

VILLAGE OF PELHAM BOARD OF TRUSTEES
REGULAR MEETING
TUESDAY, DECEMBER 4, 2012, 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:

Non-Recurring Items		7:45 p.m.
7.	Continuing a Public Hearing on Proposed Changes in the Commercial Zoning Code	Approved
8.	Resolution Authorizing the Release of Retainage for Completion of Heating, Ventilation and Air Conditioning Work under Contract 2010-02H	Approved
9.	Resolution Authorizing the Release of Retainage for Completion Plumbing Work under Contract 2010-02P	Approved
10.	Resolution Authorizing the Completion of Probation for Lead Mechanic Robert Coshignano	Approved
11.	Authorizing The Village Of Pelham To Enter Into An Inter-Municipal Agreement With Westchester County For The Coordination Of Police Training And The Sharing Of Police Instructors With The Academy	Tabled
Committee and Community Liaison Reports		8:30 p.m.
12.	Resolution Authorizing Extension of MOU with Spinnaker Real Estate	Approved
13.	Site Plan Review	None
14.	NYW &B	Discussed
15.	Employee Benefits/HR Manual	Discussed
16.	Tree Committee	Discussed
17.	Park Improvements	Discussed
18.	Development (including 3 rd Street RFP)	None
19.	Parking	Discussed
20.	KVS Accounting Software Implementation	Discussed
21.	Fire Task Force	Discussed
22.	Other Business	Discussed
Recurring Items		9:30 p.m.
23.	Authorizing Accounts Payable	Approved
24.	Authorizing Minutes of: November 7, 2012	Approved
25.	Adjournment to Executive Session	9:45p.m.

Next Scheduled Board Meetings are:

Tuesday December 18, 2012

Wednesday, January 2, 2013

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 Deputy Mayor Lewis at 7:30 p.m.

The following members of the Board of Trustees were present:

Deputy Mayor Lewis, Kagan, Marciona, McGoldrick, Marty, Morris

The following members of the Board of Trustees were absent:

Mayor Hotchkiss

Village staff in attendance:

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

Item #2 – Pledge of Allegiance:

The Pledge of Allegiance was led by Deputy Mayor Lewis.

Reports:

Mayor Hotchkiss's Report

Absent

Trustees Reports:

Deputy Mayor Lewis

The Deputy Mayor stated the Village's fund balance improved over the last year increasing by approximately one million dollars. This increase allowed Standards & Poors to upgrade the Village's bond rating from AA+ with a negative outlook to AA+ with a stable outlook. He said this stable rating will help the Village with the bonds it currently has for projects around the Village as well as other bonds the Village may choose to seek in the future.

Deputy Mayor Lewis stated the Village will be bagging meters along 5th Avenue and Wolfs Lane between December 14th and December 27th. He stressed that these spaces are still reserved for two-hour parking only and reminded the community that free parking is intended for shoppers not

merchants and their employees. He said the Village Police will be enforcing the two-hour parking restrictions.

Trustee Marciona

Trustee Marciona stated the Village received the 2012 Urban Forestry Grant for \$3,404 for the purpose of compiling a tree management plan. She stated this plan is part of the overall strategy of the Committee to develop information and resources for the community regarding trees.

Trustee McGoldrick suggested the Tree Committee post information on the Village website regarding the proper planting and maintenance of trees by residents.

Trustee Marty

None

Trustee McGoldrick

None. Left at 8:40 p.m.

Trustee Kagan

Trustee Kagan stated he is reviewing the final draft of the employee handbook before he distributes it to the Board.

Trustee Morris

None

Village Administrator's Report

Administrator Yamuder stated that loose leaf pickup will end on Saturday, December 15, 2012. He reminded residents to have all their organic waste out to the curb before that date. He said no gasoline powered leaf blowers are to be used other than the specified times on the Village's website and TV scroll. He said organic pickups would resume again in the spring on March 15, 2012.

Trustee Marciona added that leaves make good fertilizer for trees.

*Agenda Item #12 took place before Public Comment.

Item #6–Public Comment

Bob Keller of Wolfs Lane spoke to the Board about the parking enforcement on Carol Avenue. Mr. Keller stated that the Parking Enforcement Officers are being aggressive in their enforcement of the two-hour parking restrictions on the west-side of Carol Avenue. He said there has not been consistent enforcement in that area for over six months and now people who park their cars there are receiving tickets. He said he received one, and that different streets have different needs to which the Village should respond.

Deputy Mayor Lewis stated the Village is enforcing the two-hour parking restriction Village-wide, not just Carol Avenue. Administrator Yamuder said Mr. Keller and he had had a lengthy discussion about these concerns earlier in the day. He said that if Mr. Keller feels the ticket was given in error then Mr. Keller can speak with the Court Clerk's Office and contest the ticket in court.

Trustee Kagan stated that the Board does not make the parking restriction times up arbitrarily; he said there is a process to determining how long a car can be parked on a street. He said he would be willing to look into the request further but he wanted to hear more from the residents on Carol Avenue, saying that there may be unintended consequences to changing the parking restriction.

Kathy Mattesi of 210 Carol Avenue asked the Board if they could allow people with handicap permits to park elsewhere for an increased amount of time. She said the current situation has left the residents on Carol Avenue angry at the HOPE permit parkers for leaving their cars on the street for extended periods.

Iris Kasten of 240 Carol Avenue asked if an increased parking restriction from 2 hours to 3 or 4 hours was put in place on Carol Avenue, it might allow teachers to park their cars there during and after school hours. Trustee Kagan stated that could be a consideration in the argument against increasing the parking hours on Carol Avenue.

Trustee Morris said that the local Police Department views not allowing overnight parking as a positive for public safety issue not because criminals may be hiding behind parked cars. Rather cars parked on the street late at night are more likely to belong to people who are not local residents.

Mr. Keller stated that Police Chief Benefico had asked him not to park on Wolfs Lane.

Item #7– Continuing a Public Hearing on Proposed Changes in the Commercial Zoning Code

Trustee Kagan stated that this version of the Commercial Zoning Code is dated November 26, 2012. He said there are three revisions for the Board to review from last time which are primarily clarifications. Trustee Marciona asked about the 250-foot distance requirement between hair salons and light manufacturing.

Trustee Marty said the question regarding allowable uses came up early in the process. He said creating a list of allowable uses and distance requirements will make for a more comprehensive Commercial Code. Trustee Marciona stated that the village should consider extending the minimum distance requirement to auto repair shops in the C-2 district. Resident Carol Spawn Desmond alleged that the board had overlooked an opportunity to renegotiate the MOU with Spinnaker Real Estate Partners when it agreed to extend the contract. Among the changes she suggested was to make sure the developer clearly defined the term luxury apartment because apartments that had been described as luxury apartments in other communities had become homes to Section 8 renters. Deputy Mayor Lewis asked what community she was referring to and Ms. Spawn Desmond said Avalon in New Rochelle. Mr. Lewis used an expletive to characterize the inaccuracy of that statement and told Ms. Spawn Desmond that the Village had looked into that rumor and had determined that it was unfounded.

Jennifer Laphey, Vice President of the Pelham Preservation and Garden Society and a resident of Pelham Manor, said her group has voted on this issue and has suggested to the Board that it work on the proposed development on 5th Avenue and 3rd Street within the existing Commercial Zoning Code. Ms. Laphey stated that these two initiatives are linked and this creates a great concern among residents. She added that she felt Ms. Spawn Desmond was mistreated by the Board when she spoke regarding the extension of the MOU.

Deputy Mayor Lewis apologized for using inappropriate language, but stated that the Board is performing its fiduciary responsibility regarding both of these initiatives. He thanked those residents who made comments during the meeting.

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

Item #8– Resolution Authorizing the Release of Retainage for Completion of Heating, Ventilation and Air Conditioning Work under Contract 2012-02H

Administrator Yamuder said this resolution will release the 5% retainage for the HVAC portion of the DPW Yardhouse Project. He said all work has been satisfactorily completed. The retainage to be released is in the amount of \$10,950.

Trustee Kagan asked Administrator Yamuder whether all work had been completed and inspected to our satisfaction. Administrator Yamuder stated the work had been inspected and completed.

A motion was made by Trustee Marciona and seconded by Trustee Kagan to adopt the resolution. The vote was approved by a vote of five in favor, none opposed. Mayor Hotchkiss and Trustee McGoldrick were absent.

Resolution
Authorizing the Release of Retainage for
Completion of Heating, Ventilation, and Air Conditioning Work under Contract 2010-02H

BE IT RESOLVED, that the Board of Trustees of the Village of Pelham hereby authorize the release of retainage to ACS System Associates, Inc. in the amount of ten thousand nine hundred-fifty dollars and no cents (\$10,950.00) with the completion of the Heating, Ventilation, and Air Conditioning work under Contract 2010-02H for the construction of the Department of Public Works Facility and FTA Parking Lot.

BE IT Further RESOLVED that this resolution authorizes Village Administrator/Treasurer to take the necessary and appropriate actions to effect this refund.

Item #9– Resolution Authorizing the Release of Retainage for Completion Plumbing Work under Contract 2012-02P

Administrator Yamuder stated this resolution is similar to agenda item #8 as it is for the release of the 5% retainage for the Plumbing portion of the project. The amount is \$2,135.24.

A motion was made by Trustee Kagan and seconded by Trustee Marciona to adopt the resolution. The vote was approved by a vote of five in favor, none opposed. Mayor Hotchkiss and Trustee McGoldrick were absent.

Resolution
Authorizing the Release of Retainage for
Completion of Plumbing Work under Contract 2010-02P

BE IT RESOLVED, that the Board of Trustees of the Village of Pelham hereby authorize the release of retainage to Jacan Plumbing, Heating, Air Conditioning, and Ref. Inc. in the amount of two thousand one hundred-thirty five and twenty four cents (\$2,135.24) with the completion of the Plumbing work under Contract 2010-02P for the construction of the Department of Public Works Facility and FTA Parking Lot.

BE IT Further RESOLVED that this resolution authorizes Village Administrator/Treasurer to take the necessary and appropriate actions to effect this refund.

Item #10– Resolution Authorizing the Acknowledgement of the Successful Completion of Probation for Lead Maintenance Mechanic Robert Coshignano

Administrator Yamuder said DPW Foreman Michael Shriman is recommended the Board authorize the successful completion of probation for DPW Mechanic Robert Coshignano and authorize his employment full time.

Trustee Kagan asked if there have been any savings as a result of Mr. Coshignano's hiring. Administrator Yamuder stated that many tasks that previously had to be contracted out have now been brought in house as part of Mr. Coshignano's duties.

A motion was made by Trustee Marciona and seconded by Trustee Morris to adopt the resolution. The vote was approved by a vote of five in favor, none opposed. Mayor Hotchkiss and Trustee McGoldrick were absent.

RESOLUTION

AUTHORIZING THE ACKNOWLEDGEMENT OF THE SUCCESSFUL
COMPLETION OF PROBATION
FOR ROBERT COSHIGNANO AS LABORER

BE IT RESOLVED, that the Mayor and Board of Trustees hereby authorize the acknowledgement of successful completion of probation for Robert Coshignano as Lead Maintenance Mechanic, which is approved based on the positive evaluation and recommendation of the Public Works General Foreman.

Item #11–Authorizing The Village Of Pelham To Enter Into An Inter-Municipal Agreement With Westchester County For The Coordination Of Police Training And The Sharing Of Police Instructors With The Academy

Trustee Lewis said this inter-municipal agreement would allow the Police Chief to donate Pelham officers time to train at the Academy. Administrator Yamuder stated he had spoken with Chief Benefico regarding this five-year agreement. He said this will be the third time that Pelham has approved this agreement and taken part in this program. He said it is a mutually beneficial arrangement for the County and the community.

Trustee Marciona asked how much time would Pelham be expected to donate. Administrator Yamuder said Pelham would be expected to contribute 60 hours of training time.

Trustee Kagan asked that the Board table this resolution until the Board can review a compared copy of the previous year's agreement and review any changes from the previous years to this agreement. Trustee Kagan also stated that his understanding of the requirements under the contract were the same as described by the Administrator.

The Board decided to table this resolution until a later meeting.

RESOLUTION

AUTHORIZING THE VILLAGE OF PELHAM
TO ENTER INTO AN INTER-MUNICIPAL AGREEMENT
WITH WESTCHESTER COUNTY
FOR THE COORDINATION OF POLICE TRAINING
AND THE SHARING OF POLICE INSTRUCTORS WITH THE ACADEMY

RESOLVED, that the Board of Trustees of the Village of Pelham authorizes the Village of Pelham to participate in a Police Training IMA for a five year period from March 21, 2012 to March 20, 2017 with Westchester County that would require, from time to time, the Village to send certified instructors to assist with the police training, which the Village utilizes when it sends candidates to the Westchester Police Academy, and the Village shall act as a part of the rotation of municipalities sharing instructors with the Westchester County Police Academy, and authorizes the Mayor, the Administrator, and the Police Chief to take the necessary and appropriate actions to sign this agreement and participate in this program

Committee and Community Liaison Reports

Item #12– Resolution Authorizing Extension of MOU with Spinnaker Real Estate

*Agenda Item #12 took place before Public Comment

Deputy Mayor Lewis stated the Village entered into a Memorandum of Understanding back on June 5, 2012 with Spinnaker Real Estate Partners and Clarion Real Estate Group. He said the MOU was approved for a period of six months during which time the Village would not work with any other developers and both real estate firms would write up a proposal to give the Village. Deputy Mayor Lewis stated this extension will be for four months ending on April 5, 2013. He said this extension will give the developers more time to formulate their proposal.

Trustee Kagan added that this extension will give the Board more time to speak with residents and local organizations to get their insight into the project. Trustee Marty stated said the rough outline of this process is that once the Village is handed a proposal from Spinnaker, it will begin the SEQRA process which can take months to be completed. He said the Village land use boards will also take time to review the plans.

Trustee Marty stated the Village has received an opinion from the Village's real estate counsel that the language of the MOU is non-binding and does not commit it to a Purchase and Sale Agreement with this developer. He said the Board received an email confirmation from Spinnaker agreeing with the Village's assessment of the MOU.

John Cassone of 312 7th Avenue asked where the \$25,000 the Village received as a part of the MOU is. Deputy Mayor Lewis said the money is in the Village's accounts.

Carol Spawn Desmond spoke to the Board about her concerns regarding the terms of the MOU. She made several points to the Board about the necessary language in a non-binding agreement and the opportunity to renegotiate the terms of the MOU. She stated the current MOU does not contain any language that specifically states the memo is non-binding and there is no separation under the law between the Village and Spinnaker/Clarion.

Ms. Desmond added that there is a lack of protective measures to safeguard the Village in the case of a legal dispute. She stated there was ambiguous language within the MOU such as the clause stating that all plans must be completed to the "co-developer's mutual satisfaction."

Deputy Mayor Lewis stated the Board has consulted with its real estate counsel and received an opinion that the MOU is not a binding document. He said this agreement is only an extension of the existing agreement.

Trustee Kagan disagreed with Ms. Desmond's interpretation and stated the MOU does not take away SEQRA review. He said it is a contingent agreement on all land use and Board of Trustee approvals.

He said the Board sought advice from its attorneys and received their written opinion regarding this agreement.

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

**RESOLUTION EXTENDING 5TH AVENUE AND 3RD STREET
MEMORANDUM OF UNDERSTANDING**

WHEREAS, on June 5, 2012, the Village of Pelham (the "Village") entered into a Memorandum of Understanding with Spinnaker Real Estate Partners LLC and Clarian Real Estate Group LLC (the "Co-Developers") in regard to the redevelopment of approximately 1.3 acres of Village owned property designated on the Official Village Tax Map as Tax Lot Numbers 163.36-2-12, 163.36-2-23 and 163.36-2-24; and

WHEREAS, pursuant to such Memorandum of Understanding, the Village and Co-Developers are to negotiate and finalize an Agreement in regard to the redevelopment of the subject property; and

WHEREAS, such Memorandum of Understanding is set to expire on or about December 5, 2012; and

WHEREAS, both the Village and Co-Developers agree that it is in their mutual interests that the Memorandum of Understanding be extended for an additional 120 days in order to give the parties time to negotiate and finalize an Agreement,

NOW THEREFORE BE IT

RESOLVED, that the Memorandum of Understanding between the Village and the Co-Developers entered into on June 5, 2012 is hereby extended until April 5, 2013, and it further

RESOLVED, that all terms of said Memorandum of Understanding remain in full force and effect, with the only changes being the applicable dates set forth therein, and it is further

RESOLVED, that the Mayor is authorized to sign the Memorandum of Understanding on behalf of the Village.

Committee and Community Liaison Reports

Item #13- Site Plan Review

None

Item #14- NYW &B

Trustee Marty stated that he needs to give the Committee a target date for when the options paper should be completed.

Item #15- Employee Benefits/HR Manual

Trustee Kagan stated the final draft of the manual is under his review. He said he hopes to have it ready soon.

Item #16- Tree Committee

Trustee Marciona stated that the trees that were planted as part of the New York Power Authority Tree Program were not planted correctly. She said the burlap sack around the base of the tree needs to be removed and the nylon wrapping around the trunk as well.

Item #17- Park Improvements

Trustee Marciona said the Town Board is not acting in the spirit of cooperation on the Trotta Park project. She said none of the Trustees have reviewed the RFP which has been put out for a new landscape architect. She said the RFP is poorly written and she believes there are problems with the scope of the work outlined in the document.

Deputy Mayor Lewis said Mayor Hotchkiss and he had met with Town Supervisor DiPaolo to discuss this project. He said both the Village and the Town are committed to moving forward on this project.

John Cassone of 7th Avenue said he attended the Town Board meeting where Town Supervisor DiPaolo said that all bids received by the Town will be reviewed by the Village as well. He said there were plans drawn up a few years ago but they were never followed up on. He encouraged the members of both Boards to move forward as soon as possible.

Trustee Kagan requested the Village Administrator to request copies of all the bids once they are opened on December 12 and report back to the Board.

Item #18- Development (including 3rd Street RFP)

None

Item #19- Parking

Deputy Mayor Lewis reminded residents again that two-hour parking will be enforced strictly even after the bags are placed on meters in the commercial district. He also added that the police will be using photo-enforcement to ensure vehicles are not being left in excess of 2 hours.

Item #20- KVS Accounting Software Implementation

Administrator Yamuder stated that the KVS staff are still working on the Mayor's request for a forecasting budget sheet.

Item #21- Fire Task Force

Trustee Kagan said the Village should look to the Town of Ossining's IMA with the County to share Police services. He said Pelham could look into doing something similar with its Village services.

Item #21- Other Business

Administrator Yamuder said the Village is pursuing a reimbursement opportunity from FEMA for Hurricane Sandy. He said he has met with FEMA representatives and has begun the initial paperwork. The Administrator stated it is a very similar process to the Hurricane Irene which the Village recently received reimbursement funds for.

John Cassone of 7th Avenue asked the Board if additional shelter space could be utilized in the event of a similar disaster like Sandy. He asked if a space such as the Firehouse could be used. Deputy Mayor Lewis stated that there is little space available at the Firehouse but said perhaps the Schools could be used in the future.

Trustee Marciona asked where the Board was on setting up a social media initiative for communication purposes during major storms. Administrator Yamuder said that he has looked into the matter through a professor at Pace University. He said she said that most municipalities do not have the resources to successfully maintain a Facebook or Twitter account however she recommended that if a municipality does pursue this avenue of communication, the accounts must be tightly regulated and controlled to prevent misinformation and multiple responses to single inquiries. Alex Wolff of the Pelham Weekly stated that social media communication was very effective for his organization during the storm.

Item #22- Authorizing Accounts Payable

Trustee McGoldrick audited the Accounts Payable.

Administrator Yamuder cautioned the Board the pension rate is expected to increase between 14% to 22% this year. Trustee Kagan added that this is on top of a constricted property tax cap.

A motion was made by Trustee Marty and seconded by Trustee Kagan to adopt the resolution. The vote was approved by a vote of five in favor, none opposed. Mayor Hotchkiss and Trustee McGoldrick 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	\$ 1,275,140.63
Water Fund	\$ 715.00
Capital Projects Fund	\$ 0.00
Trust and Agency Fund	\$4,562.50
H3 Fund	\$0.00
TE Expandable Trust Fund	<u>\$109.06</u>
Grand Total	\$ 1,280,527.19

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

Item #23- Authorizing Minutes of: Authorizing Minutes of: November 7, 2012, November 20, 2012

A motion was made by Trustee Marty and seconded by Trustee Morris to adopt the resolution to adopt the minutes from November 7, 2012. The vote was approved by a vote of five in favor, none opposed. Mayor Hotchkiss and Trustee McGoldrick were absent.

November 7, 2012- Approved

November 20, 2012- Tabled

Item #24- Adjournment to Executive Session

A motion was made by Trustee Marty with a second by Trustee Kagan to adjourn the public portion of the Board meeting and go into Executive Session to discuss a personnel matter at 10:30 p.m. after which time the Board would adjourn for the evening. The motion was approved by vote of five in favor, none opposed. Mayor Hotchkiss and Trustee McGoldrick were absent.

Respectfully submitted,
Peter Bonington, Secretary to the Village Administrator