

VILLAGE OF PELHAM BOARD OF TRUSTEES REGULAR MEETING  
TUESDAY, JANUARY 19, 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

#	Agenda Items:	Discussion	Approximate Starting time of
	<b>Non-Recurring Items</b>		<b>8:00 p.m.</b>
7.	Resolution to Authorize a Grant Application by the Village to the New York State Local Government Records Management Improvement Fund (LGRMIF) To Implement A GIS System In The Village Of Pelham		<b>Approved</b>
8.	Scheduling a Public Hearing to Change Local Law Regarding Cold War Veterans Exemption to Maximum Levels and to Extend the Exemption to Property Held in Trust for the Benefit of the Veterans		<b>Approved</b>
9.	Resolution to Authorize up to \$10,000 for Professional Services to Prepare RFP for Development of Village-Owned Property from 3rd Street to Lincoln Avenue between 4 <sup>th</sup> Avenue and 5 <sup>th</sup> Avenue		<b>Approved</b>
10.	Resolution to Approve an RFP for Solid Waste Collection Contract		<b>Approved</b>
11.	Discussion of HOPE Permits		<b>Discussed</b>
	<b>Grants, Projects &amp; Other Business</b>		<b>9:00 p.m.</b>
12.	Grants- Status Report		<b>Discussed</b>
13.	Projects- Status Report		<b>Tabled</b>
14.	Building Department Report		<b>Discussed</b>
15.	Other Business		<b>Discussed</b>
	<b>Recurring Items</b>		<b>9:45 p.m.</b>
16.	Authorizing Accounts Payable		<b>Approved</b>
17.	Authorizing Minutes of: December 1, 2009, December 15, 2009, January 5, 2010		<b>Approved</b>
18.	Adjournment to Executive Session		<b>10:00 p.m.</b>

Next Regular Board of Trustee Meetings are:

Tuesday, February 2, 2010

Tuesday, February 23, 2010

All meetings start at 7:30 p.m. unless otherwise noted.

\*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, Morris, Lewis, Homan, Potocki

The following members of the Board of Trustees were absent:

Trustee Breskin

Village staff in attendance:

Administrator/Treasurer Robert Yamuder, Administrative Intern Peter Bonington

Item #2 – Pledge of Allegiance:

The Pledge of Allegiance was led by Mayor Hotchkiss

Reports

Mayor Hotchkiss Report

Mayor Hotchkiss opened his report by saying the Village wants to do its part for Haitian relief and therefore has posted a link on the Village website to [www.westchestergov.com](http://www.westchestergov.com) where a list of organizations is available for potential donations and contributions. He reported that ConEd will be doing some work on 5<sup>th</sup> Avenue between Brookside and Boulevard. This work is mandatory and had been scheduled for November 2009 but had been postponed until after the holiday to accommodate shoppers and merchants in Pelham. The Mayor wished to convey his thanks to ConEd for the postponement until after the holidays and that the work is expected to last three weeks. The steel for the Lordae Realty building has arrived and the structure is under way. The Mayor expressed his hope that the building will be completed in short order. Mayor Hotchkiss thanked Maggie Klein and the Pelham Weekly for printing a volunteer ad. The Mayor reported that he has already received some indications of interest from several residents.

Trustees Reports:

Trustee Breskin-Absent

Trustee Homan-None

Trustee Lewis

Trustee Lewis reported that there will be a land use board meeting on Thursday, January 21, 2010.

#### Trustee Morris

Trustee Morris informed the Board that she will begin teaching Tuesday night classes shortly and thus will not be able to attend a good portion of the Board of Trustee meetings during the current semester. She assured the Board that she would prefer to be in attendance at the meetings.

#### Trustee Potocki

Trustee Potocki stated in his report that a Tuckahoe man wanted for armed robbery was apprehended with the help of Pelham's elite response team. The arrest occurred without incident and Mr. Potocki wanted to congratulate the Pelham officers who were on site.

#### Trustee Bullock-None

#### Village Administrator's Report

Administrator Yamuder stated that the Village had recently received some long-awaited funds from the Main Street Grant Program. Several merchants would be receiving the funds by the end of the week. Mr. Yamuder stressed that, if more merchants are interested in the grant program there is still more money that can be allotted. As part of the MS4 program for keeping storm-water clean, there are some free samples of bags for dog waste available at Village Hall.

#### Item #6– Public Comment

Susan Supputo, a Pelham Manor resident, spoke about a "close call" her daughter had on Friday, January 15. She alleged that a man yelled something to her daughter from a passing car and then began to turn the car back towards her. She filed a police report and was told that although this information was distressing and that Pelham detectives would look into the matter, the situation did not constitute a specific crime at this time.

Ms. Supputo then related that, as a parent of Pelham Middle schoolers, she has observed that Franklin and Wolfs Lane is a heavy trafficked area where parents wait and park their cars

for their children to get out of school. There is no traffic light or crossing guard on this stretch of road. She expressed concern for the safety of the children who cross this road in order to reach their parents' vehicles. She requested that a light, sign, or crossing guard be set up for this specific area.

Trustee Potocki stated that there is no signage or guard at that stretch of road because there should not be cars there in the first place. He stated that they had established waiting zones on Nyac, Corlies, and Pelhamdale for parents' cars. With regard to her daughter, Mr. Potocki suggested to her and to all residents that they program the Police Department's number (738-2000) into their cell phones in case of an emergency. Trustee Homan suggested to Ms. Supputo that she contact the PTA at the Middle School and stated that the issue is with the parents.

Emily Friedberg expressed her desire, as a resident living near the Highbrook Bridge, to be included in the discussions about the fate of that property. She stated that she understands that the mission of the open space committee is only to fact find, but she asked that these actions be suspended and the Village Board should actively seek more involvement by the residents in that area.

Mayor Hotchkiss stated that the committee's purpose is merely to examine options not to make definitive judgments about what to do and is primarily concerned with the green space area of the property, not specifically the bridge. However he did state that the bridge is a liability for the Village and that there is a real possibility of a fence being constructed to keep residents off the site until a course of action can be decided.

Item #7- Resolution to Authorize a Grant Application by the Village to the New York State Local Government Records Management Improvement Fund (LGRMIF) to Implement a GIS System in the Village of Pelham

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

### RESOLUTION

#### RESOLUTION TO AUTHORIZE A GRANT APPLICATION BY THE VILLAGE TO THE NEW YORK STATE LOCAL GOVERNMENT RECORDS MANAGEMENT IMPROVEMENT FUND (LGRMIF) TO IMPLEMENT A GIS SYSTEM IN THE VILLAGE OF PELHAM

WHEREAS; The Village Board has identified a need to implement a Geographic Information Systems (GIS) in municipal operations and planning to maintain better maps and records of critical infrastructure;

NOW, THEREFORE, BE IT RESOLVED; that the Mayor and Board of Trustees of the Village of Pelham authorize the submission of an application for a grant in the amount of twenty-five thousand dollars (\$25,000.00) by the Village of Pelham to the New York State Local Government Records Management Improvement Fund (LGRMIF) and be it

FURTHER RESOLVED; that the Village Administrator is authorized to submit the application, sign all the necessary documents and make all the appropriate and necessary assurances for this application.

Item #8- Scheduling a Public Hearing to Amend a Local Law to Increase Cold War Veterans' Real Property Tax Exemption and to Extend the Exemption to Cooperative Apartments and Property Held in Trust for the Benefit of a Veteran.

After some discussion, a motion was made by Trustee Lewis and seconded by Trustee Homan 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

SCHEDULING A PUBLIC HEARING TO AMEND A LOCAL LAW TO INCREASE THE COLD WAR VETERANS REAL PROPERTY TAX EXEMPTION AND TO EXTEND THE EXEMPTION TO COOPERATIVE APARTMENTS AND PROPERTY HELD IN TRUST FOR THE BENEFIT OF A VETERAN

The Board of Trustees of the Village of Pelham hereby schedules a public hearing to be held at 7:30 p.m. on Tuesday, February 2, 2010, 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 amend Article IV of Chapter 73 to increase the Cold War Veterans' real property tax exemption authorized by Section 458-b of the Real Property Tax Law and to extend the exemption to cooperative apartments and property held in trust for the benefit of a veteran.**

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](http://www.pelhamgov.com).

By Order of the Mayor and Board of Trustees

Terri Rouke, Village Clerk  
Robert Yamuder, Village Administrator/Deputy Clerk  
Publication date: Friday, January 22, 2010

Item #9- Resolution to Authorize up to \$10,000 for Professional Services to Prepare RFP for Development of Village-Owned Property from 3rd Street to Lincoln Avenue between 4<sup>th</sup> Avenue and 5<sup>th</sup> Avenue

Mayor Hotchkiss recapped the ongoing discussion regarding the RFP for the parking areas and the fire station. He stated that the Board were attempting to develop this property and that the Board requires an RFP to solicit substantive bids from contractors and developers. This idea, he stated, is consistent with the Master Plan for the Village of Pelham which recommends increasing density along 5<sup>th</sup> Avenue. He stated that the funds required would be used for schematic plans and legal advisement.

Trustee Homan felt that the timing was not right for this project. She stated that a similar local project, Marbury Corners, has lost a lot of value due to the recession. She stated that it is not prudent to spend \$10,000 at a time when Governor Paterson is cutting assistance to municipalities.

Trustee Potocki stated that initially he had reservations about this project, which were mainly about the parking situation and the current firehouse. He stated that Trustee Breskin had brought in an architect who could design a new firehouse in the lot immediately next to the current one. He stated that the current house is under-utilized and is in need of a great deal of work, so the possibility of a new firehouse is attractive. With regard to parking, Mr. Potocki said that he took a ride through Pelham with Village Clerk Terri Rouke in order to ascertain where these excess cars could be placed while construction occurs, finding 120 different spaces from this superficial glance. Mr. Potocki believes that more parking will be made available through the FTA Intermodal Parking lot in back of Village Hall. Trustee Potocki stated that faced with the shortfall in several areas of the budget, this project would provide a direct shot of cash into the Village, unlike Marbury Corners. The sale could potentially be almost 2 million dollars with half a million in taxes. Based on this information, Trustee Potocki said that he felt the Village should proceed with this project.

Trustee Bullock said that Trustee Potocki's arguments in favor of this project were persuasive and he agreed that now is the time to move forward with this endeavor. Trustee Lewis stated that he felt it was impressive for Mr. Potocki to come out in favor of this project. He then voiced his support for it as well.

Mayor Hotchkiss stated that although the Board does not know the immediate reaction to an RFP of this nature, he did maintain that the up side is so good that they should not be passed up. He stated that it will take a few months to put together and from there it may be a year or two down the road before a developer is awarded the contract.

Trustee Morris added that a new firehouse would be a major benefit for the Village and that even if the current real estate conditions are not ideal the RFP would be set and could be used for a second round of bidding later on. Trustee Potocki said that the developer would also be responsible for giving back the public parking that it utilizes during construction.

Trustee Homan advised the Village undertakes this project, the RFP should not sit on the agenda for 9 months, but should be completed as quickly as possible. The Board agreed with that assessment.

After some discussion, a motion was made by Trustee Potocki and seconded by Trustee Bullock to adopt the resolution. The vote was approved by a vote of five in favor, Trustee Homan opposed. Trustee Breskin was absent.

#### RESOLUTION

#### AUTHORIZING UP TO \$10,000 FOR PROFESSIONAL SERVICES TO PREPARE A REQUEST FOR PROPOSAL (RFP) FOR DEVELOPMENT OF VILLAGE-OWNED PROPERTY FROM 3<sup>RD</sup> STREET TO LINCOLN AVENUE BETWEEN 4<sup>TH</sup> AVENUE AND 5<sup>TH</sup> AVENUE

- Whereas: The Village of Pelham owns the surface and one-deck parking lot between 3<sup>rd</sup> Street and Lincoln Avenue on 4<sup>th</sup> Avenue, the surface parking on 3<sup>rd</sup> Street and 5<sup>th</sup> Avenue, and the Fire Station and adjacent parking lot between 3<sup>rd</sup> Street and Lincoln on 5<sup>th</sup> Avenue.
- Whereas: These Village-owned properties could provide the development of housing and retail units in a fashion consistent with Village of Pelham Master Plan adopted in 2008.
- Whereas: The existing firehouse is outdated, significantly underutilized and will require significant capital improvements in the foreseeable future.
- Whereas: Such a development, if done appropriately for needs of the Village of Pelham, could increase the tax base, increase the retail demand for Village-merchants, provide a new state-of-the-art firehouse and improve the appearance of the Village-downtown.
- Whereas: The Village desires to formulate an RFP to solicit bids to develop these Village-owned properties and would need to contract architectural and legal services to do so.
- Whereas: Such an RFP does not commit the Village to develop the property.

Whereas: Any development would have to follow the site plan requirements of the Village, conform to zoning or receive variances from the Zoning Board of Appeals, receive the approval of the Board of Trustees and follow all legal requirements.

Be It Resolved: The Board of Trustees authorizes up to \$10,000 for professional services to prepare an RFP for development of Village-owned properties from 3<sup>rd</sup> Street to Lincoln Avenue between 4<sup>th</sup> Avenue and 5<sup>th</sup> Avenue.

Item #10-Resolution to Approve an RFP for Solid Waste Collection Contract

Mayor Hotchkiss stated that the Board is attempting to bid out the Village's garbage contract with CRP. He stated the Village is pricing out a different level of service in the interest of savings. He said that currently residents of the Village are working on a 4-day cycle, 2 trash pickups, a bulk day, and recycling. The key to this RFP for the garbage contract is to try and see what options are available to the Village by shifting certain aspects of the current schedule.

Trustee Homan stressed the need to acquire prices for each of the options the Village has requested in order to determine the viability of them. Mayor Hotchkiss agreed that cost efficiency of the prices will determine the options available. Trustee Potocki stated that whatever the options are, the contract needs to be done tonight. He also stated that the number of options must be contained: because if the contract becomes too complicated it may scare away potential bidders.

Administrator Yamuder also added that to change any of the options at this late a date would change the prices that have already been inserted into the RFP. Trustee Lewis asked if these prices could be itemized for better understanding on the part of the bidders. Mayor Hotchkiss stated that it could be done, but it may prove more confusing to bidders in terms of staffing for the alternative days of garbage pickup. Trustee Morris asked how flexible these options are once a bid has been awarded. Trustee Potocki again urged that the RFP be left the way it is and see what options the bidders are presented.

After some discussion, a motion was made by Trustee Lewis 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.

RESOLUTION

AUTHORIZING A REQUEST FOR PROPOSAL (RFP) FOR GARBAGE, TRASH, RECYCLING  
AND ORGANIC WASTE COLLECTION

BE IT RESOLVED the Board of Trustees of the Village of Pelham authorizes a Request For Proposal (RFP) to advertise and accept bids for Contract 2010-01, Garbage, Trash, Recycling and Organic Waste Collection, including but not limited to rear-yard and curbside collection and

BE IT FURTHER RESOLVED, that the Village Administrator and the Village Clerk are authorized to take the necessary and appropriate actions to effect and execute this RFP for these services

Item #11- Discussion of HOPE Permits

Police Chief Joe Benefico was asked by Mayor Hotchkiss to comment on the status of the overnight parking permits, which allow handicapped residents to park on the street overnight. Chief Benefico stated that the original law for the overnight parking permits was passed in 1988 and was written primarily to aid two residents in Pelham. One was an elderly male resident who was in a wheelchair and a boy who couldn't walk. Although this was the primary cause for the enactment of the law, the eventual enforcement of the law has become the responsibility of Doctors and Clerks. He said that parking is poor in certain neighborhoods in Pelham and it has created a level of abuse of these privileges. Prior to attempting to revise the law, Chief Benefico stated that there were as many as 70 cars on the streets at night with handicapped hang tags in the windows. He reported that recently it was down to around 55 cars on average. He stated that in order to receive this designation from the State DMV, a prospective handicapped driver must require: an oxygen tank that must be carried with them, blindness, an inability to walk 200 ft without stopping, or lung disease, to name a few of many conditions. A doctor's note is all that is needed to secure one of these permits.

Chief Benefico said that no other community in the area has an exception or exemption for parking on the street. He stated that the Westchester Human Rights Commission recently dropped a suit against the Village over this matter, which has delayed the application of this law. However, the Commission did offer a potential solution to some of the congestion by suggesting that if the handicapped resident has a driveway at his/her disposal then it must be utilized. Chief Benefico stated that although this does not account for apartment buildings, this suggestion could half the number of cars parking out on the street currently.

Trustee Morris pointed out that the Board should be discussing this with a copy of the current adopted law on hand and asked why was the law not implemented and why the Board was not aware of this. Mayor Hotchkiss asked Chief Benefico to look into addressing what could be done with the apartment buildings. The Chief asserted that since parking overnight on the street is essentially free that is why there is this level of abuse. Trustee Homan said this why there are more handicapped drivers than there are permits. Mayor Hotchkiss thanked Chief Benefico for his assessment and asked him to look into options for the apartment buildings and how to alleviate parking for their handicapped residents.

Item #12- Grants- Status Report

Mayor Hotchkiss reported that the Village has been reimbursed for planning and specifications for the FTA Intermodal Parking Lot. The Village received \$118,501.00 the Village has received coupled with the \$50,000 already received by the Village; this installment brings the grand total to \$75,000. Administrator Yamuder stated that he will be applying to the State for their share of the money shortly and he hopes to have an RFP together soon. Mayor Hotchkiss reported that with regard to the flooding grants from the EPA and FEMA, the Mayor stated that the Village is still submitting forms for the agencies.

Item #13-Projects- Status Report

Tabled

Item #14- Building Department Report

Building Inspector Len Russo gave his report regarding the Village's current building projects. Mr. Russo reported that the steel frame for the Pelham Medical Building and Lordae Realty would be completed soon. The retaining wall to be placed against the cliff is being constructed. Mayor Hotchkiss asked when this wall would be finished. Mr. Russo responded that the building will be under construction for a number of weeks. Mr. Russo reported that Dunkin Donuts is due for a meeting at the prospective site to discuss the building next week. The Pelham Picture House is before the Zoning Board of Appeals and that the Planning Board will become involved in deliberations at a later date. Mr. Russo closed his report by saying that ConEd will be doing repair work along Wolfs Lane between Brookside and Boulevard for approximately 3 weeks.

Item #15- Other Business

Administrator Yamuder reported that United Water recently applied to the Public Service Commission to raise the water rates by 55% even though 50% of their bill is already made up of surcharges. He reported that he had sent an email to his fellow Village managers and administrators in Westchester to try and organize a united front against the raise. Trustee Homan asked if Pelham Manor was involved. Administrator Yamuder stated that our neighboring village is among the group planning to oppose the raise. Trustee Homan stated that it would be a good idea for the Village to pursue this further.

Item #16- Authorizing the Accounts Payable

Trustee Bullock audited the Accounts Payable.

After some discussion, 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	\$ 233,837.21
Water Fund	\$ 1,455.00
Capital Projects Fund	\$23,522.00
Trust and Agency Fund	\$ 731.25
H3 Fund	\$ 0.00
<u>TE Expand Trust Fund</u>	<u>\$2,268.00</u>
Grand Total	\$261,813.46

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

Item #17- Authorizing Minutes of: December 1, 2009, December 15, 2009, and January 5, 2010

A motion was made by Trustee Lewis and seconded by Trustee Homan to adopt the minutes from December 1 and 15. The vote was approved by a vote of six in favor, none opposed. Trustee Breskin was absent.

December 1, 2009-Approved  
 December 15, 2009-Approved  
 January 5, 2010-Tabled

Item #18- Adjournment to Executive Session

A motion was made by Trustee Homan and seconded by Trustee Potocki to adjourn the meeting for executive session to discuss personnel matters. The vote was approved by a vote of six in favor, none opposed. Trustee Breskin was absent.