

VILLAGE OF PELHAM BOARD OF TRUSTEES REGULAR MEETING
TUESDAY, OCTOBER 20, 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 scheduling a public hearing for November 4, 2009 amending Chapter 96 to revise the procedures for setting the water rates schedule	Approved
8.	Resolution authorizing the completion of probation for Firefighter Tim Frusciante	Approved
9.	Resolution to authorize the ZBA to engage legal counsel and any professionals deemed reasonably necessary to enable review of Pelham Picture House & to establish an escrow account to reimburse the village for cost of such professional services	Approved
	Grants, Projects & Other Business	8:15 p.m.
10.	Grants- Status Report	Discussed
11.	Projects- Status Report	Tabled
12.	Building Department- New Permit Report	Tabled
13.	Other Business	Discussed
	Recurring Items	8:30 p.m.
14.	Authorizing the Accounts Payable	Approved
15.	Authorizing Minutes of: September 8, 2009, September 22, 2009	Approved
16.	Adjournment to Executive Session	9:00 p.m.

Next Regular Board of Trustee Meetings are:
Wednesday, November 4, 2009
Tuesday, November 17, 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 Bullock, Morris, Lewis, Homan, Potocki, and Breskin

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 began his report by saying the Congresswoman Nita Lowey had recently informed the Board and Administrator that \$562,500 in funds for flooding remediation had been appropriated to the Village of Pelham. This sum combined with a Village match of 25% (\$187,500) brings the total amount in awarded grant monies to \$1.5 million dollars towards the overall goal of updating the Village's storm water facilities. He added that a plan by Leonard Jackson Associates puts the total cost for this upgrade at approximately \$3 million dollars and thus this newly awarded grant represents a sizeable portion of the funds required to alleviate flooding in Pelham. The Mayor stated that he had sent out a signed letter to the Congresswoman asking for her help in obtaining already granted to money for the Village.

The Mayor then made the announcement that beginning next week Con-Edison will be doing mandatory repair work in and around the Brookside area by the Pelham Picture House to fix leaking gas pipes. He stated that this is state mandated repair work and that is expected to last for about 3 weeks.

Trustees Reports:

Trustee Breskin-

Trustee Breskin, as the new liaison between the Board and the Pelham Fire Department, reported that some weeks ago Fire Chief Curtis Taylor notified the Board of his intent to retire but that he would stay on for another few weeks until a replacement could be hired. He has since informed Mr. Breskin that his last day will be October 31st, 2009. Mr. Breskin stressed that the interviews for a new part time fire chief are under way and that there are several likely candidates for the position. Trustee Breskin also reported that the new Fire house doors have been ordered and are due to be installed within the next 30 days. Additionally,

the Fire Dept. has requested funding to purchase new non-sparking radios. The current radios have a tendency to spark which could be a hazard when entering a structure with a gas leak. The new radios are the most cost-efficient, non-sparking radios on the market and out of concern for the welfare of the firefighters; Mr. Breskin suggested that they be allowed to purchase them.

Trustee Homan-

Trustee Homan after researching aspects of the easel sign code within the Village, is recommending a public hearing on the matter in hopes to create a collection of standards by which chalkboard easels can be allowed in Pelham by permit bearing merchants. She stated that with a set collection of requirements and standards for the easels the Board can exercise an effective form of enforcement and can alter the Village Code accordingly to fit varying circumstances. Trustee Homan added that from her research she gathered that a chalkboard sign with a propping back is most preferable to fit the needs of the merchants and the Village.

Trustee Lewis-None

Trustee Morris-None

Trustee Potocki

Trustee Potocki commented the news about Nita Lowey's latest grant awarded as "terrific news." He then called for further action to move forward within the 60-90 days on the grant front.

Trustee Bullock-None

Village Administrator's Report

Administrator Yamuder reported that the two sessions of the Violence in the Workplace seminar occurred on Tuesday, October 13. He stated that these are annually mandated seminars by the state to have all staff participate in. He stated that they were a success and that all but a few of the Village employees were able to attend. Subsequent sessions are being planned for those that missed the October 13th sessions.

Item #6– Public Comment

Eric Webber, a local resident, spoke to the Board about the recent mailings received by residents whom the Village has notified regarding sidewalk repair and what they must do to remedy them as a hazard. Mr. Webber wanted to know why he had received such a notification and not all residents in the Village. Mr. Webber speculated that 1/3 to all flagstones in the sidewalks of Pelham are “hazardous” and that the Village should contact all residents who have stones in disrepair. Mr. Webber questioned whether this renovation process was an aesthetic issue or a safety one. He also stated that he had had several conversations with Administrator Yamuder and that he had not received a list of all the people marked for sidewalk notification from him at this time. Trustee Homan responded to Mr. Webber’s remarks that the Village is conducting this sidewalk renovation in a bit by bit fashion. She confirmed for him that this was not an aesthetic issue for the Village but rather a matter of safety of pedestrians. It’s a matter of people falling as a result of an 85 year old sidewalk that is in disrepair. Mr. Webber reiterated his request for some standard by which a sidewalk is judged as a hazard. Trustee Homan responded that the standards are broken flagstones on a section of sidewalk. Trustee Potocki stated that this was not the forum to have this discussion. He recommended that Mr. Webber either fix his sidewalk as mandated by the Village or go before the Village judge and argue the merits of the mandate.

The next part of the session focused on the recent construction of a fence on the Boston and Westchester Property by Young Avenue. Numerous residents from the area spoke to the Board and asked why after all this time was a fence and a sign reading “No Trespassing” erected on this property that has for so long been considered by some nearby residents of the area to be a public park. Arguments against fencing off the area ranged from the lack of open space in Pelham, the lack of enforcement by prior administrations, the short amount of time between the decision to erect a fence on the site and the actual construction, as well as the precedent of use for the area in question had created a sense within the residents around Young Avenue that this area was a park space for public use. The Board responded with its own arguments which were that this area which is periodically debated, the prohibition of use of the property has been a longstanding practice in order to manage the public safety and environmental concerns. The site has had environmental studies conducted on it which have revealed a low level of toxicity to the soil and recommended that humans and animals not be in contact with the soil. Additionally, the Board admitted that the “Dogs Must be Leashed” sign was put up on the property in error by a prior administration but that the area was never mandated as a park and did have a gate that allowed limited use by school children to access the schools in southern Pelham. Mayor Hotchkiss assured the residents present that the concept of a park on that property is not “gone forever” but that for time being until a determination can be made, the area will be fenced off to prevent its use. Mayor Hotchkiss stated he hoped that this amount of concern would be a catalyst for developing a solution to this recurrent problem.

Item #7- Resolution scheduling a public hearing for November 4, 2009 amending Chapter 96 to revise the procedures for setting the water rates schedule

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

**RESOLUTION
SCHEDULING A PUBLIC HEARING ON A PROPOSED AMENDMENT
TO THE VILLAGE CODE CHAPTER 96, TO REVISE THE PROCEDURES FOR SETTING
THE WATER RATES SCHEDULE**

The Board of Trustees of the Village of Pelham hereby schedules a public hearing to be held at 7:30 p.m. on Wednesday, November 4, 2009, 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 that amends Chapter 96, to revise the procedures for setting the water rates schedule

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 5 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
Robert Yamuder, Village Administrator/Deputy Clerk
Publication date: Friday, October 23, 2009

Proposed Draft

A LOCAL LAW that amends Chapter 96, to revise the procedures for setting the water rates schedule.

LOCAL LAW NUMBER OF 2009

**A local law amending Chapter 96 to
revise the procedures for setting the
water rates by schedule**

BE ENACTED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF PELHAM AS FOLLOWS:

SECTION 1

Section 96-20 of the Code of the Village of Pelham is amended by replacing its last sentence with the following sentence; "The Schedule of Water Rates shall be kept on file with the Clerk of the Village."

SECTION 2

Article IX of Chapter 96 of the Code of the Village of Pelham, containing Sections 96-39 through 96-41, is repealed.

SECTION 3

This Local Law shall take effect immediately upon filing in the office of the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

Item #8- Resolution authorizing the completion of probation for Firefighter Timothy Frusciante.

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

RESOLUTION

**AUTHORIZING THE SUCCESSFUL COMPLETION OF PROBATION
FOR TIMOTHY FRUSCIANTE AS FIREFIGHTER**

BE IT RESOLVED, that the Mayor and Board of Trustees hereby authorize the successful completion of probation for Timothy Frusciante as Firefighter, which is approved based on the positive evaluation and recommendation of the Fire Chief.

Item #9 – Resolution to authorize the ZBA to engage legal counsel and any professionals deemed reasonably necessary to enable review of Pelham Picture House & to establish an escrow account to reimburse the village for cost of such professional services.

After some discussion, 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

TO AUTHORIZE THE ZBA TO ENGAGE LEGAL COUNSEL AND ANY PROFESSIONALS DEEMED REASONABLY NECESSARY TO ENABLE REVIEW OF PELHAM PICTURE HOUSE & TO ESTABLISH AN ESCROW ACCOUNT TO REIMBURSE THE VILLAGE FOR COST OF SUCH PROFESSIONAL SERVICES

BE IT RESOLVED, that the Mayor and Board of Trustees of the Village of Pelham hereby authorize the retention of legal counsel and any professionals deemed reasonably necessary to enable review of the Pelham Picture House and to establish an escrow account to reimburse the Village for the cost of such professional services, the amount of which is to be determined by the Mayor and Board of Trustees; and

BE IT RESOLVED, that the Mayor and Board of Trustees of the Village of Pelham hereby authorize the Mayor, the Village Attorney and the Village Administrator to sign the necessary contracts and agreements to obtain these services.

Item #10- Grants- Status Report

The grants report was given by Administrator Yamuder and Administrative Intern Peter Bonington. They reported that with this new grant supplied by Congresswoman Nita Lowey is a big step in gathering funds for the overall plan for the remediation the flooding within the Village. The EPA grant also from the Congresswoman's office is progressing. Mr. Yamuder is submitting the Categorical Exclusion (CATEX) forms necessary to circumvent time consuming environmental surveys. He has also contacted the project contract person for more submission documentation. Several of the applicants for the New York Main Street Grant have had their packets submitted to the State Historic Preservation Office. Mr. Yamuder and Mr. Bonington are awaiting a letter from the SHPO authority within the next few weeks. Mr. Yamuder commented that the Village was denied for the GIS Implementation and Training Grant. He stated that the grant program was flooded with requests for funding and there simply was not enough money to go around to all the applicants. Trustee Breskin inquired about the \$50,000 Member Item grant for the Police and Fire Departments. He wanted to know how soon that we could expect the awarded monies and if necessary could the terms be amended so that the Fire Department could be reimbursed for purchasing special, non-sparking radios out of their own budget. Mr. Yamuder stated he did not foresee

a problem with that arrangement. With regard to the FTA Intermodal Parking Lot behind Village Hall, Mr. Yamuder stated that he is requesting the specifications for the site. He hopes to be able to put the project out to bid in November and have the area ready for the spring construction season.

Item # 11- Projects- Status Report

Tabled

Item # 12- Building Department- New Permit Report

Tabled

Item # 13- Other Business

Trustee Lewis opened the Other Business session by applauding the detail oriented documentation of Joe Marty in supplying and Excel spreadsheet that outlines the exact before and after changes that are being made to the Village Code. He stated that this information would be available to the Board and soon after would be available to the public. Trustee Morris reported that architect Hank White has responded to her with a concise list of suggestions for additions to Wolfs Lane Park. Trustee Bullock inquired about the Children's Center fun run and pumpkin sale. Trustee Homan commented that she had heard that they sold most of their pumpkins and that the run did take place. Trustee Breskin added that this is the last event in which the Village will pay for the Police and Fire Dept. overtime. Mr. Breskin then asked about the HOPE permit issue and if there were any updates regarding that item. Administrator Yamuder replied that he had spoken the Westchester Human Rights Commission and informed them of the Board's discussion and that now the Board requires more information to entertain more discussions. Trustee Homan stated that she had heard of a news article discussing the abuses of handicapped permits and the need for scrutiny on the part of Police Chief Joe Benefico when issuing these on-street parking permits. Mayor Hotchkiss finished by saying that Chief Benefico has done a good job of giving these permits out to those who need them and thanked him for his efforts.

Item # 19- Authorizing the Accounts Payable

Trustee Morris is auditing the Accounts Payable.

A motion was made by Trustee Morris with a second by Trustee Lewis to adopt the resolution. The motion was approved by 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	\$ 235,336.97
Water Fund	\$ 2,909.63
Capital Projects Fund	\$7,000.00
Trust and Agency Fund	\$ 1,726.25
H3 Fund	<u>\$ 0.00</u>
Grand Total	\$ 246,972.85

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

Item # 15- Authorizing Minutes of: September 8, 2009, September 22, 2009

September 8, 2009

A motion was made by Trustee Breskin with a second by Trustee Homan to approve the minutes from September 8, 2009. The motion was approved by vote of seven in favor, none opposed.

September 22, 2009

A motion was made by Trustee Bullock with a second by Trustee Homan to approve the minutes from September 8, 2009. The motion was approved by vote of five in favor, none opposed. Trustee Lewis and Trustee Morris abstained.

October 6, 2009

Trustee Lewis asked to table the minutes for the October 6 Board of Trustee's meeting until the next meeting on November 4, 2009.

Item # 16- Adjournment to Executive Session

A motion was made by Trustee Homan with a second by Trustee Breskin to adjourn the public portion of the board meeting at 9:30 p.m. and go into Executive Session to discuss

personnel and financial 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