

VILLAGE OF PELHAM BOARD OF TRUSTEES
 REGULAR MEETING
 TUESDAY, JUNE 21, 2011, 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:

#	Agenda Items	Approximate Starting Time of Discussion
	Non-Recurring Items	7:40 p.m.
7.	Continuing a Public Hearing Regarding Recognition of Hillside and Brookside Avenues as Public Streets-Postponed	Approved
8.	Resolution to Approve Release of RFP for Actual Soil Mitigation and Associated Testing for Site A (Greenspace)	Approved
9.	Resolution Approving Submission of Request to State Division for Historical Preservation for Nomination to State and National Registers Program	Tabled
10.	Resolution Authorizing the Award of Insurance Coverage to Provider for Worker's Compensation Insurance Coverage	Approved
11.	Authorizing the Award of Contract #2011-01 Tree Removal and Trimming and Stump Removal (bid deadline and opening 6/17/11, 11 a.m.)	Approved
	Grants, Projects & Other Business	8:45 p.m.
12.	Grants- Status Report	Discussed
13.	Monthly Budget Review	None
14.	Other Business	None
	Recurring Items	9:00 p.m.
15.	Budget Amendment and Transfer Resolution	Approved
16.	Authorizing Accounts Payable	Approved
17.	Authorizing Minutes of: May 24, 2011	Approved
18.	Adjournment to Executive Session	9:30 p.m.

Next Scheduled Board Meetings are:

Tuesday, July 12, 2011

Tuesday, August 9, 2011

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.m.

The following members of the Board of Trustees were present:

Mayor Edward Hotchkiss, Trustees Marciona, Morris, Mohan, Lewis, and McGoldrick, and Marty

The following members of the Board of Trustees were absent:

Village staff in attendance:

Village Administrator Robert Yamuder, 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 reminded the public there would be only one Board meeting a month for July and August. He said the next meeting will be on Tuesday, July 12, 2011.

Trustees Reports:

Trustee Lewis

Trustee Lewis reported he attended a meeting of the Colonial School Site Based Council. He said the Council with the help of Police Chief Benefico had devised a possible solution to the pickup traffic congestion by the school. He said they would experiment with closing Highbrook Avenue during the pickup time in the afternoon. He suggested continuing to reach out to the PTA in order to develop a more long term solution.

He added that he would attend the next Planning Board meeting in order to work on getting the commercial zoning changes approved.

Trustee Marciona

None

Trustee Marty

None

Trustee McGoldrick

None

Trustee Mohan

None

Trustee Morris

Trustee Morris stated the Farmer's Market would be taking place on Saturday, June 11. She said the Pelham Art Center would be having an event held by the Farmer's Market as well between 10:30 a.m. and 12:30 p.m. on Saturday. She encouraged residents to attend both of these events.

Village Administrator's Report

Administrator Yamuder reported that the Pelham Water district hydrant flushing was a success. He said these annual flushings ensure that all the hydrants in the water district are in working order. He thanked all the residents in the district for their patience during this necessary procedure.

He added that sidewalk repair notices will be going out to certain residents whose sidewalks are in need of remediation. He said typically residents who receive such notices have 45 days to remediate their sidewalks. He said if residents have questions they can contact Village Hall.

Item #6– Public Comment-

John Cassone of 7th Avenue spoke to the Board about the meeting tapes being screened on Channel 75/43. He said it is very difficult to hear because of a humming noise in the background. He said the Board has been speaking about purchasing new equipment.

Administrator Yamuder responded that the Village has been reaching out to other municipalities for examples of media equipment that the Village may be able to incorporate in its own system.

Item #7–Continuing a Public Hearing Regarding Recognition of Hillside and Brookside Avenues as Public Streets-Postponed

Mayor Hotchkiss stated there is still research being conducted on this issue and suggested the Board table it until a later meeting.

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

Public Hearing Pursuant To The Provisions Of Village Law §6-612 And Village Law §7-732 In Regard To The Recognition Of Brookside Avenue From Wolfs Lane To Its Terminus At The Hutchinson River And Hillside Avenue From Carol Avenue To Its Terminus At The Hutchinson River As Public Streets In The Village Of Pelham.

Item #8—Resolution to Approve Release of RFP for Actual Soil Mitigation and Associated Testing for Site A (Greenspace)

Trustee Marty gave a summary of the finding of Environmental Liability Management (ELM), the firm which performed the initial soil testing on the NYW&B site. He said ELM had performed several borings on the site and discovered heightened levels of lead in the northern sector of Site A, back in 1999 in the area known as the greenspace. Trustee Marty said that this new information brings the suggested remediation options up for discussion. He said ELM had originally suggested covering the entire Site A with one to two feet of clean soil. The two new options are to cover only the affected area with one to two feet of clean soil or to dig out the area where the heightened levels were found and replace that area with clean topsoil. He said, however, that both of these latter options will cost the Village money.

Trustee Marty stated he hopes to get an RFP out for these options to see what is more cost efficient; the placement of topsoil and the removal of the affected soil. He intends to get multiple competitive bids for the options. He said as a rough estimate he was anticipating this work will cost approximately \$3,000.

Trustee McGoldrick stated that if the Village does choose to remove the contaminated soil from the site it will become a Village responsibility to maintain this soil in boxes or some other form in perpetuity. He said perhaps ELM will take charge of it after the removal is completed but he was aware that some entity must take responsibility to maintain or destroy the soil removed from such a site.

Administrator Yamuder said in some cases soil that has been contaminated can be burned as a means of destroying the material the contamination.

Trustee Mohan said Trustee Marty's resolution should include all options for remediation. Trustee Marty said this is a good step for the Board to take because for the first time in many months the Board is considering options for the remediation of the site. Trustee McGoldrick asked if Trustee Marty had a sense from the wider community if they were behind a project like this. Trustee Marty said specifically speaking about Site A there is a feeling that most people would support a passive greenspace area. He did add that before any action is taken, the Board should hold one last public hearing on the options for Site A to determine a consensus from the community.

The Trustees revised the resolution before the Board. Trustee Marty stated that Administrator Yamuder's advice is to ask for as much in a bid as possible in order to get the most offered by the bidding party.

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

Resolution

To Approve Release of RFP for Actual Soil Mitigation for NYW&B Site A (Greenspace)

Be it resolved that the Board of Trustees of the Village of Pelham approve the release of a Request for Proposal (RFP) for the removal, disposal, and replacement of soil in the vicinity of the single point within the NYW&B Greenspace (Site A) where soil testing in 1999 by Environmental Liability Management suggested there was a heightened amount of lead IN ONE TESTING SAMPLE. The RFP will make clear the depth and width of such an area to be removed OR AMENDED, will seek only contractors that are qualified to undertake this, will ensure an acceptable disposal process, and will stipulate clean and tested soil as a replacement IF REQUIRED.

Be it further resolved that this RFP MAY ask for separate bids on any grading, seeding/sodding, and/or fencing of the site to make it acceptable as a simple greenspace.

Be it further resolved that nothing in this resolution presumes the Board has decided whether to undertake this action, or how it will be funded. The Board supports efforts by the Highbrook Highline organization or other groups to seek and obtain non-Village funding for this and potentially other portions of the NYW&B site.

Item #9– Resolution Approving Submission of Request to State Division for Historical Preservation for Nomination to State and National Registers Program

Trustee Marty said advocates from the Highbrook Highline have been pursuing grant and other funding opportunities for NYW&B site. He said the group proposes to submit an application to the State Historic Preservation Office requesting some determination of eligibility for the registry of State or National designation as a historic site. He said Susan and Richard Seither would give a presentation on this matter but said the Board would have to approve any submittal before it could be considered by the Historic Preservation Office.

Trustee Lewis said the Board had gone through this process before with the designation of 5th Avenue and Wolfs Lane as a historic district. He said that the Board does not have a say in the submittal or designation process.

Richard Seither of 108 Harmon Avenue spoke to the Board about the need for a Board resolution to support this application to the State Historic authority. He said the application requires the support and consent of the owner of the property to be considered by the State for designation. He said the Village as the owner has to allow the application to be submitted for an initial review by the State. He said there are numerous other steps involved in this process before any actual historic designation but he was confident that the owner's opinion and consent would be continually sought before any definitive steps are taken with regard to the site.

Mr. Seither stated the due date for this application is September 1, 2011. He said some grant funding opportunities require a designation from the Historic Office in order to be considered eligible for these funding opportunities.

Trustee Lewis asked what, if any, restrictions there are if the site was to be designated as a historic site. Trustee McGoldrick said there must be a benefit for the Village if the Board supports this designation as a historical site. Trustee Marciona replied that there is not down side to being determined as eligible for historical designation by the State.

Ann Swanson-Dumas of 205 Highbrook Avenue stated the Board is not obligated to go any farther then approving the submittal of this application if the Board has reservations about having the site designated.

Administrator Yamuder said there are other considerations for the Village in terms of maintenance of the site in keeping with any regulations that State may have for the upkeep of a historical site.

Mayor Hotchkiss said he felt this motion was premature at this time. He said the Board did not have a full understanding of the designation process and what that designation entails. He asked the Friends of the Highbrook Highline and the NYW&B Committee to provide more information on this process before the Board makes a decision.

Ms. Swanson-Dumas said the members of the Committee and the Friends have worked very hard on this process and are hoping the Board will be able to move forward on some of the initiatives generated by these advisory groups.

Mayor Hotchkiss said he appreciated the effort of these groups. He said the Village wants to know all the options before it proceeds in any direction regarding this property. Trustee Lewis added he wanted to see an options paper provided by the Committee before moving forward with these initiatives.

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

Resolution

**Application of NYW&B Parcel and Highbrook Avenue Bridge
for State and National Registers Nomination**

WHEREAS, a Resolution was passed by the Pelham Village Board on March 1, 2011, Authorizing a Nonbinding Expression of Interest in Converting Part or All of the NYW&B Parcel To A Greenspace; and

WHEREAS, the New York State and National Registers of Historic Places are the official lists of buildings, structures, districts, objects, and sites significant in the history, architecture, archeology, engineering, and culture of New York and the nation; and

WHEREAS, our draft nomination to the State Historic Preservation Office (SHPO) will be reviewed, and proposals which appear to meet the criteria (be eligible) for listing will be assigned to SHPO staff for further development on the basis of current preservation priorities, and

WHEREAS, upon receipt of a satisfactory draft nomination, SHPO will formally seek the comments of the owner(s) and local officials, and schedule a review by the New York State Board for Historic Preservation, more commonly referred to as the State Review Board; and

WHEREAS, a determination of eligibility of the NYW&B Parcel and Highbrook Avenue Bridge to be listed as historic will allow access to future grant application opportunities,

WHEREAS, should SHPO call the draft nomination eligible, that determination is only an initial step, and brings with it neither additional development restrictions nor additional reporting requirement by the Village.

BE IT RESOLVED, the Board of Trustees of the Village of Pelham authorizes the Village Administrator to sign the Statement of Owner Support for the Application of NYW&B 1.93 acre Parcel and Highbrook Avenue Bridge to New York State Office of Parks, Recreation and Historic Preservation for State and National Registers Nomination.

Item #10–Resolution Authorizing the Award of Insurance Coverage to Provider for Workers' Compensation Insurance Coverage

Mayor Hotchkiss reported the Village recently bid out its contract for an insurance provider. He said the Village had received three bids. He said the Village received a quote from Workers' Compensation Alliance (WCA) for \$180,000. They also received a quote from the New York State Insurance Fund for \$215,342 but the actual number could likely be to \$172,000 after a premium reduction based on claim experience which is consistent with recent years. He said the Insurance Fund also has a 50 million dollar range where the WCA

has negative net assets. He said the Village does not usually switch providers very lightly but the Board must decide by July 1, 2011.

The Mayor asked the Board if the Administrator and he could conduct more analysis and make a determination with the permission of the Board. The reason is there will not be another Board meeting between now and the July 1, 2011 deadline. Trustee McGoldrick stated he had had a bad past experience with insurance reciprocals and advised the Board that the other option was preferable from his perspective.

Mayor Hotchkiss stated the Board has made decisions in this manner before. He suggested revising the resolution to state that the Board delegates the Mayor and Administrator to make a final determination on which bid to accept after further research.

A motion was made by Trustee Morris and seconded by Trustee Lewis adopt the resolution. The vote was approved by a vote of seven in favor, none opposed.

RESOLUTION
AUTHORIZING THE AWARD OF INSURANCE COVERAGE
FOR THE VILLAGE OF PELHAM
TO NY WORKERS' COMP ALLIANCE
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 from the Village's existing worker's compensation carrier, NY Compensation Alliance, and through FOA and SON Insurance Corp. from New York State Insurance Fund, PERMA submitted as follows:

<u>Company</u>	<u>Quote</u>
NY Worker's Comp Alliance	\$180,012.00
New York State Insurance Fund administered by Lovell Safety Management Co.	\$215,342 .00
PERMA	\$228,654.00

WHEREAS, based on our review of the proposals and other pertinent factors, the Village recommends awarding the Worker's Compensation insurance package to NY Worker's Comp Alliance administered by Spain Agency.

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

Worker's Comp Alliance administered by Spain Agency at a cost of one hundred eighty thousand, twelve dollars (\$180,012.00), 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, 2011.

Item #11—Authorizing the Award of Contract #2011-01 Tree Removal and Trimming and Stump Removal (bid deadline and opening 6/17/11, 11 a.m.)

Administrator Yamuder stated this resolution is to authorize the Village to award the contract for the annual tree removal in the Village. He said this was a public bidding process in which the Village received three proposals. He said Almstead Tree Company appears to be the lowest qualified bidder. He said the total for Almstead's bid was lower than last year but the difference will be spent on some additional trees.

A motion was made by Trustee Mohan and seconded by Trustee Marciona adopt the resolution. The vote was approved by a vote of seven in favor, none opposed.

AUTHORIZING THE AWARD OF CONTRACT NUMBER 2011-01 FOR TREE REMOVAL AND TRIMMING, AND STUMP REMOVAL

WHEREAS, The Village Of Pelham Issued A Notice to Bidders and Request For Bids for Contract 2011-01 for Tree Removal, Trimming, and Stump Removal In The Village Of Pelham; and

WHEREAS, a public notice was published on Friday, June 3, 2011, in the Gannett Westchester Newspaper, an official newspaper of the Village of Pelham; and

WHEREAS, during the notice period eighteen (18) 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 17, 2011, the Village of Pelham publicly opened and read three proposals; and

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

	Base Bid
1. Almstead Tree Service of New Rochelle, NY	\$ 9,793.00
2. Manor Tree Service of Pelham Manor, NY	\$ 10,745.00
3. Ramos & V Tree Service, Yonkers, NY	\$ 28,000.00

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

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of the Village of Pelham Village hereby award Contract 2011-01 for Tree Removal, and Trimming, and Stump Removal In The Village Of Pelham to Almstead Tree Service of New Rochelle, NY, at the total approximate bid cost of Nine thousand seven hundred ninety three dollars (\$ 9,793.00), 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 #12– Grants- Status Report

Secretary Bonington gave the grants summary. He stated the Village flooding grants are being reviewed by their respective agencies. He commented that the 2008 LPDM grant had several revisions which Administrator Yamuder resubmitted to SEMO. Secretary Bonington stated FEMA is reviewing the 2008 application at this time.

The Secretary stated that the New York Main Street grant program will be ending on Thursday, June 30, 2011. He said the Village has received or transferred almost all of the remaining funds to the appropriate parties.

Secretary Bonington stated the Village has two grants being administrated by the Dormitory Authority for the State of New York (DASNY). The Community Capital Assistance grant for the First Street parking lot is being reviewed by DASNY at the budget level. He said the Administrator is preparing to submit sample bid documents to the Village's engineers to begin working on the RFP for the construction.

The second grant fro the Technology and Development (TAD) grant program from DASNY will have to be amended in order to shift the funds from Phases 1 and 2 to Phase 3 of the overall Wolfs Lane Park project.

The Secretary concluded his report by saying the Village is pursuing a Multi-Modal grant opportunity to assist with the DPW Yard project. The application has passed the initial review stage and is being reviewed further by the New York State Department of State.

Item #13– Monthly Budget Review

None

Item #14– Other Business

None

Item #15– Budget Amendment and Transfer Resolution

Administrator Yamuder stated these budget transfers represent a reconciliation between the end of the last fiscal year and the beginning of the next by balancing any items that are over their budgeted amounts.

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

These Budget Amendments were requested by Finance Director Shirley Brown.

RESOLUTION
Re: Budget Amendments for Fiscal Year 2010-11

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, at the end of the fiscal year, it is necessary to make modifications to the areas in the budget that had 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 2010-11 Budget by making the following amendments and rollovers:

Item #16—Authorizing the Accounts Payable

Trustee Marciona audited the Accounts Payable.

After some discussion, a motion was made by Trustee Marciona and seconded by Trustee Mohan 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	\$ 198,813.72
Water Fund	\$14,710.00
Capital Projects Fund	\$359,309.09
Trust and Agency Fund	\$ 0.00
H3 Fund	\$ 81,320.00
TE Expand Trust Fund	\$ 0.00
Grand Total	\$572,832.81

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: May 24, 2011

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

May 24, 2011- Approved

June 7, 2011- Tabled

Item #18– Adjournment to Executive Session

A motion was made by Trustee Morris with a second by Trustee Marciona to adjourn the public portion of the board meeting at 10:00 p.m. and go into Executive Session to discuss personnel and legal matters, which the Board would adjourn for the evening. The motion was approved by vote of seven in favor, none opposed.

Respectfully submitted,
Peter Bonington, Secretary to the Village Administrator

