Memorial High School Technology Department and Pelham Memorial High School students to improve the functionality and usability of the Village of Pelham website. He also reported that the village has contacted community organizations to have them sign up thru the village website to receive newsletter, notices and emergency warning notices via email.

Mr. Wilson further reported he is working with Phil Spitzer of Optimum Lightpath to create a voicemail tree on the village telephone voicemail service. The voicemail tree will prompt callers to press a button on their telephone that will direct their call to the proper person or department. Lastly, Mr. Wilson mentioned that the Department of Public Works phones have been switched over to Lightpath. This will save the village money on their telephone bill.

John Cassone of 7th Avenue mentioned that some residents may not like the idea of a 1 year contract with the Verizon for cable TV service. Mr. Cassone asked the board to include his request in the negotiations with Verizon for FIOS TV, so customers can sign up for a shorter term.

Item #8 – Flooding (Grants, Engineer Report, etc.):

Mayor Hotchkiss mentioned that the village is awaiting suggestions from Dolph Rotfeld's office based on the storm drain video work done by En Tech. The Mayor also mentioned that Westchester County has allocated \$10 million to fund flood remediation projects within the County. The village plans to submit a letter to the county requesting these funds. Mayor Hotchkiss reported that Congresswoman Nita Lowey has secured a grant for the Village of Pelham in the amount of \$125,000, which will be used to fund water retention projects in the Village of Pelham. The grant must be matched by a 25% contribution from the village. Mayor Hotchkiss stated that the village will be working on a Community Development Block Grant application in the amount of \$250,000 for sidewalk and curb repair.

Item #9 – Environmental (Earth Day & Public Space Cleanliness):

Mayor Hotchkiss mentioned that the Village has scheduled an Earth Day clean-up, on April 26, 2008, starting at 10 a.m. and going to 12 Noon. Participants should meet at the gazebo near the Daronco Townhouse before 10 a.m. The village plans to coordinate clean-ups Pelham Manor as well, and they will have a separate clean-up meeting point for Earth Day. The village will contact the Global Pelham Task Force, Fire Department, and other community groups to participate.

Item #10 – Development (Comprehensive Plan, Site Plan Review, Pelham Medical Group, Pelham Picture House & Main St. /Downtown grant):

Mayor Hotchkiss mentioned that the Main Street grant with the Pelham Picture House is still in process. Administrator Slingerland mentioned that the village has signed the agreement and forwarded it to the Pelham Picture House.

Mayor Hotchkiss reported the following:

- The post office is soliciting bids for the 1st Street building;

- The comprehensive plan is being reviewed and updated with maps. The village plans to have it ready for adoption on the board of trustees meeting on the April 22, 2008;
- Pelham Medical Group needs to rectify a drainage issue before they can proceed for approval by the Planning Board, and then the Board of Trustees.
- The DPW will be cleaning up the areas around the train station (3) three times a week.

Trustee Homan recommended that the village consider allocating money in the budget for dog bag dispensers. The dog bag dispensers will be placed at opposite ends of Wolfs Lane Park. Trustee Homan also asked the village to review whether it could start having homeowners bag leaves in the fall and spring. She asked the Village Administrator to look into the leaf-bag programs in Larchmont and Hastings.

Item #11 – Human Resources & Administration (HR Manual, Risk Assessment):

Trustee Homan reported that the village has obtained and plans to use the human resources manual template from the Town of Mamaroneck to develop its own human resources manual.

Administrator Slingerland reported that he is working on the information for the village's risk assessment.

Item #12 – Census 2010 update:

Administrator Slingerland reported that Administrative Aide Devron Wilson is working on updating the census address list for the Village of Pelham. Residents should cooperate and understand the importance of the census.

Item #14 – Authorizing the completion of probation for a firefighter:

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

RESOLUTION

AUTHORIZING THE COMPLETION OF PROBATION
FOR FIREFIGHTER JOHN VIGGIANO
EFFECTIVE MARCH 31, 2008

BE IT RESOLVED, by the Board of Trustees of the Village of Pelham, that the Board authorizes the completion of probation for firefighter John Viggiano, effective March 26, 2008, upon the one year anniversary of his employment, as agreed upon in his terms of employment, in compliance with the requirements of Civil Service.

Item #15 – Authorizing a grant application to the Safe Routes to School Program, for various enhancements to walking routes for school children, including capital improvements to advance the goals enacted for the Hutchinson Elementary School:

A motion was made by Trustee Homan, with a second by Trustee Greco to adopt the resolution, as amended. The motion was approved unanimously by vote of six in favor, none opposed. Trustee Weinstein was absent.

RESOLUTION

AUTHORIZING A GRANT APPLICATION
THROUGH THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION TO THE
SAFE ROUTES TO SCHOOL PROGRAM
REQUESTING A GRANT IN THE AMOUNT OF \$26,000
TO FUND THE CONSTRUCTION OF CAPITAL IMPROVEMENTS
AROUND THE VILLAGE OF PELHAM, TO PROMOTE
SAFE WALKING AND PEDESTRIAN ROUTES TO AND FROM SCHOOL

WHEREAS; The Village Board has identified that an Implementation Plan is needed to improve the safety and traffic conditions around Hutchinson and Colonial Elementary Schools, thereby making it safer for children and residents who walk and bicycle to and from school areas; and

WHEREAS; upon review and assessment of this initiative, funds are requested for the following capital initiatives:

1. Installation of a 330 ft. long sidewalk on the west side of 3rd Avenue between Lincoln Avenue and 5th Street
2. Reconstruction of a portion of a 5-foot high wall to stabilize it and accommodate the new sidewalk;
3. Installation of a painted/striped “neck-down” traffic calming configuration on both sides of Boulevard from Cliff Avenue to Highbrook Avenue; and
4. Related sign improvements around these areas.

NOW, THEREFORE, BE IT RESOLVED; that the Mayor and Board of Trustees of the Village of Pelham authorize the submission of an application for a grant in the amount of twenty six thousand dollars (\$26,000) by the Village of Pelham to the New York State Department of Transportation; and 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 for this application.

Item #16 – Authorizing a grant application to the U.S. Assistance to Firefighters Program, for an emergency back-up generator for the Pelham Fire Department building at 219 5th Avenue:

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

RESOLUTION
AUTHORIZING THE VILLAGE OF PELHAM TO SUBMIT
A GRANT APPLICATION TO FEMA/DHS FOR
THE ASSISTANCE TO FIREFIGHTERS PROGRAM

BE IT RESOLVED, that the Mayor and Board of Trustees authorize the Village of Pelham and the Village Administrator to sign and submit a grant application to the FEMA/DHS Assistance to Firefighters Program, for the following items:

	5%	95%	100%
	Village Match	Federal Match	Total Application
Emergency Generator	\$ 2,400	\$ 45,600	\$ 48,000

Item #17 – Authorizing a Flooding Remediation grant application and letter of commitment to FEMA, for the Appropriations Grant by Congresswoman Nita Lowey in the amount of \$125,000, requiring a match of 25% (\$41,700), and submitting a request to SEMO to provide half of the matching funds (12.5%):

Mayor Hotchkiss thanked Congresswoman Nita Lowey on behalf of the Village, and said the Village had asked Dolph Rotfeld, PE, for a proposal for the preparation of bid specifications for the installation of storm-water detention catch-basins, pursuant to the grant.

A motion was made by Trustee Lewis, with a second by Trustee Morris to adopt the resolution. The motion was approved unanimously by vote of six in favor, none opposed. Trustee Weinstein was absent.

RESOLUTION
AUTHORIZING A FLOODING REMEDIATION GRANT APPLICATION
AND LETTER OF COMMITMENT TO FEMA FOR A FLOODING REMEDIATION GRANT
OBTAINED BY CONGRESSWOMAN NITA LOWEY
IN THE AMOUNT OF \$125,000, REQUIRING A MATCH OF 25% (\$41,700)

RESOLVED, that the Mayor and Board of Trustees of the Village of Pelham authorize the submission of a grant application through FEMA to secure a Flooding Remediation Grant, which requires a 75%/25% cost-share, with \$125,000 representing FEMA's portion, and \$41,700 representing the Village's portion, for a total project cost of \$166,700, for storm-water detention and retention, in the form of installing large-sump catch-basins and storage basins; and

BE IT FURTHER RESOLVED, that Village Administrator Richard Slingerland is authorized to file this application, sign the agreement, submit all of the paperwork and documentation, make electronic filings, and complete and submit all of the necessary and appropriate assurances as may be required by FEMA for this grant.

Item #18 – Scheduling a Public Hearing on a Code Change to amend Chapter 76-2 of the Village Code, on time allowed to effect sidewalk repairs:

A motion was made by Trustee Lewis, with a second by Trustee Homan to adopt the resolution. The motion was approved unanimously by vote of six in favor, none opposed. Trustee Weinstein was absent.

RESOLUTION

SCHEDULING A PUBLIC HEARING
on a Proposed Local Law and Code change
to amend Chapter 76-2 of the Village Code
extending the amount of time allowed for property owners
to make repairs to broken sidewalks and curbs,
from five (5) days, to forty-five (45) days

The Board of Trustees of the Village of Pelham hereby schedules a public hearing to be held at 7:30 p.m. on Tuesday, April 8, 2008, in Village Hall at 195 Sparks Avenue, Pelham, NY, on a draft proposed Local Law that would amend the Code of the Village of Pelham, as follows:

A LOCAL LAW that would amend Chapter 76-2 of the Village Code, extending the amount of time allowed for property owners to make repairs to broken sidewalks and curbs, from five (5) days, to forty-five (45) days.

A copy of the Local Law is on file in the offices of the Village Clerk and may be viewed during normal business hours of 8 a.m. to 5 p.m., or an electronic copy may be obtained from the opening page of the Village's website www.pelhamgov.com.

By Order of the Mayor and Board of Trustees
Terri Rouke, Village Clerk
Richard Slingerland, Village Administrator/Deputy Clerk

Issues with the existing Village Code were listed as follows:

1. 5 days is too short a time to effect repairs;
2. The Village Code does not require a permit;
3. There are no standards for what is or is not an unsafe sidewalk or curb, nor how it should be repaired; and
4. Notice provisions do not spell out that service can be made through certified mail or registered mail, which would show proof of delivery.

Editor's Note – A revised draft of the proposed law was provided by counsel on Thursday, March 27, 2008, for enactment by the Board on April 8, 2008.

Draft Proposed Law:

LOCAL LAW NUMBER OF 2008

A LOCAL LAW that would amend Chapter 76-2 of the Village Code, extending the amount of time allowed for property owners to make repairs to broken sidewalks and curbs, from five (5) days, to forty-five (45) days.

BE ENACTED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF PELHAM AS FOLLOWS:

SECTION 1

Chapter 76-2 of the Code of the Village of Pelham is deleted, and a new Chapter 76-2 is hereby adopted as follows:

§ 76-2. Notice to repair, standard for repair and deadline for repair.

In case any sidewalk and/or curb in the Village of Pelham at any time, in the judgment of the Village Administrator, requires repairing or improving, the Village Administrator shall serve a notice to repair upon the owner of the lot or piece of land in front of which such sidewalk and/or curb is out of repair or in an unsafe condition requiring repair by the owner or owners thereof, with repair to the standards set by the Village of Pelham. Within forty-five (45) days from the service of each notice, the property owner or his/her agent shall obtain a permit from the Village of Pelham for such work, and effect repairs or improvements to such sidewalk and/or curb so as to make the same in good repair and in a safe condition. Such notice shall be served on such owner personally, or by leaving the same at the residence of such owner or owners with a person of suitable age and discretion, or by posting the same conspicuously on such premises, or by mailing the same addressed to such owner or owners at their residence address by U.S. Certified Mail or by other registered mail service providing signed proof of delivery. Where there are two (2) or more owners of any such property, service upon one (1) of them shall be sufficient.

Item #19 – Scheduling a Public Hearing on the Village of Pelham Proposed Budget, to be held on Tuesday, April 8, 2008 at 7:30 p.m.:

The Village Administrator performed a brief review of the Budget as proposed:

- Proposed property tax increase of 4.185%
- Proposed spending increase of 3.34%
- Total General Fund budget of \$11,710,770

Budget Work Session Schedule is as follows:

- 7:00 p.m. Thursday, March 27th – Building, Fire and Police
- 7:00 p.m. Tuesday, April 1st – DPW, Administration and Revenues/Expenditures
- 7:00 p.m. Thursday, April 3rd – Revenues, Expenditures, Review of all changes

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

RESOLUTION
 SCHEDULING A PUBLIC HEARING
 ON THE 2008-2009 PROPOSED BUDGET

BE IT RESOLVED, that pursuant to Section 5-508 of the NYS Village Law, the Board of Trustees of the Village of Pelham hereby gives notice that there will be a Public Hearing held on Tuesday, April 8, 2008, at 7:30 p.m. in Village Hall, 195 Sparks Avenue, Pelham, New York, on the Proposed Budget of the Village of Pelham for Fiscal Year 2008-2009.

A copy of the budget is available at the office of the Village Clerk in compliance with New York State Law after 4 p.m. Tuesday, March 20, 2008 and any interested person may inspect the proposed budget there or request a copy during normal office hours of 8 a.m. to 5:00 p.m.

As required by State Law, notice is hereby made that the compensation of the Mayor and Board of Trustees is as follows:

Title	Positions	Annual Compensation
Mayor	(1)	\$5,000
Trustees	(6)	\$2,000

* Note: The Budget hearing may be continued for more than one meeting, but must be adjourned on or before Monday, April 21, 2008. By NYS Law, the Budget must be adopted on or before April 30, 2008.

By Order Of Mayor Edward Hotchkiss
 And Board Of Trustees
 Tuesday, March 25, 2008
 Richard Slingerland, Village Administrator/Treasurer

Item #20 – Authorizing the Accounts Payable:

Trustee Homan had reviewed the accounts payable. A motion was made by Trustee Homan, with a second by Trustee Lewis to adopt the resolution. The motion was approved unanimously by vote of six in favor, none opposed. Trustee Weinstein was absent.

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	\$ 166,611.79
Water Fund	\$ 7,740.47
Capital Projects Fund	\$ 50,917.52
Trust and Agency Fund	\$ 1,300.50
H3 Fund	\$ 0.00
Expendable Trust Fund	\$ 0.00
Grand Total	\$ 226,570.28

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

Item #21 – Old Business/New Business:

Trustee Homan suggested that the village extend the timeframe that merchants can have furniture outside of their businesses. Businesses have requested that the timeframe be extended a month.

Trustee Homan suggested that the village send a letter to all village employees informing them of the free “quit smoking program”.

Trustee Potocki mentioned he plans to set up a meeting in April with himself, Administrator Slingerland, Administrative Aide Devron Wilson, and representatives from the middle school to discuss drop-off zones, and parking in that area.

Item #22 – Minutes: January 8 & 22; February 5 & 26; and March 11, 2008:

The minutes were tabled until the next scheduled meeting on Tuesday, April 8, 2008.

Item #23 – Executive Session:

The Mayor asked for a motion to go into Executive Session to discuss personnel matters. On the motion of Trustee Homan, seconded by Trustee Lewis, the Board voted to go into

Executive Session. The motion was approved unanimously by vote of six in favor, none opposed. Trustee Weinstein was absent.

Item #24 – Adjournment:

On the motion of Trustee Homan, seconded by Trustee Lewis, the Board voted to adjourn the public portion of the board meeting and go into Executive Session at 9 p.m., to discuss personnel matters. The motion was approved unanimously by vote of six in favor, none opposed. Trustee Weinstein was absent.

Respectfully submitted,
Devron Wilson, Administrative Aide
Richard Slingerland, Administrator/Deputy Clerk