

VILLAGE OF PELHAM BOARD OF TRUSTEES
REGULAR MEETING
TUESDAY, JUNE 19, 2012, 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:	Approximate Starting Time of Discussion
	Non-Recurring Items	7:40 p.m.
7.	Acknowledgment of 35 Years of Service to Lieutenant Rocco DelGrosso and 25 Years of Service to Sergeant Anthony Borsella	Discussed
8.	Resolution Authorizing the Award of Insurance Coverage to Provider for Worker's Compensation Insurance Coverage	Approved
9.	Resolution to Authorize an MTA Temporary Construction Easement and Permanent Access Easement	Approved
10.	Resolution on Enforcement of Overnight Parking on Carol Avenue	Tabled
11.	Resolution on a Petition to Change Zoning on Lincoln Avenue	Approved
12.	Announcement to Schedule a Public Hearing on Proposed Changes in the Commercial Zoning Code to be Held on Tuesday, July 10, 2012	Approved
13.	Authorizing a Stipulation of Agreement with Retired Firefighter	Tabled
	Reports and other Business	8:15 p.m.
14.	Monthly Budget Review	Discussed
15.	Grants-Status Report	Discussed
16.	Other Business	None
	Recurring Items	8:45 p.m.
17.	Authorizing Budget Transfers	Approved
18.	Authorizing Accounts Payable	Approved
19.	Authorizing Minutes of: February 11, 2012, February 13, 2012, May 22, 2012	Approved
20.	Adjournment to Executive Session	9:30 p.m.

Next Regularly Scheduled BOT Meeting:
Tuesday, July 10, 2012
Tuesday, August 14, 2012
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 7:35 p.m.

The following members of the Board of Trustees were present:

Mayor Hotchkiss, Trustees Lewis, Kagan, Marty, McGoldrick, and Morris

The following members of the Board of Trustees were absent:

Trustee Marciona

Village staff in attendance:

Village Administrator Robert Yamuder and Secretary to the Village Administrator Peter Bonington,

Item #2 – Pledge of Allegiance:

The Pledge of Allegiance was led by Mayor Hotchkiss.

Reports

Mayor Hotchkiss's Report

Mayor Hotchkiss congratulated the Administrator on his election to Treasurer of the New York State Manager's Association.

Trustees Reports:

Trustee Lewis

Trustee Lewis said that the Police Chief had informed him that there were several cars broken into in the Village over the past two weeks. He said all the cars were left unlocked. He reminded residents to lock their cars to prevent further larcenies.

Trustee Kagan

None

Trustee Marciona

Absent

Trustee Marty

None

Trustee McGoldrick

None

Trustee Morris

None

Village Administrator's Report

None

Item #6– Public Comment

None

Item #7–Acknowledgment of 35 Years of Service to Lieutenant Rocco DelGrosso and 25 Years of Service to Sergeant Anthony Borsella

Mayor Hotchkiss congratulated Lt. Rocco DelGrosso for his 35 years and Sergeant Anthony Borsella for his 25 years of service to the Village of Pelham. He said both members of the Pelham Police Department are assets to the Village and thanked them for their service.

Item #8–Resolution Authorizing the Award of Insurance Coverage to Provider for Worker's Compensation Insurance Coverage

Mayor Hotchkiss stated the Village is awarding its contract for Worker's Compensation coverage. He said the Village had received several different proposals from various firms but the most compelling quotes came from the current provider, the New York State Insurance Fund (NYSIF) and the Public Employer Risk Management Association (PERMA). He said Village insurance broker RJ Impastato of FOA and Son is available to give his recommendations to the Village Board.

Mr. Impastato said the Village did have seven claims this year which means the premiums will increase. He said however that based on the quotes received he would recommend remaining with the NYSIF for the coming year administered by Lovell Safety Management. He said the quote from NYSIF had a premium of \$280,772.00. He said however that by staying with NYSIF, the Village has

a chance of receiving the annual dividend of approximately 15% to 40% of the premium. He expected this coming year's dividend would be close to 20% of the premium or approximately \$45,655. If the dividend is received this year, the Village's final cost would likely be \$235,117 in premiums. Mr. Impastato recommended renewing the contract with the NYSIF as the Village's workers compensation provider.

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

RESOLUTION
AUTHORIZING THE AWARD OF INSURANCE COVERAGE
FOR THE VILLAGE OF PELHAM
TO NYS INSURANCE FUND
FOR WORKER'S COMPENSATION INSURANCE COVERAGE

WHEREAS, the Village of Pelham has been seeking Worker's Compensation insurance proposals to provide coverage for the Village of Pelham.

The Village sought to obtain Worker's Compensation insurance proposals through FOA and SON Insurance Corp. from New York State Insurance Fund, PERMA, Travelers, Applied Underwriters, and Liberty Mutual submitted as follows:

<u>Company</u>	<u>Quote</u>
New York State Insurance Fund administered by Lovell Safety Management Co.	\$280,772.00
PERMA	\$247,947.00
Travelers	\$374,000.00
Applied Underwriters	No Quote Submitted
Liberty Mutual	No Quote Submitted

WHEREAS, based on our review of the proposals and other pertinent factors, the Village recommends awarding the Worker's Compensation insurance package to New York State Insurance Fund administered by Lovell Safety Group.

NOW, THEREFORE, BE IT RESOLVED, that the Village hereby awards Insurance Services, with Insurance Coverage Services to be provided for Worker's Compensation through New York State

Insurance Fund administered by Lovell Safety Group at a cost of two hundred eighty thousand, seven hundred and seventy two dollars (\$280,772), and

BE IT FURTHER RESOLVED, that the Mayor and Village Administrator are authorized to take the necessary and appropriate actions to retain coverage for the Worker's Compensation insurance to be effective July 1, 2012

Item #9– Resolution to Authorize an MTA Temporary Construction Easement and Permanent Access Easement

Mayor Hotchkiss said the Village has been asked to sign an easement agreement for the access road from Sparks Avenue to allow the MTA to construct a breaker house on their right-of-way. Trustee Kagan said he would be willing to accept the agreement but suggested language to allow for negotiation with the MTA if the Village wishes to rearrange the structure of the road and lot in the future. He suggested the wording "the Village may offer a substitute easement and negotiate in good faith with the MTA" be added to the agreement.

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

Resolution
To Authorize An MTA
Temporary Construction Easement And Permanent Access Easement

BE IT RESOLVED, that the Board of Trustees of the Village of Pelham hereby authorizes a temporary construction easement and permanent access easement to MTA, see the attached easement agreement; and

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

Item #10– Resolution on Enforcement of Overnight Parking on Carol Avenue

Mayor Hotchkiss explained that the overnight parking situation on Carol Avenue. He said the Board has tried to find a solution to this issue by going to the State legislature to ask for a Home Rule. He said the Village was told that there was not a compelling reason for this determination. The Mayor stated that as of now the residents on the west side of Carol Avenue have until October 1, 2012 to make alternate parking arrangements. He said after the October date, the Village will begin ticketed cars parked on the street.

Kathy Mattisi of 228 Carol Avenue passed out copies of official minutes from a Board meeting from 1979 which have a Trustee Caldwell giving his opinion that Carol Avenue is a private street. Mayor Hotchkiss responded that this is the opinion of a former Trustee and is not a resolution formally recognizing Carol as a private street. Trustee Kagan said the Board should investigate these minutes further but stated that unless there is a formal resolution or decision regarding Carol in later minutes then it would not impact the Board's decision regarding the enforcement beginning on October 1, 2012

Ms. Mattisi stated there is a state law that requires 2-hour parking as a minimum on public streets. She asked how the Board could make Carol Avenue 30 minute parking on Carol. Mayor Hotchkiss said that is a different matter but the public parking availability is legal.

Bob Keller of 245 Wolfs Lane confirmed the next Board date was Tuesday, July 10, 2012. Iris Kasten of 240 Carol Avenue said she was upset that her letter to the Mayor was not answered. She said could not see how changing the parking enforcement on Carol was bettering the situation. Trustee Morris said it is a question of equity. She reminded Ms. Kasten that most residents in Pelham do not have overnight parking and are forced to park in the municipal lots.

Carolyn O'Connor of 213 Carol Avenue stated there are private streets in Pelham such as Manning Circle and Parkway Drive. Mayor Hotchkiss said the Village does not acknowledge Manning Circle as private.

Trustee Marty stated the Board had to bring closure to the issue concerning the status of Brookside and Hillside Avenues and that the impetus for that was when the Picture House requested a variance for its expansion project.

Louisa Gallo of 245 Wolfs Lane said residents understand that the Board must follow through if this is a matter of law but she wished that the Board was more sympathy for the residents on the part of the Board. Mayor Hotchkiss said there is sympathy for the resident of Carol Avenue but the Board cannot ignore this matter now that it has come to their attention.

The Board decided to table this resolution until a later meeting.

RESOLUTION REGARDING OVERNIGHT PARKING ON CAROL AVENUE

WHEREAS, it has come to the attention of the Village Board that the overnight parking regulations of the Village have not been enforced Carol Avenue between Brookside Avenue and The Boulevard, and

WHEREAS, the Board of Trustees is willing to give residents of the Village and especially those living on Carol Avenue a reasonable period of time in order to come into compliance with the parking regulations applicable on Carol Avenue,

Therefore, be it

RESOLVED, that commencing October 1, 2012, the Village Police Department is hereby directed to enforce the parking regulations on the east side of Carol Avenue between Brookside Avenue and The Boulevard and on the west side of Carol Avenue between Hillside Avenue and The Boulevard.

Item #11– Resolution on a Petition to Change Zoning on Lincoln Avenue

David Cooper of the Zarin and Steinmetz and Barry Millowitz gave a short presentation to the Board regarding the proposed development at 185 Lincoln Avenue. Mr. Cooper stated the plan is to redevelop the site into an 18 unit apartment complex. He said some of the property is within New Rochelle. The Administrator confirmed with Mr. Cooper that he has contacted New Rochelle. He requested the Board allow this property to be included in the M commercial district and to allow the process for the State Environmental Quality Review and land use board process.

Mayor Hotchkiss said the Village is rewriting its Zoning Code and is considering getting rid of the M district. Mr. Cooper responded that the developer is only looking for a multi-family housing zone so any category that the Board wishes to place them in is fine so long as it can support the type of housing being proposed.

Trustee Morris cautioned against spot zoning for specific properties. Trustee Lewis stated the Board does not want to spot zone any properties. He said the Village may be able to designate it as C2 and change it later.

Trustee Kagan said more children could be brought into the school district by this development. He asked if the School Board had been made aware of this proposal. Mr. Cooper said the School Board would not have any jurisdiction but could be involved in the planning process.

Mayor Hotchkiss wanted to confirm with Mr. Cooper that the Village is not endorsing this project by approving these resolutions. Mr. Cooper assured the Board that the Village would only be allowing the developer to start the land use review process.

Trustee Marty said one of the goals of the Village's Master Plan is build density in the downtown. He said that building in a more residential area like Lincoln Avenue might lose some of the allure of the foot traffic that could be placed in the downtown area.

Mayor Hotchkiss expressed concern over a development on the periphery of the Village. Mr. Cooper responded that the Village's development at 5th Avenue and 3rd Street and the development at 185 Lincoln Avenue should be seen as two separate projects.

Trustee Kagan said the Board is not approving this project it is just giving permission to begin the zoning petition process. Administrator Yamuder confirmed that there would be no cost to the Village if it declares itself as lead agency for the SEQRA.

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

VILLAGE OF PELHAM VILLAGE BOARD OF TRUSTEES

Resolution On A Petition And Request By Lincoln-Pelham Partners, LLC:

- (1) Authorizing the Circulation of a Notice to be Lead Agency in accordance with the State Environmental Conservation Act ("SEQRA");**
- (2) Referring a Petition to amend the Village of Pelham Zoning Map to the Village of Pelham Planning Board pursuant to Section 98-141 of the Village of Pelham Zoning Code; and**
- (3) Referring said Petition to the Westchester County Planning Board.**

On motion of Trustee Adam Kagan, seconded by Trustee Joe Marty:

WHEREAS, Lincoln-Pelham Partners, LLC has submitted a Petition to amend the Village of Pelham Zoning Map to change the zoning designation of certain parcels within the Village of Pelham known as 185 Lincoln Avenue from the A-3 District to the M District, so as to permit the redevelopment of said parcels with an apartment building ("Petition"); and

WHEREAS, the Village Board of Trustees desires to begin the review process on this Petition and related redevelopment proposal.

NOW, THEREFORE, BE IT RESOLVED, that the Village Board preliminarily determines that the Petition and related redevelopment proposal constitutes an Unlisted Action pursuant to 6 N.Y.C.R.R. Section 617.2, and be it further

RESOLVED, that the Village Board hereby indicates it's intent to serve as Lead Agency pursuant to SEQRA, and directs that notice of such intent, together with the Petition and EAF, be forwarded to other potential Involved Agencies who shall have thirty (30) calendar days from mailing of this notice to indicate any objection to the Village Board serving as Lead Agency for the review and this action, and be it further

RESOLVED, that the Village Board authorizes, and directs the Village Administrator, Village Clerk and any other appropriate staff to take all steps necessary to accomplish the following actions:

- (1) Circulate the attached Notice of Intent to be Lead Agency to other involved agencies for the purposes of review under SEQRA;
- (2) Refer the Petition to the Village of Pelham Planning Board for a report pursuant to Section 98-141 of the Zoning Code; and
- (3) Refer the Petition to the Westchester County Planning Board.

Item #12– Announcement to Schedule a Public Hearing on Proposed Changes in the Commercial Zoning Code to be Held on Tuesday, July 10, 2012

Item #13–Authorizing a Stipulation of Agreement with Retired Fire Fighter

The Board decided to table this resolution until a later meeting.

Item #14– Monthly Budget Review

Mayor Hotchkiss stated the Village currently has two accounting systems; IMPACT and KVS in place while the staff is trained on the newer KVS software. Administrator Yamuder stated that the first month of the fiscal year usually has more budget transfers as a result of the previous fiscal year ending.

Item #15– Grants- Status Report

Secretary Bonington gave the grants summary report. He stated the Village has completed a survey of the project site for the \$340,000 EPA grant. The survey is under review by the engineering firm, Leonard Jackson Associates (LJA), so that the proposal for the work can be completed. Administrator Yamuder added that EPA representative Denis Durack will be meeting with Leonard Jackson to discuss the future of the project in the coming weeks.

The Secretary stated the Village's three flooding grant applications from 2008, 2009, and 2010 are under review by FEMA. He said the Village will be following up on any next steps in this process.

The \$647,000 grant for the corner of Wolfs Lane Park is progressing. The Secretary stated he had contact the Dormitory Authority. The Authority is not requesting anymore paperwork at this time. The Village will continue to follow up on the review process.

Secretary Bonington stated that the Village applied for four reimbursement applications through FEMA for the aftermath of the Hurricane Irene storm. Administrator Yamuder stated that all four applications have been approved which totals almost \$70,000 in reimbursement to the Village for overtime and damages due to the storm.

Item #16– Other Business

None

Item #17– Authorizing Budget Transfers

These Budget Amendments and Transfers were requested by Finance Director Shirley Brown.

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

RESOLUTION

Re: Budget Amendments and Transfers for Fiscal Year 2011-12

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, 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 2011-12 Budget by making the following amendments and rollovers:

Item #18–Authorizing the Accounts Payable

Trustee Morris audited the 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 Marciona 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	\$ 217,149.90
Water Fund	\$800.00
Capital Projects Fund	\$3,512.41
Trust and Agency Fund	\$0.00
H3 Fund	\$0.00
TE Expand Trust Fund	\$0.00
<hr/> Grand Total	<hr/> \$221,462.31

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

Item #19—Authorizing Minutes of: February 11, 2012, February 13, 2012, May 22, 2012, June 5, 2012

February 11, 2012- Approved

February 13, 2012- Approved

After some discussion, a motion was made by Trustee McGoldrick and seconded by Trustee Marty to adopt the minutes from February 11 and 13, 2012. The vote was approved by a vote of six in favor, none opposed. Trustee Marciona was absent.

May 22, 2012- Approved

After some discussion, a motion was made by Trustee Lewis and seconded by Trustee Marty to adopt the minutes from May 22, 2012. The vote was approved by a vote of six in favor, none opposed. Trustee Marciona was absent.

Item #20– Adjournment to Executive Session

A motion was made by Trustee Lewis with a second by Trustee McGoldrick to adjourn the public portion of the board meeting after which time the Board would adjourn for the evening. The motion was approved by vote of six in favor, none opposed. Trustee Marciona was absent.

Respectfully submitted,
Peter Bonington, Secretary to the Village Administrator