

VILLAGE OF PELHAM BOARD OF TRUSTEES
REGULAR MEETING
TUESDAY, MARCH 1, 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:

Non-Recurring Items		7:45 p.m.
7.	Site Plan Application by Loughman for 117 Harmon Avenue for a Proposed Pool and Garage	Approved
8.	Community Farmers Market Proposal to Change Market Schedule	Discussed
9.	Authorizing A Nonbinding Expression Of Interest On Converting Part Or All Of The B & W Parcel To A Greenspace	Approved
10.	Resolution Authorizing Village Administrator Robert Yamuder to seek bids for the testing of Highbrook Bridge Safety, mitigation plans and projected costs.	Approved
11.	Public Hearing that Amends the Village Code to Provide for the Licensing and Identification of Dogs and to Amend the Existing Dog Control Law	Approved
12.	Resolution to Establish Fees for Dog Licensing in the Village of Pelham	Tabled
13.	PCI Consulting Engineers Invoice for Engineering Services Requested by the Village of Pelham not Included in Contractual Scope of Work	Approved
14.	Continuing a Public Hearing Regarding Recognition of Hillside and Brookside Avenues as Public Streets- Postponed	Approved
Committee and Community Liaison Reports		8:45p.m.
15.	Commercial Zoning Review	Discussed
16.	Site Plan Review	Discussed
17.	B & W Site-Brief Presentation Of Committee On How The Greenspace Would Work	Discussed
18.	Employee Benefits/HR Manual	Discussed
19.	Tree Committee	Discussed
20.	Park Improvements	Approved
21.	Development (including 3 rd Street RFP)	Discussed
22.	Parking (including FTA Parking Lot project)	Discussed
23.	Other Reports	None
Recurring Items		9:15 p.m.
24.	Other Business	Discussed
25.	Authorizing Accounts Payable	Approved
26.	Authorizing Minutes of: January 4, 2011, February 1, 2011	Approved
27.	Adjournment to Executive Session	9:30 p.m.

Next Scheduled Board Meetings are:
Wednesday, March 16, 2011
Tuesday, April 12, 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 7:30 p.m.

The following members of the Board of Trustees were present:

Mayor Edward Hotchkiss, Trustees Breskin, Bullock, Morris, Mohan, and Marty

The following members of the Board of Trustees were absent:

Trustee Lewis

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 reported the RFP for Fifth Avenue and Third Street has been completed and is going to be sent out to potential bidders. The advertisement will be sent out to Crains New York, the Journal News, and possibly the New York Times. He said there is a list of about six or seven bidders who may be interested in presenting a proposal.

The Mayor commented on the windstorms Pelham experienced. He said the Village Departments all worked hard to ensure Pelham was kept clean and functioning despite the weather.

In other news, the Mayor commented on Metro-North's M8 trains and their recent introduction to the New Haven Line.

Trustees Reports:

Trustee Breskin-

Trustee Breskin stated the Pelham Chess Program attended the State Tournament in Saratoga, New York. He said the third grade took second in the tournament and the sixth grade took third. He said this was a landmark moment for Pelham in that the club distinguished itself amongst many other recurring chess programs including Bronxville and several other of the New York City private schools.

Trustee Bullock-

None

Trustee Lewis-

None

Trustee Marty-

None

Trustee Mohan-

None

Trustee Morris-

None

Village Administrator's Report-

Village Administrator Yamuder stated the Village recently underwent the annual MS4 stormwater audit and passed with the highest rating possible. Mr. Yamuder thanked the Village staff and departments for their efforts in getting all the elements together for a seamless presentation.

Mr. Yamuder reported Fire Chief Stone is going to be sending out a pamphlet for residents and business owners to serve as a survey for the Pelham Fire Department. The Chief hopes to gain comments from the community about the services the department provides.

Item #6– Public Comment-

Mr. Tillis Roberts asked the Board about his position as a Town crossing guard. He said the position is being eliminated as full-time and he wanted to know why. Trustee Breskin stated the Board cannot discuss personnel matters in public forum. Mayor Hotchkiss stated Mr. Roberts should set up a meeting with the Board to discuss the matter further.

Item #7–Site Plan Application by Loughman for 117 Harmon Avenue for a Proposed Pool and Garage

David Cooper of the law firm Zarin and Steinmetz spoke for the residents of 117 Harmon Avenue, who are applying for a variance from the Village Board of Trustees to complete a detached garage and a pool on the property. Mr. Cooper stated that the variance is a rarity because the lot is large enough to accommodate both of the structures. Mayor Hotchkiss said he hoped it would not set a precedent for excess buildings on lots in Pelham. Mr. Cooper stated it would be unlikely another lot in Pelham would be large enough to accommodate such structures and still be within all the requirements of the Village Code.

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

Trustee Breskin also suggested that the Mayor and Trustee Marty should discuss the approval process with the Loughmans as part of their review of that process, as the Loughmans have had a long and difficult time getting the pool approved.

RESOLUTION

AUTHORIZING A SITE PLAN APPLICATION BY LOUGHMAN FOR AN IN-GROUND POOL AND GARAGE AT 117 HARMON AVENUE

RESOLVED, that the application for a Site Plan by Mr. and Mrs. Loughman is approved, based on the review and recommendations by the Planning Board (hereinafter "Planning"), Architectural Review Board (hereinafter "the ARB") and the Special Permit granted by the Zoning Board of Appeals (hereinafter "the ZBA"), which the Planning and ARB approval memos are attached to and made a part of this approval; and

BE IT FURTHER RESOLVED, that the action is determined to be an unlisted action under SEQRA and therefore no further action is required; and

BE IT FURTHER RESOLVED, that the conditions applied by Planning, ARB and the ZBA are as follows:

1. In accordance with the ZBA approval, a fence must be erected around the site in compliance with Section 98-106 B. 4);
2. in accordance with the ZBA approval, the pool equipment shall be maintained not less than five (5) feet from the rear property line;
3. All work shall be performed in compliance with Planning approval, as noted on plan drawings, dated August 27, 2010, as prepared by Raymond Beeler Architect, P.C.

4. In addition, all plantings for proposed garage and pool be as per approved plans;
5. The pool and the garage be built in accordance with their respective approved plans which are approved by the Planning Board and/or the Architectural Review Board of the Village Of Pelham And;
6. In accordance with the memo dated January 26, 2011 requiring the removal of the tree based upon NY State Property Maintenance Code (see memo).
7. The proposed project be done in accordance with the stormwater management plan submitted by Michael F Stein PE dated June 30, 2010

BE IT FURTHER RESOLVED, that this application for a site plan to include an in-ground pool and garage and related equipment and landscaping at 117 Harmon Avenue is subject to the procedures, regulations and requirements of the Pelham Village Code and Pelham Building Department; and

BE IT FURTHER RESOLVED, that the Mayor, Village Administrator, Building Inspector and other appropriate Village officials are authorized to take the necessary and appropriate actions to effect this approval and authorize this remediation plan to proceed, including the imposition of additional conditions and requirements as may be necessary.

MEMO

Date: November 19, 2010

To: Village of Pelham Board of Trustees

From: Village of Pelham Architectural Review Board

Re: Application for proposed Garage and Pool

The Architectural Review Board (ARB) recommends that the Village of Pelham Board of Trustees (BOT) approve the application submitted by the Raymond Beeler, Architect for a proposed garage and pool at 117 Harmon Avenue for Brian and Mary Loughman.

Work shall be performed as shown on drawings A1, A-2.1, A-2.2, A-3, A-4, A-5, A-6, A-7, A-8, A93DV, A-10, C-1, C-2, A-11, dated 8/27/10, 8.5 x 11 attachments entitled Modified Planting Plan, revised for ARB dated 9/16/10

Item #8–Community Farmers’ Market Proposal to Change Market Schedule

Frankie Rowland of Community Markets spoke to the Board about changing the day of the Farmers’ Market in Pelham. She recalled the Board was favorable to the decision to change the day of the Market when the topic was previously discussed at a Board meeting. She said Miriam Haas of Community Markets attended a meeting of the Pelham Chamber of

Commerce and discussed this issue with the members. She reported a favorable response from them, most notably John DeCicco Jr., the President of the Chamber.

Mayor Hotchkiss said he wanted to speak with Mr. DeCicco since his business would be the most directly affected by any change in the schedule. Ms. Rowland stated Ms. Haas had already spoken to Mr. DeCicco about this matter. Mayor Hotchkiss stated he wanted to speak to him anyway to confirm his opinion on changing the day.

Trustee Morris asked when opening day is scheduled for. Ms. Rowland said opening day is usually around Memorial Day and the Market runs through Thanksgiving. Mayor Hotchkiss suggested making a motion regarding this decision at the next Board meeting.

Item #9—Authorizing A Nonbinding Expression Of Interest On Converting Part Or All Of The NYW&B Parcel To A Greenspace)

Trustee Marty stated the group, The Friends of the Highbrook Highline, wished to make a presentation to the Board regarding the NYW&B Site. Anne Swanson-Dumas of Highbrook Avenue introduced several speakers from the group to make the presentation.

Dr. Roger Weinz gave a brief history of the NYW&B site including the Highbrook Bridge. He said the site has regional influence and this debate is an opportunity to refurbish an asset of Pelham. Emily Friedburg stated the group is hoping to renovate 1.93 acres of property as a passive greenspace. Susan Mutti noted in a Powerpoint presentation that the group has launched a website and had a table at the Pelham Street Fair. She said the group is committed to exploring site options while not creating a tax burden on the community. Ms. Swanson-Dumas commended Susan Seither for her efforts in researching and discussed the three tracks that the group would like to pursue in connection with the Village government: an RFP for the site renovation; authorization of more soil testing by ELM on the greenspace; and further exploration of funding options with a non-binding statement of support from the Village Board.

Trustee Marty said this is a good start to the process in which the entire community can become involved. Carol Spondesmond of the Pelham Preservation and Garden Society stated she supported this proposal by the group and would welcome a chance to work with the group and the Village Board on this matter.

Neil Gallo of Pell Place had some reservations about designating this area as a greenspace. He said the residents in the area have been excluded from the research and option development process until the last round of committee hearings. He cited police, fire, and parking issues connected with this designation. He stressed that the quality of life would be affected by any designation without considering these issues.

Mayor Hotchkiss stated the Board is not making any definitive determinations at this meeting. Any proposal or design would have to go before the land use boards and the Village Board. Trustee Marty added there would be many formal discussions before any decision is made.

John Cassone commented that this is the closest any committee or group has come to finding an effective solution to this debate. Christian Privat of the Pelham Bike Committee stated the creation of a passive greenspace would help with planning for a possible bike trail running through the site.

Trustee Marty presented his resolution to the Board for a non-binding statement of support for the NYW&B Committee. The Board reviewed the resolution and made suggestions to the wording of the resolution.

Mrs. Swanson-Dumas stated this resolution will allow the NYW&B Committee to act on the Village's behalf in making advances towards funding sources. Trustee Morris inquired of project supporters what the role of "The Friends of the Highbrook Highline" would be vis-à-vis the B&W Committee. Trustee Mohan suggested that the chair of the NYW&B Committee should approve who the group chooses to ask for funding to ensure the Village is being properly represented by a member of the Board of Trustees.

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

Resolution

Authorizing a Nonbinding Expression of Interest in Converting Part or All of the NYW&B Parcel To A Greenspace

WHEREAS the NYW&B Site Committee is reviewing a number of options to address the potential risk to pedestrians and automobile traffic from decay of the former NY, Westchester and Boston (NYW&B) concrete bridge over Highbrook Ave, and

WHEREAS the NYW&B Site Committee is also reviewing a number of options for the greenspace on the eastern portion of the former NYW&B property, and

WHEREAS the Committee is actively exploring external, non-village sources of funding for various plans related to making all or part of the NYW&B parcel a greenspace and needs some sign from the Village to potential funders that that the Village is considering these possibilities among the options,

BE IT RESOLVED, that the Pelham Village Board of Trustees supports the NYW&B Site Committee, with the approval of the Chair, making expressions of Board interest in examining the conversion of all or part of the former NY, Westchester and Boston (NYW&B) parcel into a publicly-accessible greenspace to public and private grantors, over the next six months or longer if the Board agrees. It being clearly understood, such expression of interest is not binding with regards to the disposition of the parcel. Any decision on final disposition of this

parcel will be made by the Board of Trustees and any binding commitments can only be made by the Board of Trustees.

Item #10—Resolution Authorizing Village Administrator Robert Yamuder to seek bids for the testing of Highbrook Bridge Safety, mitigation plans and projected costs.

Trustee Marty stated this resolution is to for the Administrator to actively seek bids for several options regarding the Highbrook Avenue Bridge. The resolution was revised at the meeting to state that proposals would be sought, “as soon as practicable.”

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

Resolution

Authorizing Village Administrator to Seek Bids for the Examination of Safety Issues Surrounding the NYW&B Bridge and Mitigation Efforts

Whereas the NYW&B Site Committee is reviewing a number of options to address the potential risk to pedestrians and automobile traffic from decay of the former NY, Westchester, and Boston concrete bridge over Highbrook Avenue

Be it resolved that the Pelham Village Administrator seek proposals as soon as practicable for a study of the potential risks posed by the bridge's deterioration, plans for mitigating those risks, and cost estimates.

Item #11—Public Hearing that Amends the Village Code to Provide for the Licensing and Identification of Dogs and to Amend the Existing Dog Control Law

Mayor Hotchkiss said this resolution is for scheduling a public hearing regarding the Village assuming the responsibility for dog licensing. He said previously the State of New York had this responsibility but is now transferring it to the municipalities. The Mayor said the options are for the Village to assume this task or, as Trustee Mohan interpreted the law it is allow able to have the Town of Pelham assume the job.

Trustee Breskin said it would be best to let the Town handle the licensing due to the amount of work the Village Staff already have to contend with and the Town is already handling most of the licensing issues for the residents.

Administrator Yamuder stated the Village Clerk has already kept a running list of the dog licenses and has a tracking system in place to maintain a current record of dogs and their owners in the Village. Additionally, the Village would receive some incoming revenue from the licensing fees. Mayor Hotchkiss stated he wanted to speak to the Town and see how

they felt about assuming the responsibility. The Mayor asked if there were any comments from the public on this matter. There were no comments. The Mayor suggested that the Board close the public hearing.

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

VILLAGE OF PELHAM, NY
PUBLIC HEARING
THAT AMENDS THE CODE OF THE VILLAGE OF PELHAM

The Board of Trustees of the Village of Pelham hereby schedules a public hearing to be held at 7:30 p.m. on Tuesday, March 1, 2011, in Village Hall at 195 Sparks Avenue, Pelham, NY, on a draft proposed Local Law that would amend the Code of the Village of Pelham, as follows:

**A local law to provide for the
Licensing and identification of dogs and to
amend the existing dog control law.**

A copy of the draft proposed Local Law is on file in the offices of the Village Clerk and may be viewed during normal business hours of 8 a.m. to 4:30 p.m., or an electronic copy may be obtained from the opening page of the Village's website www.pelhamgov.com.

By Order of the Mayor and Board of Trustees
Terri Rouke, Village Clerk
Publication date: Friday, February 18, 2011

Item #12– Resolution to Establish Fees for Dog Licensing in the Village of Pelham

The Mayor suggested the Board table this item until a decision has been reached with regard to the dog licensing.

RESOLUTION
Resolution to Establish Fees for Dog Licensing in the Village of Pelham

BE IT RESOLVED, that the Board of Trustees hereby establishes the fee for dog licenses issued pursuant to Local Law 1 of 2011 (see fees below) and;

BE IT FURTHER RESOLVED, that in addition to the license fee established, each applicant for a dog license shall pay a surcharge of at least one dollar for a spayed or neutered dog or

if the dog is unaltered, a surcharge of at least three dollars to the New York State Department of Agriculture and Markets for the animal population control fund

THEREFORE BE IT FURTHER RESOLVED, that the Village Administrator and Village Clerk are authorized to take the necessary and appropriate actions to effect these fees.

Annual Licensing Fees			
	Village Fee	State Fee	Total Fee
Spayed or Neutered	\$15.00	\$1.00	\$16.00
Unaltered (4 months old and older)	\$20.00	\$3.00	\$23.00
Replacement Tag	\$5.00		\$5.00

Item #13—PCI Consulting Engineers Invoice for Engineering Services Requested by the Village of Pelham Not Included in Contractual Scope of Work.

Administrator Yamuder stated this resolution is for some additional work that PCI is requesting that was not in the original scope of work. He said this work included on site management by the Construction Manager as well as the installation of two pods for a more efficient use of storage. Trustee Breskin asked why this work was not covered in the Construction Manager's contract. Mr. Yamuder responded that there are unforeseen tasks that can occur on any construction site. He reported again that the DPW Yard is still on budget and on schedule.

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

RESOLUTION

Resolution Authorizing Additional Funds as Proposed by
 PCI Consulting Engineers Invoice for Engineering Services Requested by the Village of Pelham Not Included in Contractual Scope of Work for Construction Administration FTA
 Parking and Reconfiguration of the Pelham Public Works Facility During the Period up to
 January 29, 2011

BE IT RESOLVED, that the Board of Trustees of the Village of Pelham hereby authorizes the additional funds in the amount of \$1,754.50 as Proposed by PCI Consulting Engineers Invoice for Engineering Services Requested by the Village of Pelham not Included in Contractual Scope of Work and;

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

Item #14– Continuing a Public Hearing Regarding Recognition of Hillside and Brookside Avenues as Public Streets- Postponed

The Mayor stated the Village is still conducting legal research on this matter and suggested tabling the public hearing until a later meeting.

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

VILLAGE OF PELHAM, NY
Public Hearing Regarding Recognition of
Hillside and Brookside Avenues as Public Streets

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.

Committee and Community Liaison Reports

Item #15–Commercial Zoning Review

Trustee Lewis was absent from the meeting, Mayor Hotchkiss reported that the commercial zoning proposals have gone to the Planning Board for their review.

Item #16– Site Plan Review

Trustees Marty and Mayor Hotchkiss agreed they had replicated the diagram of the process but needed to meet again to work on it.

Item #17–B & W Site

The Mayor stated this topic has already been discussed in the meeting.

Item #18–Employee Benefits/HR Manual

Trustee Bullock stated he had circulated the draft among the Board members. He had not received any comments as of yet. Once he incorporates any comments from Board members the draft will be sent to counsel for further review.

Item #19– Tree Committee

Trustee Bullock stated the Urban Forestry Grant has been submitted to the granting authority by members of the Tree Committee.

Item #20– Park Improvements

Mayor Hotchkiss stated the Board must decide how to proceed with the plans for Wolfs Lane Park. Wolfs Lane Park is the subject of a grant award from Senator Klein's office for \$647,000. There are several phases to the overall improvement of the park but the grant was awarded specifically for Phases 1 (Bike Path) and 2 (Organic Buffer along Nyac Avenue) of the project. The Board wished to reallocate those funds for Phase 3 of the project, or the Village Green and Memorial Corner. He said initial sketches have been done for this particular section.

Trustee Mohan said it would be hard to plan of a bike path which would stretch across the park when a certain section has already been renovated. The resulting construction of the path may disrupt the Village Green if it is completed first. Mayor Hotchkiss said the Board and Administrator would be in contact with Hank White, the landscape architect, to discuss the logistics of completing this portion of the project before installing the bike path. He said this decision does not mean that a bike path is of less importance to the overall plan for the Park, only that these plans are further along for the Memorial Green than for the bike path. Trustee Breskin stated it made sense to pursue this phase of the project.

A motion was made by Trustee Breskin and seconded by Trustee Morris to adopt the resolution. The vote was approved by a vote of five in favor, Trustee Mohan was opposed. Trustee Lewis was absent.

Item #21– Development (including 3rd Street RFP)

Trustee Breskin reported that he had spoken to two potential developers about the RFP. He said there will be a pre-proposal meeting at Village Hall on Tuesday, April 5, 2011, for potential bidders to ask questions and discuss the project. He said the bid opening will take place on Friday, April 25, 2011 at 11:00 am at Village Hall.

Item #22– Parking (including FTA Parking Lot project)

Administrator Yamuder reported that the DPW Yard project is approximately 70% complete; on budget and on schedule. He says he hopes for a opening in early May.

Item #23– Other Reports

None

Item #24– Other Business

Administrator Yamuder asked the Board about a budget line for flower pots to be placed on lamp posts along Wolfs Lane and Fifth Avenue. He said the cost is approximately \$3,000 to purchase the flowers and place them along the road. He suggested in an effort to save money this tough fiscal year, the Village could forego placing the baskets on the lamp posts.

The Board agreed that it was better to keep the expense for this year because it is a beautification of the main thoroughfare.

Item #25– Authorizing Accounts Payable

Trustee Morris audited the Accounts Payable.

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

Fund Name:

General Fund	\$ 156,542.16
Water Fund	\$ 370.00
Capital Projects Fund	\$ 300.00
Trust and Agency Fund	\$ 0.00
H3 Fund	\$ 0.00
TE Expandable Trust Fund	\$ <u>0.00</u>

Grand Total \$ 157,212.16

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

Item #26–Authorizing Minutes of: January 4, 2011, February 1, 2011

After some discussion, a motion was made by Trustee Morris and seconded by Trustee Marty to adopt the minutes. The vote was approved by a vote of five in favor, none opposed. Trustee Breskin abstained for both votes. Trustee Lewis was absent.

January 4, 2011- Approved

February 1, 2011- Approved

Item #27– Adjournment to Executive Session

A motion was made by Trustee Breskin with a second by Trustee Marty to adjourn the public portion of the board meeting at 11:30 p.m. and go into Executive Session to discuss contractual and personnel matters, which the Board would adjourn for the evening. The motion was approved by vote of six in favor, none opposed. Trustee Lewis was absent.

Respectfully submitted,
Peter Bonington, Secretary to the Village Administrator