

VILLAGE OF PELHAM BOARD OF TRUSTEES REGULAR MEETING
TUESDAY, DECEMBER 15, 2009– 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
6. Public Comment

Approximate
Starting time of
Discussion

#	Agenda Items:	Approximate Starting time of Discussion
	Non-Recurring Items	8:00 p.m.
7.	Resolution Authorizing a One-Year Contract Renewal for Auditors from O'Connor, Davies, Munns & Dobbins/Bennett, Kielson, Storch, Kremer & DeSantis (ODMD/BKSKD)	Tabled
8.	Resolution Authorizing a Two-Year Contract Renewal to Perform Accounting Work for the Village's Housing Choice Voucher Program.	Tabled
9.	Public Hearing on a Local Law Setting New Residency Requirements for Village Officers	Approved
10.	Resolution to Authorize \$10,000 for Professional Services to Prepare RFP for Development of Village-Owned Property from 3rd Street to Lincoln Avenue between 4 th Avenue and 5 th Avenue	Tabled
	Grants, Projects & Other Business	8:30 p.m.
11.	Grants- Status Report	Discussed
12.	Projects- Status Report	Tabled
13.	Building Department- New Permit Report	Tabled
14.	Authorizing the appointment by the Mayor of a candidate to the position of Fire Chief, Part Time, in the Village of Pelham.	Approved
	Recurring Items	9:00 p.m.
15.	Authorizing Accounts Payable	Approved
16.	Authorizing Minutes of: November 4, 2009, November 17, 2009, December 1, 2009	Approved
17.	Adjournment to Executive Session	9:15 p.m.

Next Regular Board of Trustee Meetings are:

Tuesday, January 5, 2010

Tuesday, January 19, 2010

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

*Agenda is subject to change.

Item #1 – Meeting called to order: The meeting of the Board of Trustees was called to order by Mayor Edward Hotchkiss at 7:30 p.m.

The following members of the Board of Trustees were present:

Mayor Edward Hotchkiss, Trustees Bullock, Lewis, Homan, and Breskin.

Trustee Potocki arrived at 8:00 p.m.

The following members of the Board of Trustees were absent:

Trustee Morris was absent

Village staff in attendance:

Administrator/Treasurer Robert Yamuder, Administrative Intern Peter Bonington

Item #2 – Pledge of Allegiance:

The Pledge of Allegiance was led by Mayor Hotchkiss

Reports

Mayor Hotchkiss Report

The Mayor began his report by wishing Happy Holidays on behalf of the Board to Pelham. He took the opportunity to encourage residents to shop in Pelham this holiday season. The Mayor added that this week is that last week for organic pickup until April. He advised residents to take any remaining organic waste and store it until that time. He stated that the anticipated Fifth Avenue closure for construction would not take place until after the holidays on the first week of January. Mayor Hotchkiss announced that the Village would welcome any potential volunteers wanting to assist the operations of Pelham. He closed by stating that a former resident of Pelham, Frank Muller, passed away recently. The Mayor wished to convey his deepest condolences to Mr. Muller's family.

Trustees Reports:

Trustee Breskin

Trustee Breskin reported that he experienced a small fire in his home last week and although the fire was quickly extinguished he wanted to commend the Pelham Fire Department for their quick response to his home. He also added a friendly reminder to all residents celebrating Hanukkah to keep candles away from flammable substances.

Trustee Homan

Trustee Homan advised residents that the last organic pickup occurred on Dec. 15, 2009 and will not resume until April, 2010.

Trustee Lewis

Trustee Lewis commented that Frank Muller made a big contribution to Pelham and wanted to wish his family the best. He announced that over two days he filmed a Shop Pelham video featuring numerous merchants throughout Pelham and encouraged shoppers to check out what local shops and stores have to offer. He added that New York Governor Paterson has a short feature in the film as he was eating out in Pelham the night of the filming.

Trustee Morris-Absent

Trustee Potocki-None

Trustee Bullock-None

Village Administrator's Report-None

Item #6– Public Comment

David Merrick added his condolences regarding Frank Muller. He then stated that he was shocked on hearing that the Board was considering demolition of the concrete bridge at the Boston and Westchester property over by Young Avenue. He suggested that the scale of demolition for the concrete bridge on the property would require “nuclear devices” to level. He added that he felt that the Village finances were not in shape to begin such a large project as this and stated that based on his past experience as a Trustee on the Village Board, that this specific property was a de-facto park if not an actual one.

Trustee Breskin answered that the traditional strategy of managed decay is not a long term solution to the problem presented by the concrete bridge. He stated that the Board's desire was to rid the Village of the risk by taking the bridge down. He realized that there would be a diminished quality of life for the period of construction but that the cost of having the bridge remain is more of a risk. Mayor Hotchkiss added that they are fact-finding at this point and no immediate plans for any changes have been made as of yet. He cited the Village Master Plan by saying that the Board's intention is to build density along Fifth Avenue and Wolfs Lane, not in residential areas. He finished by saying that this area is not a park, defacto or otherwise, although it had periodically been used as one, without the Board's authorization. He stated that it was no longer used as a park due its contaminated status.

Steven Swanson, another local resident, also had concerns about what demolition would mean in that area. He asked for a rough estimate of how long construction would last.

Trustee Breskin responded that based on the information they have gathered so far construction would most likely take four to seven weeks but added that this is just an estimate at this time and that there currently is no RFP for the B&W property.

Lester Kravitz of Wolfs Lane commented on some of the notable discussions of 2009. He mentioned the renaming of Brick Park after Joe Trotta, the historical district of Fifth Avenue/Wolfs Lane, and the lack of development on the Pell-Park site. He closed by saying that in 2008 people wanted change and as of yet have not seen it on the part of the Board and that he hoped in 2010 for more than perpetuation.

John Cassone added a few comments about Frank Muller saying he was a "great guy" who was an asset to the Village.

Item #7-Resolution Authorizing a One-Year Contract Renewal for Auditors from O'Connor, Davies, Munns & Dobbins/Bennett, Kielson, Storch, Kremer & DeSantis (ODMD/BKSKD).

After some discussion, the Board decided to table the resolution until the next meeting for more research and discussion.

RESOLUTION

AUTHORIZING A ONE YEAR CONTRACT RENEWAL FOR AUDITORS FROM O'CONNOR
DAVIES MUNNS & DOBBINS/BENNETT KIELSON STORCH KREMER & DESANTIS
(ODMD/BKSKD)

BE IT RESOLVED, that the Mayor and Board of Trustees hereby authorize a one year contract renewal for the auditors from O'Connor Davies Munns & Dobbins/Bennett Kielson Storch Kremer & DeSantis (ODMD/BKSKD) for the year ending May 31, 2010;

BE IT FURTHER RESOLVED, that the Mayor and Village Administrator are authorized to take the necessary and appropriate actions to effect and execute this contract for these services.

Item #8-Resolution Authorizing a Two-Year Contract Renewal to Perform Accounting Work for the Village's Housing Choice Voucher Program.

After some discussion, the Board decided to table the resolution until the next meeting for more research and discussion.

RESOLUTION

AUTHORIZING A TWO-YEAR CONTRACT RENEWAL TO PERFORM ACCOUNTING WORK FOR THE VILLAGE'S HOUSING CHOICE VOUCHER PROGRAM

BE IT RESOLVED, that the Mayor and Board of Trustees hereby authorize A two-year contract renewal for John Cruikshank CPA, to perform accounting work for the village's housing choice voucher program covering a two year period from April 1, 2009 ending March 31, 2011;

BE IT FURTHER RESOLVED, that the Mayor and Village Administrator are authorized to take the necessary and appropriate actions to effect and execute this contract for these services.

Item #9- Public Hearing on a local law setting new residency requirements for village officers

Trustee Breskin opened the public hearing by saying that this amendment to the Village Code is done as an abundant precautionary measure but is also to broaden the pool of prospective candidates for Village "employees." At this time, the Mayor called for any comments from the public on this matter. John Cassone cited the old sections of the Village Code which stated originally that the fire chief had to be from Pelham itself and that over the years, changes such as these were made to broaden the pool. The inherent problem with this he stated was that the prospective candidates have no roots within the community. He said it was bad for a municipality and the Fire Department as the head of the department may not be readily available in an emergency. Trustee Breskin addressed Mr. Cassone's concerns by saying that Pelham already has firefighters that live outside of Pelham as far away as Brewster. He added that it is the Board's responsibility to make a decision balancing on geography and other qualifications.

Linda King spoke about the potential for emergencies and geographic difficulties involved in hiring this new chief from Rockland County. She read from an advertisement that she asserted was a job description, stipulating that the candidate must live in Pelham. She finished by saying that they had a local prospective candidate for the chief's position. Trustee Breskin stated that the specific candidate she mentioned did not meet the minimum requirements of the job description in the civil service code. The description that she read from was not a bid, merely an advertisement for the position and was not legally binding – unlike the Civil Service Code. She maintained that the Village Code already allows the Board to hire outside of Pelham and that this amendment is only broadening that pool. Trustee Breskin also stated that the Fire Department staff are well trained and have historically demonstrated ample capability to handle an emergency without having a chief on site immediately. He closed by describing Mr. Cohen's education and experience, saying that Pelham is lucky to have as qualified a firefighter as Mr. Cohen to be our chief.

After some discussion, a motion was made by Trustee Breskin and seconded by Trustee Bullock to close the public hearing. The vote was approved by a vote of six in favor, none opposed. Trustee Morris was absent.

A motion was made by Trustee Breskin and seconded by Trustee Potocki to adopt the resolution. The vote was approved by a vote of four in favor, none opposed. Trustee Lewis abstained without giving reason and Trustee Homan abstained, deeming the measure unnecessary. Trustee Morris was absent.

**RESOLUTION
PUBLIC HEARING ON A LOCAL LAW SETTING NEW
RESIDENCY REQUIREMENTS FOR VILLAGE OFFICERS**

LOCAL LAW NUMBER __ OF 2009

**A local law setting a new
residency requirement for village
officers**

Be enacted by the Board of Trustees of the Village of Pelham as follows:

Section 1

Section 20-1 of the Code of the Village of Pelham is repealed.

Section 2

The new sections, §20-1 and § 20-2, are enacted as follows:

§ 20-1. Purpose

The Village of Pelham wishes to improve its ability to find qualified candidates for appointed village officers. To increase the pool of eligible candidates, the Village of Pelham is expanding the area in which village officers may reside.

§ 20-2. Residency of village officers

A. The village officers of the Village of Pelham may reside outside the Village as long as the officer resides in the State of New York.

B. Pursuant to the Municipal Home Rule Law, this section supersedes all other laws inconsistent with its provisions, including but not limited to Village Law §3-300.

Section 2

This local law shall take effect upon its adoption and filing with the Secretary of State.

Item #10- Resolution to Authorize \$10,000 for Professional Services to Prepare RFP for Development of Village-Owned Property from 3rd Street to Lincoln Avenue between 4th Avenue and 5th Avenue.

Mayor Hotchkiss stated that as part of the initiatives set forth in the Village of Pelham's Master Plan to build density along Fifth Avenue, he requested a resolution to prepare an RFP for this Village owned property. Trustee Breskin stated that this RFP is the first stage in developing this property and that the RFP is mainly for legal advice and engaging an architect to develop specifications for the new firehouse so that bidders would be able to provide reliable, qualified and comparable bids."

Trustee Homan stated that she was against this development as she felt it was not the time financially and that there are too many unknowns about this project to authorize the funds at this particular time. Trustee Breskin responded that there most likely will never be a good time to initiate a project like this because there is never a spare \$10,000 to invest into an RFP. Mayor Hotchkiss also added that the prospected benefits of such a project warrant putting some money down in order to received credible bids from contractors. Without a substantive RFP, the best the Village could acquire would generalities on what their options are.

Trustee Potocki agreed with Trustee Homan that there are many inherent problems with this undertaking. One problem would be the complicated parking situation that would arise. Trustee Lewis stated that he saw benefits and drawbacks to this project. He suggested putting a final decision off for a few weeks to talk with developers and the community about this undertaking. John Cassone offered the 'senior perspective" saying that he was not against development but that as the Pelham Firehouse is one of few remaining historical buildings in Pelham, he would like to see it saved. He also stated that while Pelham is in the midst of a budget crisis he questioned the timing of such a project.

Lester Kravitz asked if there was any possibility that Pell-Park would be developed as a result of this new push for development. Trustee Breskin assured Mr. Kravitz that the Board would view having Pell-Park developed favorably. however its development is a private matter and the Villages involvement is limited by the ongoing litigation with Mr. Kravitz and Pel-Park. Mayor Hotchkiss concluded by saying that more information about the Village property needs to be made available to the Board and that the decision can be put off until more data can be gathered.

After some discussion, the Board decided to table the resolution until the next meeting for more research and discussion.

RESOLUTION

AUTHORIZING \$10,000 FOR PROFESSIONAL SERVICES TO PREPARE A REQUEST FOR PROPOSAL (RFP) FOR DEVELOPMENT OF VILLAGE-OWNED PROPERTY FROM 3RD STREET TO LINCOLN AVENUE BETWEEN 4TH AVENUE AND 5TH AVENUE

- Whereas: The Village of Pelham owns the surface and one-deck parking lot between 3rd Street and Lincoln Avenue on 4th Avenue, the surface parking on 3rd Street and 5th Avenue, and the Fire Station and adjacent parking lot between 3rd Street and Lincoln on 5th Avenue.
- Whereas: These Village-owned properties could provide the development of housing and retail units in a fashion consistent with Village of Pelham Master Plan adopted in 2008.
- Whereas: Such a development, if done appropriately for needs of the Village of Pelham, could increase the tax base, increase the retail demand for Village-merchants, and improve the appearance of the Village-downtown.
- Whereas: The Village desires to formulate an RFP to solicit bids to develop these Village-owned properties and would need to contract architectural and legal services to do so.
- Whereas: Such an RFP does not commit the Village to develop the property.
- Whereas: Any development would have to follow the Site Plan requirements of the Village, conform to zoning or receive variances from the Zoning Board of Appeals, receive the approval of the Board of Trustees, and follow all legal requirements.
- Be It Resolved: The Board of Trustees authorizes \$10,000 for professional services to prepare an RFP for development of Village-owned properties from 3rd Street to Lincoln Avenue between 4th Avenue and 5th Avenue.

Item #12-Grants

Mayor Hotchkiss reported that several of the grants are moving forward through the submittal of appropriate forms. Two specific projects, the FTA Intermodel Parking Lot and the 1st Street Parking are slated to be bidded out sometime in the winter in order to be ready for the spring construction season. Trustee Potocki asked about the several stimulus grants that the

Village has applied for. Administrator Yamuder replied that all the grants but the Firehouse Windows have been denied.

Mr. Yamuder also mentioned that the S.A.F.E.R. grant for hiring a new firefighter is underway. Mayor Hotchkiss concluded saying that through his correspondence with Congresswoman Nita Lowey that a dialogue between the Village and FEMA has started which he hopes will make obtaining the money that has been awarded easier.

Item #12- Projects- Status Report-Tabled

Item #13- Building Department- New Permit Report-Tabled

Item #14- Other Business-Authorizing the appointment by the Mayor of a candidate to the position of Fire Chief, Part Time, in the Village of Pelham.

Trustee Breskin thanked Lt. Julian Keiser once again for his interim service during the search process for a new part-time fire chief. On behalf of the Village Board, he wished to welcome their new fire chief Lawrence Cohen of Rockland County. Mr. Breskin gave a short account of some of Chief Cohen's work experience specifically his 10 year work in Special Operations in New York City and his leadership in that department.

A motion was made by Trustee Breskin and seconded by Trustee Potocki to adopt the resolution to schedule a public meeting. The vote was approved by a vote of six in favor, none opposed.

RESOLUTION

AUTHORIZING THE APPOINTMENT BY THE MAYOR OF LARRY COHEN TO THE POSITION OF FIRE CHIEF, PART TIME, IN THE VILLAGE OF PELHAM, NY

BE IT RESOLVED, that the Board of Trustees of the Village of Pelham authorize the appointment by the Mayor of Larry Cohen of Suffern, New York, to the position of Fire Chief, Part Time, with an effective date of hire of December 16, 2009, with conditions set forth in a letter also delineating salary at fifty-five thousand dollars per year, subject to the requirements of Civil Service, for a probationary period of one (1) year and authorizes the Mayor, the Village Administrator and the Village Clerk to take the necessary and appropriate actions to effect this appointment.

Item # 15- Authorizing the Accounts Payable

Trustee Breskin audited the Accounts Payable.

After some discussion, a motion was made by Trustee Breskin and seconded by Trustee Bullock to adopt the resolution. The vote was approved by a vote of six in favor, none opposed. Trustee Morris 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	\$ 140,283.73
Water Fund	\$ 45,964.79
Capital Projects Fund	\$49,218.75
Trust and Agency Fund	\$ 3,262.50
H3 Fund	<u>\$ 0.00</u>
Grand Total	\$ 238,729.77

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

Item # 16- Authorizing Minutes of: November 4, 2009 and November 17, 2009, December 1, 2009

A motion was made by Trustee Lewis and seconded by Trustee Bullock to approve the minutes from Nov. 4 and Nov. 17, 2009. The vote was approved by a vote of six in favor, none opposed. Trustee Morris was absent.

December 1, 2009-Tabled

Item # 17- Adjournment to Executive Session

A motion was made by Trustee Breskin with a second by Trustee Lewis to adjourn the public portion of the board meeting at 9:15 p.m. and go into Executive Session to discuss legal and personnel matters, after which the Board would adjourn for the evening. The motion was approved by vote of six in favor, none opposed. Trustee Morris was absent.

Respectfully submitted,
Peter Bonington, Administrative Intern