

VILLAGE OF PELHAM BOARD OF TRUSTEES REGULAR MEETING  
TUESDAY, JANUARY 13, 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 Boards and Commissions</b>	<b>7:45 p.m.</b>
7.	Authorizing the Mayor's appointment of Alan Carden to the ZBA	<b>Approved</b>
	<b>Land Use Applications and Issues</b>	<b>7:50 p.m.</b>
8.	Site Plan Application by Cahill for 149 Elderwood Avenue for a new single family home and garage – TABLED AT THIS TIME.	<b>Back to A.R.B.</b>
9.	Corrective site plan application by Ferrer for 414 9 <sup>th</sup> Ave., which is necessary because the original construction was not built to plan	<b>Approved</b>
10.	Consideration of the pending Report and Recommendation by the Building Inspector, for next steps and action with regard to the 101 Wolfs Lane property (a.k.a. Pelpark)	<b>Discussed</b>
	<b>Historic Preservation</b>	<b>8:20 p.m.</b>
11.	Pelham Preservation proposal that Pelham apply for 5 <sup>th</sup> Avenue and Wolfs Lane to be made a national historic district from Third Street by the Art Center to Brookside Avenue by the Picture House	<b>Discussed</b>
	<b>Grants and Projects</b>	<b>8:45 p.m.</b>
12.	Review and status report on ongoing Grants and Projects	<b>Reviewed</b>
	<b>Business</b>	<b>9:00 p.m.</b>
13.	Resolution authorizing the sale of a 2004 Ford Crown Victoria as surplus.	<b>Authorized</b>
14.	Resolution affirming a shared services grant application may be filed to the NYS Shared Services Grant Clearinghouse with the Town for a shared LiveScan Identification System	<b>Approved</b>
15.	Resolution authorizing an Intermunicipal Agreement (IMA) between Westchester County and the Village of Pelham to authorize the Village's continued participation in the Enhanced 911 System	<b>Approved</b>
	<b>Housekeeping</b>	<b>9:30 p.m.</b>
16.	Authorizing the Accounts Payable	<b>Approved</b>
17.	Other Business	<b>Discussed</b>
18.	Executive Session – Collective Bargaining Negotiations w/PBA Fire Department personnel matters	<b>Discussed</b>
19.	Minutes: Nov. 5, Nov. 18, Dec. 2 and Dec. 16, 2008	<b>Tabled</b>
20.	Adjournment	<b>Adjourned</b>

Next Scheduled Board Meetings are

Tuesdays January 27 and February 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 April, 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, JANUARY 13, 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 7:35 p.m.

The following members of the Board of Trustees were present:

Mayor Edward Hotchkiss, Trustees Homan, Lewis, Morris and Potocki. Trustees Breskin, 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 mentioned that he hoped all the board members and residents had a wonderful holiday season. He reported that he had shopped in Pelham for the holidays and hoped that many residents did the same. He mentioned that the shops in the Village still have great merchandise, and he encouraged everyone to shop local to support the local businesses.

Mayor Hotchkiss reported that former Zoning Board of Appeals Chairman William McDevitt had recently passed away after a long illness. He was a kind person who was instrumental in the development of village, and gave many years of service to the Village and the community. He will be missed by all.

Mayor Hotchkiss also reported that Pelham Village Administrator Richard Slingerland will be leaving Pelham in March to become the Village Manager for the Village of Mamaroneck. Mr. Slingerland said that it has been his pleasure to work with Mayor Hotchkiss, Mayor Clain, Mayor Scinta, and all the current and prior Board Members. He said he had very much enjoyed working for the Village.

Mayor Hotchkiss reported that Con Edison is starting repairs on Wolfs Lane. The repairs will take a several weeks to complete.

Item #4 – Trustees' Reports:

Trustees Homan, Lewis, Morris and Potocki had nothing to report on that was not included on the agenda.

Item #5 – Village Administrator's Report:

Administrator Slingerland reported that the village received notice from Westchester County to consolidate census block areas. He reported that he had been advised by planners from

the Westchester County Planning Department that this should not eliminate the Community Development Block Grant (CDBG) areas in the village.

Mr. Slingerland mentioned that the New York State Department of Environmental Conservation (DEC) sent the village a certified letter regarding properties in Pelham, including Village Hall, that need to be tested for dry cleaning chemical pollutants, to follow-up on a spill that had been first discovered about twelve years ago.

Administrator Slingerland also reported that PCI has submitted draft plans for the Village's FTA Intermodal Parking and new Public Works Garage project. He said that the Board should review them before they go out to bid.

Item #6 – Public Comment:

David Mandelbaum of 55 First Street reported that people are blatantly violating the vehicle and traffic laws in the Village of Pelham. He said he has watched drivers on First Street, and they don't stop at stop signs, they use cell phones while driving, they don't use their seat belts, and they commit many other violations of the vehicle and traffic laws. He said that he and the Chief of Police Joseph Benefico have discussed the matter. He commented that the Village of Pelham should not become known as a renegade community, where people can flout the law.

Trustee Homan responded that she could not agree more, and commented that people have to be more responsible as individuals. At any given time, there are hundreds of drivers around the Village, and there are only three police officers out on patrol at any given time. Trustee Lewis agreed with the assessment of speeders, and said that the Village should not become a place where people driving through it know that they can do whatever they want. Administrator Slingerland promised to talk with Chief Benefico, and discuss with him about setting up some targeted enforcement around the Village. Trustee Homan said she would like to issue a press release for an article, urging people to be more responsible and better drivers.

Trustee Potocki made a comment for the record that Pelham's Police Department has a quality force of good employees, who do a terrific job. He mentioned that the Village Police Department has extremely good response times to crime and aided case scenes, but that the police officers cannot be everywhere at once, and that often they have to focus on more high priority law enforcement such as robberies and burglaries.

Mayor Hotchkiss reported that he and Mr. Mandelbaum had discussed his concerns at length, prior to the Board Meeting, and that the Police Department should look into his concerns and see what could be done to improve the local enforcement of moving violations.

Trustee Potocki also reported that the Village would be re-evaluating the light at the corner of First Street and Wolfs Lane, after the Post Office occupies its new office and retail space at the 26 First Street address, by Second Avenue.

Item #7 – Authorizing the Mayor’s appointment of Alan Carden to the ZBA:

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

## RESOLUTION

APPOINTING ALAN CARDEN AS A MEMBER OF THE ZBA  
FOR A TERM THAT BEGINS IMMEDIATELY  
TO REPLACE WILLIAM MCDEVITT (dcsd.), WHO HAS RESIGNED

RESOLVED, that Alan Carden of Seventh Avenue, Pelham, is appointed by the Mayor as a Member of the Village of Pelham Zoning Board of Appeals (ZBA), replacing William McDevitt (dcsd.) who has resigned, completing the unexpired portion of his term which expires on March 31, 2010.

Item #8 – Site Plan Application by Cahill for 149 Elderwood Avenue for a new single family home and garage:

Note:

Upon review of the record of the land use boards, this application has been tabled and referred back to the Architectural Review Board (ARB), in order to allow the ARB to clarify and complete its review on the application for a new single family home and garage.

Item #9 – Corrective site plan application by Ferrer for 414 9<sup>th</sup> Ave., which is necessary because the original construction was not built to plan:

Tom Abillama (architect for 414 9<sup>th</sup> Ave.) spoke about the correction to the site plan application for 414 9<sup>th</sup> Avenue. He mentioned that he altered the design and direction of the front steps.

The Planning Board is in favor of the changes.

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

**RESOLUTION**  
**AUTHORIZING AN AMENDMENT TO THE SITE PLAN**  
**FOR PROPOSED DRIVEWAY AND GARAGE ((FERRER)**  
**AT 414 NINTH AVENUE**

**RESOLVED**, that the application for an amendment to the Site Plan to construct a driveway and garage, which was originally approved on December 4, 2007, is approved, based on the review and recommendations by the Planning Board's new review and approval at their meeting held on Monday, December 8, 2008; as follows:

**BE IT FURTHER RESOLVED**, that conditions apply as follows:

1. That the corrected stairway must be built in accordance with plans received by the Village and approved by the Planning Board at their meeting held on Monday, December 8, 2008, which is necessary to correct an unsafe condition and meet safety standards required by NYS Uniform Code.

**AND, BE IT FURTHER RESOLVED**, that this application for a site plan by Ferrer for 414 Ninth Avenue, is subject to the procedures, regulations and requirements of the Pelham Village Code and Pelham Building Department, and that all prior approvals not amended by this action shall remain in full force and effect; and

**BE IT FURTHER RESOLVED**, that the Mayor, Village Administrator, Building Inspector and appropriate officials of the Village of Pelham are authorized to take the necessary and appropriate actions to effect this site plan approval.

Planning Board Memo follows, and becomes a part of this approval resolution:

## **MEMO**

Date: January 9, 2009  
To: Village of Pelham Board of Trustees  
From: Village of Pelham Planning Board  
Re: Applicant: Ferrar  
Property: 414 9<sup>th</sup> Avenue  
Application for Proposed Alteration

The Village of Pelham Planning Board (PB) recommends that the Village of Pelham Board of Trustees (BOT) approve the application for the Proposed Front Entrance Stair Case modification for the residence at 414 9<sup>th</sup> Avenue, from the as built which did not conform to the plan approved previously by the Planning Board. The Planning Board unanimously approved the application for the proposed construction of the stair case modification submitted by the applicant.

All work relating to the construction of the proposed drainage system shall be performed as shown on Plan Drawing A.3, dated 10/28/08 by Tom F. Abillama, R.A., Architect

RV

Item #10 – Consideration of the pending Report and Recommendation by the Building Inspector, for next steps and action with regard to the 101 Wolfs Lane property (a.k.a. Pelpark):

Pelham Village Building Inspector Leonard Russo reported that the owner of 101 Wolfs Lane was given an order to remedy the property, but has failed to do so. The current condition of the property is a hazard.

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

### RESOLUTION

DIRECTION FOR VILLAGE'S ATTORNEYS TO COMMENCE AN ACTION  
IN THE COURT OF APPROPRIATE JURISDICTION  
AGAINST THE OWNERS OF 101 WOLFS LANE FOR FAILURE TO COMPLY  
WITH ORDER TO REMEDY UNSAFE CONDITION  
DULY SERVED ON DECEMBER 4, 2008

BE IT RESOLVED, by the Board of Trustees of the Village of Pelham order and direct the Village's Attorneys commence an action in the court of appropriate jurisdiction against the owners of 101 Wolfs Lane, V.K. Estate Holdings LLC, a.k.a. Pelpark LLC, for failure to comply with an order to remedy unsafe condition, which would include demolishing and removing the remaining structures at 101 Wolfs Lane, Pelham, New York, to remedy the unsafe condition(s), subject to Section 34 of the Code of the Village of Pelham, and the applicable provisions of New York State Law; and

BE IT FURTHER RESOLVED, that all appropriate Village Officials are hereby given the authority to take all applicable legal steps to effect this order, including court action, and if granted by the court then an order to remove of the building and apply all costs of demolition and removal as a tax lien against the property if there is no compliance with an order to demolish.

Item #11 – Pelham Preservation proposal that Pelham apply for 5<sup>th</sup> Avenue and Wolfs Lane to be made a national historic district from Third Street by the Art Center to Brookside Avenue by the Picture House:

Tobe Epstein of 79 Harmon spoke on behalf of the Pelham Preservation Society regarding a proposal from the Pelham Preservation Society to apply for 5<sup>th</sup> Avenue and Wolfs Lane to be designated as a National Historic District from Third Street by the Art Center to Brookside Avenue by the Picture House. Mrs. Epstein mentioned that having a National Historic District in Pelham will greatly benefit the village and its merchants by aiding to preserve the character of the village and presenting the merchants with opportunities for tax credits.

Mary Dierickx who is the Pelham Preservation's consultant for the project has been working on projects such as this one for several years. Mrs. Epstein said she is experienced with the process a municipality must follow in order to obtain a national historic district designation. Ms. Dierickx mentioned that having a national historic district in Pelham opens the village up to more funding opportunities. Furthermore, she mentioned that there are no regulations that would hinder landlords within the district from making changes to their property, and landlords would also be open to the opportunity for tax credits.

Architectural Review Board (ARB) Chairman Nigel Scott-Williams reported that the ARB is in favor of the proposal.

Mrs. Dierickx and Mrs. Epstein made their pitch to the Board, during which there was substantial discussion of the pros and cons of the issue, including tax benefits, façade easements, and improving rehabilitation standards.

At the end of the discussion, the Board thanked the Pelham Preservation Society for their time and research into this proposal, and said that they would be interested in finding out more about the program, including what other communities do, of those that have Historic Districts.

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

The Mayor and Board had been discussing with Administrator Slingerland about the ongoing grants, and ongoing projects, the Village is receiving, or working with at the moment.

Mayor Hotchkiss and Mr. Slingerland said they would work together to prepare an updated report discussing the grants the village has commitments for, the status of the grant project, and the status of the funding contribution to the Village.

Updated draft provided to the Board this evening.

Item #13 – Resolution authorizing the sale of a 2004 Ford Crown Victoria as surplus:

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

RESOLUTION  
AUTHORIZING THE AWARD AND SALE OF A  
SURPLUS 2004 FORD CROWN VICTORIA  
TO THE HIGHEST RESPONSIBLE BIDDER

WHEREAS, the 2004 Ford Crown Victoria surplus Police Vehicle owned by the Village of Pelham was declared surplus and available for sale on September 23, 2008; and

WHEREAS, this vehicle was advertised for sale in October, 2008, in the Gannett Westchester classifieds. It was circulated to area taxi/livery companies for potential interest, and to other interested parties. The vehicle was first offered for \$4,999, and then again for \$2,000, and there were no offers, so ultimately the vehicle was offered for \$500, or the best offer.

WHEREAS, during the advertisement period, numerous proposals were submitted for the 2004 Ford Crown Victoria, the top three of which are as follows:

Andrew Smith of New Rochelle, NY	\$	3,100
Chris Corrado of Mount Vernon, NY	\$	3,000
Richard Slingerland of Ossining, NY	\$	775

BE IT RESOLVED, that the Board of Trustees of the Village of Pelham hereby authorizes the award and sale of the 2004 Ford Crown Victoria as surplus to Andrew Smith of New

Rochelle, NY, who is the highest responsible bidder, in the amount of three thousand one hundred dollars (\$3,100); and

BE IT FURTHER RESOLVED, that the Mayor and the Village Administrator and all other appropriate officials are authorized to take the necessary and appropriate actions to sell this vehicle.

Item #14 – Resolution affirming a shared services grant application may be filed to the NYS Shared Services Grant Clearinghouse with the Town for a shared LiveScan Identification System:

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

RESOLUTION

AFFIRMING A SHARED SERVICES GRANT APPLICATION  
MAY BE FILED FOR A PROGRAM  
WITH COOPERATION BETWEEN THE VILLAGE AND THE TOWN OF PELHAM  
FOR A SHARED SERVICES JOINT GRANT APPLICATION  
FOR LIVESCAN IMAGING, MUG-SHOT AND FINGERPRINTING SYSTEM

RESOLVED, that the Mayor and Board of Trustees hereby affirm that the Village of Pelham may file a grant application, for a shared services project for Live Scan, with the grant being submitted to the Shared Services Grant Program, to apply for funding for LiveScan Imaging, Mug-Shot and Fingerprinting system that will be utilized and shared by the Town of Pelham and the Village of Pelham; and

BE IT RESOLVED, that the grant request and matching funding is as follows:

Project:	Amount:
Requested Funding:	\$30,547.80
Municipal Match:	\$ 3,394.20
shared as follows:	
Village Match:	\$ 1,697.10
Town Match:	\$ 1,697.10

Total Project Cost: \$33,942.00

BE IT FURTHER RESOLVED, that the Mayor, the Village Administrator, the Police Chief, and all other appropriate officials are authorized to take the necessary action to file and endorse this grant application.

Item #15 – Resolution authorizing an Intermunicipal Agreement (IMA) between Westchester County and the Village of Pelham to authorize the Village’s continued participation in the Enhanced 911 System:

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

RESOLUTION

AUTHORIZING RENEWAL OF THE INTER-MUNICIPAL AGREEMENT (IMA) BETWEEN THE VILLAGE OF PELHAM AND WESTCHESTER COUNTY TO AUTHORIZE THE VILLAGE’S CONTINUED PARTICIPATION IN THE 911 SYSTEM (A.K.A. ENHANCED 911 SYSTEM)

BE IT RESOLVED, that the Mayor and Board of Trustees of the Village of Pelham authorize the Village to enter into, and authorize the Mayor or the Village Administrator to sign an agreement, for the Village to continue to participate in the Westchester County 911 System, also known as the Enhanced 911 System, on behalf of the Village of Pelham.

Item #16 – Authorizing the Accounts Payable:

A motion was made by Trustee Lewis, with a second by Trustee Homan to adopt the resolution. The motion was approved by vote of five in favor, none opposed. Trustees Breskin 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	\$ 266,521.33
Water Fund	\$ 7,523.21
Capital Projects Fund	\$ 360.00
Trust and Agency Fund	\$ 750.00
H3 Fund	\$ <u>0.00</u>
Grand Total	\$ 275,154.54

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

Item #17 – Other Business:

Trustee Homan mentioned that she is concerned about the upcoming budget. She further mentioned that the board needs to come up with new and creative ways to cut the budget. Trustee Homan suggested that the board look at cutting costs with regard to the garbage contract. She asked that the issue of spending controls be included on the January 27<sup>th</sup> agenda.

John Cassone of 312 7<sup>th</sup> Avenue recommended that the Village reduce the amount of grants it applies for. This would allow the village to avoid having to pay a local share match.

Trustee Homan made the suggestion that the Village could look into whether we can rollover the garbage contract, or possibly change services, such as eliminating rear yard garbage collections, to realize substantial savings.

Mayor Hotchkiss said that it is important to control, but it is also important not to have a deterioration of service. Administrator Slingerland reminded the Board that since gasoline prices had climbed so precipitously into June of 2008, he had issued an order to the department heads, in effect – if you don't need it, don't buy it.

The Board asked for a more solid estimate of cost savings to eliminate rear yard garbage collection. John Cassone mentioned that the Town/Village of Harrison had proposed a 15% property tax increase, which was reduced to 13.1%, and then adopted around 9%. Mayor Hotchkiss commented that the Village Board has been going through the budget with a fine tooth comb every year. Trustee Homan said we have been cutting and controlling costs in every way possible. Trustee Potocki asked about joint bidding and purchasing with other municipalities. Trustee Homan passed along a report from a Pelham realtor that there has been no sale of a house in Pelham since Summer, 2008. Trustee Lewis commented that it is better to be proactive than to be reactive. Administrator Slingerland also mentioned that while pension costs are proposed to be reduced in 2009-2010 by the State, they have already forecast the rates for 2010-2011 to double for regular employees (ERS), and to increase by 50% for uniformed employees (Police and Fire), and that the Village should consider adopting a portion of the projected increase for 2010-2011, to soften the blow, especially since current economic circumstances have not been this bad in decades.

Administrator Slingerland promised to include the matter on the January 27<sup>th</sup> agenda, and take immediate steps to implement Board policy with regard to spending controls.

Other Business discussed:

- i. Pending renewal of Garbage Contract (renewal date is March 1)
- ii. Census – Notice of Consolidation of Census Blocks
- iii. DEC – Performing air monitoring tests on some Sparks Avenue properties, including Village Hall, from ongoing spill clean-up (10-years plus) of dry-cleaning chemicals from a dry cleaning operation identified at 113 Wolfs Lane.

- iv. Wolfs Lane Park – Proposed Project and Construction Schedule from Hank White

Item #18 – Executive Session – Collective Bargaining Negotiations w/PBA; Fire Department personnel matters:

On the motion of Trustee Homan, seconded by Trustee Potocki, the Board voted to go into Executive Session immediately after the board meeting is adjourned. The motion was approved by vote of five in favor, none opposed. Trustees Breskin and Weinstein were absent.

Item #19 – Minutes: Nov. 5, Nov. 18, Dec. 2 and Dec. 16, 2008 pending circulation:

The minutes were tabled until the next scheduled Board of Trustees meeting.

Item #20 – Adjournment:

On the motion of Trustee Homan, seconded by Trustee Potocki, the Board voted to adjourn the public portion of the board meeting at 10 p.m. and go into Executive Session to discuss matters of collective bargaining, as they relate to negotiations with the Pelham PBA. The motion was approved by vote of five in favor, none opposed.

Respectfully submitted,

Devron Wilson, Administrative Aide

Richard Slingerland, Administrator/Deputy Clerk