

VILLAGE OF PELHAM BOARD OF TRUSTEES
REGULAR MEETING
TUESDAY, FEBRUARY 15, 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		7:45p.m.
7.	Continuing a Public Hearing Regarding Recognition of Hillside and Brookside Avenues as Public Streets- Postponed	Approved
8.	Scheduling a Public Hearing that Amends the Village Code to Provide for the Licensing and Identification of Dogs and to Amend the Existing Dog Control Law	Approved
9.	Resolution Authorizing Additional Funds as Proposed by PCI Engineers to Complete Construction Management Services for the FTA Parking Lot Project	Approved
10.	Resolution Confirming The Contract for Emergency Sewer Repair by Manor Paving Company on Wolfs Lane	Approved
11.	Authorizing The Use Of Village Streets And Assistance For Traffic Control For The Annual Little League Parade	Approved
12.	Authorizing A Nonbinding Expression Of Interest On Converting Part Or All Of The B & W Parcel To A Greenspace	Discussed
13.	Tax Certiorari Settlement and Payment authorizations for 1 Wolfs Lane	Approved
Grants, Monthly Budget Review & Other Business		8:45p.m.
14.	Grants- Status Report	Discussed
15.	Monthly Budget Review	Discussed
16.	Other Business	None
Recurring Items		9:15p.m.
17.	Authorizing Accounts Payable	Approved
18.	Authorizing Minutes of: January 18, 2011	Approved
19.	Adjournment to Executive Session	9:45p.m.

Next Scheduled Board Meetings are:

Tuesday, March 1, 2011

Wednesday, March 16, 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 Bullock, Lewis, Morris, Mohan, and Marty

The following member of the Board of Trustees were absent:

Trustee 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 Hotchkiss Report-

Mayor Hotchkiss stated he did not have any reports to make but did comment on the situation in Egypt. He said he thought it was good that an autocratic system is going to be replaced hopefully by a more democratic system and this had transpired since the last Trustee meetings.

Trustees Reports:

Trustee Breskin-

Absent

Trustee Bullock-

None

Trustee Lewis-

Trustee Lewis reported that residents who are concerned about the STAR exception may be below the margin and should consult the proper authorities for more detailed information. He

also stated that the RFP for Fifth Avenue and Third Street is ready for disbursement to potential bidders. He said a copy will be available on the website.

Trustee Marty-

Trustee Marty commented that the DPW does an excellent job of cleaning the streets during the past few snowstorms in Pelham. Administrator Yamuder agreed with Trustee Marty.

Trustee Mohan-

Trustee Mohan stated there may be some confusion about the expected increase in County taxes. She said initially it was reported to be 11-15% but has been retracted and may be closer to 3-4%.

Trustee Morris-

Trustee Morris reminded residents and business owners to keep the sidewalks clear for all pedestrians.

Village Administrator's Report-

None

Item #6– Public Comment-

Anne Swanson-Dumas of Highbrook Avenue stated the B&W Site Committee held a meeting the previous week and asked if Trustee Marty could provide a summary of that meeting. Trustee Marty stated there was a good turnout at the B&W meeting with residents from all parts of Pelham. He said there is a strong initiative to maintain a portion of the property as a greenspace. He said they examined funding options researched by the Committee members and what they need at this time is a non-binding statement of support from the Board of Trustees to assist in going out to solicit funding opportunities.

Trustee Marty said he hopes to have a non-binding resolution written for the Board and can approve it at the next Board meeting. Administrator Yamuder stated the Village would be eligible for 501C3 funding. Trustee Bullock asked if this statement of support from the Village would assist in obtaining funding for the greenspace. Trustee Marty said that is one of many options and he hopes to explore these options at the next Board meeting.

Susan Mutti of Highbrook Avenue stated her group, the Friends of Highbrook Highline, want to make a presentation to the Board of Trustees at the next meeting. She said the community has been responsive to this program and there are grant options available to fund

a community greenspace. Trustee Mohan said it was good to see there is community support for this process.

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

Mayor Hotchkiss stated the Village is still reviewing the material with legal counsel and would like to postpone the public hearing until a later meeting.

A motion was made by Trustee Bullock and seconded by Trustee Marty to adopt the resolution. The vote was approved by a vote of **six** in favor, none opposed. Trustee Breskin was 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—Scheduling a Public Hearing that Amends the Village Code to Provide for the Licensing and Identification of Dogs and to Amend the Existing Dog Control Law

Mayor Hotchkiss stated that New York State is passing the authority for maintaining records of dog licenses to the local municipalities which requires the Village to write a law for assuming and maintaining these records. He said the Village is obligated to have public hearing first to solicit comments from the public. Administrator Yamuder stated that Village Prosecutor Martha Conforti has been researching this matter and will hopefully have a draft available for the Board at a coming meeting. Mayor Hotchkiss said this is a considerable amount of work for the Village staff to assume and suggested speaking with the Town of Pelham to see if they would be interested in being the management agency for the dog licenses.

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

SCHEDULING A PUBLIC HEARING
THAT AMENDS THE CODE OF THE VILLAGE OF PELHAM

The Board of Trustees of the Village of Pelham hereby schedules a public hearing to be held at 7:30 p.m. on Tuesday, March 1, 2011, in Village Hall at 195 Sparks Avenue, Pelham, NY, on a draft proposed Local Law that would amend the Code of the Village of Pelham, as follows:

**A local law to provide for the
Licensing and identification of dogs and to
amend the existing dog control law.**

A copy of the draft proposed Local Law 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, February 18, 2011

Item #9– Resolution Authorizing Additional Funds as Proposed by PCI Engineers to Complete Construction Management Services for the FTA Parking Lot Project

Mayor Hotchkiss said this resolution pertains to the construction manager's position for the DPW Yard project. He said although Administrator Yamuder and Building Inspector Russo have done a good job of overseeing certain aspects of the project, PCI's construction manager Jonathan Miller, requires additional funding to assume more duties in that capacity. The costs for these services are \$12,500. This cost was detailed in Mr. Miller's original proposal for the construction manager's service which was reduced by having the Administrator and Building Inspector assume some aspects of the work load.

Trustee Marty stated he would rather have the \$12,500 in the bank but if the Administrator's good judgment is that this is necessary to have the construction manager finish the project on budget and on schedule then the Board should be mindful of that judgment.

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

RESOLUTION
Resolution Authorizing Additional Funds as Proposed by
PCI Engineers to Complete Construction Management Services
For the FTA Parking Lot Project

BE IT RESOLVED, that the Board of Trustees of the Village of Pelham hereby authorizes the additional funds in the amount of \$12,500.00 as Proposed by PCI Engineers to Complete Construction Management Services for the FTA Parking Lot Project and;

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

Item #10– Resolution Confirming The Contract for Emergency Sewer Repair by Manor Paving Company on Wolfs Lane

Administrator Yamuder reported that a contractor working for the Pelham Picture House damaged a Village sewer line during work on Wolfs Lane. He said he is speaking with the contractor to get reimbursement for the Village's emergency maintenance fees. He said contractor does appear to be receptive to a settlement but the work to repair the line had to be completed and the funds need to be approved at the first Board meeting after the work is completed.

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. Trustee Breskin was absent.

RESOLUTION
Confirming The Contract for
Emergency Sewer Repair between
the Village of Pelham and Manor Paving Company on Wolfs Lane

BE IT RESOLVED, that the Board of Trustees of the Village of Pelham hereby authorizes the confirmation of a contract for Emergency Sewer repair between the Village Of Pelham and Manor Paving in the amount of \$24,900.00 and;

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

Item #11–Authorizing The Use Of Village Streets And Assistance For Traffic Control For The Annual Little League Parade

Mayor Hotchkiss stated the Little League Parade requires Village streets and personnel to have an orderly procession through the Village. The Mayor made sure the resolution stated the League would be responsible for all the overtime cost incurred by the Parade.

Trustee Morris requested the "annual" be removed from the resolution to avoid confusion that this resolution approves the parade every year.

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

RESOLUTION
AUTHORIZING THE PELHAM LITTLE LEAGUE PARADE ROUTE
AND VILLAGE ASSISTANCE (POLICE, FIRE, DPW) AS NECESSARY

BE IT RESOLVED, that the Board of Trustees of the Village of Pelham authorizes use of Village streets and assistance for traffic control for the Annual Pelham Little League Parade on Saturday, April 2, 2011, with streets closed from 8 a.m. to 11 a.m., for the parade to take place from 8:30 a.m. until 10:30 a.m. on 5th Avenue from Lincoln Avenue through Wolfs Lane to the High School, with a staging area on 3rd Street between 5th Avenue and 7th Avenue; and

BE IT FURTHER RESOLVED, that the Little League Organization will be responsible for all Village Of Pelham overtime costs that occur for this event;

BE IT RESOLVED, that the Village Administrator, Police Chief, Fire Chief and General Foreman are authorized to take the necessary and appropriate actions to implement the plan and make arrangements for this parade.

Item #12– Authorizing A Nonbinding Expression Of Interest On Converting Part Or All Of The B & W Parcel To A Greenspace

Trustee Marty stated this item was discussed during Public Comment.

Item #13– Tax Certiorari Settlement and Payment authorizations for 1 Wolfs Lane

Mayor Hotchkiss stated this certiorari is for the Old Post Office building on Wolfs Lane. It is a court order to pay back the landlord for overpaying on taxes on the property.

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

AUTHORIZING A TAX CERTIORARI JUDGMENT
FOR 1 WOLFS LANE;
AS AUTHORIZED BY THE TOWN OF PELHAM
FOR ASSESSMENT YEARS 2000 THROUGH 2009

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 Griffin, Coogan, Blose and Sulzer as attorneys for C & V Realty/One Wolfs Lane LLC, pursuant to the Court Order and Judgment for the properties at the following addresses for the following amounts:

<u>Address:</u>	<u>Tax Lot ID Number:</u>	<u>Assessment Years:</u>	<u>Amount:</u>
1 Wolfs Lane	163.44-1-7	2000-2009	\$11,275.45
Total:			\$11,275.45

In the total amount of eleven thousand two hundred seventy-five dollars and forty-five cents (\$11,275.45), and authorizes the Mayor, the Village Attorney and the Village Administrator/Treasurer to sign this agreement take the necessary and appropriate actions to effect this Court Order and refund these taxes.

Item #14– Grants- Status Report

Secretary to the Village Administrator Bonington gave the grant summary. He reported the payments for the FTA grant for the DPW Yard have been received by the Village at this time. This concludes the funding process for the grant. The final inspection in May at the opening of the Yard will officially close the grant.

Other notable items included: the 2008 and 2009 Local Pre-Disaster Mitigation grants for flooding remediation which the Village must submit by the end of the month for the Cost/Benefit Analysis. The 2008 grant is for \$125,000 and the 2009 grant is for \$50,000. The \$562,500 grant from Nita Lowey will be applied for but this grant must be re-applied for in order to begin the formal application process.

The Village hopes to apply for the \$25,000 in awarded funds for fire equipment as part of the Senator Klein \$50,000 Police and Fire Member Item grant. Mr. Bonington said he hopes to have the disbursement request into the NYS Department of State by the end of the week.

Item #15– Monthly Budget Review

Mayor Hotchkiss said the Board has been provided with a ten item breakdown of items that are above and below the budgeted lines. Trustee Lewis said this extra sheet was helpful but the Memo cover page was also important for understanding the rest of the budget packet. The Administrator stated this new sheet is supplemental to the rest of the packet.

Administrator Yamuder read through the ten highlights which included: street opening permits, personnel overtime, and snow removal. The overtime in particular was the topic of discussion. Trustee Mohan asked if the Board could consider limiting any additional overtime. Mayor Hotchkiss said that based on the information he has currently regarding the budget, the Village may have to consider cutting services or employees or else the Village will have to dip into the fund balance to make up the deficit.

Trustee Mohan said the Board has to consider drastic action to decrease the deficit. Mayor Hotchkiss stated most of the expenses have been incurred for the year so the fund balance may go up by the end of the year. Trustee Bullock said the Board should not go into crisis mode just yet but they should meet with the Department Heads as soon as possible to discuss the next fiscal year's budget.

Administrator Yamuder stated the Village Department Heads do conduct business conservatively and that all items over \$1,000 have to be approved by him. He suggested that the Board look at the large items on the budget in order to make a difference in accounting for the expenses of the Village.

Item #16–Other Business

None

Item #17– Authorizing the Accounts Payable

Trustee Bullock audited the Accounts Payable.

A motion was made by Trustee Bullock and seconded by Trustee Lewis to adopt the resolution. The vote was approved by a vote of six in favor, none opposed. Trustee Breskin 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	\$167,394.75

Water Fund	\$ 35,361.71
Capital Projects Fund	\$182,832.50
Trust and Agency Fund	\$350.00
H3 Fund	\$ 0.00
TE Expand Trust Fund	\$ 0.00
Grand Total	\$385,938.96

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: January 4, 2011, January 18, 2011, and February 1, 2011

After some discussion, a motion was made by Trustee Bullock and seconded by Trustee Lewis to adopt the minutes from January 18, 2011. The vote was approved by a vote of five in favor, none opposed. Trustee Mohan abstained. Trustee Breskin was absent.

January 18, 2011- Approved

Item #19— Adjournment to Executive Session

A motion was made by Trustee Bullock with a second by Trustee Lewis to adjourn the public portion of the board meeting at 10:30 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 six in favor, none opposed. Trustee Breskin was absent.

Respectfully submitted,
Peter Bonington, Secretary to the Village Administrator

