

VILLAGE OF PELHAM BOARD OF TRUSTEES
REGULAR MEETING
TUESDAY, DECEMBER 20, 2011, 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:

#	Agenda Items:	Approximate Starting Time of Discussion
	Non-Recurring Items	7:40 p.m.
7.	Resolution to Authorize CSEA Contract	Approved
8.	Resolution for Documentation of Certain Benefits to Police Chief and Police Lieutenant	Tabled
9.	Resolution Authorizing A Change Order For Contract #2011-03	Approved
10.	Resolution Authorizing Final Payment for Contract #2011-03	Approved
11.	Public Hearing Regarding Licensing Agreement for Parking for Clovelly Homeowners Association	Approved
12.	Resolution Authorizing Licensing Agreement for Parking for Clovelly Homeowners Association	Approved
	Reports and other Business	8:30 p.m.
13.	Monthly Budget Review	Approved
14.	Grants- Status Report	Approved
15.	Other Business	None
	Recurring Items	9:15 p.m.
16.	Authorizing Budget Transfers	Approved
17.	Authorizing Accounts Payable	Approved
18.	Authorizing Minutes of: December 6, 2011	Tabled
19.	Adjournment to Executive Session	9:30 p.m.

Next Scheduled Board Meetings are:

Tuesday, January 3, 2012

Tuesday, January 17, 2012

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

* The 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 7:36 p.m.

The following members of the Board of Trustees were present:

Mayor Hotchkiss, Trustees Lewis, Marciona, Marty, McGoldrick, and Morris

The following members of the Board of Trustees were absent:

Trustee Mohan

Village staff in attendance:

Village Administrator Robert Yamuder, Secretary to the Village Administrator Peter Bonington

Item #2 – Pledge of Allegiance:

The Pledge of Allegiance was led by Mayor Hotchkiss.

Reports

Mayor Hotchkiss's Report

Trustees Reports:

Trustee Lewis

None

Trustee Marciona

None

Trustee Marty

Absent

Trustee McGoldrick

None

Trustee Mohan

Absent

Trustee Morris

Trustee Morris wished those celebrating the holiday a Happy Hanukah.

Village Administrator's Report

Administrator Yamuder reported that the new server for the Village accounting software had arrived. He said that the server will upgrade the Village's technical capacity for financial functions. He added that the KVS training will help the Village staff to make an adjustment to the new accounting software.

Item #6– Public Comment-

John Cassone of 7th Avenue asked when the new audio and visual equipment would be available. He mentioned the quick response by Con-Ed to his tree request in the aftermath of the snowstorm on October 29, 2011. Administrator Yamuder said Mr. Cassone should thank the Village DPW and Con-Ed as both entities worked together closely to resolve the situation on 7th Avenue.

Mr. Cassone asked about the Pelham Section 8 program. He asked if Pelham residents would have a preference when the program is transferred to a Westchester County-wide organization. Administrator Yamuder said Pelham residents who wish to go onto Section 8 after the transfer to this County organization would not have a special preference. Mr. Cassone said he was disappointed that Pelham would be losing this program after working hard to get one several years ago. Mayor Hotchkiss said the Village has to balance the advantages of having its own program with the fiscal disadvantages. He said the Board had made a prudent decision in choosing to transfer this program.

Item #7–Resolution to Authorize CSEA Contract

Trustee McGoldrick, as the liaison to the Village DPW, gave a summary of the terms agreed to in the new CSEA contract. He said the Village had worked hard to negotiate contributions by members of the DPW, both present and future, to the health services. Going forward there would be a 4% contribution by new DPW employees to their health benefits.

Trustee McGoldrick said concessions were made by the Village. Increased personal days and increased cell phone use by employees were added to the agreement, as well as a gradual pay increase. He said the agreement was ratified by the DPW union, and the Board must accept the contract to make it official.

Trustee Marty asked how this 4% contribution to the health benefits compares with arrangements reached in other municipalities. Administrator Yamuder said having employees contribute toward their benefits is an emerging trend and is likely to continue in the near future.

Administrator Yamuder added that although some current employees will be making contributions, the 4% contribution will be mostly applicable to new employees in the DPW.

A motion was made by Trustee McGoldrick and seconded by Trustee Lewis to adopt the resolution. The vote was approved by a vote of six in favor, none opposed. Trustee Mohan was absent.

RESOLUTION

Authorizing the Village to enter into an agreement with the CSEA bargaining unit of the Village of Pelham DPW for the time period of June 1, 2010 through May 31, 2013

RESOLVED, that the Mayor and the Board of Trustees authorize the Village to enter into a settlement agreement between the Village and the CSEA, and authorize the signature of the settlement agreement and replacement contract by all participating parties including the Mayor, Trustee Liaison and the Village Administrator, and authorizes the payment of the negotiated raises and other related payments as provided for in the agreement.

Item #8—Resolution for Documentation of Certain Benefits to Police Chief and Police Lieutenant

The Board chose to table this resolution until a later meeting at the request of an attorney representing the Police Chief and Lieutenant.

Item #9—Resolution Authorizing A Change Order For Contract# 2011-03 Repair and Painting of Lot 3

Administrator Yamuder stated this resolution is for a change order due to some replacement steel fabrication on one of the beams in Lot #3. He said the Village achieved some savings so there was no change in the contract amount of \$78,710.

A motion was made by Trustee Marty and seconded by Trustee Marciona to adopt the resolution. The vote was approved by a vote of six in favor, none opposed. Trustee Mohan was absent.

RESOLUTION

RESOLUTION AUTHORIZING A CHANGE ORDER FOR CONTRACT # 2011-03
REPAIR AND PAINTING OF LOT 3

RESOLVED that the Board of Trustees of the Village of Pelham hereby authorize a change order in the amount of \$15,405.00 for additional costs incurred to effectuate steel beam repairs and crack repairs on vertical and horizontal surfaces and for credits in the amount of \$15,405.00 saved due to less than anticipated work to concrete repairs and railing repairs. The net cost of the contract did not exceed the bid price of \$78,710.00 under contract #2011-03 ;and

BE IT FURTHER RESOLVED that the Mayor and the Village Administrator/Treasurer are authorized to take the necessary and appropriate actions to affect this change order.

Item #10—Resolution Authorizing Final Payment for Contract #2011-03 Repair and Painting of Lot 3 Including the Release of Retainage

Administrator Yamuder stated that this resolution will authorize the final payment to Structural Contracting Services for the completion of the work on Lot #3. There was no retainage on this particular project, so this payment will be the final step in this process.

A motion was made by Trustee Marty and seconded by Trustee McGoldrick to adopt the resolution. The vote was approved by a vote of six in favor, none opposed. Trustee Mohan was absent.

RESOLUTION
RESOLUTION AUTHORIZING FINAL PAYMENT
FOR CONTRACT #2011-03 INCLUDING THE RELEASE OF RETAINAGE

RESOLVED that the Board of Trustees of the Village of Pelham hereby authorize the final payment and the release of retainage to Structural Contracting Services Inc. under Contract # 2011-03 with the net cost of the subject contract not to exceed the bid amount of \$78,710.00 upon the completion of the repair and painting of Lot 3.; and

BE IT FURTHER RESOLVED that the Mayor and the Village Administrator/Treasurer are authorized to take the necessary and appropriate actions to effect this payment.

Item #11—Public Hearing Regarding Licensing Agreement for Parking for Clovelly Homeowners Association

Mayor Hotchkiss said this public hearing is a chance for residents to voice their opinion on the proposed licensing agreement with Clovelly regarding the status of Brookside and Hillside Avenues as public streets.

The Mayor said the main provisions of the agreement are that in exchange for not contesting the streets as public, Clovelly will have a special licensing capability for association and other its other neighborhood residents to have 24-hour parking on those streets. He said this arrangement will last for 15 years, as the streets gradually return to the normal status as other public streets in the rest of the Village. The Mayor added that the streets would be open to the public for 30-minute parking as well during usual parking hours. The Clovelly Homeowners Association will also not oppose as an association the laying of a storm run-off pipe for the Pelham Picture House if the theater chooses to expand in the future.

Carolyn O'Connor of 213 Carol Avenue asked the Board several questions about the procedure leading up to the written licensing agreement. She said she understood the Board had offered during discussions with Clovelly to keep the street private. Mayor Hotchkiss said

the agreement is the product of a negotiation process and the arrangements outlined in the agreement were written with the input from the Village's department heads to devise a manageable parking plan.

Mayor Hotchkiss stated that 24-hour parking for Clovelly and Brookside/Hillside residents is a huge concession on the part of the Village. He said the Village cannot have ambiguity as to whether the streets are public or private. He said this agreement will provide a gradual transition for residents.

Jamie Caboracas of Brookside Avenue asked if this agreement was solely for allowing the Picture House expansion to proceed uncontested. He specifically mentioned the pipe that was proposed to relieve water runoff on Brookside Avenue. Mayor Hotchkiss said the licensing agreement is part of the resolution to resolve a conflict.

Mr. Caboracas asked about the Village putting signs on the streets. He said his reading of the agreement is that the Village is prohibited from erecting signs on the Clovelly property. Administrator Yamuder said any necessary signage would have to be erected on the strip between the sidewalk and the street.

John Brown of 5 Brookside Avenue said his feeling is that the opposition to this licensing agreement comes down to the proposed pipe on Brookside Avenue in the event that the theater expands. Mayor Hotchkiss said that if the Picture House were to expand it would have to go through the Village land use boards so there would be many forums to express resident's viewpoints.

Trustee McGoldrick added that, as former member of the Planning Board, one of their jobs is to minimize the effect on local residents. Administrator Yamuder added that, as with municipal projects, contractors are required to minimize any disturbance to residents.

Mr. Caboracas asked if the licensing agreement obligates the Village to pave Brookside Avenue if the pipe is not put in within two years of effecting the agreement. Mayor Hotchkiss stated that was his interpretation of the agreement. However, Village attorney Joel Sachs, who was present at the meeting, said there is no obligation to pave the street in that time period. The Mayor responded he believed this was a commitment by the Village to the residents.

Administrator Yamuder said the Village would have to budget to pave the street. Trustee Marty said if Mayor Hotchkiss made a political commitment to Clovelly on this issue, the Board will respect that promise. He suggested some clarifying language to that particular provision. Attorney Joel Sachs said this agreement has already been ratified by Clovelly. The Board cannot make any changes without having it reviewed or clarified by Clovelly again.

Mayor Hotchkiss said the intent of that statement will be reflected in the minutes. He said the intent of that clause was for the Village to pave the Brookside Avenue if the pipe is put in or after two years even if the pipe has not been installed. He said if there are no further comments; the Board would close the public hearing.

A motion was made by Trustee Lewis and seconded by Trustee Marty to close the public hearing. The vote was approved by a vote of six in favor, none opposed. Trustee Mohan was absent.

Item #12– Resolution Authorizing Licensing Agreement for Parking for Clovelly Homeowners Association

Village attorney Joel Sachs said the Board must accept the SEQRA negative declaration before authorizing the licensing agreement. He said Carol Avenue is included between Brookside and Hillside.

A motion was made by Trustee Marty and seconded by Trustee Marciona to adopt the resolution. The vote was approved by a vote of six in favor, none opposed. Trustee Mohan was absent.

The Board then authorized the licensing agreement between the Village of Pelham and Clovelly.

A motion was made by Trustee McGoldrick and seconded by Trustee Marty to adopt the resolution. The vote was approved by a vote of five in favor, Trustee Morris was opposed. Trustee Mohan was absent.

RESOLUTION

Resolution Authorizing Licensing Agreement
for Parking for Clovelly Homeowners Association

RESOLVED that the Board of Trustees of the Village of Pelham hereby adopts the Licensing Agreement for Parking for Clovelly Homeowners Association

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

Item #13–Monthly Budget Review

Administrator Yamuder stated this is the mid-year report for the Village's Fiscal Year. He said the Village can recognize some of the trends now that the year is approximately half over. He said major expenses such as snow and ice are still expected in addition to the retirement contributions.

The Administrator spoke specifically about the DPW budget. He said the overtime was higher than expected due to the Oct. 29 storm. He said the Village should begin looking ahead to plan for next year's maintenance and improvement projects.

Item #14– Grants- Status Report

Secretary Bonington gave a summary of the Village's grants. The \$340,000 EPA grant for flooding remediation is in the planning phases. Leonard Jackson Associates (LJA) is working on plans and specifications for the installation of a new pipe along Third Street leading to the Hutchinson River. The Secretary stated the three Village's Local Pre-Disaster Flooding Mitigation (LPDM) grants from 2008, 2009, and 2010, respectively, are under review by the Federal Emergency Management Agency (FEMA).

The two Dormitory Authority administered grants are being reviewed. One grant is for the First Street Parking Lot Project, which is funded by a \$100,000 grant from Senator Klein's Office. The other is for a section of Wolfs Lane Park for \$647,000 also being funded through a grant from Senator Klein. The Village has submitted all necessary documentation and is following up periodically for updates.

The Administrator mentioned that a survey is required for several of these projects. He said he has been in contact with a surveyor hoping to get a price for completing a separate survey for each of the three projects. He said he will provide the Board with more information when he receives the proposed price for the work.

Item #15–Other Business

None

Item #16– Authorizing Budget Transfers

These Budget Amendments and Transfers were requested by Finance Director Shirley Brown.

After some discussion, a motion was made by Trustee Lewis and seconded by Trustee Marty to adopt the resolution. The vote was approved by a vote of six in favor, none opposed. Trustee Mohan was absent.

RESOLUTION

Re: Budget Amendments and Transfers for Fiscal Year 2011-12

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, 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 2011-12

Budget by making the following amendments and rollovers:

GENERAL FUND

A3120.121	Police special Assignment	\$7,830	A2772	Refund for Person. Serv.	\$8,430
A9030.935	Social Security	\$600			
	To reflect outside overtime billings				
A2772	Refund for Person. Serv.	\$1,658	A3410.120	Fire OT	\$1,658
	To reflect reversal of outside overtime for Sreet Fair for Fire not billing this year				

2011/12 BUDGET TRANSFERS

GENERAL FUND

A1640.451	Central Gar Vehicle Repair	\$5,000.00	A1640.415	Central Gar. Supp & Mater.	\$5,000.00
A3410.201	Fire Equipment	\$4,127	A3410.452	Fire Building Repair	\$2,127
			A3410.453	Fire Maint.of Equipt	\$2,000
A7110.101	Per Ser Parks	\$236,508	A5110.101	Per Ser Street Maint	\$502,580
A8140.101	Per Ser Storm Sewers	\$59,127			
A8170.101	Per Ser Street Cleaning	\$147,818			
A8310.101	PerSer Water	\$59,127			
	To allocate Public Works Salaries for workers comp insurance categories				
TOTALS		\$521,795	TOTALS		\$521,795

Item #17– Authorizing the Accounts Payable

Trustee Marciona audited the Accounts Payable.

After some discussion, a motion was made by Trustee Marciona and seconded by Trustee Lewis to adopt the resolution. The vote was approved by a vote of six in favor, none opposed. Trustee Mohan 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	\$ 282,666.07
Water Fund	\$0.00
Capital Projects Fund	\$54,760.93
Trust and Agency Fund	\$0.00
CD NYS Main Street Fund	\$ 0.00
H3 Fund	\$0.00
TE Expand Trust Fund	\$ 0.00
Grand Total	\$337,427.00

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

Item #18–Authorizing Minutes of: December 6, 2011

The Board chose to table the minutes until a later meeting.

December 6, 2011- Tabled

Item #19– Adjournment to Executive Session

A motion was made by Trustee Lewis with a second by Trustee Morris to adjourn the public portion of the board meeting at 10:00 p.m. after which time the Board would adjourn for the evening. The motion was approved by vote of six in favor, none opposed. Trustee Mohan was absent.

Respectfully submitted,
Peter Bonington, Secretary to the Village Administrator