

VILLAGE OF PELHAM BOARD OF TRUSTEES REGULAR MEETING
TUESDAY, JANUARY 5, 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:

	Non-Recurring Items	8:00 p.m.
7.	Resolution Authorizing a One-Year Contract Renewal for Auditors from O'Connor, Davies, Munns & Dobbins/Bennett, Kielson, Storch, Kremer & DeSantis (ODMD/BKSKD)	Tabled
8.	Resolution Authorizing a Two-Year Contract Renewal to Perform Accounting Work for the Village's Housing Choice Voucher Program.	Approved
9.	Resolution Authorizing The Village A License From Westchester County For Remote Web Access To The Westchester County Clerks Land Records And Legal Files At No Cost	Approved
10.	Resolution to Authorize Change Work Order in the Amount of \$8,900.00 for PCI Contract #2006-09 for Design of Venting System and Containment of Soil on Site	Approved
11.	Resolution to Authorize \$10,000 for Professional Services to Prepare RFP for Development of Village-Owned Property from 3rd Street to Lincoln Avenue between 4 th Avenue and 5 th Avenue	Tabled
12.	Discussion Regarding Cold War Veterans Exemption to Maximum Levels and to Extend the Exemption to Property Held in Trust for the Benefit of the Veterans	Tabled
13.	Discussion Regarding New Con Ed Meter to Bring in Electric at Benedict Fountain	Discussed
14.	Discussion of Muni Meter Proposal in Downtown for Trial Period	Tabled
	Committee Reports	8:45 p.m.
15.	Employee Benefits/HR Manual	Discussed
16.	Tree Committee	Discussed
17.	Park Improvements	Discussed
18.	Young Avenue Open Space	Discussed
19.	Verizon FIOS	Discussed
20.	Chamber of Commerce	Tabled
21.	Commercial Zoning Review	Discussed
22.	Site Plan Review	Discussed
23.	Other Business	Discussed
	Recurring Items	9:30 p.m.
24.	Authorizing Accounts Payable	Approved
25.	Authorizing Minutes of: December 1, 2009, December 15, 2009	Tabled
26.	Adjournment to Executive Session	9:45 p.m.

Next Regular Board of Trustee Meetings are:
Tuesday, January 19, 2010
Tuesday, February 2, 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, Lewis, Homan, Potocki, and Breskin.

Trustee Morris arrived at 8:06 p.m.

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 that the consignment of steel for the Lordae Realty building was delivered on schedule. The work took place on Fifth Avenue and was completed on Jan. 5 2010. The Mayor reported that the next step in this process is will be the building of a wall behind the old Pel-Medical building. He then stated that Christmas trees and wreaths can now go out for pickup curbside. Although there isn't a definite end date, the Mayor recommended to the Board that two weeks from now would be an appropriate deadline. The Board concurred with that suggestion. Mayor Hotchkiss reported that Police Detectives Richard Deere and John Hines recently solved a robbery that took place in Pelham. He took the opportunity to congratulate the detectives. He closed his report by repeating his offer from the 12/15/09 Board meeting about Village Volunteers and how the Village is always happy to have extra help.

Trustees Reports:

Trustee Breskin-None

Trustee Homan

Trustee Homan wanted to extend her thanks to the DPW for how they handled the large snowstorm last week. She stated that the roads were kept clear and traffic flow was even and continued throughout the day.

Trustee Lewis-None

Trustee Morris-None

Trustee Potocki

Trustee commented on the recent case that Detectives Richard Deere and John Hines had solved saying that it was “excellent detective work” on their part and wanted to extend his congratulation to both of them. He also stated that two Pelham officers Jason Pallett and Doug Bornholtz were involved in rescuing a person who was threatening to jump off the Lincoln Avenue bridge that spans the Hutchinson River Parkway. For their actions the two officers are going to receive a Journal News Award.

Trustee Bullock

Trustee Bullock wished the Board and Pelham a Happy New Year.

Village Administrator’s Report

Administrator Yamuder wanted to extend his thanks to the DPW for their work during the snowstorm. He added that Fire Chief Cohen and he are working on obtaining a S.A.F.E.R. grant for the Village Fire Department.

Item #6– Public Comment

Lester Kravitz of Wolfs Lane spoke about the need for “common sense” in Pelham. He related that he had attended a meeting of senior citizens in which John Cassone had addressed the assembly on the highlights of the Village Board meetings. He explained that the recent hiring of a Fire Chief outside of Pelham did not make sense because of the geographic difficulties. He doubted the legality of the residency requirement resolution given the fact that two Board members abstained from the vote. He also objected to the nature in which Fire Chief Cohen’s hiring took place, saying that it was his understanding that the local law must be filed with Albany before his position could be fully ratified. He added that there was no announcement on the website. He asked the Board whether this was an overt or inadvertent omission.

Trustee Breskin stated that he wanted to clarify some of the inaccuracies in Mr. Kravitz’s statement. Trustee Breskin pointed out that Trustee’s Homan and Lewis had stated that they

abstained from the vote to amend the residency requirements of the Village because they felt that it was unnecessary. The amendment to the Residency Requirements was done on the advice of counsel and the vote met the legal requirements for passage. He asserted that the Board has to balance any prospective candidate's geography with their other qualifications for the position in selecting the best candidate and that anyone who reviewed the applicants for the position would likely have come to the same conclusion as the Board did. As far as Albany is concerned, Trustee Breskin stated that counsel has advised that a local law is considered in effect as soon as the Board approves the motion. Afterward, the Board is legally mandated to publish an announcement of the appointment of the Fire Chief in a newspaper and to submit the local law to Albany for approval. To Mr. Kravitz's comment about the website, Trustee Breskin stated that it was an inadvertent omission but does not have any legal bearing on the appointment of Fire Chief Cohen.

Ann Swanson of 205 Highbrook Avenue inquired about the Green Space Task Force charged with examining the Boston and Westchester property on Young Avenue. Her interest was peaked by talk that the concrete railroad bridge on the property would be demolished. She wanted to know whether the meetings are open to the public and if there can be any input from residents on the course of action the Village takes. Mayor Hotchkiss assured Mrs. Swanson that the Task Force is not authorized to make decisions, only to investigate options about what to do with the space. Trustee Breskin stated that if Mrs. Swanson wants more information, she should contact Trustee Morris who is the head of this committee.

Matt Carey spoke as a member of the Young Avenue Task Force stating that they on the Task Force had their own questions about what will become of the railroad bridge and what happens if it is demolished. He added that he had observed a water puddle by the bridge and had filed a complaint about it saying he believed it was a burst pipe. Administrator Yamuder stated that the Village was aware of that puddle. It was caused by a blocked pipe not a burst one and that the issue should be resolved by tomorrow.

John Cassone congratulated Michael Shriman and the DPW for their work during the snowstorm earlier in the week. He also thanked the Police Department for keeping traffic flowing all day long and finished by congratulating Trustee Lewis on his Shop Pelham Video that is currently on Youtube.com.

Item #7- Resolution Authorizing a One-Year Contract Renewal for Auditors from O'Connor, Davies, Munns & Dobbins/Bennett, Kielson, Storch, Kremer & DeSantis (ODMD/BKSKD)

After some discussion, the Board decided to table the resolution until the next meeting for more research and discussion at the next Board meeting on Jan. 19, 2010.

RESOLUTION

AUTHORIZING A ONE YEAR CONTRACT RENEWAL FOR AUDITORS FROM O'CONNOR
DAVIES MUNNS & DOBBINS/BENNETT KIELSON STORCH KREMER & DESANTIS
(ODMD/BKSKD)

BE IT RESOLVED, that the Mayor and Board of Trustees hereby authorize a one year contract renewal for the auditors from O'Connor Davies Munns & Dobbins/Bennett Kielson Storch Kremer & DeSantis (ODMD/BKSKD) for the year ending May 31, 2010;

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

Item #8- Resolution Authorizing a Two-Year Contract Renewal to Perform Accounting Work for the Village's Housing Choice Voucher Program.

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 seven in favor, none opposed.

RESOLUTION

AUTHORIZING A TWO-YEAR CONTRACT RENEWAL TO PERFORM ACCOUNTING WORK FOR THE
VILLAGE'S HOUSING CHOICE VOUCHER PROGRAM

BE IT RESOLVED, that the Mayor and Board of Trustees hereby authorize A two-year contract renewal for John Cruikshank CPA, to perform accounting work for the village's housing choice voucher program covering a two year period from April 1, 2009 ending March 31, 2011;

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

Item #9- Resolution Authorizing the Village A License From Westchester County For Remote Web Access To The Westchester County Clerks Land Records And Legal Files (Free to Municipalities)

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

RESOLUTION

AUTHORIZING ANNUAL MEMORANDUM OF UNDERSTANDING

WITH THE WESTCHESTER COUNTY CLERK'S OFFICE
FOR REMOTE ACCESS SERVICES
FOR LAND AND LEGAL FILES (FREE TO MUNICIPALITIES).

BE IT RESOLVED, that the Mayor and Board of Trustees of the Village of Pelham authorize the Village to enter into an agreement for the Village to have free remote access to land and legal records from the County Clerk's Office, for village purposes, and authorize the Village Administrator to sign this agreement on behalf of the Village of Pelham.

Item #10- Resolution to Authorize Change Work Order in the Amount of \$8,900.00 for PCI Contract #2006-09, Construction and Development/Redevelopment of FTA Parking Facility and Pelham DPW Garage, For Additional Design of Venting System and Containment of Soil on Site

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

RESOLUTION

To Authorize Change Work Order in the Amount of \$8,900.00 for
PCI Contract #2006-09, Construction and Development/Redevelopment of FTA Parking
Facility and Pelham DPW Garage, for Additional Design of Venting System
and Containment of Soil on Site

BE IT RESOLVED, that the Mayor and Board of Trustees of the Village of Pelham authorize a change work order in the amount of \$8,900.00 for PCI Contract 2006-09, Construction and Development/Redevelopment of FTA Parking Facility and Pelham DPW Garage, for an additional design of venting system and containment of soil on site

Item #11-Resolution to Authorize \$10,000 for Professional Services to Prepare RFP for Development of Village-Owned Property from 3rd Street to Lincoln Avenue between 4th Avenue and 5th Avenue

Mayor Hotchkiss opened the discussion concerning the RFP by recapping that the Village owns some significant pieces of property along 5th Avenue. The RFP the Board is looking to obtain is for architectural renderings and legal advice in crafting the language of the request. He stated that the plan is to develop these plots in a similar way to Marbury Corners and added that there is likely to be quite a bit of interest surrounding a project such as this.

The Mayor stressed that the design of these units will alleviate pressure on the school system while but will bring in increased additional tax revenues. He and Trustee Breskin estimated that the sale of the properties could be in the range of \$2 to 2 ½ million and that the tax

revenue could be \$400,000 annually for the combined County, Town, School and Village taxes.

Trustee Homan was skeptical about the project. She questioned if there would be an extra cost incurred by having to hire extra staff for the Police or Fire Departments. Trustee Breskin responded that it would be unlikely given that the new buildings would be up to date on the Fire Code. He added that building one more structure in Pelham would not tax the resources of the current Department to the breaking point as there are not that many fires in Pelham to begin with. He also stated that he believed the addition of Marbury Corners had not caused an increase in staffing requirements.

Trustee Potocki stated that the Village is faced with a shortfall in numerous areas of its finances and that projects like this could be one way of solving the problem. He stated that the initial sale of the property would be an instant shot of money into the Village and that the long term tax revenue would be a sustained flow of cash for the Village to utilize.

Trustee Morris asked about any transition costs that might be incurred to initiate this process. Mayor Hotchkiss said that there probably would but that they would not be substantial. He stressed that the up-side of a project like this is so good that almost any startup cost is worthwhile in the long run.

Trustee Homan asked what putting this RFP out gets the Village. Trustee Breskin stated that writing this RFP allows the Village to seek bids from developers for the properties on a substantive basis whereas without an RFP, developers can only offer generalities about the nature of the project. The project offered by the developers in response to the RFP must then be accepted by the Board and go through the development process with various boards such as Planning and ARB. From start to finish, Trustee Breskin estimated that it would take 2 to 3 years to close on this project.

Trustee Lewis asked if there was anymore information available from last meeting's questions about parking and other complications to this project. He suggested that if the Board needed more time to research this matter then they should table it until the next Board meeting. The Board agreed with that assessment.

After some discussion, the Board decided to table the resolution until the next meeting for more research and discussion at the next Board meeting on Jan. 19, 2010.

RESOLUTION

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

- Whereas: The Village of Pelham owns the surface and one-deck parking lot between 3rd Street and Lincoln Avenue on 4th Avenue, the surface parking on 3rd Street and 5th Avenue, and the Fire Station and adjacent parking lot between 3rd Street and Lincoln on 5th 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 3rd Street to Lincoln Avenue between 4th Avenue and 5th Avenue.

Item #12- Discussion Regarding Cold War Veterans Exemption to Maximum Levels and to Extend the Exemption to Property Held in Trust for the Benefit of the Veterans

After some discussion, the Board decided to table the resolution until the next meeting for more research and discussion at the next Board meeting on Jan. 19, 2010.

Item #13-Discussion Regarding New Con Ed Meter to Bring in Electric at Benedict Fountain

Administrator Yamuder reported that Aldo de Vitto is working with the Pelham Preservation Society on re-designing the Benedict Fountain. He stated that there would be a nominal charge from ConEd to provide the power for the structure for a couple of months out of the

year. Trustee Homan asked about the cost of the installation of the fountain and the cost of the electric to power it. Administrator Yamuder stated that that information is still forthcoming. Mayor Hotchkiss stated that this would be a good addition to have in Pelham and that the architects did an excellent job on recreating the fountain.

Item #14- Discussion of Muni Meter Proposal in Downtown for Trial Period

The Board recommended that this discussion be tabled until the next Board of Trustees Meeting on Jan. 19, 2010.

Item #15- Employee Benefits/HR Manual

Trustee Bullock reported that he has been reviewing the preliminary draft notes and that he will be meeting with Administrator Yamuder in the next two weeks to discuss them.

Item #16- Tree Committee

Trustee Bullock stated that the Tree Committee has not met since the last Board meeting. In the interim they have been looking at various types of trees to determine which types would be desirable to plant in the Village as well as certain types that they would like to refrain from planting in Pelham.

Item #17- Park Improvements

Trustee Morris reported that she and Hank White had gone out to Wolfs Lane Park again and that Mr. White is completing a Master Plan for the additions to the park. She plans to have the recommendations ready for next meeting.

Item #18- Young Avenue Open Space

Trustee Morris reported that the Young Avenue Open Space Committee has been meeting consistently and that there is a need to define the goal of the task force and what it hopes to achieve.

Item #19- Verizon FIOS

Mayor Hotchkiss reported that 6 weeks ago he had contacted Verizon to ask them for a proposal for the Board to negotiate. Thus far the Board has received no communication from Verizon. Mayor Hotchkiss stated that after speaking with several residents that based on their desire to have FIOS available in Pelham, the Board should seek a proposal even if they don't get as much compensation as they had originally hoped for. Trustee Breskin suggested this was not in the Villages interest as the impact of a bad deal with Verizon could impact later

negotiations with Cablevision. He also stated that he didn't think there was that much "outcry" in the community for FIOS.

Item #20- Chamber of Commerce

The Chamber of Commerce was tabled until the February 2nd Board of Trustee's meeting.

Item #21- Commercial Zoning Review

Trustee Lewis stated that based on the changes to the Zoning Code he is now looking for input from the Chamber of Commerce on any thoughts or suggestions they might have. He hopes to have more to report on that by next meeting.

Item #22- Site Plan Review

Trustee Lewis reported that although no substantive changes have been made with regard to Site Plan Review, he stated that one of their goals is to define the parameters of the A.R.B.

Item #23- Other Business

Trustee Homan mentioned that the Garbage Contract extension is coming up. She asked where the Village stood in terms of preparing to open it up for competitive bidding. Administrator Yamuder stated that he is waiting to hear back from the State with regards to a question about the length of time needed for notification to CRP of the Village's intent to bid out the contract. Trustee Breskin asked who is preparing the RFP. Administrator Yamuder stated that they can begin preparing one after he hears back from New York State. Trustee Homan suggested that they need to give Robert direction as to what they are looking for in a revised contract by the next Board meeting. Mayor Hotchkiss asked Administrator Yamuder to have a draft RFP for submission to the Board by the next meeting on January 19, 2010.

Item #24- Authorizing the Accounts Payable

Trustee Homan audited the Accounts Payable.

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

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	\$ 153,269.55
Water Fund	\$ 707.45
Capital Projects Fund	\$176.55
Trust and Agency Fund	\$ 0.00
H3 Fund	<u>\$ 0.00</u>
Grand Total	\$ 154,153.55

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

Item #25– Authorizing Minutes of: December 1, 2009, December 15, 2009

The Board recommended that these minutes be tabled until the next Board of Trustees Meeting on Jan. 19, 2010.

Item #26– Adjournment to Executive Session

A motion was made by Trustee Bullock with a second by Trustee Breskin to adjourn the public portion of the board meeting at 9:35 p.m. and go into Executive Session to discuss pending litigation and contractual matters, after which the Board would adjourn for the evening. The motion was approved by vote of seven in favor, none opposed.

Respectfully submitted,
Peter Bonington, Administrative Intern

