

VILLAGE OF PELHAM BOARD OF TRUSTEES  
REGULAR MEETING  
TUESDAY, DECEMBER 7, 2010, 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:

<b>Non-Recurring Items</b>		<b>7:45 p.m.</b>
7.	Continuing a Public Hearing Regarding the Recognition of Hillside and Brookside Avenues as Public Streets- Postponed	Approved
8.	Authorizing the Renewal of an Agreement Between the County of Westchester and the Village of Pelham for the Snow and Ice Reimbursement Program for Removal of Snow and Ice on Westchester County Roads Located in the Village of Pelham	Tabled
<b>Committee and Community Liaison Reports</b>		<b>8:15 p.m.</b>
9.	Commercial Zoning Review	Discussed
10.	Site Plan Review	Discussed
11.	B & W Site	
12.	Employee Benefits/HR Manual	Discussed
13.	Tree Committee	Discussed
14.	Park Improvements	Discussed
15.	Development (including 3 <sup>rd</sup> Street RFP)	Discussed
16.	Parking (including FTA Parking Lot project)	Discussed
17.	Other Reports	Discussed
<b>Recurring Items</b>		<b>9:00 p.m.</b>
18.	Other Business	Discussed
19.	Budget Amendment and Transfer Resolution	Approved
20.	Authorizing Accounts Payable	Approved
21.	Authorizing Minutes of: September 21, 2010	Approved
22.	Adjournment to Executive Session	<b>9:30 p.m.</b>

Next Scheduled Board Meetings are:

Tuesday, December 21, 2010

Tuesday, January 4, 2011

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 7:30 p.m.

The following members of the Board of Trustees were present:

Mayor Edward Hotchkiss, Trustees Mohan, Bullock, Lewis, and Marty

The following member of the Board of Trustees were absent:

Trustees Morris and Breskin

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's Report

Mayor Hotchkiss reported that, as per tradition, the Village will be bagging meters two weeks before Christmas to assist the merchants in town and to encourage residents and visitors to shop in Pelham. He said the bags would be placed on the meters beginning Friday, December 10 and would remain until Sunday, December 26. Monday, December 27 the meters will be operating as usual.

The Mayor reported two grants the Village has been pursuing have been received to date. One installment from the streetscape portion of the New York Main Street grant program amounting to \$38,250.00 has been received. These awarded monies were for the reimbursement of the Wolfs Lane Park benches and bike racks. The second installment was for a Member Item grant from Senator Klein's office amounting to approximately \$25,000 for the Pelham Police Department Live Scan Fingerprint Unit. The Mayor reminded the public that these are non-matching funds which means the Village is not out of pocket for any of the purchases with these grant funds.

Mayor Hotchkiss mentioned the opening of the Dunkin Donuts and the Dry Cleaner on the corner of Lincoln Avenue and 1<sup>st</sup> Street. He said the building was involved in a fire a number of years ago and it is nice to see that it has reopened finally.

He then explained the pension rate for fiscal year 2010 to 2011. He said the rate for the Police and Fire Departments is going to be 16.8% while the ERS will be 11.3%. The Mayor stated that 2012 will be 20.9% for Police/Fire and 15.8% for ERS. He said at the current rate the pension fund is going, it is not sustainable

Trustees Reports:

Trustee Breskin-

Absent

Trustee Bullock-

Trustee Bullock reported that the DPW leaf pickup season is drawing to a close. He said thanks to the new used equipment purchased by the DPW, the Village collection rate is approximately 85% at this time. He said Wednesday, Dec. 15 is the last day of leaf and organic pickup until April 2011.

Trustee Lewis-

None

Trustee Marty-

Trustee Marty said he had visited the Dunkin Donuts and was pleased to see the number of people visiting the establishment. He was curious about the traffic and safety on the entrance and exit from the parking lot however. Administrator Yamuder stated the Police had taken pre-traffic counts prior to the opening of Dunkin Donuts and these numbers will then be compared to some traffic counts to be taken after the business has been operational for a period of time.

Trustee Mohan-

Trustee Mohan said there was a site based council meeting for the Colonial School which Police Chief Benefico and she were unable to attend but she will try to attend the next meeting to follow up on Mr. Wendylin's comments from the November 16 Board meeting.

Trustee Morris-

Absent

Village Administrator's Report-

Administrator Yamuder stated the DPW Yard Project is progressing on schedule. He said the project is approximately 20% complete at this time. He said no significant obstacles have been uncovered and he hopes to have a further progress report by the next meeting.

Item #6—Public Comment-

None

Item #7—Continuing a Public Hearing Regarding the Recognition of Hillside and Brookside Avenues as Public Streets- Postponed

Mayor Hotchkiss stated the Board is still conferring with its attorney on the matter of Brookside and Hillside. He suggested the Board table the public hearing until a later meeting

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

VILLAGE OF PELHAM, NY  
Public Hearing Regarding Recognition of  
Hillside and Brookside Avenues as Public Streets

Public Hearing Pursuant To The Provisions Of Village Law §6-612 And Village Law §7-732 In Regard To The Recognition Of Brookside Avenue From Wolfs Lane To Its Terminus At The Hutchinson River And Hillside Avenue From Carol Avenue To Its Terminus At The Hutchinson River As Public Streets In The Village Of Pelham.

Item #8—Authorizing the Renewal of an Agreement Between the County of Westchester and the Village of Pelham for the Snow and Ice Reimbursement Program for Removal of Snow and Ice on Westchester County Roads Located in the Village of Pelham

Mayor Hotchkiss stated this resolution pertains to a five year agreement between Westchester County and the Village of Pelham over the snow and ice removal along Lincoln Avenue. Lincoln Avenue is a half mile county road which is owned by Westchester County but maintained by the Village. The Mayor stated he had some questions about the terms of the agreement which he wanted to explore and suggested tabling the agreement until the next meeting.

RESOLUTION

AUTHORIZING RENEWAL OF AN AGREEMENT BETWEEN  
THE COUNTY OF WESTCHESTER AND THE VILLAGE OF PELHAM  
FOR SNOW AND ICE REMOVAL BY THE VILLAGE OF PELHAM

BE IT RESOLVED, that the Board of Trustees of the Village of Pelham hereby authorizes the renewal of an agreement between the Village of Pelham and Westchester County for the continued participation by the Village of Pelham in the Westchester County Snow and Ice Reimbursement program, for the Village to salt and plow the Westchester County roads that are in the Pelham jurisdiction, namely Lincoln Avenue; and

BE IT RESOLVED, that the term of the agreement shall be for a five (5) year period commencing on October 1, 2010 and continuing through September 30, 2015; and

BE IT FURTHER RESOLVED, that the Mayor, the Village Administrator, the Village Attorney are authorized to take all necessary and appropriate actions, including signing all documents, to effect this agreement.

### **Committee and Community Liaison Reports**

#### Item #9– Commercial Zoning Review

Trustee Lewis said he is giving a final review of the proposed zoning changes. He said the Village attorney Joel Sachs reviewed and approved of the language and recommended it go before the planning board.

#### Item #10– Site Plan Review

Mayor Hotchkiss and Trustee Marty stated they have not met to work on the site plan review issue since several months ago when they created a diagram that shows what tracks a person applying to the land use boards will have to take. Trustee Marty said they have to write out that diagram in order to fully map out the process. Mayor Hotchkiss said he and Trustee Marty would try to meet over the weekend to work on the diagram.

#### Item #11– B & W Site

Trustee Marty stated he spoke to the original contractors who performed the soil and bridge tests. He said in his conversations with the soil testing company the contractors had stated there are some new DEC regulations regarding the levels of contamination which may effect the options available to the Village. Trustee Marty said he thinks it would be worthwhile to do more soil testing and bridge testing. He said the price for this venture at the moment is approximately \$3,000 the Village would have to spend to get these tests completed.

Trustee Mohan asked if the Village could find and figure out this new DEC regulation. She said if that is not possible, perhaps the soil and bridge contractors could give an explanation of what it means. Mayor Hotchkiss added they could also be of assistance in preparing the RFP for the site.

John Cassone of 7<sup>th</sup> Avenue asked if the original solution proposed by these contractors of putting a foot of clean dirt on top of the site would solve this issue decisively. Administrator Yamuder said the issue with that proposal is it would create negative drainage effects for the site and the surrounding area. Trustee Marty asked if the DPW could be involved in working on this issue. Administrator Yamuder said the DPW is not equipped to perform a task of that nature.

Mayor Hotchkiss said the entire site should be tested if testing were to take place. Trustee Marty said a determination of how much to invest into these tests. Trustee Lewis stated the cost should not exceed \$1,500. Mayor Hotchkiss asked if a proposal could be made

available to the Board by the next meeting on December 21, 2010. Trustee Marty said he would be walking the site with the bridge testers next week and will ask them about getting a proposal for their services.

Item #12– Employee Benefits/HR Manual

Trustee Bullock said he is still incorporating the Board's comments into the HR Manual. Trustee Marty asked if the HR Manual can be on the website. Trustee Bullock said when the Manual is finished it could be posted on the Village website.

Item #13– Tree Committee

Trustee Bullock said the Tree Committee is working on establishing the base line data for an inventory of all the Village trees. He said Susan Marciona has done a great deal of work on creating a management plan for the committee which will be helpful in managing the placement, type, and location of tree plantings in Pelham.

Item #14– Park Improvements

Trustee Mohan said landscape architect Hank White and Trustee Laura Morris are working on a plan for Wolfs Lane Park regarding the new grant the Village has been awarded by Senator Klein's office. Mayor Hotchkiss said the grant amount is \$647,000. Administrator Yamuder said the grant authority is asking for 2 foot contour maps of the area. He said he is asking the Westchester County Planning Department for their assistance in getting these maps. Mayor Hotchkiss said the Board has determined some of the funds for the walking and biking path through the park but the question of the organic buffer is still being discussed.

Item #15– Development (including 3<sup>rd</sup> Street RFP)

Trustee Lewis said he hopes to have the draft proposal for the Board's recommendations completed soon. Trustee Marty said the next step would be to incorporate those comments into the draft. Trustee Lewis said in his conversations with Joel Sachs that a cover letter should be added to introduce the project to prospective bidders. This letter could then be put out in trade magazines or the journal news as part of the public bidding process. Trustee Lewis finished by saying Trustee Breskin and he are still working to complete this draft.

Item #16– Parking (including FTA Parking Lot project)

Administrator Yamuder said he is working on getting the 1<sup>st</sup> Street Parking lot out to bid. He says the plans are complete and he hopes to have it ready to bid shortly.

Item #17–Other Reports

Administrator Yamuder stated the Building Code revisions are still being worked on. He stated that several months ago, the Village attorney Martha Conforti and Building Inspector

Russo began the revisions on the Code. They are now preparing to restart the revision process.

Item #18– Other Business

Trustee Marty mentioned he had heard that the incoming Governor Cuomo is discussing a 2% property threshold cap. He said this is of considerable concern to Pelham. Administrator Yamuder said the Village Board should consider discussing with NYCOM about what options are available to municipalities on this issue.

Item #19– Budget Amendment and Transfer Resolution

These Budget Amendments were requested by Finance Director Shirley Brown.

Administrator Yamuder said these budget amendments are standard fiscal management. The auditors approve of this procedure. Most of the amendments involve setting up new accounts for new grants the Village has been awarded.

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

**RESOLUTION**

**Re: Budget Amendments for Fiscal Year 2010-11**

**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,** during the fiscal year, it is necessary to make modifications to the areas in the budget that had insufficient appropriations based on actual results of operations, 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 2010-11 Budget by making the following amendments and rollovers:

Item #20– Authorizing Accounts Payable

Trustee Bullock audited the Accounts Payable.

After some discussion, a motion was made by Trustee Bullock seconded by Trustee Mohan to adopt the resolution. The vote was approved by a vote of five in favor, none opposed. Trustees Breskin and Morris 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:

Fund Name:

General Fund	\$ 1,346,793.77
Water Fund	\$ 37,806.53
Capital Projects Fund	\$ 331,788.39
Trust and Agency Fund	\$ 2,350.00
H3 Fund	\$ 0.00
TE Expandable Trust Fund	\$ <u>78.00</u>
Grand Total	\$ 1,718,816.69

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

Item #21– Authorizing Minutes of: September 21, 2010, November 3, 2010, November 16, 2010

After some discussion, a motion was made by Trustee Bullock seconded by Trustee Mohan to adopt the resolution. The vote was approved by a vote of five in favor, none opposed. Trustees Breskin and Morris were absent.

September 21, 2010-Approved

November 3, 2010-Tabled

November 16, 2010-Tabled

Item #22– Adjournment to Executive Session

A motion was made by Trustee Mohan with a second by Trustee Bullock to adjourn the public portion of the board meeting at 9:45 p.m. and go into Executive Session to discuss personnel matters, which the Board would adjourn for the evening. The motion was approved by vote of five in favor, none opposed. Trustees Morris and Breskin were absent.

Respectfully submitted,  
Peter Bonington, Secretary to the Village Administrator