

VILLAGE OF PELHAM BOARD OF TRUSTEES
REGULAR MEETING
TUESDAY, MAY 8, 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.	Resolution to Accept Donations for NYW & B- Area "A" Remediation	Approved
8.	Resolution to Adopt 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	Tabled
9.	Authorizing a Stipulation of Agreement with Retired Firefighter	Tabled
10.	Public Discussion and Consideration of the Village of Pelham's MS-4 Report Under the EPA Phase 2 Stormwater Management Guidelines, and Authorizing Submission to the NYSDEC for Consideration of Renewal of the Village's SPDES Permit	Discussed
11.	Discussion of Banning Merchant Plastic Shopping Bags	Discussed
	Committee and Community Liaison Reports	8:30 p.m.
12.	Email Notification System	Discussed
13.	Commercial Zoning Review	None
14.	Site Plan Review	None
15.	NYW&B Site	None
16.	Employee Benefits/HR Manual	None
17.	Tree Committee	None
18.	Park Improvements	None
19.	Development (including 3 rd Street RFP)	None
20.	Parking	None
21.	KVS Accounting Software Implementation	Discussed
22.	Updating Building Code	None
23.	Replacing Televising Video Equipment	Discussed
24.	Other Business	None
	Recurring Items	9:00 p.m.
25.	Authorizing Accounts Payable	Approved
26.	Authorizing Minutes of: April 10, 2012	Approved
27.	Adjournment to Executive Session	9:30 p.m.

Next Scheduled Board Meetings are:

Tuesday, May 22, 2012

Tuesday, June 5, 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 Deputy Mayor Geoff Lewis at 7:35 p.m.

The following members of the Board of Trustees were present:

Trustees Lewis, Kagan, Marciona, McGoldrick, and Morris

The following members of the Board of Trustees were absent:

Mayor Hotchkiss and Trustee Marty

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 Deputy Mayor Lewis.

Reports:

Mayor Hotchkiss's Report

Absent

Trustees Reports:

Deputy Mayor Lewis

Deputy Mayor Lewis stated that the Pelham Police have apprehended a suspect in the three Pelham robberies that took place between February and April 2012. While this is good news, he reminded residents and commuters to remain vigilant and exercise caution when walking home from the train station. He stressed that if anyone notices anything suspicious; do not hesitate to call the Police at (914) 738-2000.

The Deputy Mayor stated that Westchester County will be giving the Village an additional \$29,000 in the annual mortgage tax allotment. This was caused by an accounting oversight at the County level.

Trustee Marciona

Trustee Marciona stated the Village Tree Committee had applied for an Urban Forestry Grant last year which was unfortunately denied. She said, however, that the application was very high on the granting authority's list of potential awards. She said that in her conversation with the granting authority she was encouraged to submit another application for funding.

Trustee Marciona stated she is working with Kate Collins-Novikov of the Pelville Association on a fund-raiser for hanging baskets of flowers along 5th Avenue and Wolfs Lane. She said there have been a number of volunteers as well as approximately 129 donations for the baskets along Pelham's main thoroughfare.

Trustee Marty

Absent

Trustee McGoldrick

None

Trustee Kagan

Trustee Kagan reported that he had attended a Pelham Chamber of Commerce meeting. He said there were opportunities for some small business grants available which the Chamber is considering applying for.

He stated that residents are instructed to call AAA Carting and Rubbish Removal if they experience a missed garbage or recycling pickup. The number for the main office is (877) 428-5222. He said this will expedite the process of reporting missed pickups to the sanitation company. He stated that if residents do not receive the level of service expected, please call Village Hall at (914) 738-2015.

Trustee Morris

Trustee Morris said the Farmers Market is scheduled to begin in Pelham on Saturday, May 26, 2012. She said the organizers at Community Markets are looking to enlist local talent in this year's program. She encouraged any interested volunteers to attend a meeting scheduled for Saturday, May 18, 2012. She said in order for the market to get more vendors there must be more foot traffic. She encouraged residents to come out and support the market this coming season beginning on

Village Administrator's Report

Administrator Yamuder stated that the DPW has cleaned the majority of the catch basins in the Village in preparation for the County's mosquito control program. He said the DPW is ahead of schedule this year due to relatively mild winter.

Item #6– Public Comment

Susan Mutti of 602 Highbrook Avenue spoke to the Board regarding the Pelville Association proposed planting project by the Benedict Fountain. She said she had supplied a planting spreadsheet to Village Hall and was hoping the Board could approve the \$1,500 donation and allow the Association to begin the planting in three weeks.

Administrator Yamuder stated that the Village Hall staff were not authorized to put this matter on as an agenda item. He said procedure for accepting donations on public property dictates that the Village requires a formal letter of intent stating what organization is performing the donation, the amount of the donation, and the purpose the donation will facilitate.

Trustee Lewis asked when the Association was planning on performing the actual plantings around the Benedict Fountain. Ms. Mutti stated they were expecting within three weeks to begin the planting. She said however that they were hoping to begin the initial weeding the next week. Trustee Lewis stated that perhaps DPW Foreman Michael Shriman could oversee the weeding next week and the Board can review the proposal and be prepared to accept it at the next Board meeting.

Trustee Marciona suggested Ms. Mutti coordinate with Village Administrator Yamuder and DPW Foreman Michael Shriman. Trustee Lewis said the Village can provide a sample letter for the Board to review. Ms. Mutti stated she also had a check from the Junior League of Pelham for the work done on the NYW&B site. Trustee Lewis stated the Board would be reviewing this matter as agenda item #7.

Kathy Mattesi of Carol Avenue spoke to the Board in regard to the new parking regulations on Carol Avenue which does not allow overnight parking. Ms. Mattesi stated there has been a tradition of parking overnight on Carol Avenue since she moved there. She said Carol residents are now receiving notices on their cars saying they are in violation. She asked how the Board could give out permitting power to Clovelly for a public street.

Trustee Lewis stated the licensing agreement came out of a settlement with Clovelly in which they would be able to sell permits to residents in that area so they can park on the street. He said the Village has made very few exemptions' to the overnight parking regulation. The Clovelly Licensing Agreement was drafted to avoid a costly legal action by the homeowners association. Trustee Kagan

added that the Village will not begin ticketing cars until the end of the month of May. He said each parking situation on each street is a separate issue and has to be examined independently of all other streets in Pelham.

Ms. Mattesi asked why the Board has not spoken to the residents on Carol Avenue. Trustee Marciona suggested residents should put their concerns in writing and send it to Village Hall. She said the Trustees can review the concerns and address them at subsequent meetings. Trustee Lewis stated the Board will not make a ruling on this matter at this meeting.

Bob Keller of Wolfs Lane said he had been involved with the discussion on parking overnight for some time. He said it is unfair that one association has the right to special permits and not others. He said he has statistics from a parking study he performed which he will share with the Board. He said residents and tenants on Carol Avenue need a place to park their cars.

Francis Lamanna of 220 Carol Avenue said this is a conflicted issue for many residents on Carol Avenue. He said while the residents are appreciative of the two-hour parking limit and the Do Not Enter signs placed at the ends of the street; this latest initiative is creating an issue for residents who like himself have a third car and no room in their driveway for it. He said thus far only Carol Avenue residents have been given warnings for parking on the street based on his observation around the Village between the hours of 2 a.m. and 6 a.m.

Trustee Marciona stated that if you park on the street between 2 a.m. and 6 a.m. you will get a parking violation. Mr. Lamanna stated there are state laws that prohibit the selling of parking permits on public streets.

Trustee McGoldrick stated the licensing agreement was the result of a settlement between the Village and Clovelly. He said there was a substantial risk of litigation which would have cost the Village residents significant costs in legal fees.

Carolyn O'Connor of Carol Avenue said the Board is rescinding a past agreement with residents on Carol Avenue. She stated there had been a public meeting in which former Village Administrator Slingerland had promised that Carol Avenue residents would have parking on the street. Village Administrator Yamuder corrected her by saying the Village Administrator does not have the power to make such an agreement. He said the Village Board would have to make a policy decision regarding on street parking. He said he was not aware of any such agreement but would look into the matter further.

Iris Kasten of 240 Carol Avenue said she had been assured by a realtor when she purchased her house that there was parking on the street. Joanne Formisano of Wolfs Lane said residents in the area were given no preparation time to respond to this change in the law. Trustee Lewis stated he

did not have answers for residents at this time. Trustee Marciona again urged residents to put their concerns in writing and submit them to the Village Hall so they can be reviewed by the Trustees.

John Cassone of 7th Avenue asked the Board about the status of Trotta Park. He said he had attended a Town Board meeting and was told that the grant funds to be used for the park could be pulled and put to other uses. Trustee Lewis stated the Town is not in contact with the Village on this matter. Mr. Cassone responded that there is a clog in the communication because the Town believes they have not been contacted by the Village. He said this project has been in the works for six years; is there an estimated timetable that the Board can give him to move this project forward. Trustee Lewis stated he could not give any specific date, but would work for getting a conceptual design approved by June 15, 2012.

Item #7– Resolution to Accept Donations for NYW&B- Area “A” Remediation

Deputy Mayor Lewis stated the Junior League of Pelham had donated \$2,000 for towards the remediation of Site A of the Greenspace. He said he Board must pass a resolution accepting this donation.

A motion was made by Trustee Marciona and seconded by Trustee McGoldrick to adopt the resolution. The vote was approved by a vote of five in favor, none opposed. Mayor Hotchkiss and Trustee Marty were absent.

Resolution
Accepting Donation for NYW & B- Area “A” Remediation

BE IT RESOLVED, that the Board of Trustees of the Village of Pelham authorizes the acceptance of a donation of \$2000.00 from the Pelham Junior League towards NYW & B- Area “A” Remediation with thanks to the donor for their contribution to the Village of Pelham community.

Item #8- Resolution to Adopt 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

Deputy Mayor Lewis stated the Village is in the process of reviewing its Building Code to bring it in line with the New York State Building Code. He said Building Inspector Russo, Village Prosecutor Martha Conforti, and Erika Krieger of the State of New York Department of State, Codes Division, are here to answer some of the Board’s questions regarding the Code.

The Board reviewed the Code on matters related to: repeat offenders, complaints and compliance orders, civil penalties, the duties of the fire inspectors, fences and sheds, and what requires a building permit. Administrator Yamuder stated that any questions on these matters can be relayed to Building Inspector Russo for further clarification.

The Board decided to send the changes to Prosecutor Conforti and Inspector Russo and to table this resolution until a later meeting.

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 #9– Authorizing a Stipulation of Agreement with Retired Fire Fighter

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

Resolution
Authorizing a Stipulation of Agreement
with Retired Firefighter Christopher Warn

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.

Item #10–Public Discussion and Consideration of the Village of Pelham’s MS-4 Report Under the EPA Phase 2 Stormwater Management Guidelines, and Authorizing Submission to the NYSDEC for Consideration of Renewal of the Village’s SPDES Permit

Administrator Yamuder stated this resolution pertains to the Village of Pelham Stormwater Management Plan. He said the Plan outlines nine years of minimum measures which the Village has met or exceeded since its adoption in 2009. He said the Plan provides criteria to follow these measures and encourage residents to review the documentation posted on the Village website. He said this report must be reviewed for the Village to stay in compliance and remain eligible for grant funding.

The documentation for the SPDES permit was prepared by Michael Ritchie and James Maxwell of Dolph Rotfeld Engineering. The federal law commonly known as Stormwater Phase II permits will be required for stormwater discharges from Municipal Separate Storm Sewer Systems (MS4s). To implement the law, the department has developed two general permits, one for MS4s in urbanized areas and one for construction activities. The permits are part of the State Pollutant Discharge (SPDES) and the operators of regulated MS4s and operators of construction activities must obtain permit coverage under either an individual SPDES permit or one of the general permits. The reporting period is from March 2011 to March 2012. The report must be compiled and submitted to the NYS DEC by June 1, 2012.

Item #11– Discussion of Banning Merchant Plastic Shopping Bags

Deputy Mayor Lewis said the Board will hear a presentation regarding the banning of plastic bags in commercial buildings in Pelham. David Brown and John DeCicco Jr. spoke to the Board about the intent behind this initiative and asked for feedback as to how to move forward. John DeCicco stated that he has an economic interest in this matter but wanted to ensure a level playing field amongst other supermarkets and grocery stores in the surrounding area. He said he has a meeting scheduled with County Supervisor Astorino regarding this initiative next month.

David Brown said that this initiative would not mean banning all forms of plastic bags but rather eliminating them in shopping centers and stores. He stressed the importance of giving residents and merchants warning of the impending change and come up with creative solutions to any logistical problems with banning specific types of plastic bags.

Mr. Brown said the main argument for this change is that these plastic bags will not end up in the environment. Mr. DeCicco stated that this market offers tote bags for \$2.00 in an effort to limit the use of plastic bags. He said since starting this amenity there has been a 12-15% drop in plastic bag usage.

Trustee Marciona said the Board needs facts and data related to the types of plastic bags to be excluded, how enforcement would be handled, and whether the merchants are supportive of this initiative. She said that Mr. Brown and Mr. DeCicco should work closely with the merchants to compile this information. Village Prosecutor Martha Conforti said this process usually works is one municipality writes the law and other municipalities begin adopting it as a template to fit their own situation. She said as a matter of law, she would suggest compiling documentation that specifically states the merchants of Pelham are behind this program. Deputy Mayor Lewis said he would follow up to stay current on this issue.

Committee Reports

Item #12–Email Notification System

Administrator Yamuder said the Village is looking into updating its current system. He said, however, that in the aftermath of the arrest of the suspect charged with committing the robberies by the Pelham Train Station, Police Chief Benefico was able to send out some email blasts relating the information available. He said the current system is operating effectively but the Village is looking to upgrade when possible.

Item #13– Commercial Zoning Review

None

Item #14– Site Plan Review

None

Item #15– NYW&B Site

None

Item #16– Employee Benefits/HR Manual

None

Item #17– Tree Committee

None

Item #18– Park Improvements

None

Item #19–Development (including 3rd Street RFP)

None

Item #20–Parking

Administrator Yamuder stated the muni-meters are installed at Municipal Lots #1 and #7. He said the Village is currently working on getting them set up to accept credit cards.

Item #21– KVS Accounting Software Implementation

None

Item #22– Updating Building Code

Discussed

Item #23– Replacing Televising Video Equipment

Secretary Bonington reported the Village has finalized its research and hopes to make a purchase in the coming weeks.

Item #24– Other Business

None

Item #25– Authorizing Accounts Payable

Trustee McGoldrick audited the Accounts Payable.

A motion was made by Trustee McGoldrick and seconded by Trustee Kagan to adopt the resolution. The vote was approved by a vote of five in favor, none opposed. Mayor Hotchkiss and Trustee Marty were 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	\$ 40,385.83
Water Fund	\$ 802.00
Capital Projects Fund	\$ 0.00
Trust and Agency Fund	\$0.00
H3 Fund	\$0.00
TE Expandable Trust Fund	<u>\$0.00</u>
Grand Total	\$ 41,187.83

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: April 10, 2012

A motion was made by Trustee McGoldrick and seconded by Trustee Kagan to adopt the minutes from the April 10, 2012 meeting. The vote was approved by a vote of five in favor, none opposed. Mayor Hotchkiss and Trustee Marty were absent.

April 10, 2012- Approved

April 24, 2012- Tabled

Item #27– Adjournment

A motion was made by Trustee Morris with a second by Trustee Kagan to adjourn the public portion of the board meeting after which time the Board would adjourn for the evening. The motion was approved by vote of five in favor, none opposed. Mayor Hotchkiss and Trustee Marty were absent.

Respectfully submitted,
Peter Bonington, Secretary to the Village Administrator