

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

Non-Recurring Items		7:45 p.m.
7.	Public Hearing to Amend Local Law #3-2012 Amending the Code of the Village of Pelham for the Administration and Enforcement of the New York State Fire Prevention and Building Code	Approved
8.	Resolution to Approve Memorandum of Understanding between the Village of Pelham and Spinnaker Real Estate Partners, LLC, et al, Concerning Development of Village-Owned Property	Approved
9.	Discussion of MTA Construction Easement	Tabled
10.	Resolution Authorizing the Award of Insurance Coverage to Provider for Worker's Compensation Insurance Coverage	Tabled
11.	Authorizing the Extension of Contract #2011-01 Tree Removal and Trimming and Stump Removal	Approved
12.	Resolution Authorizing the Submittal of an Urban Forestry Grant Application from the New York State Department of Environmental Conservation	Approved
13.	Resolution to Recognize October 13, 2012 as Arbor Day in the Village of Pelham	Approved
14.	Resolution to Recertify the Village of Pelham as a Tree City USA Member	Approved
15.	Authorizing a Stipulation of Agreement with Retired Fire Fighter	Tabled
Committee and Community Liaison Reports		9:30 p.m.
16.	Email Notification System	None
17.	Commercial Zoning Review	None
18.	Site Plan Review	None
19.	B & W Site	Discussed
20.	Employee Benefits/HR Manual	Discussed
21.	Tree Committee	Discussed
22.	Park Improvements	Discussed
23.	Development (including 3 rd Street RFP)	Discussed
24.	Parking	Discussed
25.	KVS Accounting Software Implementation	None
26.	Updating Building Code, Chapter 79 and 98	Discussed
27.	Replacing Televising Video Equipment	None
28.	Other Business	None
Recurring Items		10:00 p.m.
29.	Authorizing Accounts Payable	Approved
30.	Authorizing Minutes of: May 8, 2012	Approved
31.	Adjournment to Executive Session	10:15

		p.m.
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Next Scheduled Board Meetings are:
Tuesday, June 19, 2012
Tuesday, July 10, 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, Secretary to the Village Administrator Peter Bonington, Village Prosecutor Martha Conforti, Building Inspector Leonard Russo.

Item #2 – Pledge of Allegiance:

The Pledge of Allegiance was led by Mayor Hotchkiss.

Reports:

Mayor Hotchkiss's Report-

None

Trustees Reports:

Trustee Lewis-

None

Trustee Marciona-

Absent

Trustee Marty-

None

Trustee McGoldrick-

None

Trustee Kagan-

None

Trustee Morris-

None

Village Administrator's Report-

Village Administrator Yamuder stated the Village is conducting its annual hydrant flushing this week in the Pelham Heights water district. He said he hopes to have the flushing completed by Friday, June 8, 2012. He said residents who have any questions can call Village Hall.

Item #6– Public Comment

Ron Kerchilski said he is a contractor in the Village of Pelham. He said he is building a house at 343 8th Avenue, the plans for which under review by the Architectural Review Board (ARB). He said his plans have been denied several times in spite of revisions.

Mayor Hotchkiss said the Board of Trustees cannot render an opinion on a land use matter but said he would talk with ARB Chairman Ron Czajka to get more information about the status of the application.

Item #7– Public Hearing to Amend Local Law #3-2012 Amending the Code of the Village of Pelham for the Administration and Enforcement of the New York State Fire Prevention and Building Code

Mayor Hotchkiss said the Board had given a few minor changes to the Building Code to Village Prosecutor Martha Conforti to incorporate into the final copy. Trustee Kagan said some defined terms were capitalized and the New York State Energy Code was included as part of the encompassing Building Code for the purposes of violations.

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

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.

Village Of Pelham, NY
Public Hearing That Amends the Code of the Village of Pelham for the Administration and Enforcement of the New York State Fire Prevention and Building Code

Local Law No. 3- 2012

A local law to provide for the administration and enforcement of the New York State Fire Prevention and Building Code and local laws with respect to building construction and fire prevention

Be enacted by the Board of Trustees of the Village of Pelham as follows:

Item #8– Resolution to Approve Memorandum of Understanding between the Village of Pelham and Spinnaker Real Estate Partners, LLC, et al, Concerning Development of Village-Owned Property.

Mayor Hotchkiss said the Village has been working to develop the Village owned property at the intersection of 5th Avenue and 3rd Street. He said this is an important project that is consistent with the goals set in the Village's Master Plan that is to promote density in the downtown area and increase the Village's tax base. The Village put out a Request for Proposal (RFP) and after a lengthy review process has elected to work with Spinnaker Real Estate of South Norwalk in cooperation with the Clarian Group.

The purpose of this memorandum of understanding is to give Spinnaker a six month time period to perform their due diligence on the site and develop a plan which can be reviewed by the Village land use boards. He said this development is designed for high end rentals and are intended to appeal to singles, couples, and empty-nesters. The Mayor stated he understood the concerns associated with the project specifically the possibility of adding students to the Pelham School system. He said, however, that an increase in the Village's tax base would be beneficial to all Village residents.

Frank Caico of Clarian Group gave a presentation about the proposed plan for the development. Clay Fowler of Spinnaker said his firm and Clarian have a vested interest in reinvigorating downtowns through smart development. He cited several examples of Spinnaker projects across the country that are similar to the development proposed in downtown Pelham. Mr. Caico stated there would be no affordable units built in this proposed apartment complex. He said the Village would also own the 100 parking spaces generated by this development over and above that needed for the new residents.

Real Estate Attorney Mark Weingarten stated the Pelham community must have input and work to build a consensus around what the community would like to see at the intersection of 5th Avenue and 3rd Street. He said the State Environmental Quality Review (SEQR) process will be when the primary concerns of the Village will be addressed.

Theresa Rago of 4th Avenue said she lives across the street from Municipal Lot #2, the proposed site of the development. She said she has contested other additions to this area in the past and is concerned about what this new development will mean. Mayor Hotchkiss responded said the proposed development could enhance the property values across the street and general area around the new complex. He said the Village was mindful of concerns about traffic and students, but would work to gain a consensus from residents about this project.

Carolyn Cassidy of 150 Corona Avenue asked the Board about the term "urban in-fill" which came up several times in the presentation by Spinnaker. She said Pelham is a small community with limited resources. She questioned the Board about affordable housing, how many children will be coming into the school district, and what would the retail look like along 5th Avenue?

Susan Mutti of 62 Highbrook Avenue said she wanted to know how the Board arrived at this juncture with the proposal process. She said the community has not had a chance to weigh in on this information and said in the future in the interest of transparency and open government she hoped more information would be available to the public. She urged the Board to reject the MOU.

Madeleine Smith of 304 Corlies Avenue asked if Spinnaker would be conducting market value research to ensure that high end renters are available and aware of this new development. Mr. Weingarten stated that during the SEQR process, the Village can make the developer perform a myriad of studies to determine if the market will support this type of high end rental. He added that there is no requirement for integrating affordable housing into this project.

Michael Mitch Kay of 110 Pelhamdale Avenue asked for an example of a development that did require Section 8 or affordable housing to be included. Mr. Weingarten stated that some municipalities have zoning ordinances that state new developments must accept a certain amount of Section 8 vouchers but Pelham has no such zoning ordinance. He added that the Section 8 vouchers would not be enough to cover the cost of the rent in these types of apartments.

Joe Durnin of 33 2nd Avenue asked if the memorandum of understanding and the proposal that Spinnaker gave are available to the public. Mayor Hotchkiss responded that the proposal from Spinnaker is incorporated in the memorandum including numbers and terms. Trustee Marty stated the Board mentioned some of the numbers involved in this proposal. He suggested the Board post the memorandum on the Village website as soon as possible to allow the public to read and review it.

John Cassone of 7th Avenue asked if the public will be continually involved in this process and updated on the status of the project. Mayor Hotchkiss said after the memorandum is signed, the developer will have six months to review and develop a plan for the site; then the site plan review could take another 12 months for the plan to pass the land use boards. He said the Board will be as transparent as possible with this process.

Trustee Kagan asked what will happen if the developers cannot obtain enough renters at the rates they have specified. Mr. Fowler of the Clarian Group stated that rents can be adjusted to encourage incoming renters and specials deals can also be employed to bring in more tenants. He said his firm has controls where they can monitor and screen incoming tenants and if necessary evict if there are more people occupying a dwelling than allowed.

Trustee McGoldrick said the Pelham Arts Center and Pelham Picture House are great resources to the community and such local attractions should be encouraged whenever possible to bring in more visitors who can help invigorate the downtown.

Mayor Hotchkiss described the process after the memorandum is signed. He said the developer will pay the Village a \$25,000 non-refundable retainer and spend six months reviewing the site to prepare

an application to the land use boards. In that time, the Village and Spinnaker will work to develop a purchase and sale agreement to move the process forward.

Joel Sachs of Keane and Beane, P.C. acting as the Village's land use counsel stated that the memorandum has gone through several drafts to reach this point. He said there is no commitment by either party to continue this arrangement at the end of the six month period. He added that there may not be hard answers to all questions at the end of the six months.

Trustee Kagan confirmed that by signing this memorandum the Village will receive \$25,000 in exchange for taking this project off the market for six months to allow Spinnaker to develop its plan. Trustee Marty said that review and consideration of this proposal must be a fact driven process. Trustee Morris said the Village will be reducing the parking spaces in Municipal Lot #2. Trustee McGoldrick said the Village must generate creative solutions to maintain the Village's level of services.

A motion was made by Trustee Marty 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
TO APPROVE MEMORANDUM OF UNDERSTANDING
BETWEEN THE VILLAGE OF PELHAM AND SPINNAKER REAL ESTATE PARTNERS, LLC, ET AL,
CONCERNING DEVELOPMENT OF VILLAGE-OWNED PROPERTY

Whereas the Village of Pelham is desirous of redeveloping Village owned property which will help fulfill the goals of the Village's Comprehensive Plan; and

BE IT RESOLVED, that the Board of Trustees of the Village of Pelham authorizes the approval of a Memorandum of Understanding between the Village of Pelham and Spinnaker Real Estate Partners, LLC, et al, Concerning Development of Village-Owned Property; 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 #9– Discussion of MTA Construction Easement

Administrator Yamuder stated that the MTA is requesting an easement over Village property to access a spot on their right-of-way to build a circuit breaker house. He said this agreement is similar

to the arrangement the Village already has with PICOH across the parking lot from Village Hall. The Administrator added that Village attorney Mercedes Maldonado has reviewed the agreement and stated it appears to be in order.

Trustee Kagan asked if Village department heads had discussed this easement. Administrator Yamuder said Village department heads have discussed and concurred on this arrangement. He invited Dan Levine and Al Meenan of the MTA to outline the proposed project.

Mr. Levine stated the MTA wants to build this house to strengthen its traction power for its incoming fleet of new train cars. He said the house will be on MTA right-of-way and will be fenced to keep it off limits. He said the MTA is asking for a permanent, non-exclusive easement for the street entrance from Sparks Avenue to the PICOH parking lot.

Trustee Kagan cautioned the Board that if resolved, this will permanently encumber this property with this easement. Mr. Levine stated the land is already encumbered by an easement between the Village and PICOH. He added that the MTA has received an independent appraisal and intends to pay the Village a one-time fee of \$6,050 for the easement.

Mayor Hotchkiss suggested the Village check with the Town Assessor and have Trustee Kagan read the agreement. He said the Board can review the proposed agreement and approve at the next meeting.

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

Item #10—Resolution Authorizing the Award of Insurance Coverage to Provider for Worker's Compensation Insurance Coverage

RJ Impestato of FOA and Son acting as the Village's insurance broker has provided quotes from several firms to the Village for consideration for the Worker's Compensation coverage. He said the current contract with the New York State Insurance Fund (NYSIF) is going to expire on July 1, 2012. He said the premium rates for this year will increase due to the fact that the Village had seven claims in the course of a year.

Mr. Impestato stated he bid out the Village's contract to five different companies, of which he said the NYSIF and PERMA were the most competitive. He said he recommended the Village remain with NYSIF over switching to PERMA. He said generally it is not good for a municipality to be continually switching to different worker's comp providers.

Trustee Kagan added there is only a \$1,800 difference between the quotes. Mayor Hotchkiss said the Village must perform its due diligence. Trustee Morris said the Board can have a resolution ready

for the next meeting after further review.

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

Item #11– Authorizing the Extension of Contract #2011-01 Tree Removal and Trimming and Stump Removal

Administrator Yamuder said the Village intends to exercise an extension on the tree trimming and removal contract for the coming year. He said Almstead Tree Company will hold its prices with the contract. He recommended the Board approve the one-year contract extension.

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

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

WHEREAS, on June 21, 2011, the Board of Trustees of the Village of Pelham awarded a one year Contract 2011-01 for Tree Removal, and Trimming, and Stump Removal In The Village Of Pelham to Almstead Tree Service of New Rochelle, NY as a unit-price contract, with prices provided under the bid for add-on trees; and

WHEREAS, Under the terms of that agreement the contract may be extended by act of the Board of Trustees of the Village of Pelham; and

WHEREAS, Almstead Tree Service has agreed to hold the unit- price quoted in the June 17, 2011 contract noted in the “additional Trees” section for the next contract year; and

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of the Village of Pelham hereby authorizes the extension of Contract 2011-01 as enumerated in the agreement; and

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–Resolution Authorizing the Submittal of an Urban Forestry Grant Application from the New York State Department of Environmental Conservation

Barbara Mundy of the Village Tree Committee spoke to the Board about the following resolutions. She said last year the Village applied for an Urban Forestry Grant which was denied. The Committee was encouraged however to re-apply for this year's round of funding. She said the Board needs to give a resolution supporting the grant application and supporting the in-kind services such as Arbor Day and the Tree City designation. She said the grant is for approximately \$5,000.

A motion was made by Trustee McGoldrick 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

Authorizing the Submittal of an Urban Forestry Grant Application
from the New York State Department of Environmental Conservation for a
Village-wide Tree Inventory and Management Plan Program

BE IT RESOLVED, that the Board of Trustees of the Village of Pelham hereby authorizes the filing an application for 50% matching funds an amount not to exceed \$ 5000.00, and upon approval of said request to enter into and execute a project agreement with the New York State Department of Environmental Conservation for such financial assistance to The Village Of Pelham for Tree Inventory and Management Plan Project.; and

BE IT FURTHER RESOLVED, that the Mayor and the Village Administrator are authorized to take all necessary and appropriate actions, including signing all documents, to effect this filing of the grant application.

Item #13– Resolution to Recognize October 13, 2012 as Arbor Day in the Village of Pelham

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

RESOLUTION
TO RECOGNIZE AND OBSERVE
NATIONAL ARBOR DAY 2012

WHEREAS, in 1872, J Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting trees; and

WHEREAS, the holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska; and

WHEREAS, Arbor Day is now observed throughout the nation and the world; and

WHEREAS, trees can reduce the erosion of our precious topsail by wind and water, lower our heating and cooling cost, moderate the temperature and mitigate the effects of climate change, clean the air, produce oxygen and provide habitat for wildlife; and

WHEREAS, trees in our Village increase property values, enhance the economic vitality of business areas, and beautify our community; and

WHEREAS, trees, wherever they are planted, are a source of joy; and

THEREFORE BE IT RESOLVED, that the Mayor and Board of Trustees do hereby proclaim October 13, 2012 as Arbor Day in the Village of Pelham and urge all citizens to celebrate and support efforts to protect our trees and woodlands to plant and care for trees and to promote the well-being of this and future generations.

Item #14– Resolution to Recertify the Village of Pelham as a Tree City USA Member

After some discussion, motion was made by Trustee McGoldrick 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
to Recertify the Village of Pelham as a Tree City USA Member

BE IT RESOLVED, that the Board of Trustees of the Village of Pelham hereby authorizes the filing an application to recertify the Village of Pelham as a Tree City USA Member for the calendar year 2012, for having achieved the standard s as set forth by The National Arbor Day Foundation; and

BE IT FURTHER RESOLVED, that the Mayor and the Village Administrator are authorized to take all necessary and appropriate actions, including signing all documents, to effect this filing of this recertifying application

Item #15– Authorizing a Stipulation of Agreement with Retired Fire Fighter

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

Resolution
Authorizing a Stipulation of Agreement
with Retired Firefighter Christopher

BE IT RESOLVED, the Board of Trustees hereby approves the Stipulation of Agreement between the Village and retired firefighter Christopher Warn executed by Mr. Warn on XXXXX, resolving a dispute over payments owed to him under General Municipal Law §207-a(2) and authorizes the Mayor to execute such Agreement on behalf of the Village.

Committee and Community Liaison Reports

Item #16– Email Notification System

None

Item #17– Commercial Zoning Review

None

Item #18– Site Plan Review

None

Item #19– B & W Site

Trustee Marty reported the preliminary report by the firm of Modjeski and Masters who the Village employed to perform a study of the Highbrook Avenue Bridge. He said the initial report back from Modjeski recommends fencing off the Bridge around the perimeter as a public safety precaution. He said he hopes to have the initial options paper available for review by the Board for the July Board of Trustees meeting.

Item #20– Employee Benefits/HR Manual

Trustee Kagan stated he has reviewed the draft of the Manual. He said he has broken it out into seven sections with roman numerations. He said he has spoken the Mayor Hotchkiss and Trustee Lewis about incorporating some of his changes.

Item #21– Tree Committee

Discussed

Item #22– Park Improvements

Trustee Morris said a memorandum of understanding was signed with the Junior League of Pelham to develop the Children’s Adventure Park portion of the Wolfs Lane Park Plan. She said she would be meeting with Town officials and the designer, Ora Berman, at the Trotta Park to discuss the next steps.

Item #23– Development (including 3rd Street RFP)

Discussed

Item #24– Parking

Administrator Yamuder stated the muni-meters are operational at Municipal Lots #1 and #7. Mayor Hotchkiss said he would be reviewing the signage at the lots for clarity.

Item #25– KVS Accounting Software Implementation

None

Item #26– Updating Building Code, Chapter 79 and 98

Administrator Yamuder stated there are some edits to be made to sections of Chapter 79 and 98 of the Building Code. He said he would be working the Building Inspector, Fire Chief Stone, and Lt. Keiser.

Item #27– Replacing Televising Video Equipment

None

Item #28– Other Business

None

Item #29– Authorizing Accounts Payable

Trustee Kagan audited the Accounts Payable.

After some discussion, 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

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	\$ 38,280.82
Water Fund	\$ 70.00
Capital Projects Fund	\$ 17,982.10
Trust and Agency Fund	\$5,950.00
H3 Fund	\$0.00
TE Expandable Trust Fund	<u>\$0.00</u>
Grand Total	\$ 62,282.92

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

Item #30–Authorizing Minutes of: May 8, 2012, May 22, 2012

After some discussion, motion was made by Trustee Kagan and seconded by Trustee Lewis to adopt the minutes from May 8, 2012. The vote was approved by a vote of four in favor, none opposed. Trustee Marciona was absent. Mayor Hotchkiss and Trustee Marty abstained.

May 8, 2012- Approved

May 22, 2012- Tabled

Item #31– Adjournment to Executive Session

A motion was made by Trustee Morris with a second by Trustee McGoldrick to adjourn the public portion of the board meeting and go into Executive Session to discuss a legal matter at 11:00 p.m. 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