

VILLAGE OF PELHAM BOARD OF TRUSTEES REGULAR MEETING  
TUESDAY, FEBRUARY 10, 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 |  | Approximate   |
| 6. | Public Comment                 |  | Starting Time |
| #  | Agenda Items:                  |  | of Discussion |

	<b>Human Resources and Appointments</b>	<b>7:50 p.m.</b>
7.	Authorizing the completion of probation for Michael Shriman as General Foreman in the Village of Pelham's Public Works Dept.	<b>Approved</b>
8.	Authorizing the appointment by the Mayor of Joseph Marty to the Planning Board, to replace Ed Petti, who has resigned.	<b>Approved</b>
	<b>Business</b>	<b>8:00 p.m.</b>
9.	Authorizing the retention of a law firm in a code enforcement matter.	<b>Approved</b>
10.	Authorizing the renewal of the contract between the Village of Pelham and CRP for one year, at prices and provisions included in the contract as publicly bid.	<b>Approved</b>
	<b>Grants and Projects</b>	<b>8:10 p.m.</b>
11.	Status report on the Village Public Works Yard / FTA Intermodal Parking Facility, under the existing contract with and \$743,000 grant from the Federal Transit Administration.	<b>Tabled</b>
12.	Review and status report on ongoing Projects and Grants.	<b>Reviewed</b>
	<b>Housekeeping</b>	<b>8:40 p.m.</b>
13.	Discussion item re trees on State property along Parkway Drive	<b>Discussed</b>
14.	Authorizing the Accounts Payable	<b>Approved</b>
15.	Other Business	<b>Discussed</b>
16.	Minutes: Nov. 5, Nov. 18, Dec. 2, Dec. 16, 2008; Jan 13 & 27, 2009	<b>Approved Nov. 5th, 18th only</b>
		<b>9:00 p.m.</b>
17.	Executive Session	<b>Approved</b>
18.	Adjournment	<b>Adjourned</b>

Next Scheduled Board Meetings are

Tuesdays February 24, 2009 and March 10, 2009

Note – Due to holidays and school breaks in 2009, the Board of Trustees Meetings will be the Second and Fourth Tuesdays, January through the end of April, 2009 the First and Third Tuesday schedule will resume in May, 2009

\* All meetings start at 7:30 p.m. unless otherwise noted. The Agenda is subject to change.

VILLAGE OF PELHAM BOARD OF TRUSTEES REGULAR MEETING MINUTES  
TUESDAY, FEBRUARY 10, 2009 – 7:30 P.M.  
VILLAGE HALL – 195 SPARKS AVENUE, PELHAM, NY

Item #1 – Meeting called to order: The meeting of the Board of Trustees was called to order by Mayor Edward Hotchkiss at 7:45 p.m.

The following members of the Board of Trustees were present:

Mayor Edward Hotchkiss, Trustees Breskin, Lewis, Morris, and Potocki. Trustees Homan and Weinstein were absent.

Village staff in attendance:

Administrator/Treasurer Richard Slingerland and Administrative Aide Devron Wilson.

Item #2 – Pledge of Allegiance:

The Pledge of Allegiance was led by Mayor Edward Hotchkiss.

Item #3 – Mayor's Report:

Mayor Hotchkiss reminded everyone that back in December the village created a Shop Pelham video that was aired on Channel 75 through the holiday season. The video can currently be seen on YouTube. Mayor Hotchkiss encouraged residents to shop in Pelham and support the local merchants and businesses in town, to keep the Village's commercial base viable. Mayor Hotchkiss reported that the village is to some extent affected by the declining economy. To that end, Mayor Hotchkiss has asked village department heads to minimize spending. Mayor Hotchkiss also reported that Lohud is delivering newspapers in orange bags to residents 3 to 4 times a week. These newspapers are unsolicited and a bother to constantly pickup. Administrator Slingerland will see what the village can do to have these deliveries stopped.

Item #4 – Trustees' Reports:

Trustee Breskin reported that the school board is conducting an online census to get a count of the number of children in kindergarten, so that the school can properly plan for the upcoming school year.

Trustee Breskin also reported that the first B & W task force meeting was held, and was very productive. The committee will be looking to establish a thoughtful set of alternatives to put forth to the full board. He noted that there are two break-out groups, looking at two main concepts – either preserving the property as Open Space and/or a Park, or selling a portion of or all of the land. Trustee Breskin mentioned that there were fourteen (14) people at the meeting. The committee will be separated into two groups with each group focusing on one of the two concepts.

Trustee Potocki reported that on March 27, 2009 Chief Joseph Benefico will become the president of the Westchester County Chief's Association. Trustee Potocki reminded everyone that parking keys will make a great Valentine's Day gift. Parking keys can be

obtained at Village Hall. There is a \$16.50 refundable deposit for a parking key, and then amounts can be put onto a key up to a few hundred dollars.

Trustee Lewis had nothing to report that was not included on the agenda.

Trustee Morris reported that Engine 5 is back from being repaired and is fully operational.

Trustee Morris also made a public service announcement about Con Edison, and if anyone smells gas around their home, building, or neighborhood, they should call the Fire Department's emergency number at 738-2600. They should also call Con Edison and report a gas leak/smell of gas.

Mayor Hotchkiss encouraged residents to program the Pelham Police Dept. and Pelham Fire Dept. phone numbers in their phones. Trustee Morris also reported that Fire Chief Taylor's father passed away early February. The board expressed their condolences and sympathies to Chief Taylor and his family.

#### Item #5 – Village Administrator's Report:

Administrator Slingerland had nothing to report that was not included on the agenda.

#### Item #6 – Public Comment:

Lester Kravitz appeared as owner and legal representative of Pelpark LLC, which owns 101 Wolfs Lane. Mr. Kravitz stated that he received a violation notice from the village in the beginning of December.

He said that it has always been his intention to take the building down on the 101 Wolfs Lane property, and that he had hoped to do it in conjunction with development of the property. He mentioned that he had met with his attorney after receiving the notice, but then went on vacation.

He said that he had discussed the procedure for demolishing that building, as he had discussed with Building Inspector Leonard Russo. Mr. Kravitz stated that it has always been his intention to develop the property, that he wanted to mention plans for the property, which are the third design for development, and that his architect is preparing plans for submission to the Village, which were sent to the *Pelham Weekly* and published in the February 6<sup>th</sup> edition of the paper. He further mentioned that he spoke with Building Inspector Leonard Russo about the next steps to demolish the existing building at 101 Wolfs Lane.

Trustee Morris asked if the demolition procedure sheet was typed up by Mr. Kravitz or by the Building Inspector? Mr. Kravitz said that he had typed it up based on his conversations with Mr. Russo. He said that within the next two weeks, he can complete the first part of it, which is mainly rodent control.

Item #7 – Authorizing the completion of probation for Michael Shriman as General Foreman in the Village of Pelham’s Public Works Dept.:

Mayor Hotchkiss and Administrator Slingerland reported that Mr. Shriman has done a good job as General Foreman, and recommended the full Board authorize the completion of his probation.

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

RESOLUTION

AUTHORIZING THE SUCCESSFUL COMPLETION OF PROBATION  
FOR MICHAEL SHRIMAN AS GENERAL FOREMAN

BE IT RESOLVED, that the Mayor and Board of Trustees hereby authorize the successful completion of probation for Michael Shriman as General Foreman, which is approved based on the recommendation of the Village Administrator.

Item #8 – Authorizing the appointment by the Mayor of Joseph Marty to the Planning Board, to replace Ed Petti, who has resigned:

A motion was made by Trustee Lewis, with a second by Trustee Morris to adopt the resolution.

The motion was approved by vote of five in favor, none opposed. Trustees Homan and Weinstein were absent.

RESOLUTION

APPOINTING JOSEPH MARTY AS A MEMBER OF THE PLANNING BOARD  
FOR A TERM THAT BEGINS IMMEDIATELY  
TO REPLACE ED PETTI, WHO HAS RESIGNED

RESOLVED, that Joseph Marty of Highbrook Avenue, Pelham, is appointed by the Mayor as a Member of the Village of Pelham Planning Board, replacing Ed Petti, who has resigned, to complete the unexpired portion of his term which expires on March 31, 2012.

Item #9 – Authorizing the retention of a law firm in a code enforcement matter:

Mr. Lester Kravitz asked to speak on this matter, and said, “I would like to know if this law firm is being hired to handle my case” (in relation to Pelpark/101 Wolfs Lane). Mayor Hotchkiss responded that he could not answer the question, as it is a legal matter that is the subject of ongoing legal action, and the matter is in the hands of our attorneys. Mr. Kravitz asked, “Can I request that this matter be tabled tonight?” There was no response from the Board or the Administrator, except for the Mayor to ask if a Board member would make a motion on the resolution.

On the motion of Trustee Potocki, seconded by Trustee Morris, the Board voted to adopt the resolution by vote of five in favor, none opposed. Trustees Homan and Weinstein were absent.

## RESOLUTION

AUTHORIZING THE VILLAGE OF PELHAM  
TO RETAIN THE LAW FIRM OF  
MCCULLOUGH, GOLDBERGER & STAUDT, LLP  
IN A CODE ENFORCEMENT MATTER

BE IT RESOLVED, that the Board of Trustees of the Village of Pelham authorizes the retention of the services of McCullough, Goldberger & Staudt, LLP, Attorneys at Law, in a Code Enforcement matter, and related matters as may be assigned by the Village Administrator and/or the Mayor and Board of Trustees, at a blended hourly rate of \$285, including billable out of pocket expenses as may be approved by the Administrator and/or the Mayor and Board of Trustees in advance; and

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

Item #10 – Authorizing the renewal of the contract between the Village of Pelham and CRP for one year, at prices and provisions included in the contract as publicly bid:

The Board discussed the matter of renewing the contract with CRP. Mayor Hotchkiss reported that Trustee Homan had a family commitment and was unable to attend tonight. Trustee Lewis expressed interest in exploring whether the Village could negotiate for service reductions in exchange for reduction in costs. Trustee Potocki said that was a good idea. Trustee Breskin said that the Board should begin discussing changes and reductions now.

John Cassone of 312 7<sup>th</sup> Avenue mentioned that it is admirable of the board to want to cut costs and save the village money. However, Mr. Cassone did not agree with reducing garbage pickup to once a week. Mr. Cassone believes this change in the garbage pickup schedule will hurt the quality of life in the village. Mr. Cassone went on to mention that garbage used to be picked up five (5) times a week several years ago. Administrator

Slingerland responded that the garbage is still picked-up five days a week, just differently than it used to be twenty years ago, since garbage is picked up separate days, organic waste is picked up separate days, recyclables are picked up on separate days, and bulk trash and rubbish are picked up on separate days. The Board repeated their willingness and interest in exploring cost savings measures.

On the motion of Trustee Potocki, seconded by Trustee Lewis, the Board voted to adopt the resolution by vote of five in favor, none opposed. Trustees Homan and Weinstein were absent.

RESOLUTION

AUTHORIZING THE RENEAL OF CONTRACT NUMBER 2006-08  
REAR-YARD GARBAGE COLLECTION, AND CURBSIDE TRASH, RECYCLING AND  
ORGANIC WASTE COLLECTION  
FOR A ONE-YEAR PERIOD (FIRST OF TWO EXTENSION OPTIONS)  
FOR A NEW CONTRACT PERIOD OF MARCH 1, 2009 THROUGH FEBRUARY 28, 2010  
TO CRP SANITATION SERVICES OF CORTLANDT MANOR, NY

WHEREAS, on January 2, 2007, the Board of Trustees of the Village of Pelham awarded Contract 2006-08 for Rear-Yard Garbage Collection, and Curbside Trash, Recycling and Organic Waste Collection, advertised and bid as a qualifications based bid and contract in the Village Of Pelham to CRP Sanitation Services of Cortlandt Manor, NY; and

WHEREAS, the first two years of the contract have been completed to a satisfactory level of service, and the Village seeks to extend the contract based on the terms and provisions of the extensions within the contract.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Board of Trustees of the Village of Pelham hereby authorize the first of two (2) one year extensions, at stated prices in the bid and contract documents for contract 2006-08, at an annual contract price of eight hundred ninety four thousand six hundred and fifty six dollars (\$894,656), plus continuing contractual costs-per-container for the dumping of large containers of materials for the Public Works Department; and be it

FURTHER RESOLVED, that the Mayor, Village Administrator, Village Attorney and DPW General Foreman are authorized to take the necessary and appropriate actions to advise CRP of this contract extension to continue this contract for these services.

Item #11 – Status report on the Village Public Works Yard / FTA Intermodal Parking Facility, under the existing contract with and \$743,000 grant from the Federal Transit Administration:

\* This matter was tabled by the Mayor and the Administrator for further analysis and discussion. They said it would be revisited at the next Board Meeting on Tuesday, February 24, 2009.

Item #12 – Review and status report on ongoing Projects and Grants:

These topics were discussed, and an update provided to the Board by the Village Administrator.

- Flooding Remediation
- 100-112 5<sup>th</sup> Avenue Lordae rebuilding status
- 116 5<sup>th</sup> Avenue Pelham Medical Group rebuilding status
- 33 Lincoln Avenue Grand Cleaners rebuilding status
- 101 Wolfs Lane Pelpark Property
- Verizon/FIOS TV Capital Equipment List
- 404 5<sup>th</sup> Avenue – new proposed 3-story Commercial Office and Retail structure proposed as a “green building” by Lippolis Electric
- Review of Site Plan process
- MTA Station Clean-up
- Commercial Zoning Review Committee
- B & W / Young Avenue Open Space Task Force
- Wolfs Lane Park Master Plan
- LED Street Lights
- Departmental Risk Assessments
- Employee HR Manual
- Adding to the list – BET Engineering consultants design for new Lot 1 on First Street

Item #13 – Discussion item re trees on State property along Parkway Drive:

This matter was discussed by the Board, with Carolyn O’Connor, President of the Clovelly Homeowner’s Association present.

The Administrator provided his last report, starting with an update from November 17, 2008, dating back to the “micro-burst” extreme storm that hit Pelham on August 18, 2008, and blew down several trees and knocked out power to several units on Parkway Drive, in Clovelly.

Mr. Slingerland reported that he had been dealing with this for a few months now. He had called the DOT starting in the summer to ask them to plant new trees, and had given calls to the Hawthorne and the Poughkeepsie DOT offices. He was advised by the DOT that they would put tree replacements on the list for future work, which would take quite a long time, possibly several years.

The Village considered the problem and came up with the idea to relocate the trees we're cutting down and removing at Lot 1 – the tall pine trees - and have the State replant half of them along Parkway Drive. The State said they do not have the time or money to do the work, but would allow us to plant trees, or relocate trees, by taking out a highway work permit out, fees waived, and doing the work. The cost of moving the trees (estimated about \$3,800 for 15, 12-14 foot trees) far exceeds what smaller new trees would cost (estimated about \$75-\$90 per tree).

Upon discussion by the Board, led by Trustee Potocki, they asked Ms. O'Connor to see if the Clovelly Homeowner's Association residents would consider putting in money to buy the trees, and the village employees would plant them on State property utilizing a highway work permit.

Mr. Slingerland reminded the Board of the concerns and commitment to the residents in the Heights, along First Street by Monterey, to restore some screening along streets like Monterey, etc., per Trustee Breskin's request that trees be planted there to restore some screening, due to removal of brush and screening by Metro North during their track work.

After some discussion, Ms. O'Connor of Carol Avenue said she would check with the homeowners and see if they would be willing to make the contributions, and have the village plant the trees. Mr. Slingerland said he would also remind the DOT to fix the fence.

Item #14 – Authorizing the Accounts Payable:

The Board asked questions about the accounts payable, and the questions were all answered to the Board's satisfaction.

On the motion of Trustee Potocki, seconded by Trustee Breskin, the Board voted to adopt the resolution by vote of five in favor, none opposed. Trustees Homan and Weinstein 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	\$ 175,693.46
Water Fund	\$ 6,591.24
Capital Projects Fund	\$ 500.00
Trust and Agency Fund	\$ 600.00
H3 Fund	\$ <u>0.00</u>
Grand Total	\$ 183,384.70

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

Item #15 – Other Business:

Mayor Hotchkiss reported that more photos have been incorporated in to the Village Comprehensive Plan, and he would like the Board to review the updated plan before posting it on the website. Trustee Breskin noted a floating credit/typo that needed to be repaired. Trustee Lewis mentioned that the Plan needs to have all the final maps and appendices. Administrative Aide Wilson said he would work with the Mayor to get the final, updated copy all set and ready to post on the website.

Item #16 – Minutes: Nov. 5, Nov. 18, Dec. 2 and Dec. 16, 2008; Jan 13, 2009:

The Board briefly discussed the minutes, and Trustee Breskin had amendments to November 18<sup>th</sup>, and Trustee Lewis had amendments to the November 5<sup>th</sup> minutes. Administrator Slingerland reported that they were behind on the minutes, but that they would be finished and circulated as soon as possible.

A motion was made by Trustee Potocki, with a second by Trustee Lewis to only approve the minutes from November 5<sup>th</sup> and November 18<sup>th</sup>. The motion was approved by vote of five in favor, none opposed. Trustees Homan and Weinstein were absent.

The minutes from December 2<sup>nd</sup>, December 16<sup>th</sup>, and January 13<sup>th</sup> were tabled until the next scheduled Board of Trustees meeting.

Item #17 – Executive Session:

On the motion of Trustee Lewis, seconded by Trustee Potocki, the Board voted to go into Executive Session immediately after the board meeting is adjourned to discuss matters of collective bargaining and personnel, and matters of potential and ongoing litigation.

The motion was approved unanimously by vote of five in favor, none opposed. Trustees Homan and Weinstein were absent.

Item #18 – Adjournment:

A motion was made by Trustee Lewis, with a second by Trustee Potocki to adjourn the public portion of the board meeting at 9:05 p.m., and go into Executive Session, after which the Board would adjourn for the evening. The motion was approved by vote of five in favor, none opposed. Trustees Homan and Weinstein were absent.

Respectfully submitted,

Devron Wilson, Administrative Aide

Richard Slingerland, Administrator/Deputy Clerk