

VILLAGE OF PELHAM BOARD OF TRUSTEES REGULAR MEETING  
TUESDAY, DECEMBER 2, 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>Historic Preservation</b>	<b>8:00 p.m.</b>
12.	Pelham Preservation proposal that Pelham apply for 5 <sup>th</sup> Avenue and Wolfs Lane to be made a national historic district from the Art Center to Brookside Avenue.	<b>* Tabled until Jan. 13, 2009</b>
	<b>Business</b>	
13.	Mid-Year Budget Amendment and Transfer resolution	<b>Approved</b>
	<b>Public Hearings</b>	<b>8:30 p.m.</b>
14.	Continued Public Hearing on a proposed draft Franchise Agreement between the Village and Verizon for FIOS TV.	<b>Discussed, Continued</b>
	<b>Housekeeping</b>	<b>8:45 p.m.</b>
15.	Authorizing the Accounts Payable	<b>Approved</b>
16.	Other Business – a. Metro North Track Noise Update b. Milk and Things Site remediation c. Open Space discussion regarding Pelhamwood Park d. FTA Grant Status and Parking Expansion Plan for DPW site e. Amy Paulin Hutchinson Sidewalk grant status update	<b>Discussed</b>
17.	Minutes: Oct. 7, Oct. 21, Nov. 5 and November 18, 2008.	<b>Oct 7 &amp; 21 Approved</b>
18.	Adjournment	<b>Adjourned</b>

Next Scheduled Board Meetings are

Tuesdays December 16, 2008 and January 13, 2009.

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

\* All meetings start at 7:30 p.m. unless otherwise noted.

The Agenda is subject to change.

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TUESDAY, DECEMBER 2 2008 – 7:30 P.M.  
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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, Homan, Lewis, Morris, Potocki. Trustee Weinstein arrived at 7:55pm.

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 welcomed back John Cassone to the Board of Trustees meetings, after his absence due to his health problems. The Mayor reported on the holiday shopping season, encouraged people to shop in Pelham for their holiday gifts. There are a host of wonderful shops in the village where residents and non-residents can find great holiday gifts for their friends and family. Mayor Hotchkiss reported that he, Administrator Slingerland, and Administrative Aide Devron Wilson toured the village last week and took video footage and interviewed shop owners and managers about their products and holiday sales. The video will air on Pelham Public Access Channel 75 through the New Year, and would also be posted online.

Item #4 – Trustees' Reports:

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

Trustee Potocki reminded people to shop safely, and keep Pelham Police Department on speed dial. He mentioned that a speed dial call helped assist in catching the perpetrators of a crime that happened about 1-2 weeks ago. He also mentioned that there are 22 shopping days left until Christmas, and he encouraged people to purchase parking keys as stocking stuffers.

Trustee Homan commended the Department of Public Works on picking up the leaves throughout the village. She also mentioned that the new loader with the claw attachment on the front is working well. She reminded everyone that December 15<sup>th</sup> is the end of leaf season and is the last date the gas powered leaf blowers can be used. Administrator Slingerland mentioned that residents who have leaves after December 15<sup>th</sup> have to bag them.

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

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

Item #5 – Village Administrator’s Report

The Village Administrator had nothing to report on that was not included on the agenda.

Item #6 – Public Comment:

John Cassone of 312 7<sup>th</sup> Avenue had comments on a number of items.

- He commended the Pelham Fire Department, Pelham Police Department, and Empress on responding to his call a few weeks ago. He mentioned that they arrived at his home in about a minute after the emergency call had been placed, and all responders were careful and swift to rush him to the hospital.
- Mr. Cassone informed the Board that the static from the broadcast of the November 18, 2008 Board of Trustees meeting was unbearable. Mr. Slingerland reported that the technical issue had been addressed and should have been fixed as of tonight.
- Mr. Cassone suggested the village limit the amount of public comment allowed at board meetings, because the amount of public comment at the November 18, 2008 Board of Trustees meeting was a bit much.
- Mr. Cassone agreed with Trustee Homan not to charge \$25 to residents who need overnight handicapped “HOPE” parking permits.

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

On discussion, Administrator Slingerland and Trustees Homan and Morris set the locations where the new benches, recycling receptacles, and trash receptacles will be placed, as follows:

Trash receptacles – two (2) receptacles at the Metro North Train Station staircase on the east and west side of Wolfs Lane.

Recycling receptacles – one between Wolfs Lane Deli and Villagio, one in front of Depot Market, and one in front of Stationview Deli.

Benches – one in the park across the street from Wolfs Lane Deli, one in front of the Pelham Picture House.

Trustee Homan suggested that the Village send out notices informing merchants that the receptacles are for public use only.

Mr. Slingerland mentioned that he is working with the state regarding the Main Street Grant Program. He further mentioned that Hank White is working on alternatives and phased improvement plans for Wolfs Lane Park.

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

Mayor Hotchkiss mentioned that he met with Michael Yelin of The Glenwood Lake Association last week. Mayor Hotchkiss informed everyone that the Glenwood Lake Association wants to submit an application for monies to conduct master plan to manage stormwater and also restore the land at Glenwood Lake in New Rochelle, NY. The village plans to adopt a resolution endorsing the application and project. The Glenwood Lake Association hopes to get other parties including the Village of Pelham involved with their plans to establish a master plan for environmental preservation improvements to the area surrounding the lake.

Administrator Slingerland reported that he had contacted FEMA about the villages' needs to assess the flooding and infrastructure in the village. FEMA representatives suggested that Mr. Slingerland contact Leonard Jackson Associates regarding this matter.

Item #9 – Environmental issues:

Administrator Slingerland informed everyone that he and Administrative Aide Devron Wilson met again with Marty Rolnick from A Culture of Green to discuss LED Lighting and the idea of issuing a press release for the villages' LED Pilot Program. Mr. Slingerland said he would be developing specifications to send out to vendors for the LED Pilot Program. He also plans to incorporate New York Power Authority (NYPA) and Westchester County in the press release.

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

Mayor Hotchkiss reported that Pelham Medical Group and Lordae Realty are progressing with work on their sites. Contractors have installed footings and are drilling holes for anchor bolts on the Pelham Medical Group property.

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

Administrator 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 as requested by the Mayor, which had been prepared with input from all departments.

Item #12 – Human Resources & Administration, incl. Dept. Risk Assessments:

\* Note: At the request of the President of the Pelham Preservation and Garden Society, this matter was rescheduled to the first meeting of January, scheduled on Tuesday, January 13, 2009.

Item #13 – Mid-Year Budget Amendment and Transfer resolution:

The board briefly discussed these changes to the Budget, as recommended by the Village's director of finance Shirley Brown.

On the motion of Trustee Weinstein, seconded by Trustee Breskin, but Board voted unanimously to adopt the resolution by vote of seven in favor, none opposed.

### RESOLUTION

#### Re: Mid-Year Budget Amendments and Transfers for Fiscal Year 2008-09

- Whereas,** pursuant to the provisions of Section 5-520 of the New York State Village Law, the Board of Trustees, by resolution, may increase existing appropriations by transferring funds from the unexpended balance of another appropriation, from the contingent account, from available cash surplus or unanticipated revenues within a fund, or by borrowing, and
- Whereas,** during the course of the fiscal year, it is necessary from time to time to make modifications to the areas in the budget that have insufficient appropriations based on actual results of operations, and
- Whereas,** in all cases, there are sufficient unexpended balances in other appropriations accounts, excess revenues or fund balances available to cover the transfers, now therefore be it
- Resolved,** that pursuant to Village Law Section 5-520, the Board of Trustees hereby authorizes and directs the proper Village officers to modify the 2008-09 Budget by making the following amendments and transfers:

2008/09 Budget Amendments and Transfers as of December 2, 2008

#### BUDGET AMENDMENTS:

##### CAPITAL FUND

H5731	Bond Anticipation Notes	\$ 5,050	H5110.200	Hway Lt Duty Truck	\$ 2,550
			H5110.201	Hway Front End Loader	\$ 2,500

To reduce budgets for Highway Equipment and the BANS to finance - Orig \$185,000 actual \$179,950

##### GENERAL FUND

A3120.121	Police special Assignment	\$46,010	A2772	Refund for Person. Serv.	\$49,530
A9030.935	Social Security	\$ 3,520			

A1640.451	Central Garage Repairs	\$ 3,315	A2680	Insurance Recoveries	\$14,943
A3120.200	Police Vehicles	\$16,922	A3120.201	Police Equipment	\$ 5,294

To amend budget for repairs to Car#77 and replacement of Car#73 and insurance recoveries received

#### BUDGET TRANSFERS

##### GENERAL FUND

A1355.401	Assessment Cumputer Ser.	\$ 175	A1325.415	Treasurer Supplies	\$ 457
A1355.406	Assessment Mailing	\$ 282			
A1640.203	Cen Garage Capt.Imp	\$11,180	A1640.415	Cen.Gar. Supplies	\$ 280
			A5112.400	Perm Impr.Cont	\$ 5,000

			A1930.930	Judgements & Claims	\$ 5,900
Costs for work to address Health Dept. Violations for Central Garage Gas Tanks					
A1950.1952	Web Site Design	\$ 637	A1950.950	Village Taxes	\$ 637
A3120 462	Police Cross Guard Uniforms	\$ 375	A3120.461	Police Uniform Allowance	\$ 375
A3410 417	Fire Training	\$ 3,000	A3410.121	Training Over time	\$ 3,000
To reclassify Prior Budget Amend.for Fire Training for new firetruck for instructor contractual services					
TOTALS		\$90,466	TOTALS		\$90,466

Item #14 – Continued Public Hearing on a proposed draft Franchise Agreement between the Village and Verizon for FIOS TV:

Mayor Hotchkiss commented on the impasse between the Village of Pelham and Verizon over the Verizon FIOS TV franchise. He reported that everything is almost settled with Verizon except for the monies for equipment, and that the Village is seeking a dollar amount at least comparable to the amount that Pelham Manor received, due to the fact that Pelham’s PEG needs are much greater, and the Village of Pelham runs a 24 hour, 7-day per week broadcast station for our Government Access Channel.

This matter was continued to the next scheduled Board of Trustee meeting on Tuesday, December 16, 2008.

Item #15 – Authorizing the Accounts Payable:

A motion was made by Trustee Morris, with a second by Trustee Homan to adopt the resolution. The motion was approved by vote of six in favor, one opposed. Trustee Breskin stepped away from the meeting during this time.

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	\$ 842,260.51
Water Fund	\$ 58,831.14
Capital Projects Fund	\$ 7,254.51
Trust and Agency Fund	\$ 2,200.00
H3 Fund	\$ <u>0.00</u>
Grand Total	\$ 910,546.16

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

Item #16 – Other Business:

A. Metro North Track Noise. Trustee Potocki mentioned that Gary Cherico of 438 Washington Avenue said that a great amount of noise is still coming from the Metro North train tracks. Mr. Slingerland stated that he will contact Metro North again about the noise and ask for a new investigation and proposed solution to fix the problem.

B. Milk and Things property. Trustee Lewis mentioned that the property where Milk and Things used to be is an eyesore. There is a dumpster overflowing with junk at the location. Mr. Slingerland stated that he will discuss the matter with the Building Inspector Leonard Russo to get the property owner involved and clean up the property.

C. B & W property plan. Trustee Breskin suggested the village form a committee to discuss alternatives for the B & W property at Young Avenue, and/or hold a forum on the topic. He said there has to be more buy-in with freedom for everyone to voice their opinions. Mayor Hotchkiss mentioned that if the village decides to hold a forum concerning the B & W property, the alternatives for the property should be laid out before the forum takes place, and not a lengthy rehashing of the same issues with no new direction. Trustee Breskin agreed, stating that the community needs to reach a consensus on the plan for the property, and not leave things as-is. Trustee Homan expressed an interest in maintaining the status quo. Trustee Weinstein said the village should have a better plan to move forward on. He recommended a balanced committee of residents, with the varied interests represented on it.

Trustee Homan wanted it made clear that the Board of Trustees can have a committee look at the issue, but the ultimate decision lies with the Board, not a committee. She recommended the issue be delegated to Trustee Breskin to oversee, and to come up with a list of proposals to submit to the rest of the Board. Trustee Weinstein agreed with that plan. Trustee Potocki said that residents who are neighbors to the property should have a bigger say in a park plan. Mayor Hotchkiss expressed an interest in the Task Force/Committee idea, with no more than twelve people on it, assigned a task to review all of the alternatives, and return to the Mayor and Board with a list of proposals and recommendations for the Board to consider.

Trustee Homan asked that the Village review the sign language, change the combination on the lock on the gate to the B & W property, limit the distribution of the code only to people who would use it as a walking passage and not for play or for use by dogs, and that the Police Department should have the code, but should no longer give it out. Administrator Slingerland said he would take care of these tasks as soon as possible.

D. FTA Intermodal Parking/Village Yard Project. Trustee Potocki recommended the village get an update on the Village Yard FTA project. He stated that the process has taken too long and we need the design plans and put the project out to bid as soon as possible.

E. Multi-modal funding for the Hutchinson School Sidewalk. Trustee Potocki asked Mr. Slingerland to speak to Amy Paulin's office about the proposed sidewalk for Hutchinson Elementary School, and provide the Board with a status report.

Item #17 – Minutes: Oct. 7, Oct. 21, Nov. 5 and November 18, 2008:

A motion was made by Trustee Morris, with a second by Trustee Lewis to only approve the minutes from October 7<sup>th</sup> and October 21<sup>st</sup>. The motion was approved by vote of six in favor, none opposed, and one abstain.

The minutes from November 5<sup>th</sup> and November 18<sup>th</sup> were tabled until the next scheduled Board of Trustees meeting on Tuesday, December 16, 2008.

Item #18 – Adjournment:

On the motion of Trustee Lewis, seconded by Trustee Weinstein, the Board voted to adjourn the public portion of the board meeting and go into Executive Session on two personnel matters and matters related to collective bargaining. The motion was approved unanimously by vote of seven in favor, none opposed. The public portion of the meeting adjourned at 9:15 p.m.

Respectfully submitted,

Devron Wilson, Administrative Aide

Richard Slingerland, Administrator/Deputy Clerk