

VILLAGE OF PELHAM BOARD OF TRUSTEES
REGULAR MEETING
TUESDAY, DECEMBER 6, 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

#	Agenda Items:	Approximate Starting Time of Discussion
	Non-Recurring Items	7:40 p.m.
7.	Resolution Accepting Mr. Hanusik's Retirement Effective December 9, 2011	Approved
8.	Resolution Authorizing the Hiring of an Employee for the Position of Lead Maintenance Mechanic	Approved
9.	Resolution Supporting Hudson Valley Legal Services	Approved
10.	Tax Certiorari Settlement and Payment Authorizations for Lincoln Apts. 84-88 Lincoln Avenue	Approved
11.	Schedule a Public Hearing Regarding Licensing Agreement for Parking for Clovelly Homeowners Association	Approved
12.	Resolution Authorizing Release of Retainage for Completion of General Construction work under Contract 2010-02G	Approved
	Committee and Community Liaison Reports	8:30 p.m.
13.	Commercial Zoning Review	Discussed
14.	Site Plan Review	Discussed
15.	B & W Site	Discussed
16.	Employee Benefits/HR Manual	Discussed
17.	Tree Committee	Discussed
18.	Park Improvements	Discussed
19.	Development (including 3 rd Street RFP)	Discussed
20..	Parking	Discussed
21.	Replacing Video Equipment	Discussed
22.	Updating NY Building Code	Discussed
23.	KVS Accounting Software Implementation	Discussed
24.	Other Business	Approved
	Recurring Items	9:00 p.m.
25.	Authorizing Accounts Payable	Approved
26.	Authorizing Minutes of: October 18, 2011; November 1, 2011; November 15, 2011	Approved
27.	Adjournment to Executive Session	9:30 p.m.

Next Scheduled Board Meetings are:
Tuesday, December 20, 2011
Tuesday, January 3, 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, Marty, McGoldrick, Morris

The following members of the Board of Trustees were absent:

Trustee Marciona and 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

Mayor Hotchkiss reminded residents that the last collection for organic waste will take place on Thursday, December 15, 2011.

Trustees Reports:

Trustee Lewis

None

Trustee Marciona

Absent

Trustee Marty

Absent (arrived at 8:15 p.m.)

Trustee McGoldrick

None

Trustee Mohan

Absent

Trustee Morris

Trustee Morris stated that she met with Frankie Rowland of Community Markets at Bistro Rollin with Arthur Bratone, the business owner. She said the purpose of the meeting was to generate some new ideas for the Farmer's Market in Pelham. She said if any residents have any thoughts or suggestions that they may contact Ms. Rowland at frowland@communitymarkets.biz. Trustee McGoldrick stated that an alternative location for the Farmer's Market might be the DeCicco's Parking Lot. Trustee Morris stated that with a few spaces given to the Market by DeCicco's Market may prove to be a better spot for foot traffic.

Village Administrator's Report

Administrator Yamuder stated that the parking meter rates for the meters by the train station have been increased and are in effect. He said at a prior Board meeting, the Trustees had determined to raise the rates from \$.75 to \$1.00 per hour. He said these meters are located on Harmon Avenue and First Street.

Item #6– Public Comment-

None

Item #7– Resolution Accepting Mr. Hanusik's Retirement Effective December 9, 2011

Mayor Hotchkiss stated that Tom Hanusik of the DPW will be retiring this year. He said the Board is approving this agreement as an irrevocable acceptance of his resignation. He said the agreement was drawn up by Village labor attorney Ernie Stoltzer. He said Mr. Hanusik's last day will be Friday, December 9, 2011.

Trustee Lewis asked if there were any extra benefits in this agreement. Administrator Yamuder stated that Mr. Hanusik will receive the benefits stipulated in his original contract.

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

Mayor Hotchkiss added that Mr. Hanusik had worked for the Village for a long time and his service is greatly appreciated by the Village.

Resolution

BE IT RESOLVED, the Board of Trustees approves the terms of the Stipulation of Agreement between the Village and Thomas Hanusik executed by the employee on November 9, 2011 and authorizes the Mayor to execute the Stipulation of Agreement on behalf of the Village; and

FURTHERMORE, the Board of Trustees and Mayor hereby accept Mr. Hanusik's irrevocable letter of resignation for purposes of retirement effective December 9, 2011.

Item #8—Resolution Authorizing the Hiring of an Employee for the Position of Lead Maintenance Mechanic

Mayor Hotchkiss said this next resolution authorizes the hiring of a new mechanic to fill the position. He said this applicant comes with the recommendation of DPW Foreman Michael Shriman.

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

RESOLUTION

AUTHORIZING THE APPOINTMENT BY THE MAYOR
OF ROBERT COSCHINANO TO THE POSITION OF
LEAD MAINTENANCE MECHANIC
IN THE PELHAM PUBLIC WORKS DEPARTMENT

BE IT RESOLVED, that the Board of Trustees of the Village of Pelham authorize the appointment by the Mayor of Robert Coschinano of Brewster New York, to the position of Lead Maintenance Mechanic., with an effective date of appointment to start on Monday, December 5, 2011, with salary and benefits as agreed upon in the collective bargaining agreement between the Village of Pelham and the local Pelham CSEA, subject to the requirements of Civil Service, for a probationary period of one year (1) year, and authorizes the Mayor and the Village Administrator to take the necessary and appropriate actions to effect this appointment.

Item #9—Resolution Supporting Legal Services of the Hudson Valley

Mayor Hotchkiss stated that Richard Meniker is here representing a group of attorneys advocating for continued funding of Legal Services of the Hudson Valley from Westchester County. He asked if Mr. Meniker would like to present his proposal to the Village Board.

Mr. Meniker said the Legal Services of the Hudson Valley was founded to help citizens in financial straits with legal assistance. One its primary purposes are working in evictions cases, which prevents homelessness in Westchester County. He said the organization had previously received funding from the Federal and State governments including Westchester County. He said however that the presentation of the County budget showed that all funding from the County would be cut this coming fiscal year. He asked the Village Board of Trustees, in whatever way they deemed appropriate, to offer a show of support for the Hudson Valley Legal Services.

The Board was favorable to supporting the concept of Hudson Valley Legal Services. Trustee Lewis recommended a follow up letter to County Executive Astorino. Mayor Hotchkiss said that he could support a restoration of some of the funding but perhaps given the tight budget situation at the County they may not be able to restore all the original funding.

Mr. Meniker said the statement of support from the Village Board was more important at this time than the financial amount of the funding. He said if the Board wishes to amend any language in its statement of support related to the amount of funding for Legal Services of the Hudson Valley, it may do so.

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

Resolution

Whereas, Legal Services of the Hudson Valley, through its Southeast Westchester office in Mount Vernon, has served as the main legal bulwark against homelessness in Pelham, Mount Vernon and New Rochelle during the past decade by providing guidance to and representation of indigent tenants facing possible eviction by their landlords; and

Whereas, the work of Legal Services of the Hudson Valley in preventing homelessness has historically saved the taxpayers of Westchester County approximately \$3.00 in mandated shelter and related costs for every dollar spent in support of work; and

Whereas, in 2011 Westchester County appropriated \$443,000 in funding for the homelessness prevention work of Legal Services of the Hudson Valley, a substantial portion of which was allocated to representation of indigent tenants through the Southeast Westchester office of the organization, with a direct benefit both to affected residents in the Village of Pelham and to Pelham taxpayers generally; and

Whereas, in November 2011 the office of the County Executive of Westchester County announced a proposed budget that would eliminate all funding for the services provided by Legal Services of the Hudson Valley to indigent citizens of the County in 2012, including \$443,000 for homelessness prevention; and

Whereas, the Board of Trustees of the Village of Pelham have determined that the funding of Legal Services of the Hudson Valley constitutes a valuable function of County government and is economically beneficial to the taxpayers of the County generally and the Village of Pelham in particular,

It is hereby resolved, that the Board of Trustees of the Village of Pelham supports the continued funding of Legal Services of the Hudson Valley, in particular with respect to that organization's homelessness prevention work, and requests that the County Executive restore to the final proposed budget submitted for approval by the Westchester County Legislature an amount equal to the sum appropriated for support of Legal Services of the Hudson Valley in 2011.

Item #10—Tax Certiorari Settlement and Payment Authorizations for Lincoln Apts. 84-88 Lincoln Avenue

Mayor Hotchkiss said the Village has received this certiorari for the apartment building located at 84-88 Lincoln Avenue. Trustee Lewis asked why so many of these certioraris are coming before the Board. Administrator Yamuder said he was told that there is such a backlog of these property tax cases that many are dismissed by the court without much investigation. This could account for the number of certiorari's coming before the Board. Mayor Hotchkiss added there is a cottage industry based on these claims. He said he would speak with the Assessor to see if any more are expected for this Fiscal Year.

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

AUTHORIZING A TAX CERTIORARI JUDGMENT
FOR LINCOLN APARTMENTS AVENUE
AS AUTHORIZED BY THE TOWN OF PELHAM
FOR ASSESSMENT YEARS 2004 and 2010
(CORRESPONDING TO FY 2005-2012)

BE IT RESOLVED, that the Board of Trustees of the Village of Pelham hereby authorize the court ordered settlement and payment for a refund of taxes and reduction in assessment to Lincoln Apartments pursuant to the Court Order and Judgment for the properties at the following address for the following amounts:

<u>Address:</u>	<u>Tax Lot ID Number:</u>	<u>Assessment Years:</u>	<u>Amount:</u>
84-88 Lincoln Ave.	163.28-2-80	2004	\$1,928.96
		2005	\$1,976.68
		2006	\$1,917.47
		2007	\$2,039.84
		2008	\$2,418.00
		2009	\$2,620.32
		2010	\$2,912.88
		Total:	\$15,814.15

In the total amount of fifteen thousand eight hundred fourteen dollars and fifteen cents (\$15,814.15) and authorizes the Mayor, the Village Attorney and the Village Administrator/Treasurer to sign these agreement and take the necessary and appropriate actions to effect this Court Order and refund these taxes.

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

Mayor Hotchkiss said this resolution calls for a public hearing regarding the status of the streets on Brookside Avenue and Hillside Avenue. He said the Village and Clovelly in Pelham, Inc. have drafted

a licensing agreement to recognize the streets as public and to make arrangements for parking. He said residents will have the opportunity to speak on this agreement at the next Board meeting.

Jamie Caboracas of 9 Brookside Avenue asked the Board if the Picture House expansion project is not a part of this licensing agreement, why is there a clause in the agreement that says Clovelly as an association cannot oppose the proposed storm-water remediation pipe running down Brookside Avenue. He asked what this expansion project has to do with Brookside Avenue as a public street.

Mayor Hotchkiss said the water runoff pipe was part of the variance granted to the Picture House for their proposed expansions. He said the Village has not signed anything related to the expansion. This public hearing is only to address the parking licensing agreement and the status of Brookside and Hillside as public streets.

Mr. Caboracas said the “don’t fight the pipe” clause was a Village demand imposed on Clovelly.

Mayor Hotchkiss responded that the clause was part of a negotiation process. He suggested Mr. Caboracas talk to Clovelly if he has concerns but added that individual residents can support whatever viewpoint on the proposed expansion when the time for that public hearing comes.

Carolyn O’Connor of 213 Carol Avenue asked if the notification of this public hearing would be publicized. Administrator Yamuder stated it would be published in the Pelham Weekly. Mayor Hotchkiss finished by saying that there is no requirement for a public hearing but he wanted to ensure that the public did have an opportunity to comment on this licensing agreement.

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

VILLAGE OF PELHAM, NY
Scheduling a Public Hearing Regarding
Licensing Agreement for Parking for
Clovelly Homeowners Association

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 20, 2011, in Village Hall at 195 Sparks Avenue, Pelham, NY, regarding a licensing agreement for parking for Clovelly Homeowners Association

A copy of the draft proposed licensing agreement 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
Publication date: Friday, December 9, 2011

Item #12– Resolution Authorizing Release of Retainage for Completion of General Construction work under Contract 2010-02G

Administrator Yamuder stated this resolution pertains to the retainage for the general construction services of MVM Construction, LLC for their work on the DPW Yard Project and municipal lot #7. He said the Village is satisfied with the work performed by MVM and would like to release the remaining balance of the retainage to MVM.

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

Resolution
Authorizing the Release of Retainage for
Completion of General Construction work under contract 2010-02G

BE IT RESOLVED, that the Board of Trustees of the Village of Pelham hereby authorize the release of retainage to MVM construction Inc. in the amount of thirty-seven thousand nine hundred eighty six dollars and eighty one cents (\$37,986.81) with the completion of the General Construction work under Contract 2010-02G for the construction of the Dept. 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.

Committee and Community Liaison Reports

Item #13–Commercial Zoning Review

Trustee Lewis said the Planning Board is still reviewing the proposed zoning changes. He said that if the Planning Board cannot come to a decision soon, the Village may submit the proposed changes to the County Planning Board for review as they do not need Village Planning Board approval to proceed.

Trustee Marty said that he will continue to work with the Planning Board over the next few weeks in hopes of getting their approval for these changes to the Village Code.

Item #14–Site Plan Review

Mayor Hotchkiss stated that he rewrote the draft code changes for the site plan review process. He said they Site Plan Committee are getting closer at defining the roles of the land use boards. He said also that the “Building Committee” referenced in the current Code language would be changed to “Building Inspector” to define the Inspector as the primary point of contact in the site plan review process. The Mayor said having this process clearly defined will be a great assistance to Village residents.

Item #15–NYW&B Site

Trustee Marty reported that the NYW&B Committee’s RFPs for the Highbrook Avenue Bridge have been returned to the Village. He said there were two RFPs, one for a study of the Bridge, the other

for a price for demolition of the structure. He said a total of five proposals were received by the Village of Pelham; four for the study of the Bridge and one for a demolition price estimate.

Trustee Marty stated that on the bridge demolition request for qualification some unknowns may have prevented the bidders from submitting hard prices. He said that a lack of specificity could be a reason for the Village not receiving fully realized demolition pricing from these bidders.

Mayor Hotchkiss suggested that the Village should hire an engineer to develop a set of plans and specifications for the Highbrook Bridge demolition pricing in hopes of getting more specific bid prices. Trustee Marty said the Village tried to put out these bid documents in the most expedient way but having an engineer prepare plans for a fee would take away many of the unknowns about pricing the demolition project.

Trustee Marty stated that the Committee has also applied for an Environmental Justice grant for the remediation of Site A, otherwise known as the Greenspace. He said a goal would be to formalize a remediation strategy for the Greenspace with the hope of being able to take down the fence by the spring. Mayor Hotchkiss said the Village should not take any action until the grant is awarded.

Item #16– Employee Benefits/HR Manual

Administrator Yamuder stated that he had forwarded labor attorney Ernie Stoltzer's comments to the Board for review. He said he was also awaiting Village Attorney Maldonado's comments as well. He said these would be forwarded to the Board when available.

Item #17– Tree Committee

Administrator Yamuder that the Village purchased ten trees through the New York Power Authority program. The Village is entitled to ten additional trees as part of the two-for-one program. He said the Village will be installing them based on the list for tree requests around the Village.

Item #18– Park Improvements

Administrator Yamuder stated that the Village would be renovating street brick lanes in front of Trotta Park. He said these improvements are being paid for by the remaining balance from the Colonial Avenue Milling and Paving project. He said these renovations would assist in the overall redesign for the Trotta Park Plan.

Administrator Yamuder stated he is in the process of getting a survey for a section of Wolfs Lane Park. He said he is trying to generate some savings by including it with two other survey projects needed for the Community Development Block Grant program (CDBG) along 7th Avenue and the section of Third Street for the EPA grant for storm-water remediation. Administrator Yamuder stated that having one survey crew perform all these surveys would be both time and cost efficient.

Trustee Morris added that she had spoken with the Pelham Junior League about its interest in raising funds for the Children's Adventure Park portion of the Wolfs Lane Park Plan. She said an agreement would have to be drafted between the Village and the Junior League. She said the membership organization's would need to vote on this agreement.

Item #19–Development (including 3rd Street RFP)

Mayor Hotchkiss said the Village Board is speaking with two developers who will submit proposals once the Village enters into a memorandum of understanding with the Village. They will perform an engineering review and other due diligence and then submit a site-plan application. He said this project has a lot of potential for the Village of Pelham to expand the tax base and revitalize the downtown area.

Item #20– Parking

Administrator Yamuder said municipal lot #1 has been completed. He said of the 29 spaces created by this renovation, the Village has sold permits for between 17 and 20 of the available spaces. The Mayor said he wanted to make sure these spaces were advertised in Mount Vernon and New Rochelle as non-resident commuter parking spaces. Trustee McGoldrick asked if there is any preference for Pelham residents. Mayor Hotchkiss said this lot is specifically for non-resident commuters, so there is no Pelham preference.

Administrator Yamuder said two muni-meters have been ordered for use in municipal lots #1 and #7. He said they would be installed in these lots for use as non-permit parking during certain hours.

The Administrator finished his report by saying that the renovations to municipal lot #3 were complete.

Item #21– Replacing Video Equipment

Secretary Bonington reported that he is working with the Village's technician, Ivan Raguz, to find suitable equipment to update the system. He said after he received Mr. Raguz's recommendations, the new equipment can begin to be ordered.

Item #22– Updating NY Building Code

Administrator Yamuder said he will schedule a meeting between Building Inspector Len Russo and Village Prosecutor Martha Conforti to finalize the updates for the Pelham Building Code.

Item #23- KVS Accounting Software Implementation

Administrator Yamuder said he is working on the implementation of the KVS software and training. He said new computers have been installed for the Village staff in preparation of the software. He added that with these new computers, Village Clerk was able to draft a copy of the 2012 Sanitation Calendar. He said these new features on the Village computers will make the process of generating the schedule easier for next year.

Item #24-Other Business

Mayor Hotchkiss stated he had received a memo from Police Chief Benefico regarding the successful completion of probation for Sgt. Chris Casucci. He said the memo recommends making the appointment to sergeant in the Pelham Police Department permanent based on this completion.

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

Mayor Hotchkiss then consulted the Board about the bagging of two-hour meters throughout the Village for the holiday season. He recommended that the meters begin being bagged on Friday, December 16 and would remain in effect until Tuesday, December 27, 2011. Administrator Yamuder reminded the public that there is still a two-hour time limit for the bagged meters, but residents and visitors will not be charged for parking. Trustee Marty said this is a tradition in Pelham and he did not think this was a good year to make any changes.

Item #25-Authorizing Accounts Payable

Trustee McGoldrick audited the Accounts Payable.

After some discussion, a motion was made by Trustee McGoldrick and seconded by Trustee Morris to adopt the resolution. The vote was approved by a vote of five in favor, none opposed. Trustees Marciona and Mohan 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	\$ 1,134,834.37
Water Fund	\$ 50,423.56
Capital Projects Fund	\$ 133,317.08
Trust and Agency Fund	\$700.00
H3 Fund	\$0.00
CD NYS Main Street Fund	\$0.00
TE Expandable Trust Fund	<u>\$0.00</u>

Grand Total \$ 1,319,275.01

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

Item #26-Authorizing Minutes of: October 18, 2011; November 1, 2011; November 15, 2011

October 18, 2011-

A motion was made by Trustee Lewis and seconded by Trustee McGoldrick to adopt the resolution. The vote was approved by a vote of four in favor, none opposed. Trustee Marty abstained. Trustees Marciona and Mohan were absent.

November 1, 2011-

A motion was made by Trustee McGoldrick and seconded by Trustee Marty to adopt the resolution. The vote was approved by a vote of three in favor, none opposed. Trustees Lewis and Morris abstained. Trustees Marciona and Mohan were absent.

November 15, 2011-

A motion was made by Trustee McGoldrick and seconded by Trustee Lewis to adopt the resolution. The vote was approved by a vote of three in favor, none opposed. Mayor Hotchkiss and Trustee Marty abstained. Trustees Marciona and Mohan were absent.

Item #27- Adjournment to Executive Session

A motion was made by Trustee Lewis with a second by Trustee McGoldrick to adjourn the public portion of the board meeting at 8:45 p.m. at which time the Board would adjourn for the evening. The motion was approved by vote of five in favor, none opposed. Trustees Marciona and Mohan were absent.

Respectfully submitted,
Peter Bonington, Secretary to the Village Administrator

