

VILLAGE OF PELHAM BOARD OF TRUSTEES
 REGULAR MEETING
 TUESDAY, OCTOBER 4, 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:

| # | Agenda Items: | Approximate Starting Time of Discussion |
|-----|--|---|
| | Non-Recurring Items | 7:40 p.m. |
| 7. | Presentation of Audited Financial Statement for FY 2010-2011 | Discussed |
| 8. | Awarding Paving Contract #2011-04 | Approved |
| 9. | Authorizing Budget Transfers | Approved |
| | Committee and Community Liaison Reports | 8:15 p.m. |
| 10. | Commercial Zoning Review | Discussed |
| 11. | Site Plan Review | Discussed |
| 12. | B & W Site | None |
| 13. | Employee Benefits/HR Manual | None |
| 14. | Tree Committee | Approved |
| 15. | Park Improvements | Discussed |
| 16. | Development (including 3 rd Street RFP) | Discussed |
| 17. | Parking (including FTA Parking Lot project) | Discussed |
| 18. | Other Business | None |
| | Recurring Items | 8:45 p.m. |
| 19. | Authorizing Accounts Payable | Approved |
| 20. | Authorizing Minutes of: September 6, 2011 | Approved |
| 21. | Adjournment to Executive Session | 9:00 p.m. |

Next Scheduled Board Meetings are:
 Tuesday, October 18, 2011
 Wednesday, November 2, 2011
 All meetings start at 7:30 p.m. unless otherwise noted.

Item #1 – Meeting called to order: The meeting of the Board of Trustees was called to order by Mayor Edward Hotchkiss at 7:35 p.m.

The following members of the Board of Trustees were present:

Mayor Hotchkiss, Trustees Lewis, Marciona, Marty, and McGoldrick, Mohan, and Morris

The following members of the Board of Trustees were absent:

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 that Saturday, October 15 would be an eventful day in Pelham. He said the Chamber of Commerce would be having its Fall Street Fair. The Pelham Children's Center would be holding its annual 5K race and Children's Fun Run. The Children's Center would also be holding its Pumpkin Festival as well. He said the Farmer's Market will also be operating in the on that Saturday as per their usual schedule. He encouraged residents to attend these events next Saturday saying it is a great way of supporting downtown Pelham.

The Mayor reported that a draft of the inter-municipal agreement (IMA) was sent over to the Town Hall for Supervisor Solimine's review. He said he hopes the draft will be reviewed by the Town Board at their next meeting.

He said the \$340,000 EPA grant, which the Village announced at the last meeting had been released, stated that all the necessary contract documentation were submitted back to the EPA for their authorization. He said the nature of this work would take place on 3rd Street between 4th Avenue and 1st Avenue leading to the Hutchinson River outfall. He said the Village will begin the planning phase of this project shortly.

Mayor Hotchkiss said there are three other flooding related grants which are under review by FEMA at this time. They were awarded to the Village consecutively from 2008 to 2010. The Mayor stated that he and Administrator Yamuder attended a meeting in Town of Mamaroneck hosted by Congresswoman Nita Lowey. He said many other municipalities have also been having difficulty in securing previously awarded grants. He said the Village will continue to pursue these grants to alleviate flooding in the Village.

Trustees Reports:

Trustee Lewis

None

Trustee Marciona

None

Trustee Marty

None

Trustee McGoldrick

None

Trustee Mohan

None

Trustee Morris

None

Village Administrator's Report

None

Item #6– Public Comment-

Ann Dumas-Swanson of Highbrook Avenue thanked the Board for the letter of support in pursuance of the grant opportunity as discussed at the previous meeting on September 20, 2011. She said the Committee had also received other letters of support. She said the Committee is working hard to get an options paper together that would include options for both remediation and demolition. She stated that the people living around the “greenspace,” otherwise known as Parcel A of the NYW&B site, have been polled by the Committee and the consensus is that they would all favor it being opened as a passive greenspace.

John Cassone of 7th Avenue thanked the board for moving forward with the IMA for Trotta Park. He said he hopes to hear of more developments soon.

Item #7–Presentation of Audited Financial Statement for FY 2010-2011

Mayor Hotchkiss said the firm of O'Connor Davies, Munns, & Dobbins, llp will be giving a summary of the audited financial statement. He stated the Board had past experience with this firm and that they have worked well with the Village staff during the annual audit of the Village's finances. He invited representatives Tom Kennedy and Yulia Kelly to give the presentation.

Mr. Kennedy and Ms. Kelly summarized the financial report by saying the auditors of O'Connor Davies are independent of the Village. He said their firm is rendering an independent and unqualified opinion of the Village's finances which is the best opinion for a municipality. Mr. Kennedy stated they are obligated to report any deficiencies but said they had found none. He said the audit is getting better each year and thanked Administrator Yamuder and Financial Advisor Shirley Brown for their assistance during the audit.

Ms. Kelly reported on the Village fund balance. She said both the revenues and expenses came in on target. She stated the Village fund balance represents approximately 4% of its liability. She said that generally 5% is where most municipalities want to be but the Village had some unanticipated expenses which caused it to drop below that threshold.

Mayor Hotchkiss stated that the Village fund balances for budget lines such as water and other assets are the cushion the Village maintains. He said the Village should try to pool these balances together to create a more stable cushion for the Village's finances. Mr. Kennedy responded that these balances cannot be allocated to other uses other than what they are budgeted for which is in keeping with General Municipal Law.

Mr. Kennedy said the management letter distributed to the Board contains only two informative comments for their review. He stated that GASB-54 will be taking effect next year which will affect the budget line items in their monthly budget reports. He also mentioned that the Village does not have an employee benefits manual. Mayor Hotchkiss added the Board is close to completing the employee benefits manual with the assistance of outside counsel. He said the current draft is being reviewed by counsel.

Mr. Kennedy finished his summary of the report by saying his firm is obligated to report any deficiencies, frauds, disagreements, or illegal acts. He said his firm has found no evidence of any of these infractions. He encouraged the Village to reach out with any questions to O'Connor Davies and added this would not impair his firm's independence of the Village of Pelham.

Mayor Hotchkiss and the Board thanked Mr. Kennedy and Ms. Kelly for their presentation.

Item #8– Awarding Paving Contract #2011-04

Mayor Hotchkiss said this contract is for repaving a section of Colonial Avenue from Wolfs Lane to just short of Pelhamdale Avenue. He said this project will be completed using Consolidated Highway Improvement Program (CHIP's) monies awarded to the Village to the amount of \$83,301. Administrator Yamuder stated the Village publicly bid out the project and received four bids which were read aloud on Thursday, September 28, 2011 at 11 a.m. He said Petrillo Contracting, Inc. was the lowest, qualified bidder. He said the nature of the work will include milling and pot hole filling.

Trustee Marty observed that the Village has been received less CHIPS money this year and as a result the Village is able to do less and less street repair. Administrator Yamuder said the Village has been received less in highway repair funds. Trustee Marty proposed creating a capitol budget line that plans for keeping streets in a state of good repair.

Trustee Mohan asked if there were any Federal granting programs available for street repair. Administrator Yamuder said he would have to check and see if there are any such programs but he said generally there are not grants for municipal maintenance. John Cassone asked if Colonial Avenue is considered a County road. Administrator Yamuder stated that the Village owns the full width of Colonial Avenue.

Mayor Hotchkiss said this resolution awards the contract to Petrillo Contracting, Inc. for an amount not to exceed \$80,999.20.

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

RESOLUTION

Authorizing the Award of Contract #2011-04 Street Milling and Repaving

WHEREAS, the Village of Pelham issued a Notice to Bidders and Request For Bids for Contract No. 2011-04 Street Milling and Repaving; and

WHEREAS, a public notice was published on Tuesday, September 14, 2011, in the Gannett Westchester Newspaper, an official newspaper of the Village of Pelham; and

WHEREAS, during the notice period seven (7) companies picked up copies of the contract documents at Village Hall; and

WHEREAS, at 11 a.m. E.S.T., Wednesday, September 28, 2011, the Village of Pelham publicly opened and read four (4) proposals; and

WHEREAS, on reviewing the proposals, the following is a list of the proposals, as follows:

| Company | Location | Total Base Bid |
|----------------------------|--------------------|----------------|
| Petrillo Contracting, Inc. | Mount Vernon, NY | \$80,999.20 |
| ELQ Industries | New Rochelle, N.Y. | \$96,985.00 |
| PCI Industries | Mount Vernon, NY | \$98,190.00 |
| MVM Construction, LLC | Mount Vernon, NY | \$111,345.00* |

*Actual bid amount in words \$111,305.00

AND WHEREAS, Administrator Yamuder has reviewed the bids and determined that the lowest responsible bid that meets requirements is Petrillo Contracting, Inc.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of the Village of Pelham Village hereby award Contract No. 2011-04 to Petrillo Contracting Inc., of Mount Vernon, NY at the total bid price for this unit price contract in the amount of eighty-thousand nine hundred and ninety-nine dollars and twenty cents, (\$80,999.20) as stated above; and be it

FURTHER RESOLVED, that the Mayor and Village Administrator are authorized to take the necessary and appropriate actions to sign execute and award this unit price contract for these services.

Item #9—Authorizing Budget Amendments and Transfers

These Budget Amendments and Transfers were requested by Finance Director Shirley Brown.

Mayor Hotchkiss stated these budget amendments and transfers are a normal procedure for the Village. The Administrator said the total amount of these amendments and transfers comes to \$199,301.

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

RESOLUTION

Re: Budget Amendments and Transfers for Fiscal Year 2011-12

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, 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 2011-12 Budget by making the following amendments and rollovers:

2011/12 BUDGET TRANSFERS - VILLAGE BOARD MEETING OCTOBER 4, 2011

2011/12 BUDGET AMENDMENTS

CAPITAL FUND

| | | | | | |
|-----------------|--|----------|---------------|-------------------|--------------|
| H9901 | Transfer to General Fund | \$10,625 | H5110.20 9 | Highway Sweep/Vac | \$ 10,625 |
| | To close out project and transfer balance to Gen Fund for Debt Service | | | | |
| H5650.102. 1 | Village Yard Lots 1 & 2 | \$37,760 | H5650.20 | Parking Lot 2 | \$ 91,230 |

| | | | | | |
|-------|---|----------|----------|---------------|----------|
| | | | 1 | | |
| | | | H5650.20 | | \$ |
| H9901 | Transfer to General Fund | \$65,990 | 2 | Parking Lot 3 | 12,520 |
| | To reallocate Parking lot funds to Parking Lot 1 & To close out project and transfer balance to Gen Fund for Debt Service as per Village of Pelham Board Resolution | | | | |
| | | \$ | H5110.20 | CHIPS - Road | |
| H3501 | ST Aid - CHIPS | 11,380 | 3 | Resurfacing | \$11,380 |
| | To reflect cut in CHIPS Allocation from NYS | | | | |

GENERAL FUND

| | | | | | |
|-----------|--|---------|----------|--------------------------|--------|
| | | | | | \$ |
| A3120.121 | Police special Assignment | \$9,712 | A2772 | Refund for Person. Serv. | 9,712 |
| | To reflect outside overtime billings | | | | |
| | Fireman Retire. | \$ | A3410.10 | | \$ |
| A9085.8 | Supplement | 62,398 | 3 | Retirement Supplement | 62,398 |
| | To properly budget Firemen's Disability Retirement supplement as a fringe benefit not a salary | | | | |

2011/12 BUDGET TRANSFERS**GENERAL FUND**

| | | | | | |
|-----------|------------------------|---------|----------|------------------------|---------|
| | | \$ | A3410.45 | | \$ |
| A3410.412 | Fire Truck Tires | 1,011 | 1 | Fire Truck Repair | 1,011 |
| | | \$ | A5110.41 | | \$ |
| A5110.461 | St.Maint Uniforms | 25 | 5 | St.Mt. Supply & Maint. | 25 |
| | | \$ | A3620.40 | | \$ |
| A1410.107 | Per.Ser. Records Manag | 400 | 4 | Bld Insp Dues | 100 |
| | | | A3620.41 | | \$ |
| | | | 5 | Bld Insp Supplies | 200 |
| | | | A3620.44 | | \$ |
| | | | 0 | Bld Insp Misc. | 100 |
| | Comm Envir tree | \$ | A8560.40 | | \$ |
| A8560.480 | Placement | 1,000 | 0 | Comm EnvirCont Serv | 1,000 |
| | | \$ | | | \$ |
| TOTALS | | 200,301 | TOTALS | | 200,301 |

Committee and Community Liaison Reports

Item #10–Commercial Zoning Review

Trustee Lewis stated that the Planning Board will be reviewing the proposed changes to the zoning code at the next meeting. He said he hopes the proposals will be passed at the next meeting.

Item #11–Site Plan Review

Mayor Hotchkiss and Trustee McGoldrick reported they are making progress on this initiative. He said they have a rough document that illustrates the process. He said it needs to be written formally in order to accompany the diagram. Trustee McGoldrick added that he hoped to have this completed by Thanksgiving.

Item #12– B & W Site

None

Item #13– Employee Benefits/HR Manual

None

Item #14– Tree Committee

Administrator Yamuder stated he had learned through the New York Power Authority (NYPA) of a tree matching program. He said there is a two for one arrangement where if the Village purchases 10 trees they can receive 10 trees in addition to their purchase. He stated he would reach out to the Town to see if they might be interested in purchasing trees with the Village in order to make the investment for cost effective. The Board determined to devote \$1,000 for this initiative to purchase trees for planting around the Village.

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

Item #15–Park Improvements

Trustee Morris stated she intends to get in touch with Hank White regarding a survey of the park. Administrator Yamuder stated the last information he had from Mr. White is that he needs a survey which shows two foot contours on the section of the park.

Mayor Hotchkiss stated that the Board had determined to allocate the \$647,000 in awarded funds to the corner of First Street and Wolfs Lane as the first step in the implementation of the Wolfs Lane Park Plan.

Trustee Marty asked if there was any provision in the Plan that would preclude diagonal parking along Wolfs Lane. Trustee Lewis responded there a provision in the Plan for looking at the possibility of implementing diagonal parking on Wolfs Lane.

Item #16– Development (including 3rd Street RFP)

Mayor Hotchkiss stated the Board is speaking to developers about the Fifth Avenue and Third Street project. He said there is interest in the location and the concept of retail at the street level while building five or six stories of apartments designed for younger or older residents. He said there are some parking questions that have to be answered with regard to the actual construction of the property. He said the benefit of a property like this would be an increase to the Village's tax base while not putting an additional burden on the Village's schools.

Item #17– Parking (including FTA Parking Lot project)

Administrator Yamuder stated the old DPW Yard House has been demolished. He said the Village is moving toward the final stages of this project. The Mayor stated the Village intends to put muni-meters into the newly opened Lot #7.

Administrator Yamuder stated the Village recently awarded the contract for the work on the First Street Parking Lot. He said he has scheduled a Thursday kick off meeting to begin the discussions concerning the work.

Item #18– Other Business

None

Item #19–Authorizing Accounts Payable

Trustee Mohan audited the Accounts Payable.

After some discussion, a motion was made by Trustee Mohan and seconded by Trustee Lewis 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 | \$ 41,498.93 |
| Water Fund | \$ 1,465.00 |
| Capital Projects Fund | \$ 34,368.73 |
| Trust and Agency Fund | \$0.00 |
| H3 Fund | \$0.00 |
| CD NYS Main Street Fund | \$0.00 |
| TE Expandable Trust Fund | <u>\$0.00</u> |
| Grand Total | \$ 77,332.66 |

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

Item #20—Authorizing Minutes of: September 6, 2011, and September 20, 2011

After some discussion, a motion was made by Trustee Lewis and seconded by Trustee Mohan adopt the minutes from September 6, 2011. The vote was approved by a vote of six in favor, none opposed. Mayor Hotchkiss abstained.

September 6, 2011- Approved

September 20, 2011- Tabled

Item #21— Adjournment to Executive Session

A motion was made by Trustee McGoldrick with a second by Trustee Morris to adjourn the public portion of the board meeting and go into Executive Session to discuss personnel and legal matters at 9:20 p.m. after which time the Board would adjourn for the evening. The motion was approved by vote of seven in favor, none opposed.

Respectfully submitted,
Peter Bonington, Secretary to the Village Administrator

