

VILLAGE OF PELHAM BOARD OF TRUSTEES  
REGULAR MEETING  
TUESDAY, JULY 13, 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:

<b>Non-Recurring Items</b>		<b>7:50 p.m.</b>
7.	Public Hearing that amends the Code of the Village of Pelham to set higher minimum fines for certain violations.	Approved
8.	Authorizing the Award of Contract #2010-02 E, G, H & P FTA Parking and Reconfiguration of the Pelham Public Works Facility (bid deadline and opening 7/8/10, 11 a.m.)	Tabled
9.	Authorizing the Award of Contract #2010-03 Tree Removal and Trimming and Stump Removal (bid deadline and opening 6/25/10, 11 a.m.)	Approved
10.	Authorizing the Award of Bid for Benches, Bike Racks, Litter and Recycling Receptacles in Wolfs Lane Park (bid deadline and opening 7/12/10, 11 a.m.)	Approved
11.	Resolution Authorizing the hiring of an employee to the position of PEO/CEO	Approved
12.	Resolution to Refer Proposed Amendment of Zoning Regulations to Planning Board for Review	Tabled
13.	Site Plan Application for 116 Cliff Avenue for a proposed one and a half car garage	Approved
14.	Resolution Amending Village of Pelham Procurement and Purchasing Policy	Tabled
<b>Committee and Community Liaison Reports</b>		<b>9:00 p.m.</b>
15.	Commercial Zoning Review	Tabled
16.	Site Plan Review	Discussed
17.	B & W Site	Discussed
18.	Employee Benefits/HR Manual (draft proposal)	Discussed
19.	Tree Committee	Tabled
20.	Park Improvements	Tabled
21.	Development (including 3 <sup>rd</sup> Street RFP)	Discussed
22.	Parking	Tabled
23.	Verizon (Cable Franchise Agreement Public Hearing)	Approved
24.	Other Reports	None
<b>Recurring Items</b>		<b>9:30 p.m.</b>
25.	Other Business	Discussed
26.	Review of Monthly Financial Reports	Discussed
27.	May 31, 2010 Budget Amendments	Approved
28.	Authorizing Accounts Payable	Approved
29.	Authorizing Minutes of: June 8, 2010	Approved
30.	Adjournment to Executive Session	<b>10:00 p.m.</b>

Next Scheduled Board Meetings are:

Tuesday, August 10, 2010

Tuesday, September 7, 2010

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, Marty, Breskin

The following member of the Board of Trustees were absent:

Trustee Mohan

Village staff in attendance:

Village Administrator Robert Yamuder and Administrative Intern Peter Bonington

Item #2 – Pledge of Allegiance:

The Pledge of Allegiance was led by Mayor Hotchkiss

#### Reports:

Mayor Hotchkiss's Report-

Mayor Hotchkiss opened his report by reminding the public that there will be only one Board of Trustees meeting from July through August. He said the next meeting is scheduled for August 10. The Mayor mentioned the Food Drive headed by Westchester County that took place between June 22<sup>nd</sup> and 23<sup>rd</sup>. The Village Hall was a participating location and the combined efforts of the municipalities involved yielded 5,200 pounds of food County wide. He remarked on the impending retirement of PEO/CEO Shirley Hinson and thanked her for her eight years of service to the Village.

The Mayor reported there was a sanitary sewer line break the day before. The line broke into a storm drain line which then flowed out into the Hutchinson River. Fortunately the break was quickly fixed thanks to the efforts of the Village's Department of Public Works. The Mayor

next reported on a grant the Village had received as part of the Pelham Main Street program for Wolf's Lane Park for \$50,000. He said the Village had received its State Historic Preservation Clearance Letter which is another big step towards getting the awarded funds.

### Trustees Reports:

Trustee Breskin-

Trustee Breskin reported on a meeting he attended with Trustee Lewis regarding the Firehouse Plan. The Plan is part of a much larger development project along 5<sup>th</sup> Avenue and 3<sup>rd</sup> Street increase density in the downtown. Trustee Breskin said there was a good turnout for the meeting and the reaction to the Plan was generally positive. He said he hopes to have the RFP ready within a month.

Trustee Bullock-

None

Trustee Lewis-

None

Trustee Marty-

Trustee Marty reported he saw DPW Foreman Michael Shriman taking down several inoperable Verizon call boxes located on telephone poles throughout the Village. Administrator Yamuder said Verizon will be paying for the removal of these boxes.

Trustee Mohan-

Absent

Trustee Morris-

None

Village Administrator's Report-

Administrator Yamuder reported the New York Department of Transportation is going to be doing some repaving of the Hutchinson Parkway in the Fall. He said DPW Foreman Michael Shriman attended a meeting to discuss any possible ramifications of this scheduled work in Pelham. Administrator Yamuder said there was a new sewer cleaner will be demonstrated to Mr. Shriman and him and will be given for the DPW Foreman. The Village hopes to purchase a new vacuum system for the sewers. A new vehicle costs \$220,000; this machine is

currently listed at \$60,000. Mr. Yamuder finished his report by saying there will be two public hearings on the proposed United Water rate increases from 4:00 to 5:30 p.m. and from 6:00 to 7:30 p.m to take place at the New Rochelle Town Hall. The Public Service Commission will be there to answer questions.

#### Item #6–Public Comment

John Cassone of 7<sup>th</sup> Avenue commented on the state of the Village website. He said much of the information posted is out-dated. He stressed the Mayor and Board should maintain a more current and updated website. Mayor Hotchkiss said the website is a great source of information for the Village residents. He asked Trustee Bullock if he had had any success with finding volunteers who might be able to help maintain the website. Trustee Bullock said the Board had asked around the Pelham Schools for interested students but received no responses. Trustee Morris volunteered but would need instruction. Trustee Lewis said he and Administrative Intern Peter Bonington would work on updating the website periodically.

#### Item #7–Public Hearing that amends the Code of the Village of Pelham to set higher minimum fines for certain violations.

Mayor Hotchkiss said this resolution for the closing of the public hearing on the proposed rate increases to the Fines and Forfeitures Fee Schedule of the Village of Pelham. The Mayor called for any questions or comments from the public; none were made. Trustee Lewis stated the only alteration made from the opening of the public hearing at the June 22 Board of Trustee meeting there was a reduction in the proposed increase to the parking tickets fines from the originally proposed \$30 fee to \$25 due to comments at a prior meeting by the Village's merchants. Mayor Hotchkiss asked for a motion to close the public hearing.

A motion was made by Trustee Breskin and seconded by Trustee Lewis to close the public hearing. The vote was approved by a vote of six in favor, none opposed. Trustee Mohan was absent.

Trustee Breskin recommended the wording in the Village Code be changed to allow residents the next business day to pay the ticket and receive the discounted ticket price. Mr. Cassone added that the collection box for parking tickets closes at 4:30 p.m, but ticketing occurs until 6 p.m. Trustee Bullock stressed the Board can amend the wording of the Code at a later time; it is only approving the proposed fees.

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

**PUBLIC HEARING  
THAT AMENDS THE CODE OF THE VILLAGE OF PELHAM  
TO SET HIGHER MINIMUM FINES FOR CERTAIN VIOLATIONS.**

**LOCAL LAW NUMBER 2 OF 2010**

**A local law to change the minimum fines for  
violations of some parking laws in Chapter  
90 of the Code of the Village of Pelham**

**BE ENACTED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF PELHAM AS  
FOLLOWS:**

**SECTION 1**

The following changes are made in Section 90-36 of the Code of the Village of Pelham:

1. In Section 90-36B(2) "\$25" shall be changed to "\$40".
2. In Section 90-36B(6) "\$40" shall be changed to "\$50".
3. In Section 90-36B(9) "\$40" shall be changed to "\$50".
4. In Section 90-36B(12) "\$40" shall be changed to "\$75".
5. In Section 90-36B(14) "\$20" shall be changed to "\$25".
6. In Section 90-36B(16) "\$40" shall be changed to "\$75".
7. In Section 90-36B (19) "\$20" shall be changed to "\$25".
8. In Section 90-36B (20) "\$20" shall be changed to "\$25".

**SECTION 2. Effective Date**

This Local Law shall take effect immediately upon filing in the office of the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

Village of Pelham Non-moving violations and fines for Parking, as listed on each ticket:

Description	Code Section cited (VO = Village Code)	Current Fine
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Illegal Parking at Expired Meter * Fine if paid by end of day	VO § 90-30 A. (2)	\$25 *\$15
Illegally parked beyond <u>time limit</u> of the <b>metered</b> parking	VO § 90-31, VO § 90-56	\$25 *\$15
Over time in a Limited-Time parking zone ( <b>unmetered</b> ); *Fine if paid BEOD	VO § 90-20, VO § 90-53	\$25 *\$15
Night Parking – 2 AM to 6 AM * Fine if paid by end of day	VO § 90-16	\$40 *\$20
Over 12 inches from the curb	VO § 90-14 B.	\$40
Parking Obstructing a driveway	VO § 90-14 D. (1)	\$50
Parking On/Obstructing a sidewalk	VO § 90-14 C. (2)	\$50
Parking in a NO PARKING area	VO § 90-15, VO § 90-49	\$75
Parking on the wrong side of the street	VO § 90-14 B.	\$50
Double Parked	VO § 90-14 C. (1)	\$75
Obstructing a Fire Hydrant	VO § 90-14 E.	\$100
Parked in a Prohibited Area near Firehouse	VO § 90-14 D. (2) & (3)	\$100
Illegally parked in a Handicapped Zone	VO § 90-14 F.	\$100
Parked in a Village Lot or Space without Permit	VO § 90-24, VO § 90-25	\$75
Parked in a Tow-Away Zone	VO § 90-22, VO § 90-58	\$100
Parked on a Crosswalk	VO § 90-14 C. (3)	\$50
Obstructing a Curb Cut	VO § 90-14 D. (4)	\$50
Parking in a Bus Stop space	VO § 90-22.1, § 90-55	<b>\$50</b>
Parking in a Taxi Stand space	<b>VO § 90-22.2, § 90-57</b>	<b>\$50</b>
<b>Other violations</b>	Misc.(Dog waste, snow) VO § 42-7 Dog – § 54-78; § 81 Snow –	\$40 \$40

## State Vehicle and Traffic law violations listed on tickets

Description	State Law cited	Current Fine
Invalid Inspection sticker displayed	VTL – § 306 B.	\$40
Invalid Registration	VTL – § 401 (1)	\$40

Item #8—Authorizing the Award of Contract #2010-02 E, G, H & P FTA Parking and Reconfiguration of the Pelham Public Works Facility (bid deadline and opening 7/08/10, 11 a.m.)

Mayor Hotchkiss said this resolution is in regards to the DPW Yard project and commuter parking lot. He said the Village advertised this bid publicly and had received a number of bids back for the various contracts within the bid. He invited the representative engineer who

compiled the specifications for the project, Jonathon Miller of PCI Engineers Inc, to summarize the results of the bid.

Jonathon Miller of PCI explained to the board that of 25 firms that received plans, 14 separate firms returned sealed bids on the July 8 deadline. He read off the unofficial, apparent low bidders in the order of the contracts: MVM Construction LLC proposed \$1,911,966 for general contracting services; Anderson Electric Inc. proposed \$234,000 for the electrical; ACS Systems proposed \$232,000 for the HVAC; and Jackan P.H.A. & Ref, Inc. proposed \$100,762 for plumbing.

Mr. Miller stated the proposed total for the project comes to \$2,478,728. He said his firm had an estimate of \$2,300,000. Mr. Miller said all of the aforementioned firms have had their references analyzed of which only MVM Construction had a notification from the Department of Labor for a violation regarding insurance payments, which has now been corrected.

Trustee Breskin asked about the increased price of the project. He said he believed the price too would have been closer \$1.5 to \$1.7 million. Mr. Miller responded the hard construction cost would be close to \$1.5 million but the soft costs associated with the project are what could have increased the overall price of the project. He noted the contingency costs, which fix the prices when the project meets unexpected obstacles, as the majority of these soft costs. Mayor Hotchkiss asked what the cost of the project without the contingency costs would amount to. Mr. Miller said there is approximately \$190,000 in contingencies in the contract currently.

Mayor Hotchkiss said the Board would most likely have to subtract the \$800,000 FTA grant for the project and bond for the rest of the project cost. Trustee Breskin recommended eliminating contingency costs that the Village would be unlikely to use as a way of bringing down the overall price. Mr. Miller said he could investigate the highest priority contingencies for the Village, but added that the design scheme is very bare bones as it is already.

Trustee Marty stated the estimated cost to the Village would be in the vicinity of \$100,000 a year to finish the project. He said this may change people's minds about this project. Mayor Hotchkiss advised looking into the bonding options open to the Village. Administrator Yamuder said based on his experience with purchasing the fire truck the interest rates may be low at this time. Mayor Hotchkiss asked Mr. Miller to set up a prioritized list of the contingencies within the contract. He said the Board should take the next few weeks to review the plans and read through the contract for the project.

Administrator Yamuder reminded the Board that the proposal for the construction management position needs to be approved. Mayor Hotchkiss said the Board would review the contract and vote on that item at the August 10 meeting.

#### RESOLUTION

Authorizing the Award of Contract #2010-02 E-Electrical  
FTA Parking and Reconfiguration of the Pelham Public Works Facility

WHEREAS, the Village Of Pelham issued a Notice to Bidders and Request For Bids for Contract No. 2010-02-E -Electrical – FTA Parking and Reconfiguration of the Pelham Public Works Facility; and

WHEREAS, a public notice was published on Wednesday, May 19, 2010, in the Gannett Westchester Newspaper, an official newspaper of the Village of Pelham; and

WHEREAS, during the notice period over Six (6) companies were contacted and sent copies of the contract documents, or picked up copies of the contract documents at Village Hall; and

WHEREAS, at 11 a.m. E.S.T., Thursday, July 8, 2010, the Village of Pelham publicly opened and read Six (6) proposals; and

WHEREAS, on reviewing the proposals, the following is a list of the proposals, as follows:

<u>Company</u>	<u>Location</u>	<u>Total Base Bid</u>
Anderson Electric Inc	Greenwich, Ct.	\$234,000.00
Talt Electric	New Rochelle, NY	\$239,000.00
D&M Electrical Contract	Elmsford ,NY	\$273,424.00
RLJ Electric Corp	Peekskill, NY	\$295,000.00
Foremost Electrical Corp	Ossining, NY	\$329,860.00
Voltamp Electric Contract	Glendale, NY	\$733,000.00

AND WHEREAS, PCI Engineers have reviewed the bids and determined that the lowest responsible bid that meets requirements is Anderson Electric Inc, of Greenwich, Ct.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of the Village of Pelham Village hereby award Contract No. 2010-02-E to Anderson Electric Inc, of Greenwich, Ct, at the total bid price for this unit price contract in the amount of Two hundred thirty four thousand, (\$234,000.00) as stated above; and be it

FURTHER RESOLVED, that the Mayor and Village Administrator are authorized to take the necessary and appropriate actions to sign, execute and award this unit price contract for these services

#### RESOLUTION

Authorizing the Award of Contract #2010-02 G- General Construction  
FTA Parking and Reconfiguration of the Pelham Public Works Facility

WHEREAS, the Village Of Pelham issued a Notice to Bidders and Request For Bids for Contract No. 2010-02- G- General Construction – FTA Parking and Reconfiguration of the Pelham Public Works Facility; and

WHEREAS, a public notice was published on Wednesday, May 19, 2010, in the Gannett Westchester Newspaper, an official newspaper of the Village of Pelham; and

WHEREAS, during the notice period over Three (3) companies were contacted and sent copies of the contract documents, or picked up copies of the contract documents at Village Hall; and

WHEREAS, at 11 a.m. E.S.T., Thursday, July 8, 2010, the Village of Pelham publicly opened and read Three (3) proposals; and

WHEREAS, on reviewing the proposals, the following is a list of the proposals, as follows:

<u>Company</u>	<u>Location</u>	<u>Total Base Bid</u>
MVM Construction LLC	Mt Vernon, NY	\$1,913,000.00
ELQ Industries, Inc	New Rochelle, NY	\$2,341,700.00
Fourman Construction Inc	Peekskill, NY	\$3,162,230.00

AND WHEREAS, PCI Engineers have reviewed the bids and determined that the lowest responsible bid that meets requirements is MVM Construction LLC of Mt Vernon, NY

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of the Village of Pelham Village hereby award Contract No. 2010-02-G to MVM Construction LLC of Mt Vernon, NY , at the total bid price for this unit price contract in the amount of One million, nine hundred, thirteen thousand , (\$1,913,000.00) as stated above; and be it

FURTHER RESOLVED, that the Mayor and Village Administrator are authorized to take the necessary and appropriate actions to sign, execute and award this unit price contract for these services.

#### RESOLUTION

Authorizing the Award of Contract #2010-02 H- Heating,  
Ventilating, and Air Conditioning  
FTA Parking and Reconfiguration of the Pelham Public Works Facility

WHEREAS, the Village Of Pelham issued a Notice to Bidders and Request For Bids for Contract No. 2010-02- H- Heating, Ventilating, and Air Conditioning– FTA Parking and Reconfiguration of the Pelham Public Works Facility; and

WHEREAS, a public notice was published on Wednesday, May 19, 2010, in the Gannett Westchester Newspaper, an official newspaper of the Village of Pelham; and

WHEREAS, during the notice period over \_\_\_\_ () companies were contacted and sent copies of the contract documents, or picked up copies of the contract documents at Village Hall; and

WHEREAS, at 11 a.m. E.S.T., Thursday, July 8, 2010, the Village of Pelham publicly opened and read 1 proposals; and

WHEREAS, on reviewing the proposals, the following is a list of the proposals, as follows:

<u>Company</u>	<u>Location</u>	<u>Total Base Bid</u>
ACS Systems	Mt Vernon, NY.	\$232,000.00

AND WHEREAS, PCI Engineers have reviewed the bids and determined that the lowest responsible bid that meets requirements is ACS Systems of Mt Vernon, NY.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of the Village of Pelham Village hereby award Contract No. 2010-02-H to ACS Systems of Mt Vernon, NY., at the total bid price for this unit price contract in the amount of Two hundred thirty two thousand, (\$232,000.00) as stated above; and be it

FURTHER RESOLVED, that the Mayor and Village Administrator are authorized to take the necessary and appropriate actions to sign, execute and award this unit price contract for these services.

#### RESOLUTION

#### Authorizing the Award of Contract #2010-02 P- Plumbing FTA Parking and Reconfiguration of the Pelham Public Works Facility

WHEREAS, the Village Of Pelham issued a Notice to Bidders and Request For Bids for Contract No. 2010-02- P- Plumbing– FTA Parking and Reconfiguration of the Pelham Public Works Facility; and

WHEREAS, a public notice was published on Wednesday, May 19, 2010, in the Gannett Westchester Newspaper, an official newspaper of the Village of Pelham; and

WHEREAS, during the notice period over Four (4) companies were contacted and sent copies of the contract documents, or picked up copies of the contract documents at Village Hall; and

WHEREAS, at 11 a.m. E.S.T., Thursday, July 8, 2010, the Village of Pelham publicly opened and read Four (4) proposals; and

WHEREAS, on reviewing the proposals, the following is a list of the proposals, as follows:

<u>Company</u>	<u>Location</u>	<u>Total Base Bid</u>
Jacan P.H.A & Ref, Inc	New Rochelle, NY	\$100,762.00
Frank & Lindy P and H	Peekskill, NY	\$122,800.00
TWP Plumbing and Heating	Larchmont, NY	\$130,206.00
S & L Plumbing & Heating	Brewster, NY	\$136,325.00

AND WHEREAS, PCI Engineers have reviewed the bids and determined that the lowest responsible bid that meets requirements is Jacan P.H.A & Ref, Inc of New Rochelle, NY

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of the Village of Pelham Village hereby award Contract No. 2010-02-P to Jacan P.H.A & Ref, Inc of New Rochelle, NY at the total bid price for this unit price contract in the amount of One hundred thousand, seven hundred sixty two dollars, (\$100,762.00) as stated above; and be it

FURTHER RESOLVED, that the Mayor and Village Administrator are authorized to take the necessary and appropriate actions to sign, execute and award this unit price contract for these services.

Item #9—Authorizing the Award of Contract #2010-03 Tree Removal and Trimming and Stump Removal (bid deadline and opening 6/25/10, 11 a.m.)

Administrator Yamuder explained this resolution is for the annual tree removal contract. He said the bid for the contract was advertised in the Journal News. Three sealed bids were received by Village Hall. After comparing the numbers of the various bids, he recommended the lowest, qualified bidder as Manor Tree Company. He said the Village has worked well with Manor Tree in the past and their level of service is excellent.

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

AUTHORIZING THE AWARD OF CONTRACT NUMBER 2010-03 FOR TREE REMOVAL AND TRIMMING, AND STUMP REMOVAL

WHEREAS, The Village Of Pelham Issued A Notice to Bidders and Request For Bids for Contract 2010-03 for Tree Removal, Trimming, and Stump Removal In The Village Of Pelham; and

WHEREAS, a public notice was published on Friday, June 11, 2010, in the Gannett Westchester Newspaper, an official newspaper of the Village of Pelham; and

WHEREAS, during the notice period sixteen (16) companies were contacted and sent copies of the contract documents, or picked up copies of the contract documents; and

WHEREAS, at 11 a.m. E.S.T., Friday June 25, 2010, the Village of Pelham publicly opened and read three (3) proposals; and

WHEREAS, on reviewing the proposals, the bids were as follows:

		Base Bid
1.	Manor Tree Service of Pelham Manor, NY	\$ 11,550.00
2.	Almstead Tree Service of New Rochelle, NY	\$ 17,509.50

3. Dom's Tree Service of Port Washington, NY \$ 39,660.00

WHEREAS, Administrator Robert Yamuder has determined that the lowest responsible bid that meets requirements is Manor Tree Service of Pelham Manor, NY.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of the Village of Pelham Village hereby award Contract 2010-03 for Tree Removal, and Trimming, and Stump Removal In The Village Of Pelham to Manor Tree Service of Pelham Manor, NY, at the total approximate bid cost of Eleven thousand five hundred fifty dollars (\$11,550.00), as a unit-price contract, with prices provided under the bid for add-on trees; and be it

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

Item #10—Authorizing the Award of Bid for Benches, Bike Racks, Litter and Recycling Receptacles in Wolfs Lane Park (bid deadline and opening 7/12/10, 11 a.m.)

Mayor Hotchkiss reported the bids for the Wolfs Lane Park Amenities have been received by the Village. These park benches, trash/recycling receptacles, and bike racks are being purchased as part of a streetscape initiative from the New York Main Street grant program. Administrator Yamuder stated after advertising the bid, only one sealed bid was received by the Village. After checking with the New York Conference of Mayor's (NYCOM) general counsel office, Mr. Yamuder confirmed that the Village can award the singular bid to Barbato Nursery Corporation of Holbrook, N.Y. Mr. Yamuder said Barbato chose to only bid on the benches and the bike racks, which came out to \$38,250.00. In the discussion with NYCOM however, he confirmed the Village can purchase the trash/recycling receptacles at another time. At this time, Administrator Yamuder recommended the Board award the contract to Barbato Nursery Corp.

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

#### RESOLUTION

#### AUTHORIZING THE AWARD OF THE BID FOR BENCHES, BIKE RACKS, LITTER AND RECYCLING RECEPTACLES IN WOLFS LANE PARK

WHEREAS, on July 2, 2010, the Village of Pelham publicly advertised a Request For Bids for 24 Country Casual Windermere model #4504, 8 foot benches or approved equivalent; 10 Victor Stanley model S-42 trash/recycling receptacles or approved equivalent; and 10 Dero

model Bike Hitch's or approved equivalent for Wolfs Lane Park, funded by the NYS Main Street Grant for Streetscape improvements in the Village Of Pelham; and

WHEREAS, at 11 a.m. on Monday, July 12, 2010, 1 proposal was publicly opened and read, which are as follows:

<u>Company:</u>	<u>Proposal Amount:</u>
Barbato Nursery Corporation	\$38,250.00

BE IT FURTHER RESOLVED, that the Board of Trustees of the Village of Pelham hereby award the bid for 24 Country Casual Windermere model #4504, 8 foot benches or approved equivalent; 10 Victor Stanley model S-42 trash/recycling receptacles or approved equivalent; and 10 Dero model Bike Hitch's or approved equivalent to Barbato Nursery Corporation of Holbrook, New York at the total approximate bid price of thirty eight thousand two hundred and fifty dollars (\$38,250.00); and

FURTHER RESOLVED, that the Mayor, Village Administrator, and other appropriate Village officials are authorized to take the necessary and appropriate actions to effect and execute this contract for these items.

Item #11–Resolution Authorizing the hiring of an employee to the position of PEO/CEO

Administrator Yamuder stated this resolution is to reappoint Lisa Taitt as a Parking Enforcement Officer/Code Enforcement Officer for the Village of Pelham. Trustee Bullock asked if Police Chief Benefico was happy with this reinstatement. Mr. Yamuder said that he was happy to reappoint Ms. Taitt.

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

RESOLUTION

AUTHORIZING THE APPOINTMENT BY THE MAYOR  
OF LISA TAITT TO THE POSITION OF PEO/CEO  
IN THE PELHAM POLICE DEPARTMENT

BE IT RESOLVED, that the Board of Trustees of the Village of Pelham authorize the appointment by the Mayor of Lisa Taitt of 140 Elgar Place, Bronx, New York, to the position of PEO/CEO, with an effective date of appointment to start on July 8, 2010, with salary and benefits as agreed upon in an offer letter dated July 8,2010, subject to the requirements of Civil Service, for a probationary period of one (1) year and authorizes the Mayor and the Village Administrator to take the necessary and appropriate actions to effect this appointment.

Item #12–Resolution to Refer Proposed Amendment of Zoning Regulations to Planning Board for Review

Mayor Hotchkiss said the purpose of this resolution is to submit to the Planning Board the proposed recommendations by Trustee Lewis to the Commercial Zoning Code. Trustee Lewis informed the Board that he needed to review the recommendations prior to their submittal to the Planning Board.

The Board decided to table the resolution until a later meeting for more information from Trustee Lewis and his proposed recommendations.

Item #13– Site Plan Application for 116 Cliff for a proposed one and a half car garage

Mayor Hotchkiss summarized this resolution saying it is to authorize the building of a 1 ½ car garage at 116 Cliff Avenue. The property owner, Mr. Steven Dolan, was present to give a brief description of the project. He said the building required the demolition of the current garage and the construction of the present 1 ½ car garage. He said he and his wife had completed the Architectural Review and Planning Board requirements. He said the neighbors on the side of the garage are pleased with the distance between it and their own garage. He finished by saying it does maintain the aesthetic of the neighborhood. Mayor Hotchkiss added the presentation comes with a letter from the Planning Board recommending the Board of Trustees approve this garage.

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 Mohan was absent.

RESOLUTION  
AUTHORIZING THE SITE PLAN FOR PROPOSED  
ONE AND A HALF CAR GARAGE (DOLAN)  
AT 116 CLIFF AVENUE

RESOLVED, that the application for a Site Plan to construct a proposed one and a half car garage building is approved, based on the review and recommendations by the Planning Board and the Architectural Review Board; and

BE IT FURTHER RESOLVED, that conditions apply as follows:

1. That the office building must be built in accordance with plans received by the Village and approved by the Planning Board in their memo dated July 6, 2010;
2. That the office building must be built in accordance with plans received by the Village and approved by the Architectural Review Board in their memo dated July 2, 2010;

3. That Grading and Drainage on the sites as shown on the plans approved by the Planning Board;
4. All construction activity must comply with the Village Noise Ordinance and all construction activity must only take place on the days and times as per Village Noise Ordinance;
5. Any other actions deemed necessary by the Mayor, Village Administrator, Building Inspector, and other officials of the Village of Pelham;
6. That the application and permit shall remain subject to the continued jurisdiction of the Board of Trustees ; and
7. At no time may construction commence and not strictly adhere to the construction timeline this will be considered a violation of the Planning Board approval;

AND, BE IT FURTHER RESOLVED, that this application for a site plan by Dolan for 116 Cliff Avenue, is subject to the procedures, regulations and requirements of the Pelham Village Code and Pelham Building Department; and

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

## MEMO

Date: July 2, 2010

To: Village of Pelham Board of Trustees

From: Village of Pelham Architectural Review Board

Re: Application for proposed one and a half car garage

The Architectural Review Board (ARB) recommends that the Village of Pelham Board of Trustees (BOT) approve the application submitted by the Herbert Fruerstein, Architect for a proposed one and a half car garage at 116 Cliff Avenue for Ashley and Stephen Dolan.

Work shall be performed as shown on drawings A1, A2, dated 11/19/09 and revised on 6/29/10 and 7/2/10.

## MEMO

Date: July 6, 2010

To: Village of Pelham Board of Trustees

From: Village of Pelham Planning Board

Re: 116 Cliff Avenue  
Application for new 1 and ½ car garage  
Applicant: Ashley Dolan

The Village of Pelham Planning Board (PB) recommends that the Village of Pelham Board of Trustees (BOT) approve the application for the construction of a new 1 and 1/2 car garage at 116 Cliff Avenue, subject to receipt and/or confirmation of: a) construction schedule/time line, b) insuring 5 foot side set back includes roof overhang and if so moving building to comply, c) FAR requirements are not applicable to ancillary structures, d) landscape plans, e) Drainage calculations, and f) short form Environmental Assessment. The Planning Board unanimously (5-0) approved the application and the Applicant has provided the items requested and building as shown on the revised plans is in compliance with the set back requirement.

Work shall be performed as shown on Project Drawings Sheets A-1, and A-2, (dated June 29, 2010), prepared by Herbert Felerstein, Architect.

RV

Item #14—Resolution Amending Village of Pelham Procurement and Purchasing Policy

Mayor Hotchkiss said this discussion pertains to proposed changes to the Village's purchasing policies. He said he and Mr. Yamuder would need some additional time to prepare the changes for review by the Board.

The Board decided to table the resolution until a later meeting for more information from Trustee Lewis and his proposed recommendations.

Committee Reports

Item #15— Commercial Zoning Review

Trustee Lewis stated he is still preparing the recommendations to the Board for Commercial Zoning.

Item #16—Site Plan Review

Trustee Marty reported he and the Mayor had completed the writing portion of the process for the Architectural Review Board. He said the next step is to parallel what the Planning Board

does. He said the goal is to create more predictability and clarity within the Code when it is put into statute.

Item #17– B & W Site (including Request for RFP's)

Trustee Marty reported he and the committee members are still figuring out how to structure their RFP's on the B&W site. He said he needs to speak with Mr. Yamuder regarding the first completed RFP for the site. He hopes to have more information available by next meeting.

Item #18–Employee Benefits/HR Manual

Trustee Bullock commented on the status of the HR Manual. He said Administrator Yamuder has made some progress working from examples provided to the Village by Traveler's Insurance. He says he hopes for a first draft sometime in the next few weeks.

Item #19–Tree Committee

Trustee Bullock commented on Barbara Mundy's presentation at the previous meeting. He did not have any updates as of yet regarding the Committee however.

Item #20–Park Improvements (including Wolfs Lane Park and NYMS Grant)

Mayor Hotchkiss asked Trustee Morris if there were any updates regarding the parks. Trustee Morris said there were none, but took the opportunity to encourage residents to visit the Farmer's Market on Sundays from 9 a.m. to 1 p.m.

Item #21–Development (including 3<sup>rd</sup> Street RFP)

Trustee Lewis commented on the development project for 3<sup>rd</sup> Street. He mentioned this project includes the potential construction of a new firehouse in the lot next to the current firehouse. He said he and Trustee Breskin had been preparing the RFP jointly. He said the architect needs to get back to them with his feedback as well as his renderings of a floor plan for the new firehouse. Trustee Breskin said once this is complete, the plan will be reviewed by counsel and then put into lawful code language. He stated he hopes to have the RFP done by September.

Item #22– Parking (including HOPE Permit)

Trustee Breskin said he did not have anything new to report with regards to the parking in the Village.

Item #23–Verizon (Cable Franchise Agreement Status)

Mayor Hotchkiss stated that Trustee Mohan has been in contact with Verizon for several weeks. As the Village's representative to Verizon, Trustee Mohan was able to secure a draft agreement from the Verizon Franchise a tentative amount of \$18,000 for video and media

equipment. He submitted the copy of the draft to the Board. He suggested the Board review the contract over the next few weeks and open a public hearing for the Board of Trustees meeting on August 10 with regard to this issue. He said a copy of the draft agreement would be available on the Village website.

A motion was made by Trustee Lewis and seconded by Trustee Breskin to open a public hearing. The vote was approved by a vote of five in favor, none opposed. Trustee Breskin abstained. Trustee Mohan was absent.

#### Item #24– Other Business

Mayor Hotchkiss reported the Pelham Picture House has issued a letter to the Board of Trustees regarding the proposed parking solution involved with the larger renovation of the Picture House itself. He said this letter comes after the Planning Board was unable to issue a variance for the project the Picture House had envisioned and so it has come to the Board of Trustees. The Mayor stated issuing a waiver to exempt the Picture House from Village Parking requirements is an extremely rare occurrence. He said he intended to call for a public hearing at the next Board of Trustees meeting on August 10 to give the public time to weigh in on this decision. He said the letter and needs assessment would be posted on the Village website and asked Pelham Weekly correspondent Alex Wolff to mention the letter in his report of the meeting.

A motion was made by Trustee Breskin and seconded by Trustee Marty to open a public hearing. The vote was approved by a vote of six in favor, none opposed. Trustee Mohan was absent.

#### Item #26–Review of Monthly Financial Reports

Mayor Hotchkiss encouraged the liaisons to the various departments to familiarize themselves with their respective budget lines. He said the overtime is already over what was budgeted for the month. He said the reason for this was during the summer months a combination of vacations and increased incidents predictably generate more overtime. He said, however, since the beginning of the summer there have been an increasing number of building permits and sales tax collection has increased. He attributed the decreasing of parking meter revenue to the increase in parking meter keys and permits. The Mayor said he would ask Police Chief Benefico about the drop in parking ticket fees.

Mayor Hotchkiss referred the Trustees to the monthly balance sheet. He said this balance sheet is an indicator of the cash status of the Village. He said the fund balance is up from last year with a savings of approximately \$230,000 from the prior fiscal year.

#### Item #27–2009/10 Budget Transfers for 5/31/2010

Mayor Hotchkiss said this agenda item is for the final shifting of funds between accounts to balance the budget for fiscal year 2009-2010.

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 Mohan was absent.

### RESOLUTION

#### Re: Budget Transfers for Fiscal Year 2009-10

**Whereas,** pursuant to the provisions of Section 5-520 of the New York State Village Law, the Board of Trustees, by resolution, may increase existing appropriations by transferring funds from the unexpended balance of another appropriation, from the contingent account, from available cash surplus or unanticipated revenues within a fund, or by borrowing, and

**Whereas,** during the course of the fiscal year, it is necessary from time to time to make modifications to the areas in the budget that have insufficient appropriations based on actual results of operations, and

**Whereas,** in all cases, there are sufficient unexpended balances in other appropriations accounts, excess revenues or fund balances available to cover the transfers, now therefore be it

**Resolved,** that pursuant to Village Law Section 5-520, the Board of Trustees hereby authorizes and directs the proper Village officers to modify the 2009-10 Budget by making the following transfers:

#### Item #28—Authorizing Accounts Payable

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

Trustee Morris audited the Accounts Payable.

### 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:

Fund Name:

General Fund	\$ 107,840.64
Water Fund	\$ 10,941.10
Capital Projects Fund	\$ 9,585.00
Trust and Agency Fund	\$ 687.50
H3 Fund	\$ 0.00
TE Expandable Trust Fund	\$ <u>0.00</u>
Grand Total	\$ 129,054.24

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

Item #29—Authorizing Minutes of: June 8, 2010

After some discussion, a motion was made by Trustee Morris and seconded by Trustee Lewis to adopt the minutes from the June 8 Board of Trustees meeting. The vote was approved by a vote of six in favor, none opposed. Trustee Mohan was absent.

June 8, 2010- Approved

June 22, 2010- Tabled

Item #30—Adjournment to Executive Session

A motion was made by Trustee Breskin with a second by Trustee Bullock to adjourn the public portion of the board meeting at 11:00 p.m. and go into Executive Session to discuss legal and personnel matters, after which the Board would adjourn for the evening. The motion was approved by vote of six in favor, none opposed. Trustee Mohan was absent.

Respectfully submitted,  
Peter Bonington, Administrative Intern