

VILLAGE OF PELHAM BOARD OF TRUSTEES
REGULAR MEETING
TUESDAY, JUNE 8, 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:

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	Non-Recurring Items	7:50 p.m.
7.	Resolution Authorizing the Award of Insurance Coverage to Provider for Worker's Compensation Insurance Coverage	Tabled
8.	Resolution Authorizing a Firing Range IMA with Westchester County Department of Public Safety	Approved
9.	Authorizing a Contract between the Village of Pelham and the NDR Group (formerly NRNRC) for a One-Year Contract to Administer Section 8 Program	Tabled
10.	Scheduling a Public Hearing on the Draft Village of Pelham 5-Year Public Housing Agency (PHA) Plan	Approved
11.	FY 2010-2011 Strategic Plan	Discussed
	Committee and Community Liaison Reports	8:45 p.m.
12.	Commercial Zoning Review	Discussed
13.	Site Plan Review	Discussed
14.	B & W Site (including Request for RFP's)-RFP's 1 and 2	Approved
15.	Employee Benefits/HR Manual	Discussed
16.	Tree Committee	Discussed
17.	Park Improvements (including Wolfs Lane Park and NYMS Grant)	Discussed
18.	Development (including 3 rd Street RFP)	Discussed
19.	Parking (including HOPE Permit)	Discussed
20.	Verizon (Cable Franchise Agreement Status)	Discussed
21.	Other Reports	None
	Recurring Items	9:30 p.m.
22.	Other Business	Approved
23.	Authorizing Accounts Payable	Approved
24.	Authorizing Minutes of: April 27, 2010, May 11, 2010	Approved
25.	Adjournment to Executive Session	9:45 p.m.

Next Scheduled Board Meetings are:

Tuesday, June 22, 2010

Tuesday, July 13, 2010

Tuesday, August 10, 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 Mohan, Bullock, Lewis, Morris, Marty, Breskin

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 commenting on several events that had taken place in Pelham over the past couple of weeks. He said these events epitomized the type of community Pelham is. He mentioned the Memorial Day parade and the Street Fair for which he congratulated the businesses for participating in. He said the merchants in the Chamber of Commerce worked hard to put on a successful event. The Farmer's Market which had its seasonal opening on Memorial Day was also well attended; place residents are encouraged to frequent.

The Mayor praised the Village's various departments; the Police, Fire, and Street Department's, he said, did an excellent job of working together on these events. He added that the recent Police Awards ceremony recounted the commitment and dedication of the Village's Police Department.

The Mayor asked Village Administrator Yamuder about whether the Census Bureau would be returning to Village Hall over the course of the next few weeks. Administrator Yamuder reported that the Census will be returning briefly to finish canvassing Pelham. He urged for all residents to submit their Census forms as Pelham has had a great track record of completion in the past. Mayor Hotchkiss also asked about AAA Carting and Rubbish Removal and complaints he had heard from residents regarding throwing recycling bins after they are finished loading them into the truck. Mr. Yamuder stated he was aware of those complaints and the carting company has been monitoring the situation to try and ensure that

does not happen on a regular basis. He also added that 100 free recycling bins are available at Village Hall.

Trustees Reports:

Trustee Breskin-

None-Arrived at 8:20 p.m.

Trustee Bullock-

None

Trustee Lewis-

None

Trustee Marty-

None

Trustee Mohan-

Arrived at 7:50 p.m.

Trustee Morris-

None

Village Administrator's Report-

Administrator Yamuder reported the completion of the annual hydrant flushing for the Village of Pelham's water district in the Heights. He said two hydrants were found to be non-functional and will be replacing those shortly.

The Administrator then reported that Fire Chief Larry Cohen and his wife welcomed a new baby the previous week. The Board gave their best wishes to Chief Cohen and his family.

Item #6—Public Comment

Lester Kravitz of Wolfs Lane asked about the status of the Department of Public Works Yard project taking place behind Village Hall. Administrator Yamuder stated the project is currently out to bid and the opening will be taking place on June 15. He said it was advertised in the Journal News and PCI Engineers sent out copies of the bid electronically to interested parties. He said so far the Village has received a good turnout from contractors interested in obtaining copies of the plans.

Mr. Kravitz gave a brief description of what he intends to have on the PelPark site along Wolfs Lane saying that he hopes to have residential parking and ideally by 2012 to have senior friendly apartments. He said anyone interested can inquire at 89 Wolfs Lane or at PelPark.com. Mayor Hotchkiss said that any development of the property would still be subject to the Village land use board process. Mr. Kravitz said he did not want to go into details about the process involved with the structure. The Mayor responded that it is a misrepresentation to make the structure sound like it is going to be completed in the near future. He said that Mr. Kravitz will have to complete all the necessary requirements for his building to be considered ready for building. He also said that Mr. Kravitz had not submitted the information required by the Village Building Inspector to date, even though he has received time and support from the Village that no other developer has had.

Bryan Burn of Manning Circle addressed the Board next concerning the maintenance of the street and whether or not Manning is considered a public or private street. He stated the street itself is mapped as private on the tax maps. The fact that the street is private permits residents there to park overnight which in most of Pelham, residents cannot. However he said that due to use and maintenance by the Street Department, Village Hall, and the garbage company the Village should be involved in repairing the street with the residents of Manning Circle.

Mayor Hotchkiss said the street cannot simultaneously be private and public. He stated it must be one or the other and if it is private the Village does not have an obligation to maintain the street. Mr. Burn replied that the residents of Manning Circle want to work with the Board on determining the status of the street. Mayor Hotchkiss referred Mr. Burn to Trustee Mohan for further discussion of this matter.

Item #7-Resolution Authorizing the Award of Insurance Coverage to Provider for Worker's Compensation Insurance Coverage

Mayor Hotchkiss said this resolution is concerning the Worker's Compensation contract and the potential change that the Village could be making in terms of its provider. He said the Village currently has the Worker's Comp Alliance which has a dividend of \$165,000 annually. The decision before the Board is whether to switch to the New York State Insurance Fund which is for \$198,000 with a \$166,000 dividend. Mayor Hotchkiss suggested holding off on

making a decision until the Administrator and he had had a chance to explore their capitalization policy and whether they have the appropriate reserves. Trustee Lewis asked if this was a case of choosing between these two companies. Mayor Hotchkiss said that is the case.

The Board decided to table the resolution until a later meeting for more forthcoming information regarding the contract agreement.

RESOLUTION
AUTHORIZING THE AWARD OF INSURANCE COVERAGE
FOR THE VILLAGE OF PELHAM
TO FOA AND SON INSURANCE CORP.
FOR WORKER'S COMPENSATION INSURANCE COVERAGE TO BE PROVIDED BY THE
NEW YORK STATE INSURANCE FUND

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 and Liberty Mutual submitted as follows:

<u>Company</u>	<u>Quote</u>
New York State Insurance Fund administered by Lovell Safety Management Co.	\$166,169 (includes year-end premium dividend of \$32,183 based on 19 year dividend history at 20% minimum/year)
PERMA	\$231,928
Liberty Mutual	(declined)
NY Worker's Comp Alliance (2010-11)	\$172,915- (Estimate only, not qualified proposal)
NY Worker's Comp Alliance (2009-10)	(\$164,681- Current policy cost)

Other pertinent factors for recommending Worker's Compensation insurance coverage through New York State Insurance Fund include financial strength and indemnification protection under New York State should company go bankrupt.

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 Management Co.

NOW, THEREFORE, BE IT RESOLVED, that the Village hereby awards Insurance Services, and authorizes the Village to retain Insurance through FOA and Son Insurance Corp., with Insurance Coverage Services to be provided for Worker's Compensation through New York State Insurance Fund administered by Lovell Safety Management Co. at a cost of one

hundred sixty-six thousand, one hundred sixty-nine dollars (\$166,169), after year-end premium dividend of \$32,183 based on 19 year dividend history at 20% minimum per year as detailed in the proposal dated May 17, 2010, and received May 19, 2010; 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, 2010.

Item #8-Resolution Authorizing a Firing Range IMA with Westchester County Department of Public Safety

Mayor Hotchkiss stated this resolution is for authorizing Pelham police officers to use a Westchester Public Safety pistol range. Administrator Yamuder said this is a cost saving measure as Chief Benefico has stated it is more expensive to use another facility day by day. He said there is no obligation to pay for this range and can be used on an as needed basis by the police. Trustee Marty wanted to assure the public that this firing range is not in the Village of Pelham.

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

RESOLUTION

AUTHORIZING A FIRING RANGE IMA
WITH WESTCHESTER COUNTY DEPARTMENT OF PUBLIC SAFETY

RESOLVED, that the Firing Range IMA with the Village Of Pelham and the County of Westchester Department of Public Safety for utilization of the County firing range facility is hereby accepted and the agreement is authorized by the Board of Trustees of the Village of Pelham; and

BE IT RESOLVED, that the term of this agreement is for five (5) years commencing on day of execution in 2010 and terminating in 2015; and

THEREFORE BE IT FURTHER RESOLVED, that the Mayor, Village Administrator and Police Chief are authorized to take the necessary and appropriate actions to effect this agreement.

Item #9-Authorizing a Contract between the Village of Pelham and the NDR Group (formerly NRNRC) for a One-Year Contract to Administer Section 8 Program

Administrator Yamuder stated this is a contract for the NDR Group regarding the Housing Urban Development program being run out of Village Hall currently. He said the contract has

been late for the past few months and Mr. Yamuder only received it as of 1:00 pm that day. He said Village Attorney Mercedes Maldonado is reviewing it.

The Board decided to table the resolution until a later meeting for more forthcoming information regarding the contract agreement.

RESOLUTION

Authorizing the Renewal of the Contract Between the
Village of Pelham and NDR Group for a
One Year Contract to Administer Section 8 Program

BE IT RESOLVED, that the Mayor and Board of Trustees hereby authorize a Renewal of the Contract Between The Village Of Pelham And NDR Group For A One Year Contract to administer Section 8 Program starting April 1, 2010 Ending March 31, 2011; 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 contract for these services.

Item #10-Scheduling a Public Hearing on the Draft Village of Pelham 5-Year Public Housing Agency (PHA) Plan

Administrator Yamuder stated the NDR Group's five year plan is subject to a 45 day review period. Therefore a public hearing needs to be opened to allow for public comments to be incorporated into the report. If the Board opens the hearing during this meeting then it will be eligible to be approved at the August 10 Board of Trustees meeting. Charles DiPasquale of the NDR Group affirmed Mr. Yamuder's statement.

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

RESOLUTION

SCHEDULING A PUBLIC HEARING
ON THE DRAFT OF PELHAM 5-YEAR PUBLIC HOUSING AGENCY (PHA) PLAN

**VILLAGE OF PELHAM
NEW YORK NOTICE OF
PUBLIC HEARING
ON THE DRAFT
PELHAM PHA 5-YEAR
AND ANNUAL PUBLIC
HOUSING AGENCY PLAN
FOR FISCAL YEARS
4/1/10 – 3/31/15**

NOTICE is hereby given that the Trustees Of the Village of Pelham, New York will hold a Public Hearing on August 10, 2010 at 7:30 P.M. in Village Hall , 195 Sparks Avenue Pelham, New York on the Draft PHA 5 – Year Plan and Annual Public Housing Agency Plan. The Draft Plan provides details about The Village’s immediate operations, program Participants and the Village strategy for handling operational concerns and the needs and concerns of the participants.

COPIES OF THE DRAFT PLAN IS AVAILABLE FOR REVIEW AT THE FOLLOWING LOCATIONS:

**Village Hall
Village of Pelham
195 Sparks Avenue
Pelham, New York 10803**

AND

**NDR Group
400 North Avenue
New Rochelle, New York 10801**

All persons interested are invited to attend said Hearing or submit written communications to The Village Administrator at or before The hearing.

VILLAGE OF PELHAM

Item #11- FY 2010-2011 Strategic Plan

Mayor Hotchkiss said the outline before the Board is a draft of the Village’s strategic plan for fiscal year 2010-2011. He hopes to solicit Board comments concerning the plan and have a copy ready for approval by next Board meeting. He also stated he wants to show this to the Village departments for their input. Mayor Hotchkiss said many of the items on this list are already done by the Village but he wanted to highlight and specify areas where the Village can set goals or improve their record of service.

Trustee Lewis commented that the Board should decide if the strategic plan should include tasks that the Village ordinarily carries out or just the projects and initiatives that go beyond the routine running of the Village. Trustee Mohan suggested a mission statement to preface this strategic plan. Trustee Marty recommended structuring the Village's priorities. He said the plan should not be any longer than it already is and that they should attempt to get rid of superfluous items. Trustee Mohan suggested three additions to the plan: (1) have the Village of Pelham initiate composting as another method of recycling, (2) help to organize and sponsor a community gardens program, and (3) sponsor events to take place at the Town Gazebo. Trustee Lewis if there were any volunteer groups that could assist the Village in these endeavors? Trustee Mohan said groups like the Pelham Green Society might be interested.

Trustee Breskin again cautioned that the Board focuses on actionable goals with this plan. Mayor Hotchkiss said the bullet points are actionable but the draft could use some revision by next meeting.

Item #12- Commercial Zoning Review

Trustee Lewis as head of the Commercial Zoning Committee reported there have been no new developments since he gave the committee's report at the last board meeting. Trustee Breskin asked about the distance requirements between store fronts and if there had been any change or alteration to it. Trustee Lewis stated that the proposed distance requirements between other businesses such as nail salons was 150 feet and that should apply to first floor offices too. Trustee Breskin said he believed that was too small and the distance didn't limit uses as intended. Trustee Marty said this topic needs more discussion.

Item #13-Site Plan Review

Trustee Marty said there has not been a meeting for this committee in awhile so he recommended setting up an introductory meeting by the time the next board meeting occurs.

Item #14-B & W Site (including Request for RFP's)

Trustee Marty as head of the B&W Site Committee reported that after three meetings he feels that a consensus is beginning to form about the various areas. He said there is an acceptance of the safety concern regarding the property. There is also a sizable contingent that like the green-space; areas A and B on the site committee's map. Trustee Marty urged the Board to complete more soil tests in order to move this process forward. He said there is a determination in the committee to resolve this issue which is why he has the two drafts of the RFP's for the green-space area. The Highbrook Avenue Bridge he said was also being considered.

Susan Mutti of Highbrook Avenue spoke about the Bridge and about its potential landmark status. She outlined a plan to complete soil testing in areas A and B while doing a structural

analysis study by professional engineers on the Bridge. Ms. Mutti said loose concrete could be removed by the DPW in the meantime. She stressed bridge demolition should not be considered until the others phases are complete. Ms. Mutti also called for a Board resolution determining the area in question as parkland.

Trustee Lewis said Ms. Mutti's suggestions were not realistic given the safety concerns regarding the Bridge. The DPW are not engineers and are not qualified to remove pieces of the bridge no matter how small. Susan Seither of Harmon Avenue stressed the potential historical significance of the Highbrook Bridge. Trustee Breskin said these were nice ideas but the Board must have a plan before it can move forward and certainly before it classifies the area as parkland.

Trustee Mohan said stressed that any plans for trails and recreation in the area should be made in the context of a larger plan for recreational space throughout the Village. Trustee Bullock thanked Trustee Marty and the Committee for their work on this issue. John Cassone of 7th Avenue also congratulated the Committee by saying that all the years this issue has been brewing; there never has been a consensus and a will to work like there is with this committee.

Mayor Hotchkiss thanked Joe Marty as well but cited that the Committee is not the sole determining residents of this issue and that all of Pelham should be consulted on this matter. He said many residents do not see it as necessary to keep the Highbrook Bridge and that demolition is an option for the Village to take. He said once the RFP's begin to return the Board will have a better idea of what the financial stakes are and from there can make a more informed decision.

Trustee Lewis concurred with the assessment saying a cross-section of the community must be consulted on this issue. Trustee Mohan said approving the demolition RFP at this time could discourage creative thinking towards the Bridge and its options. Trustee Marty pushed for a motion to accept the first of three RFP's for soil testing in the green-space area.

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

RESOLUTION

That the Pelham Village Board of Trustees accept the proposal by the B&W Site Committee to request proposals by competent firms to conduct a study of the potential soil contamination in all or part of the B&W site and advisable ways to mitigate any such contamination.

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

RESOLUTION

That the Pelham Village Board of Trustees accept the proposal by the B&W Site Committee to request proposals by competent firms to conduct a study of the structural and surface integrity and related safety issues of the B&W bridge over Highbrook Avenue, recommend immediate and long term steps to mitigate or eliminate these safety issues, and cost out initial and ongoing maintenance expenses for each of these options.

The third RFP was tabled due to more investigation and pending more forthcoming information from the first two RFP's. Trustee Marty stated the case could be that the most expensive option is the bridge removal. Trustee Mohan said it would premature to make a decision regarding the Bridge before the other RFP's have come back with prices.

Item #15- Employee Benefits/HR Manual

Trustee Bullock said the Village's new insurance provider, Traveler's Insurance, has submitted localized copies of employee handbooks to Administrator Yamuder. He hopes that the two of them will have a draft copy by July.

Item #16- Tree Committee

Trustee Bullock reported the committee has not met recently but as summer draws closer he hopes to have more to report.

Item #17- Park Improvements (including Wolfs Lane Park and NYMS Grant)

Trustee Mohan reported Administrator Yamuder and she are working on the RFP for Wolf's Lane Park. She hopes to have more to report by next meeting.

Item #18- Development (including 3rd Street RFP)

Trustee Lewis and Breskin have been reviewing the 3rd Street RFP for a possible development there. Mr. Lewis said they have a third draft of the floor plan and are working on completing the exhibits currently. Trustee Lewis said he wants to insert language into the RFP that does not commit the developer to either renovation or demolition of the present Firehouse. Trustee Breskin added that the RFP has to be reviewed by counsel. Trustee Lewis finished by saying the extension of the zoning for this particular area should be completed before the RFP can be finished.

Item #19- Parking (including HOPE Permit)

Mayor Hotchkiss stated Village Prosecutor Martha Conforti is reviewing the language of the law. He hopes to have more to report on this issue at a later meeting.

Item #20- Verizon (Cable Franchise Agreement Status)

Trustee Mohan reported she had received an offer from Verizon FIOS. She stated she believes Verizon is obligated to offer at least what Cablevision provides to the Village. She intends to submit a request for \$18,000 worth of equipment to Verizon shortly. She stressed the need to accept this imperfect situation in order to move forward. Trustee Breskin said he felt accepting a bad deal with Verizon will set a precedent of bad deals for Pelham when Cablevision's contract comes up in three years. He said it might be prudent to wait a few years and negotiate a level playing field agreement when both contracts are available. Trustee Mohan said in order to follow through on this agreement; the Board has to be ready to accept what it can in order to get FIOS in Pelham.

Item #21- Other Reports

None

Item #23- Authorizing Accounts Payable

Trustee Lewis is audited the Accounts Payable.

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

RESOLUTION

WHEREAS, pursuant to Section 5-524 of the New York State Village Law, the Board of Trustees shall audit all claims against the Village.

NOW, THEREFORE, BE IT HEREBY RESOLVED, that the Board of Trustees after audit of the following claims, authorizes payment for services rendered and materials received, for the following items that have been submitted to the Treasurer's Office for payment and authorized by the Village Administrator:

<u>Fund Name:</u>	<u>Amount</u>
General Fund	\$ 168,089.18
Water Fund	\$ 41,947.27
Capital Projects Fund	\$ 0.00
Trust and Agency Fund	\$ 0.00
H3 Fund	\$ 0.00
TE Expandable Trust Fund	<u>\$ 19.80</u>
Grand Total	\$ 210,056.25

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

Item #24- Authorizing Minutes of: April 27, 2010, May 11, 2010, May 25, 2010

A motion was made by Trustee Bullock and seconded by Trustee Mohan to adopt the minutes from the April 27 and May 11 Board meetings. The vote was approved by a vote of six in favor, none opposed. Trustee Morris abstained on both motions.

April 27, 2010- Approved

May 11, 2010- Approved

May 25, 2010- Tabled

Item #25- Adjournment to Executive Session

A motion was made by Trustee Mohan with a second by Trustee Lewis to adjourn the public portion of the board meeting at 11:00 p.m. and go into Executive Session to discuss personnel 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, Administrative Intern