

VILLAGE OF PELHAM BOARD OF TRUSTEES REGULAR MEETING  
TUESDAY, DECEMBER 16, 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 |

|     |   |  |  |
|-----|---|--|--|
|     | <b>Reports</b>  |  | <b>7:45 p.m.</b>                       |
| 7.  | Open Spaces (Purchase of trash /recycling cans, benches, picnic tables & bike racks; business Façade improvements).   |  | <b>Discussed</b>                       |
| 8.  | Flooding (Westchester County Flood Action Task Force, Engineer Project Bid, etc.).  |  | <b>Discussed</b>                       |
| 9.  | Environmental issues.   |  | <b>Discussed</b>                       |
| 10. | Development (Site Plan Review Revision, Pelham Medical Group/Lordae, Commercial Zoning Review Committee).   |  | <b>Discussed</b>                       |
| 11. | Human Resources & Administration, incl. Dept. Risk Assessments.   |  | <b>Discussed</b>                       |
|     | <b>Human Resources; and Boards and Commissions</b>  |  | <b>8:00 p.m.</b>                       |
| 12. | Authorizing the successful completion of probation for the promotion of Sgt. Polese in the Pelham Police Department.  |  | <b>Approved</b>                        |
| 13. | Authorizing the Mayor’s appointment of Ed Smith as ZBA Chairman   |  | <b>Approved</b>                        |
|     | <b>Land Use Applications</b>  |  | <b>8:15 p.m.</b>                       |
| 14. | Site Plan Application by Bellomo for Pelican Postal Service & Business Center at 103 5 <sup>th</sup> Avenue (change in use from retail to office/retail).   |  | <b>Approved</b>                        |
| 15. | Consideration of the Appeal by Chaps Bar & Restaurant for their sign application, appealing the ARB’s recommended rejection due to the designated sign location.                                      |  | <b>Tabled for review w/ Bldg Insp.</b> |
|     | <b>Business</b>   |  | <b>8:45 p.m.</b>                       |
| 16. | Resolution authorizing an Inter-Municipal Agreement, necessary for the for the Village of Pelham and the Town of Pelham to submit a Shared Services joint Grant Application for CardScan, or LiveScan |  | <b>Approved</b>                        |
| 17. | Resolution authorizing the Adoption of the Village’s Pre-Disaster Hazard Mitigation Plan as final, upon official acceptance by FEMA   |  | <b>Approved</b>                        |
| 18. | Authorizing a proposal for Hydrological Engineering Services with Leonard Jackson Associates, re: the Pelham Stormwater System  |  | <b>Approved</b>                        |
|     | <b>Public Hearings</b>  |  | <b>9:00 p.m.</b>                       |
| 19. | Continued Public Hearing on a proposed draft Franchise Agreement between the Village and Verizon for FIOS TV.   |  | <b>Closed until later date</b>         |
|     | <b>Housekeeping</b>   |  | <b>9:15 p.m.</b>                       |
| 20. | Authorizing the Accounts Payable (as amended)   |  | <b>Approved</b>                        |
| 21. | Other Business  |  | <b>None</b>                            |
| 22. | Minutes: November 5, November 18, and December 2, 2008.   |  | <b>Tabled</b>                          |
| 23. | Adjournment   |  | <b>Adjourned</b>                       |

Next Scheduled Board Meetings are Tuesdays January 13, 2009 and January 27, 2009.

Note – Due to holidays and school breaks in 2009, the Board of Trustees Meetings will be the Second and Fourth Tuesdays, January through April, 2009

\* All meetings start at 7:30 p.m. unless otherwise noted. The Agenda is subject to change.

VILLAGE OF PELHAM BOARD OF TRUSTEES REGULAR MEETING MINUTES  
TUESDAY, DECEMBER 16 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 Breskin, Lewis and Potocki. Trustees Homan, Lewis and Weinstein were 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:

Mayor Hotchkiss encouraged people to shop in Pelham for the holidays. There are a host of wonderful shops in the village where residents and non-residents can find great holiday gifts for friends and family. The Mayor reported that he, Administrator Slingerland and Administrative Aide Devron Wilson had toured the Village on November 26, 2008 taking video footage and interviewing shop owners and managers about their products and holiday sales. The video will air on Pelham Public Access Channel 75 through the New Year.

Item #4 – Trustees' Reports:

Trustee Greg Breskin had nothing to report on that was not already on the agenda.

Trustee Potocki thanked the City of New Rochelle and the Village of Pelham Department of Public Works for coordinating to lower Glenwood Lake almost 4 inches before the most recent rainfall. No flooding was reported in Pelham during the last rainfall. Trustee Potocki also reminded everyone that there are still a few days before Christmas, and that parking keys make great stocking stuffers for Christmas, at a cost of only \$16.50 each.

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

Item #5 – Village Administrator's Report:

Administrator Slingerland submitted the Six-Month/Mid-year 2008-2009 Statement of Expenditures and Revenues to the Board.

Administrator Slingerland reported that the Department of Public Works did a great job on completing leaf-season clean up from village streets. He also reminded everyone that

December 15, 2008 is the last day for loose leaf pickup this year. Residents can bag their leaves and place them out at the curb for the village to pick up until the new year, and then it stops during the snow season. The village will also be pickup Christmas trees when residents start placing them out after the holiday season.

Item #6 – Public Comment: None.

Item # 13 - Authorizing the Mayor's appointment of Ed Smith as ZBA Chairman:

THIS TOPIC WAS MOVED UP FROM LATER IN THE AGENDA

Mayor Hotchkiss swore in Ed Smith to the position of Zoning Board of Appeals Chairman.

A motion was made by Trustee Breskin, with a second by Trustee Morris to adopt the resolution. The motion was approved by vote of four in favor, none opposed. Trustees Homan, Lewis, and Weinstein were absent.

#### RESOLUTION

#### AUTHORIZING THE APPOINTMENT BY THE MAYOR OF ZBA MEMBER ED SMITH TO THE POSITION OF CHAIRMAN FOR HIS CONTINUED ZBA TERM

RESOLVED, that the Board of Trustees authorizes the appointment by the Mayor of Ed Smith of Harmon Avenue, Pelham, is appointed by the Mayor as Chairman of the Village of Pelham Zoning Board of Appeals (ZBA), for his current and continuing ZBA term, which expires on March 31, 2012.

Item # 14 - Site Plan Application by Bellomo for Pelican Postal Service & Business Center at 103 5<sup>th</sup> Avenue (change in use from retail to office/retail):

THIS TOPIC WAS MOVED UP FROM LATER IN THE AGENDA

Note: this is replacing Suzy's Farm, and making a change from straight retail to retail/office, with desk space in the back.

Planning Board Chairman Richard Veith spoke briefly about the proposed plans. He mentioned that the planning board had no objections to the plan as submitted.

Mr. John Lantini mentioned that he was the architect for the job.

Mr. Salvatore Bellomo of Pelham Manor, NY reported that the proposed plan is for a shipping center. The shipping center will have mail boxes similar to post office boxes, and a business center area for faxing and photo copying.

A motion was made by Trustee Potocki, with a second by Trustee Breskin to adopt the resolution. The motion was approved by vote of four in favor, none opposed. Trustees Homan, Lewis, and Weinstein were absent.

**RESOLUTION**

**AUTHORIZING THE SITE PLAN FOR THE PELICAN POSTAL SERVICE & BUSINESS CENTER  
CHANGE IN USE OF RETAIL SPACE TO RETAIL/OFFICE SPACE AT 103 5<sup>TH</sup> AVENUE**

**RESOLVED**, that the application for change in use and intensity of use at 103 5<sup>th</sup> Avenue is approved, based on the review and recommendations by the Planning Board and;

**BE IT FURTHER RESOLVED**, that conditions apply as follows:

1. That work shall be performed as shown on Project Drawing A1 dated November 18, 2008, prepared by John Lentini, Architect. That all elements of the proposed change be in compliance with the site plan as approved by the Planning Board.
2. All construction activity must comply with the Village Noise Ordinance and all construction activity must only take place on the days and times as per the Village Noise Ordinance.
3. Any other actions deemed necessary by the Mayor, Village Administrator, Building Inspector, and other officials of the Village of Pelham.
4. That the application and permit shall remain subject to the continued jurisdiction of the Board of Trustees.
5. At no time may construction commence without strictly adhering to the construction timeline. Noncompliance will be considered a violation of the Planning Board approval;
6. John Lentini, Architect will certify compliance with all specifications on the plan and provide a written and stamped sign off of all certifications in order to obtain certificate of occupancy;

**AND, BE IT FURTHER RESOLVED**, that this application is authorized for a site plan by Bellomo, with plans prepared by John Lentini, Architect for 103 5<sup>th</sup> Avenue, 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.

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Planning Board approval memo follows, and is attached to and made a part of this approval

# MEMO

Date: December 12, 2008

To: Village of Pelham Board of Trustees

From: Village of Pelham Planning Board

Re: Applicant: Salvatore Bellomo  
Property: 103 5<sup>TH</sup> Avenue  
Application for Alteration of Interior of Ground Floor Commercial/Office Space

The Village of Pelham Planning Board (PB) recommends that the Village of Pelham Board of Trustees (BOT) approve the application for the alteration of the interior ground floor commercial space proposed for the property located 103 5<sup>th</sup> Avenue. The Planning Board unanimously approved the application for the alteration of the interior ground floor commercial space proposed for the property located 103 5<sup>th</sup> Avenue.

All work relating to the alteration construction shall be performed as shown on Project Drawing A-1 dated 11/18/08 by John A. Lentini, Architect.

RV

Item # 7 - Open Spaces (Purchase of trash /recycling cans, benches, picnic tables & bike racks; business Façade improvements):

Mr. Slingerland reported that recycling receptacles have been placed near Wolfs Lane Deli, Stationview Deli, and Depot Market. Trustee Morris reported that the recycling receptacle in front of Stationview is full with garbage. Mr. Slingerland responded by stating that he will have the DPW workers put a garbage can at that location. Mr. Slingerland also mentioned that benches and bike racks will also be installed in the downtown soon, but that he needs bicycle rack preferences from Trustee Homan.

Administrator Slingerland reported that the Main Street Grant Façade Program is in process. Mr. Slingerland is waiting on New York State to approve the village as a depository, after which he could begin making the Village's bid, order and purchase of more benches, garbage cans and recycling cans for the Downtown area. Mr. Slingerland also reported that Hank White is moving along with plans for Wolfs Lane Park and has submitted packages with segmented projects to the village today.

Item # 8 - Flooding (Westchester County Flood Action Task Force, Engineer Project Bid, etc.):

Mayor Hotchkiss reported that the village met with engineers to discuss flooding. Trustee Potocki reported that he, Administrator Slingerland, Mayor Hotchkiss, and Trustee Morris met with Leonard Jackson Associates to discuss a Hydrological study for Pelham. He also reported that Leonard Jackson Associates lowered their original bid from \$45,000 to \$25,000.

This type of study is needed for the village to submit to FEMA and SEMO, to justify spending and to quantify the cost-benefit relationship to the Village's stormwater management system (e.g. to what design-level is the stormwater built now and what levels of storm can it manage, and to what level will the design level of the system be improved after receipt of grants and implementation of new capital projects. He reported that the Board had established their priority to define and implement phased plans and receive funding for those phased plans through any available funding streams the Village could find. Trustee Breskin suggested that the village coordinate with Leonard Jackson Associates to establish a deadline to complete the study, and also hold 10% of the monies for the contract until the study is complete.

Item # 9 - Environmental issues:

Administrator Slingerland reported that the village is continuing the process of investigating an LED Pilot Program.

Item # 10 - Development (Site Plan Review Revision, Pelham Medical Group/Lordae, Commercial Zoning Review Committee):

Administrator Slingerland reported Pelham Medical Group is looking to deviate from their approved plan. The village has its consultants reviewing the situation. Lordae Realty is moving along with plans to develop their property.

Item # 11 - Human Resources & Administration, incl. Dept. Risk Assessments:

Mr. Slingerland mentioned that he and Trustee Homan are working on developing a village human resources manual. He is continuing to work on a village risk assessment report.

Item # 12 - Authorizing the successful completion of probation for the promotion of Sgt. Polese in the Pelham Police Department:

The Board discussed this matter, and reported that the Police Chief had done an evaluation of Mr. Polese's performance, and recommended the Board authorize the completion of his probation. A motion was made by Trustee Potocki, with a second by Trustee Morris to adopt the resolution. The resolution was approved by vote of four in favor, none opposed. Trustees Homan, Lewis, and Weinstein were absent.

## RESOLUTION

### AUTHORIZING THE SUCCESSFUL COMPLETION OF PROBATION FOR POLICE SERGEANT PATRICK POLESE

BE IT RESOLVED, that the Mayor and Board of Trustees hereby authorize the successful completion of probation for Police Sergeant Patrick Polese, which is approved based on the recommendation of the Police Chief.

Item # 15 - Consideration of the Appeal by Chaps Bar & Restaurant for their sign application, appealing the ARB's recommended rejection due to the designated sign location:

This matter was tabled and referred back to the Building Inspector. The Village Administrator reported that the applicant had submitted non-compliant drawings (hand-sketched), which

contributed to some confusion, and so it was referred back to the ARB and to the Building Inspector for advice and guidance to comply with the Sign Code requirements.

Item # 16 - Resolution authorizing an Inter-Municipal Agreement, necessary for the for the Village of Pelham and the Town of Pelham to submit a Shared Services joint Grant Application for CardScan, or LiveScan:

A motion was made by Trustee Breskin, with a second by Trustee Morris to adopt the resolution. The resolution was approved by vote of four in favor, none opposed. Trustees Homan, Lewis, and Weinstein were absent.

RESOLUTION

AUTHORIZING AN INTER-MUNICIPAL AGREEMENT  
BETWEEN THE VILLAGE AND THE TOWN OF PELHAM  
NECESSARY FOR THE FOR THE VILLAGE AND THE TOWN  
TO SUBMIT A SHARED SERVICES JOINT GRANT APPLICATION  
FOR CARDSCAN, OR LIVESCAN

RESOLVED, that the Mayor and Board of Trustees hereby authorize the Village of Pelham to enter into an Inter-Municipal Agreement, for the purpose of sharing services and submitting a grant to the Shared Services Grant Program, to apply for funding for a CardScan, or LiveScan, fingerprinting system that will be utilized and shared by the Town of Pelham and the Village of Pelham; and

BE IT FURTHER RESOLVED, that the Mayor, the Village Administrator, the Police Chief, and all other appropriate officials are authorized to take the necessary action of executing and signing this agreement, for these services, for the purpose of filing this grant application.

Item # 17 - Resolution authorizing the Adoption of the Village's Pre-Disaster Hazard Mitigation Plan as final, upon official acceptance by FEMA:

The Village Administrator and Administrative Aide reported that although the Board adopted a resolution previously on September 23<sup>rd</sup>, FEMA and SEMO have asked that we adopt a new resolution, now that FEMA has accepted the plan officially in December, 2008, in order to set a time clock running for future review and maintenance of the plan.

A motion was made by Trustee Potocki, with a second by Trustee Morris to adopt the resolution. The resolution was approved by vote of four in favor, none opposed. Trustees Homan, Lewis, and Weinstein were absent.

RESOLUTION

RECOMMENDING THE ADOPTION AND ACCEPTANCE AS FINAL  
FOR THE UPDATED VILLAGE OF PELHAM  
ALL-HAZARD PRE-DISASTER MITIGATION PLAN  
BASED ON THE REQUIREMENTS, RECOMMENDATIONS AND  
UPDATES AS PUT FORTH BY THE U.S. FEMA AND NY SEMO.

RESOLVED, that the Mayor and Board of Trustees of the Village of Pelham hereby accept the recommendations for update of the Village Of Pelham, All-Hazard Pre-Disaster Mitigation Plan, originally adopted in draft and sent to FEMA in September, 2007, and

BE IT FURTHER RESOLVED, that the plan is formally adopted as final, this date of December 16, 2008, as accepted by FEMA, based on completion of the requirements, recommendations and updates put forth by the U.S. FEMA and NY SEMO, as amended into the plan by the Village's consultant the Environmental Technology Group (ETG), with such changes having been made in full, and authorizes the Mayor, the Village Administrator, and ETG, to take the necessary and appropriate actions to recommend the submission of this plan for adoption and final acceptance by FEMA, based on their review comments which are as follows:

- The required revisions and many of the recommended ones have been addressed.
- The Plan was submitted for review prior to October 1<sup>st</sup>, 2008 and has been found to be Approvable Pending Adoption for pre-Oct 1<sup>st</sup> requirements on NFIP and Repetitive Loss Properties, so they are not effective for this Review. For guidance on these requirement for maintaining and updating the Plan, see the Local Plan Multi-hazard Mitigation Planning Guidance (July 2008) at [www.fema.gov/library/viewRecord.do?id=3336](http://www.fema.gov/library/viewRecord.do?id=3336)
- The Plan is approvable pending adoption.

Item # 18 - Authorizing a proposal for Hydrological Engineering Services with Leonard Jackson Associates, re: the Pelham Stormwater System:

A motion was made by Trustee Breskin, with a second by Trustee Morris to adopt the resolution. The resolution was approved by vote of four in favor, none opposed. Trustees Homan, Lewis, and Weinstein were absent.

RESOLUTION

AUTHORIZING A PROPOSAL FOR HYDROLOGICAL ENGINEERING SERVICES  
WITH LEONARD JACKSON ASSOCIATES,  
RE: THE PELHAM STORMWATER SYSTEM

RESOLVED, that the Mayor and Board of Trustees of the Village of Pelham authorize the Village to make use of the services of Leonard Jackson Associates, of Pomona, NY, in relation to the review and hydrological analysis of the Pelham stormwater system, in particular in relation to the North Pelham Drainage System, and to make recommendations on how it should be improved, to best address continued flooding issues that occur in the system; and

BE IT FURTHER RESOLVED, that the Mayor, the Village Administrator are authorized to enter into this agreement with Leonard Jackson Associates, to determine the hydrology of the north Pelham drain system, to provide his calculations and analysis to the Village, at an amount not to exceed \$25,000, with ten percent (10%) retainage to be held until completion, and for the engineer to provide the Village with an agreed-upon completion date.

Item # 19 - Continued Public Hearing on a proposed draft Franchise Agreement between the Village and Verizon for FIOS TV:

After a brief discussion, a motion was made by Trustee Breskin, with a second by Trustee Potocki to close the hearing. The motion was approved by vote of four in favor, none opposed. Trustees Homan, Lewis, and Weinstein were absent.

Item # 20 - Authorizing the Accounts Payable:

Trustee Potocki had audited the bills, and recommended they be paid, with one exception. A motion was made by Trustee Potocki, with a second by Trustee Morris to adopt the resolution minus the payment for \$469.00 to Deegan Overhead Doors (Deegan 957 Corporation), with the objection that there is no authorization for a \$250 emergency charge to repair the Firehouse Doors just because the work is being done on a Saturday. The Board said that if the charge was withdrawn, the Village would pay the bill. The resolution was approved by vote of four in favor, none opposed. Trustees Homan, Lewis, and Weinstein were 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          | \$ 156,351.19 |
| Water Fund            | \$ 0.00       |
| Capital Projects Fund | \$ 1,471.04   |
| Trust and Agency Fund | \$ 631.25     |
| H3 Fund               | \$ 0.00       |
| Grand Total           | \$ 158,453.48 |

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

Item # 21 - Other Business:

There was no other business.

Item # 22 - Minutes: November 5, November 18, and December 2, 2008:

The minutes were tabled until the next scheduled Board of Trustees meeting.

Item # 23 - Adjournment:

On the motion of Trustee Breskin, seconded by Trustee Morris, the Board voted to adjourn the public portion of the board meeting and go into Executive Session at 8:30 p.m. to discuss personnel matters, and a contractual matter involving real property, after which it would adjourn. The motion was approved by vote of four in favor, one opposed. Trustees Homan, Lewis, and Weinstein were absent.

Respectfully submitted,

Devron Wilson, Administrative Aide

Richard Slingerland, Administrator/Deputy Clerk