

VILLAGE OF PELHAM BOARD OF TRUSTEES REGULAR MEETING
TUESDAY, NOVEMBER 17, 2009– 7:30 PM
VILLAGE HALL – 195 SPARKS AVENUE, PELHAM, NY

Minutes*

1. Call To Order
2. Pledge of Allegiance
3. Mayor's Report
4. Trustees' Reports
5. Village Administrator's Report
6. Public Comment

Approximate
Starting Time
of Discussion

Agenda Items:

#	Agenda Items:	Approximate Starting Time of Discussion
	Non-Recurring Items	8:00 p.m.
7.	Resolution Appointing Matthew Margulis as a member of the Planning Board	Approved
8.	Scheduling a Public Hearing for December 1, 2009 to increase the Village of Pelham's Water System Rates.	Approved
9.	Resolution Authorizing the Inter-Municipal Agreement with Westchester County for Solid Waste and Recyclables Disposal	Tabled
10.	Resolution to Appoint Laborer to the Department of Public Works	Approved
11.	Resolution to Authorize an RFP for Professional Services for Parking Lot Analysis	Tabled
12.	Discussion of Comments Regarding Commercial Zoning Review	Discussed
	Grants, Projects & Other Business	8:30 p.m.
13.	Grants- Status Report	Discussed
14.	Projects- Status Report	Tabled
15.	Building Department- New Permit Report	Discussed
16.	Other Business- Resolution bagging Holiday meters	Discussed
	Recurring Items	9:00 p.m.
17.	Authorizing Accounts Payable	Approved
18.	Budget Amendment and Transfer resolution	Approved
19.	Authorizing Minutes of: October 6, 2009 and October 20, 2009, October 31, 2009 and November 4, 2009	Approved
20.	Adjournment to Executive Session	9:15 p.m.

Next Regular Board of Trustee Meetings are:
Tuesday, December 1, 2009
Tuesday, December 15, 2009
All meetings start at 7:30 p.m. unless otherwise noted.
*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 Morris, Homan, Potocki, and Breskin. Trustee Bullock arrived at 8:03 p.m. and Trustee Lewis arrived at 8:15 p.m.

Village staff in attendance:

Administrator/Treasurer Robert Yamuder, Administrative Intern Peter Bonington

Item #2 – Pledge of Allegiance:

The Pledge of Allegiance was led by Mayor Hotchkiss

Reports

Mayor Hotchkiss Report

Mayor Hotchkiss opened his report by saying that the Colonial School will re-open on Wednesday, November 11th, 2009 after the roof collapse of last week. The Mayor then reported that ConEd wanted to carry out state-mandated work along Brookside and Boulevard. Due to the heavy volume of shopping traffic that would normally take place at the time of the construction, however, ConEd has agreed to postpone the work until the following two to three weeks. The annual Fire Inspection Dinner was reported by the Mayor to be a successful occasion. He took the opportunity to commend acting Fire Chief Julian Keiser for his role in putting the event together. The Mayor concluded by saying that the Village had received a letter from the State Parks and Recreation Department stating that they will be considering the classification of Fifth Avenue and Wolfs Lane as a historic district at their next meeting.

Trustees Reports:

Trustee Breskin

Trustee Breskin commented that the Fire Inspection Dinner was a nice event and that it gave him the opportunity to meet many of the volunteers. He added that this will give him extra initiative to work effectively with them as the new liaison to the Fire Department.

Trustee Homan

Trustee Homan asked residents that, since leaf season is drawing to a close, residents should put leaves out on the street. She added that leaves should not be mixed with anything else for pickup. The Mayor also asked residents not to park over piles of leaves as this creates a fire hazard.

Trustee Lewis-None

Trustee Morris

Trustee Morris stated that Trustee Homan and she had walked Wolfs Lane Park to complete a list of suggestions on park furniture submitted to the Village by Hank White, the landscape designer who is helping on the park improvements. Trustee Morris stated they are making steady progress on this front.

Trustee Potocki

Trustee Potocki commented that after a conversation with Police Chief Joe Benefico, residents should be advised that a number of cars in Pelham and New Rochelle have been broken into. A large number of these were due to residents not locking their cars after vacating them. He urged prudence and caution for daily commuters in Pelham and to lock their car doors. Trustee Potocki stated that Police Sgt. Anthony Borsella commended two of the officers of the Pelham: Danny Green and Earl Scott, who were the first on the scene of the Colonial School collapse, and rendered first aid and assistance to the injured workers. Mr. Potocki stated that these young officers deserve mention for their actions. With regard to a request by a resident for speed bumps on 3rd Avenue, Mr. Potocki said that the police had placed radar checks to verify the speeds on the street. He stated that average speeds were within the appointed limit of 25 mph speed limit going northbound and southbound. The Police do not recommend a speed bump at this time but will patrol the area to discourage speeders.

Trustee Bullock-None

Village Administrator's Report-None

Item #6– Public Comment

Steven Isaacs of Harmon Avenue spoke about the recent decision by the Board to approve a garage building permit for a garage at another residence on Harmon. Mr. Isaacs's complaint was that he was never officially notified of the impending construction and that he only became aware of it by accident after visiting the building inspector at Village Hall. He stated the intended garage will be both an eye sore and a safety hazard. Mr. Isaac's then quoted chapter 79 of the Village Code which he said stipulates that hand or written notification of any application for construction must be given to adjoining property owners within 10 days prior to approval by the Board of Trustees. In addition, Mr. Isaacs stated that there is no exception for verbal alerts or assent by the neighbors in the Village Code. Mr. Isaacs finished by saying his request for the Board was to revoke the permit until proper notification can be submitted to the surrounding residences.

Mayor Hotchkiss stated that the particular section that Mr. Isaacs was reading was submitted into the Code through error on the part of the previous Administrator. The Board had never officially ratified the resolution adopting this section and so thus is no legal requirement for the property owner to notify his neighbors regarding this type of pending construction. He stated that this was an error and that the Village Attorney is currently looking over the Code to trying to correct this issue. Trustee Breskin added also that even if notification was required by the property owner there is still very little the neighbors can do by way of an objection. He stated that the Architectural Review and Planning Boards had signed off on this project as well as the building inspector.

Ava Isaacs, Mr. Isaacs's wife, spoke about the aesthetics and safety hazards of building such a garage as this. Mr. Breskin stated that the public comment section is not the forum for this discussion and concluded that residents do have a right after going through the proper approval process to build structures where they want on their property.

Item #7-Resolution Appointing Matthew Margulis as a member to the Planning Board

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

RESOLUTION

APPOINTING MATTHEW MARGOLIS AS A MEMBER OF THE PLANNING BOARD FOR A
TERM THAT BEGINS IMMEDIATELY
TO REPLACE WILLIAM LAWLOR, WHO HAS RESIGNED

RESOLVED, that Matthew Margolis of Pelham, New York, is appointed by the Mayor as a Member of the Village of Pelham Planning Board, replacing William Lawlor who has resigned, completing the unexpired portion of his term which expires on March 31, 2010.

Item #8- Scheduling a Public Hearing for December 1, 2009 to increase the Village of Pelham's Water System Rates.

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

**RESOLUTION
SCHEDULING A HEARING
ON PROPOSED WATER RATE INCREASES
PROPOSED AT 20% ON FORMER VILLAGE CONSUMPTION RATES
FOR THE VILLAGE OF PELHAM PUBLIC WATER SUPPLY #5911901**

The Board of Trustees of the Village of Pelham hereby gives notice that there will be a Public Hearing on Tuesday, December 1, 2009, at 7:30 p.m., in Village Hall, 195 Sparks Avenue, Pelham, New York, on the Proposed 20 % Water Rate Increases of the Village of Pelham effective immediately for the Water Billing Cycle ending 2/28/10.

The former rates in effect resulted in a shortfall of revenues to expenses of \$14,789 for FYE 5/31/09. Surcharges included by United Water are averaging 55% more than the water charges.

A copy of these Water Rates are available at the office of the Village Clerk and may be inspected there by any interested person during office hours of 8 a.m. to 5 p.m.

BE IT ENACTED BY the Board of Trustees of the Village of Pelham as follows:

	Meter size	Current Rates	Proposed rate of incr. of 20% to prevent future losses, and cover rate increases and pass-throughs by United Water New Rochelle & NYC DEP
Base Rate	1/2" and 5/8"	\$50.99	
Meter Rate	3/4"	\$56.25	
Meter Rate	1" - 1 1/4"	\$100	
Meter Rate	1 1/2"	\$187.50	
Meter Rate	2"	\$306.25	
Meter Rate	3"	\$467	
Consumption Rates -- cost per 100 cubic feet)			
First 1200 CCF		\$ 4.24	\$ 5.09
next 36000 CCF		\$ 3.99	\$ 4.79

Next 60000 CCF		\$ 3.26	\$ 3.91
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By Order of the Mayor and Board of Trustees
 Terri Rouke, Village Clerk
 Robert Yamuder, Village Administrator/Deputy Clerk
 Publication date: Friday, November 20, 2009

Item #9 – Resolution Authorizing the Inter-Municipal Agreement with Westchester County for Solid Waste and Recyclables Disposal.

Mayor Hotchkiss recommended this resolution be tabled to have the Village Attorney's look it over for clarification.

RESOLUTION
AUTHORIZING RENEWAL OF AN INTER-MUNICIPAL AGREEMENT
BETWEEN WESTCHESTER COUNTY AND THE VILLAGE OF PELHAM
FOR SOLID WASTE AND RECYCLABLES DISPOSAL

BE IT RESOLVED, that the Board of Trustees of the Village of Pelham hereby authorizes the renewal of an inter-municipal agreement between the Village of Pelham and Westchester County for the Disposal of Solid Waste and recyclables, per the agreement provided for by Westchester County (attached hereto and made a part hereof); and

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

Item #10- Resolution to Appoint Laborer to the Department of Public Works

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

RESOLUTION

AUTHORIZING THE APPOINTMENT BY THE MAYOR
 OF RICHARD PIETRANTONIO TO THE POSITION OF LABORER
 IN THE PELHAM PUBLIC WORKS DEPARTMENT

BE IT RESOLVED, that the Board of Trustees of the Village of Pelham authorize the appointment by the Mayor of Richard Pietrantonio of Pelham, New York, to the position of Laborer, with an effective date of appointment to start on Wednesday, November 18, 2009, with salary and benefits as agreed upon in an offer letter dated November 13, 2009, subject to the requirements of Civil Service, for a probationary period of one (1) year, contingent upon passing the pre-employment physical examination and authorizes the Mayor and the

Village Administrator to take the necessary and appropriate actions to effect this appointment.

Item # 11- Resolution to Authorize an RFP for Professional Services for Parking Lot Analysis.

Mayor Hotchkiss recommended this resolution be tabled until more information can be gathering for this proposal.

RESOLUTION
AUTHORIZING AN RFP FOR
PROFESSIONAL SERVICES FOR PARKING LOT ANALYSIS

BE IT RESOLVED, the Board of Trustees authorizes an RFP for Professional Services for Parking Lot analysis.

Item # 12- Discussion of Comments Regarding Commercial Zoning Review

Trustee Potocki stated that he had some questions regarding some of the proposed changes to be made to the Village Code regarding commercial establishments. Mr. Potocki asked about electronics stores and Trustee Lewis's definition of what constitutes a repair shop. Mr. Lewis responded that repair stores would not be allowed within the Village as a rule but electronic stores that do repair work as a secondary use in street level spaces in the C-1 zone may be allowed. Trustee Bullock inquired about any future changes that may need to be added to the Code for verification and what the process would be in instituting these possible changes. Trustee Lewis answered that anything ratified within the Code can be amended through a regular Board of Trustees procedure. Mr. Bullock then asked about the status of drive-ins within the Village. Trustee Lewis stated that no drive-ins would be allowed within the Village. Trustee Breskin added that in the revisions to the Village Code, anything not specifically permitted is considered prohibited. Mr. Potocki had one final question regarding the service of businesses. He stated that due to the state of the current economy, he wasn't sure it wouldn't be wise to prohibit this practice. Mr. Lewis responded that as Mr. Breskin had mentioned in the committee meetings, there will never be an opportune time to effect this change but with the grandfathering clause contained in the revisions of the Code, it would protect current establishments in first floors of spaces. Mayor Hotchkiss closed by saying that the next step in this process is to write the revisions into code language and then call for a public hearing. Lester Kravitz of Wolfs Lane responded to Mr. Potocki's question and agreed that it would not be beneficial to the Village to prohibit offices in upper floors of the Village's buildings.

Item # 13- Grants- Status Report

Mayor Hotchkiss gave the report on the status of the grant proposals. Congresswoman Nita Lowey's letter sent to the Village regarding the flooding grants that have been awarded to the Pelham. Congresswoman Lowey responded that FEMA requires a list of 12 documents that need to be submitted in order to expedite the process of acquiring the grant money. The Mayor asked that Administrator Yamuder the Intern Peter Bonington follow up on these requests. He reported that the Federal Transportation Administration has signed off on the PS&E for the Intermodal Parking Lot. The Mayor stated he hoped to have the project out to bid in January and ready for the spring construction season. The plans for the 1st Street parking lot behind the old Post Office are 95% done, and hopefully this project will be ready for a spring bid. Local business owner Lester Kravitz from the audience asked where this was located and what kind of work will be done on it? Administrator Yamuder responded that it will be a renovation of the parking area and a slight easing of the hill behind the upper lot to the lower lot.

Item # 14- Projects- Status Report

Tabled

Item # 15- Building Department- New Permit Report

The Mayor commented that Leonard Russo's report on new permits which he had received prior to the meeting, was satisfactory and that he looked forward to seeing updates in the future.

Item # 16- Other Business

Trustee Potocki reported in Other Business that as part of the annual holiday season. The Village of Pelham will be bagging parking meters for the two weeks before and after Christmas starting on December 11, 2009 and ending on January 4, 2010. The only meters being bagged have two and three hour time limit type. He reminded the public that this is intended for shopping purposes and not employees of the various businesses along 5th Avenue and Wolfs Lane. A motion was made by Trustee Homan and seconded by Trustee Morris to adopt this annual policy. The resolution was approved by a vote of seven in favor, none opposed.

RESOLUTION
AUTHORIZING THE VILLAGE-WIDE BAGGING OF SHORT-TERM
TWO & THREE -HOUR LIMIT PARKING METERS
STARTING ON FRIDAY, DECEMBER 11, 2009, STANDING POLICY
FOR "FREE PARKING" IN THE DOWNTOWN
DURING THE HOLIDAYS

RESOLVED, that the Board of Trustees of the Village of Pelham authorize the Public Works and the Police Departments to coordinate and implement the Village-wide bagging of on-street, short term, two & three-hour limit parking meters in the Downtown during the holidays, this as standing policy so that in the future, when the meters are bagged, it should occur on a Friday so that there are two full weekends of holiday shopping before Christmas. From Friday, December 11, 2009 through Monday, January 4, 2010, vehicles may park free-of-charge at short-term two or three hour limit parking meters for a maximum of two hours.

The second matter raised by Mr. Potocki was the authorization of Police Chief Joe Benefico and Police Lieutenant Rocco DelGrosso's longevity payments. These payments are salary increases tied to their specific length of service on the police force. A motion was made by Trustee Potocki and seconded by Trustee Homan to allow for this longevity payment. The resolution was approved by a vote of seven in favor, none opposed.

Item # 17- Authorizing the Accounts Payable

Trustee Lewis is auditing the Accounts Payable.

A motion was made by Trustee Lewis and seconded by Trustee Homan 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	\$ 127,302.42
Water Fund	\$ 4,632.92
Capital Projects Fund	\$2,092.00
Trust and Agency Fund	\$ 1193.75
H3 Fund	<u>\$ 0.00</u>
Grand Total	\$ 135,221.09

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

Item # 18- Budget Amendment and Transfer resolution

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

RESOLUTION
Re: Budget Transfers for Fiscal Year 2009-10

Whereas, pursuant to the provisions of Section 5-520 of the New York State Village Law, the Board of Trustees, by resolution, may increase existing appropriations by transferring funds from the unexpended balance of another appropriation, from the contingent account, from available cash surplus or unanticipated revenues within a fund, or by borrowing, and

Whereas, during the course of the fiscal year, it is necessary from time to time to make modifications to the areas in the budget that have insufficient appropriations based on actual results of operations, and

Whereas, in all cases, there are sufficient unexpended balances in other appropriations accounts, excess revenues or fund balances available to cover the transfers, now therefore be it

Resolved, that pursuant to Village Law Section 5-520, the Board of Trustees hereby authorizes and directs the proper Village officers to modify the 2008-09 Budget by making the following transfers:

2009/10 BUDGET TRANSFERS - VILLAGE BOARD MEETING NOV. 17, 2009

BUDGET AMENDMENTS
CAPITAL FUND

H3120.204	Tactical Equipment	\$	200	H2075	Gifts & Donations	\$	200
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GENERAL FUND

A3120.155	Police Training	\$	7,718	A3089	Other Gen. Govt Aid	\$	7,718
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BUDGET TRANSFERS
GENERAL FUND

A1010.499	SUPP & SERV.VIDEOGRAPH	\$	700	A1010.107	PT SAL. VIDEOGRAPHER	\$	700
A1355.401	ASSESSMENT COMPUTER SER	\$	125	A1355.406	ASSESSMENT POSTAGE	\$	334

A1355.415	ASSESSMENT SUPPLIES	\$ 733	A1410.440	ANNUAL ELECTION	\$ 524
A1410.107	PER SER RECORDS MNGT	\$ 200	A3620.415	BLDG INSP SUPP& MAT	\$ 150
A1910.910	UNALLOCATED INSURANCE	\$ 7,000	A3620.404	BLDG INSP DUES	\$ 50
A1980.4	MTA P/R TAX	\$ 20,000	A1930.930	JUDGEMENTS & CLAIMS	\$ 7,000
A3120.122	POLICE - COMP. TIME	\$ 15,000	A9049.949	WORKERS COMP INS	\$ 20,000
A3120.207	VEHICLE LEASE	\$ 319	A9070.970	COMPENSATED ABSENSES	\$ 15,000
A3410.405	FIRE PERIODICALS	\$ 120	A3120.201	EQUIPMENT	\$ 319
A5110.421	ST.MT. CELL PHONES/CDL	\$ 181	A3410.415	FIRE SUPP & MATERIALS	\$ 120
A5110.461	ST. MT. UNIFORM ALLOW	\$ 25	A5110.136	SAL - UNUSED SICK PAY	\$ 206
	TOTAL	\$ 52,321		TOTAL	\$ 52,321

Item # 19- Authorizing Minutes of: October 6, 2009 and October 20, 2009, October 31, 2009 and November 4, 2009.

A motion was made by Trustee Bullock and seconded by Trustee Breskin to adopt the minutes from October 6, 20, and 31. The vote was approved by a vote of five in favor, none opposed. Trustees Lewis and Morris abstained.

Mayor Hotchkiss asked to table the minutes from November 4th, 2009.

November 4, 2009

Item # 20- Adjournment to Executive Session

A motion was made by Trustee Breskin with a second by Trustee Bullock to adjourn the public portion of the board meeting at 9:15 p.m. and go into Executive Session to discuss personnel and legal matters, after 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

