

VILLAGE OF PELHAM BOARD OF TRUSTEES REGULAR MEETING
TUESDAY, DECEMBER 1, 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.	Public Hearing for December 1, 2009 to Increase the Village of Pelham's Water System Rates.	Approved
8.	Resolution Authorizing the Inter-Municipal Agreement with Westchester County for Solid Waste and Recyclables Disposal	Approved
9.	Resolution to Authorize an RFP for Professional Services for Parking Lot Analysis	Tabled
Committee Reports		8:30 p.m.
10.	Employee Benefits/HR Manual	Discussed
11.	Tree Committee	Discussed
12.	Park Improvements	Discussed
13.	Young Avenue Open Space	Discussed
14.	Verizon FIOS	Discussed
15.	Chamber of Commerce	Tabled
16.	Commercial Zoning Review	Discussed
17.	Site Plan Review	Discussed
18.	Other business-Scheduling a public hearing on a local law setting new residency requirements for village officers	Scheduled
Recurring Items		9:00 p.m.
19.	Authorizing Accounts Payable	Approved
20.	Authorizing Minutes of: November 4, 2009, November 17, 2009	Tabled
21.	Adjournment to Executive Session	9:15 p.m.

Next Regular Board of Trustee Meetings are:

Tuesday, December 15, 2009

Tuesday, January 5, 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, Morris, Lewis, Homan, Potocki, and Breskin.

Village staff in attendance:

Administrator/Treasurer Robert Yamuder, Village Clerk Terri Rouke

Item #2 – Pledge of Allegiance:

The Pledge of Allegiance was led by Mayor Hotchkiss

Reports

Mayor Hotchkiss Report

Mayor Hotchkiss opened his report by saying that the Village will be bagging meters from December 11th to January 4th for the Christmas shopping season. There will be a 2 hour maximum time limit to ensure that there is a continuous flow of shoppers throughout the season. The Mayor also stated that in preparation for holiday season, ConEd has agreed to postpone their work on a gas main that runs along Brookside until after January 1st. There will be a crane on 5th Avenue starting on December 7th through the 8th for Lordae Property Management. The Mayor stated that he hoped the building would progress smoothly and be completed in short order. On a final note, the Mayor reported that a former Trustee Alice Dean's husband John had passed away and wanted to offer the Village's condolences to her and her family.

Trustees Reports:

Trustee Breskin-None

Trustee Homan

Trustee Homan reminded residents that there will be no bulk trash pickup during holiday weeks and to please consult their schedules for those specific dates.

Trustee Lewis-None

Trustee Morris-None

Trustee Potocki

Trustee Potocki stated that Dr. Rothstein of the Colonial School held a meeting for a number of parents about idling cars at 2 p.m. in front of the school. Mr. Potocki reminded residents that the Village is subject to New York State idling laws and that the Village supports the school in its request to not idle cars in front of the school. He asked that motorists shut off their engines when parked in front of the school. He stated his intention to update this at the next Board meeting. On a final note, Mr. Potocki added that parking meter keys are now available at Village Hall.

Trustee Bullock-None

Village Administrator's Report-None

Item #6– Public Comment

Local resident John Cassone asked about the status of renaming Brick Park after former Pelham Mayor Joe Trotta. He stated that it has been 2 months since a presentation was made before the Board to rename the park and that people at that meeting had been calling him for news of the project. Mayor Hotchkiss reported that the Board has not yet spoken to the Town about the park and that that would be the first step to this process. Trustee Lewis also stated that they are waiting to see a plan for the park. Administrator Yamuder replied that Westchester County did not furnish a plan of the park to his office yet. Mr. Cassone asked that the Board please stay on top of this project. Trustee Homan stated that Joe Solimine had invited the county planners to come down to Pelham and survey the park some months previous. Trustee Homan assured the Board that there is no obligation to utilize the findings of the planners attached to this fact-finding visit but she stated that this is an offer of free planning for the park that could be available through the county.

Local merchants Mark Link and John DeCicco thanked the Village for arranging to have the gas main work postponed. They stated they were very appreciative of the Village's efforts. Next they made some comments about the proposed revisions to the Village's commercial zoning code. They asked that they be included in the drafting of these revisions as they would prefer to have their voice heard sooner rather than later. Mayor Hotchkiss assured Mr. Link and Mr. DeCicco that these revisions have not been completed yet. Afterwards the proposed revisions are written into code and they are subject to debate in public hearings. Trustee Breskin also added that there are downloads on the Village website that they can review and if they have any questions they can have representatives pass them along to the Board.

Item #7- Public Hearing for December 1, 2009 to increase the Village of Pelham's Water System Rates.

Lester Kravitz of Wolfs Lane asked the Board why it has historically had its own water system as it seems to cost increasing amounts of money to maintain and utilize. Mayor Hotchkiss and Trustee Homan responded that United Water does not want to pay the infrastructure costs to take it over. Subsequently, the public hearing was closed.

A motion was made by Trustee Breskin and seconded by Trustee Homan to close the public hearing. The vote was approved by a vote of seven in favor, none opposed.

A motion was made by Trustee Breskin and seconded by Trustee Homan to adopt the resolution. The vote was approved by a vote of seven in favor, none opposed.

RESOLUTION
ADOPTING WATER RATE INCREASES
20% ON FORMER VILLAGE CONSUMPTION RATES
FOR THE VILLAGE OF PELHAM PUBLIC WATER SUPPLY #5911901

RESOLVED that the Board of Trustees of the Village of Pelham hereby adopts the 20 % Water Rate Increases of the Village of Pelham effective immediately for the Water Billing Cycle ending 2/28/10.

BE IT ENACTED BY the Board of Trustees of the Village of Pelham as follows:

	Meter size	Current Rates	Proposed rate of incr. of 20% to prevent future losses, and cover rate increases and pass-throughs by United Water New Rochelle & NYC DEP
Base Rate	1/2" and 5/8"	\$50.99	
Meter Rate	3/4"	\$56.25	
Meter Rate	1" – 1 1/4"	\$100	
Meter Rate	1 1/2"	\$187.50	
Meter Rate	2"	\$306.25	
Meter Rate	3"	\$467	

Consumption Rates – cost per 100 cubic feet)			
First 1200 CCF		\$ 4.24	\$ 5.09
next 36000 CCF		\$ 3.99	\$ 4.79
Next 60000 CCF		\$ 3.26	\$ 3.91

Item #8- Resolution Authorizing the Inter-Municipal Agreement with Westchester County for Solid Waste and Recyclables Disposal

After some discussion, a motion was made by Trustee Homan and seconded by Trustee Potocki to adopt the resolution. The vote was approved by a vote of seven in favor, none opposed.

RESOLUTION
AUTHORIZING RENEWAL OF AN INTER-MUNICIPAL AGREEMENT
BETWEEN WESTCHESTER COUNTY AND THE VILLAGE OF PELHAM
FOR SOLID WASTE AND RECYCLABLES DISPOSAL

BE IT RESOLVED, that the Board of Trustees of the Village of Pelham hereby authorizes the renewal of an inter-municipal agreement between the Village of Pelham and Westchester County for the Disposal of Solid Waste and recyclables, per the agreement provided for by Westchester County (attached hereto and made a part hereof); and

BE IT FURTHER RESOLVED, that the Mayor and the Village Administrator are authorized to sign this agreement and to take the necessary and appropriate actions to effect this agreement.

Item #9- Resolution to Authorize an RFP for Professional Services for Parking Lot Analysis

After some discussion concerning the specifics of an RFP for the property in question, the Board decided to table the resolution pending more information.

RESOLUTION
AUTHORIZING AN RFP FOR
PROFESSIONAL SERVICES FOR Site Development LOT ANALYSIS

BE IT RESOLVED, the Board of Trustees authorizes an RFP for Professional Services for Parking Lot analysis and to spend up to \$10,000.00 on legal and consulting fees to prepare analysis.

Committee Reports

Item #10-Employee Benefits/HR Manual

Trustee Bullock reported that he had sent Administrator Yamuder a preliminary draft of the HR manual. He stated that this was not yet a first draft but just the first provisions as the auditors had suggested. Mr. Bullock commented some of these will be incorporated into the first draft and other's will not be applicable to Pelham. He added that these provisions should affect very few employees of the Village.

Item #11- Tree Committee

Trustee Bullock reported that the tree project is underway. The project calls for an inventory of the Village's trees by species, location, and size. He stated that this information would be helpful for the Village to have in making its future decisions. Mr. Bullock then recapped how this project is made possible from student volunteers from Pelham Memorial High School and the Pelham Preservation Society will pay for the guides. He finished by saying that in the spring he will move forward with the goal of importing all this data into a GIS system.

Item #12- Park Improvements

Trustee Morris reported that she is meeting with Hank White, the landscape architect who has developed a Master Plan for Wolfs Lane Park. She stated they are firming up where the new additions to the park will go and they are making progress.

Item #13-Young Avenue Open Space

Trustee Morris reported that she met with Police Chief Benefico to discuss the security of the Boston and Westchester property on Young Avenue should it be made a park space either closed from or directly open to the street. Chief Benefico had stated that there would be no special treatment if the area were to become a park. He did not anticipate any unique security issues, and that the area proposed to monitor the space with security cameras would not be feasible under the current space constraints of the existing police desk at Town Hall. She also stated that if Young Avenue were connected and closed off from Lincoln Avenue, police cars would not pass by it frequently, since it would require a U-turn. The Board then had some brief discussion about patrol-car patterns for dead-end streets.

Item #14- Verizon FIOS

Mayor Hotchkiss reported that three weeks ago he had spoken with a Verizon representative asking them to make a tangible offer for the Board to review. The Mayor stated he had not received any proposals from Verizon to date.

Item #15- Chamber of Commerce

None

Item #16- Commercial Zoning Review

Trustee Lewis commented about the commercial zoning review by saying that as of the 1st of the new year he will be looking into getting someone, possibly Village attorney Martha Conforti, to draft these revisions.

Item #17- Site Plan Review

Mayor Hotchkiss reported that there was no new information as of yet regarding site plan review. He commented that he is busy putting together a proposal with a smaller group and that this committee will be redoing the original draft eventually.

Item #18-Other Business-Scheduling a Public Hearing on a local law setting new residency requirements for village officers

Trustee Breskin stated that after extensive conversation with Village counsel it appears to be desirable to amend the Village Code regarding Officers' residency requirements, allowing the hiring of Officers from not just Westchester County but from New York State. Trustee Breskin explained that the Village's Code counsel's reading of the Code was that "officers" are appointed by the Board whereas employee's such as the Fire and Police chiefs are hired and thus do not fall under this category. However the Villages Labor Counsel was concerned that the Code was unclear in its delineation of Officers vs. Employees. Mr. Breskin assured the Board that this amendment to the Code would be done in an abundance of caution. Counsel had suggested the Board change the code language to allow for officers residing within New York State and avoid any potential conflicts in the future. Trustee Lewis posed the question of whether language could ensure a closer base of recruitment for Pelham. Mr. Breskin stated that that issue had come up in his conversations with counsel but that he was advised against that course of action, further, he said, it is the Board's prerogative in hiring to balance qualifications with geography. Trustee Bullock asked if someone was hired and then moved to Albany, would the Village have their hands tied by such an amendment. Mr. Breskin said no because the Village Board can amend the status of an employee.

After some discussion, a motion was made by Trustee Breskin and seconded by Trustee Lewis to adopt the resolution to schedule a public hearing. The vote was approved by a vote of seven in favor, none opposed.

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

The Board of Trustees of the Village of Pelham hereby schedules a public hearing to be held at 7:30 p.m. on Tuesday, December 15, 2009, 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 setting a new residency requirement for village officers

A copy of the draft proposed 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 4:30 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
Robert Yamuder, Village Administrator/Deputy Clerk
Publication date: XXXXX, XXXXXXX, 2009

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 # 19- Authorizing the Accounts Payable

Trustee Potocki audited the Accounts Payable.

After some discussion, a motion was made by Trustee Potocki and seconded by Trustee Bullock to adopt the resolution. The vote was approved by a vote of seven in favor, none opposed.

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	\$ 840,546.95
Water Fund	\$ 780.00
Capital Projects Fund	\$0.00
Trust and Agency Fund	\$ 3,805.20
H3 Fund	<u>\$ 0.00</u>
Grand Total	\$ 845,132.15

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

Item # 20-Authorizing Minutes of: November 4, 2009 and November 17, 2009

November 4, 2009-Tabled

November 17, 2009-Tabled

Item # 21- Adjournment to Executive Session

A motion was made by Trustee Bullock 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 contractual matters, after which the Board would adjourn for the evening. The motion was approved by vote of seven in favor, none opposed.

Respectfully submitted,
Peter Bonington, Administrative Intern