

VILLAGE OF PELHAM BOARD OF TRUSTEES
 REGULAR MEETING
 WEDNESDAY, NOVEMBER 7, 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
- 6A. Storm Update and Response

Approximate
Starting Time
of Discussion

Agenda Items:

Non-Recurring Items		7:45 p.m.
7.	Continuing a Public Hearing on Proposed Changes in the Commercial Zoning Code	Discussed
Committee and Community Liaison Reports		8:30 p.m.
8.	Site Plan Review	None
9.	NYW & B	Discussed
11.	Employee Benefits/HR Manual	Discussed
12.	Tree Committee	Discussed
13.	Park Improvements	Discussed
14.	Development (including 3 rd Street RFP)	None
15.	Parking	Discussed
16.	KVS Accounting Software Implementation	Discussed
17.	Fire Task Force	None
18.	Other Business	None
Recurring Items		9:30 p.m.
19.	Authorizing Accounts Payable	Approved
20.	Authorizing Minutes of: September 18, 2012, October 2, 2012, October 16, 2012	Approved
21.	Adjournment to Executive Session	9:45p.m.

Next Scheduled Board Meetings are:

Tuesday, November 20, 2012

Tuesday December 4, 2012

All meetings start at 7:30 p.m. unless otherwise noted.

The Agenda is subject to change

Item #1 – Meeting called to order: The meeting of the Board of Trustees was called to order by Mayor Edward Hotchkiss at 7:30 p.m.

The following members of the Board of Trustees were present:

Mayor Hotchkiss, Trustees Lewis, Kagan, Marciona, Marty, and Morris

The following members of the Board of Trustees were absent:

Trustee McGoldrick

Village staff in attendance:

Village Administrator Robert Yamuder and 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 said the Board will be discussing the Village's response to Hurricane Sandy and the information it has received from Con Edison.

Trustees Reports:

Trustee Lewis

None

Trustee Marciona

None

Trustee Marty

None

Trustee McGoldrick

Absent

Trustee Kagan

None

Trustee Morris

None

Village Administrator's Report

Administrator Yamuder stated that any residents experiencing difficulty with their utility services should call Con Edison directly at 1-800-75CONED or 1-800-752-6633.

Item #6–Public Comment

None

Item #6A– Storm Update and Response

Mayor Hotchkiss said the Village has been working very hard in the aftermath of one of the biggest storms in recent memory. He said at its peak approximately 60% of the Village population was without power. He said the damage was primarily caused by downed tree limbs and wires as the result of high winds. He stated all Village departments have been working together and coordinating a restoration effort. He said the Police Department and Fire Department fielded calls from residents and responded to emergencies. The DPW worked hard to remove debris and keep the streets clear.

The Mayor stated that the response by Con Ed raises serious questions about their preparedness for the storm and their handling of the situation afterward. He said he has taken part in phone conferences with 47 other municipalities in Westchester and they have all agreed that Con Ed has failed to provide accurate information about the status of the problems in these areas.

Administrator Yamuder stated that FEMA has designated Westchester County a disaster area and is eligible for reimbursement for storm damages. He encouraged residents to visit the FEMA website for more information about seeking reparations for damages. He added that the Westchester

Department of Health has resources available for assisting residents in the use of dry ice, indoor heaters, stoves, and generators and for making them aware of the dangers of carbon monoxide.

The Administrator stated that the reports he had received from Con Ed were that there were some equipment shortages at the Rye Playland staging area which delayed power restoration to certain areas. He said he has been on daily conference calls and on individual calls to Con Ed representatives to get accurate information regarding restoration efforts in the Village of Pelham. At this time there are approximately 276 residents still without power. He stressed that residents report all outages directly to Con Ed at 1-800-752-6633 for Con Ed to have a detailed record of all outage locations and individual addresses without power. For all emergencies, residents may contact the Police Department at 738-2000. For any non-emergency matters, residents can contact Village Hall at 738-2015.

Mayor Hotchkiss stated the Village is sending out detailed reports via the notices@pelhamgov.com email blast list. He said additional information is available on the Village website and TV scroll.

Trustee Marciona urged residents to complete the FEMA reimbursement process. She suggested residents take photographs and save receipts for the inspectors. She added that it does not take much time and is well worth the effort.

Lt. Rocco Delgrosso reported the Police Department has increased patrols in areas still without power and at local gas stations. He thanked residents for their courtesy and cooperation. Trustee Marciona thanked the Police for their management of the lines at the gas stations. She asked if the caution tape could be removed from poles and wires when the Police have a chance.

Lt. Delgrosso stated that the Police would tell the DPW when to remove the caution tape; however, he advised that many of these locations can still be live and hazardous. He noticed a few such locations when he was escorted Con Ed crews around the Village. Administrator Yamuder said no one should approach a site roped off by caution tape. He stated they should call the Police Department or Village Hall if they have any questions.

Lt. Delgrosso praised the Village Departments for their work during and after the storm. Trustee Lewis thanked Lt. Delgrosso and the Police Department.

Mayor Hotchkiss said the Fire Department was very active during the storm. Trustee Morris said the DPW were also working hard to keep the roads clear. Administrator Yamuder stated Deputy Foreman Jerry Tew and mechanic Rob Coshingano put in extra time to ensure a much needed fuel delivery was received at 11:00 the previous evening.

Mayor Hotchkiss said the Board is aware of the inconvenience the loss of power causes to residents. He said they have been in close contact with Con Ed as well as local and state officials to resolve this

as quickly as possible. He said he believes Con Ed is overwhelmed by the magnitude of the storm. He advised residents that require medical assistance to consult the Village Police Department. Residents who need shelter can go to the Daronco Townhouse at 20 5th Avenue which is still functioning as a 24-hour shelter.

Rudi Sherbansky of 66 Harmon Avenue said the Village is being short-changed by Con Ed and Pelham is usually one of the last municipalities to be turned on after a storm of this kind. He urged the Board to send Con Ed a strongly worded letter to put them on notice that they need to restore power to the Village as soon as possible.

Administrator Yamuder corrected Mr. Sherbansky saying that last year after Hurricane Irene; Pelham was actually one of the first municipalities restored after the storm. He said the issue of this storm is that Con Ed did not have an adequate amount of supplies stockpiled and the municipal liaison program was not staffed by employees familiar with the technical aspects of power restoration.

Trustee Marciona stated Con Ed should be able to explain why certain areas are more prone to losing power than others. Administrator Yamuder stated Con Ed should already be aware of the infrastructure problem in given areas and should be able to relay that information to municipalities.

The Administrator said that at the height of the storm, there were 40,000 outage locations in Westchester resulting in over 2.2 million Westchester residents without power. Pelham, by comparison, had approximately 3,000 residents without power at the height many of which were restored over the past few days. He said while the municipality can push for speedy resolution, Con Ed sets their own priorities and the Village cannot force them to Pelham.

Mr. Sherbansky stated there are several cracked trees on his neighbor's property that he is concerned about. He asked if the Village could assist in helping his neighbor take these hazardous trees down. Administrator Yamuder stated the Village cannot go onto private property to remove trees from residences. Residents must arrange for hazardous trees to be removed on their own. He suggested Mr. Sherbansky contact his neighbor in writing to make him aware of the perceived hazard and contact Building Inspector Russo to make him aware of the notification as well.

Item #7– Continuing a Public Hearing on Proposed Changes in the Commercial Zoning Code

Trustee Lewis stated the Board has been refining its original proposed changes as this public hearing continues.

Trustee Marty said the questions the Board has been researching involve increasing the density in the commercial district by considering increases in the appropriate height for buildings in those areas

of the downtown. The objective would be to motivate development in and around the 5th Avenue downtown.

Mayor Hotchkiss stated there was a comment about whether the Village Code needs to be revised from the current requirement of one off-street parking space for every dwelling unit in a multifamily building. He said there are several older apartment buildings in the Village that do not have a one to one ratio, which was not required when they were built. He added that proximity to the train station might decrease the need for a car for residents. The Mayor finished by saying that other alternatives such as Zipcars (or similar short-term rental services) in future might further reduce the need for car ownership, even in the suburbs. Based on this information, the Mayor said he did not think the Commercial Code would have to be amended to raise the ratio to 1.2 cars per dwelling unit.

Trustee Lewis said that a private development in the Village should not create increased demand for public parking. Trustee Marciona said the Board should consider the peak periods of traffic on the downtown and are there other locations where parking can be located.

Trustee Marty stated that Board does not want to create a demand for more public parking in the Village. He said there is a risk of overflow in terms of residents who are forced to find alternative parking arrangements and the effect on the traffic. He said a 1.2 to 1 ratio of spaces to dwelling units might be enough to hold back any overflow.

Trustee Kagan said he was not sure if the Board has done all it can to encourage alternative means of transportation such as bikes in the Village. Trustee Marty cautioned that the Village does not want to cater to a specific type of potential resident. Trustee Kagan stated that the Board can make it less attractive to a potential resident with an extra car.

Trustee Lewis said it is not reasonable to expect that an incoming resident will not have a car. He also said that he did not feel that the Village should pursue social engineering to force people to give up their cars. Trustee Kagan responded the Board is trying to dissuade those may need an extra car.

Trustee Marty suggested the Board assign tasks to Trustee Marciona and Administrator Yamuder to get more information for the Board to review. Mr. Sherbansky suggested that new residents with additional vehicles be asked to buy a parking permit in one of the municipal lots.

Daniel Murdoch of Pelham Manor said he felt the Board is focusing the zoning on a very narrow proposal for a potential development in the downtown. Mayor Hotchkiss responded that the Board has been actively revising this draft of the new Commercial Zoning Code. He said the various revisions have been posted on the website for review by residents. He said the potential for this development makes the proposed changes to the Commercial Code real and tangible.

Mr. Murdoch asked if the Pelham School Board is involved in these discussions. Trustee Marty stated that they have been contacted.

Carol Spawn-Desmond of the Pelham Preservation and Garden Society said the Board should focus on retail development rather than residential, which would not put a burden on the Pelham Schools. She described the proposed changes in height limits on Fifth Avenue as “radical.”

Mayor Hotchkiss stated the proposed changes are a moderate increase in building height in a small, concentrated area. Trustee Marty added that he felt a one-story increase to buildings heights is not a radical change. Trustee Marciona stated that she felt residents on Fourth Avenue would rather look at an apartment building frontage than a concrete parking structure.

Ms. Spawn-Desmond asserted that the public has not been given enough time to review the proposed changes. She said the public has not been provided with schematic drawings showing the shadowing effect of the increased building heights.

Mayor Hotchkiss responded that the Village Administrator has been working with the County, which provides such studies, but has not been successful in obtaining them. He also disputed the assertion by Ms. Spawn-Desmond that there had been a lack of transparency. He added that these meetings have been regularly played on the Channel 75/43 public access channel and posted on the Village website. Trustee Lewis pointed out that, as chair of the zoning review committee, he had made regular reports and presentations to the board about the progress of the committee’s work, which are part of the public record as well.

Ms. Spawn-Desmond said that it is her opinion that the Village will lose its ability to control any development by creating code that gives the rights anticipated in the proposed code. She also contended that the Memorandum of Understanding between the Village and Spinnaker Real Estate Partners does not contain the non-binding language usually contained in an MOU. She did not elaborate on what this means, but alleged that the MOU favors the developer.

Mayor Hotchkiss stated he disagreed with that reading of the MOU and noted that the document had been reviewed by outside counsel. Trustee Marty stated the Board does have a site plan review process and it does have input into what developments are allowed in the Village. Mayor Hotchkiss pointed out that any plan for new construction needs to be approved not only by the Planning Board, but also must be reviewed by the Architectural Review Board and approved by the Board of Trustees.

Trustee Marciona said there are ways for the public to contact the Board with its thoughts on these proposed changes. She said residents can write a letter or email as well as come to public comment section of the public board meetings. She asked Ms. Spawn-Desmond if there is another way that residents can voice their opinions to the Board, the Board is willing to hear all comments associated with these changes.

Committee Reports

Item #8– Site Plan Review

None

Item #9– NYW &B

Trustee Marty stated the Committee is reviewing the report from Modjeski and Masters. He said he hopes to have the options paper for the Board by the first or second meeting in December.

Item #10– Employee Benefits/HR Manual

Trustee Kagan stated he spoke to Ernie Stoltzer about the latest draft of the employee benefits manual.

Item #11– Tree Committee

Trustee Marciona stated the Village recently installed 24 trees around the Village as part of the NYPA Tree Program. She added that they are working with the Library to generate tree related educational resources for children and adults.

Item #12– Park Improvements

Trustee Morris reported that the Village is pursuing the grant for Wolfs Lane Park through the Dormitory Authority. She said at the moment the only plans available are the schematics drawn by Hank White, the Village's landscape architect.

Trustee Morris asked Mayor Hotchkiss if she had heard from Town Supervisor DiPaola regarding the status of the Trotta Park project. Mayor Hotchkiss stated he had spoken with him a few weeks ago. Trustee Morris said she would follow up with him for updates.

Item #13– Development (including 3rd Street RFP)

None

Item #14– Parking

None

Item #15– KVS Accounting Software Implementation

Administrator Yamuder stated the Village staff is fully operational on the KVS software. He said KVS is working on the requested forecasting sheet.

Item #16– Fire Task Force

None

Item #17– Other Business

None

Item #18– Authorizing Accounts Payable

Trustee Marciona audited the Accounts Payable.

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

RESOLUTION

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

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

<u>Fund Name:</u>	<u>Amount</u>
General Fund	\$ 169,130.75
Water Fund	\$ 70,460.99
Capital Projects Fund	\$ 8,650.00
Trust and Agency Fund	\$0.00
H3 Fund	\$0.00
TE Expandable Trust Fund	<u>\$0.00</u>

Grand Total \$ 248,241.74

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

Item #19–Authorizing Minutes of: September 18, 2012, October 2, 2012, October 16, 2012

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

September 18, 2012- Approved
October 2, 2012- Tabled

October 16, 2012- Tabled

Item #19– Adjournment to Executive Session

A motion was made by Trustee Lewis with a second by Trustee Morris 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 six in favor, none opposed. Trustee McGoldrick was absent.

Respectfully submitted,
Peter Bonington, Secretary to the Village Administrator