

VILLAGE OF PELHAM BOARD OF TRUSTEES REGULAR MEETING
TUESDAY, OCTOBER 6, 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:

	Non-Recurring Items	7:45 p.m.
7.	Resolution Authorizing Town of Pelham’s Request to Maintain Brick Park after their Grant Work to Reconstruct the Park is Completed	Approved
8.	Discussion of Brick Park Dedication and Renaming of Park in Memory of Joe Trotta	Discussed
	Committee Reports	8:00 p.m.
9.	Employee Benefits/HR Manual	Discussed
10.	Young Avenue Open Space	Discussed
11.	Verizon FIOS	Discussed
12.	Chamber of Commerce	Discussed
13.	Commercial Zoning Review	Discussed
14.	Site Plan Review	Discussed
	Grants, Projects & Other Business	8:15 p.m.
15.	Grants- Status Report	Discussed
16.	Projects- Status Report	Tabled
17.	Building Department- New Permit Report	Tabled
18.	Other Business	Discussed
	Recurring Items	8:30 p.m.
19.	Authorizing the Accounts Payable	Approved
20.	Authorizing Minutes of: August 11, 2009, September 8, 2009, September 22, 2009	Approved
21.	Adjournment to Executive Session	9:00 p.m.

Next Regular Board of Trustee Meetings are:
Tuesday, October 20, 2009
Wednesday, November 4, 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 7:35 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 reported that in response to the H1N1 virus scare that a link was being installed on the Village website for use by residents. The site is www.flu.gov/ and he stated that it was an informative site for updates and recent news on “Swine Flu” and he urged people to visit the site for more information. The Mayor also alerted the Board to the fact that as of December 31st, New Rochelle will be closing its organic transfer facility due to an expansion of its water treatment plant. Pelham uses as a drop-off point for its organic waste. The result is that now Pelham and other municipalities in the area will have to find an alternative place to have its organic waste transported away.

Trustees Reports:

Trustee Breskin-none

Trustee Homan-none

Trustee Lewis-none

Trustee Morris-

Trustee Morris stated that Hank White, a landscape architect and Village volunteer, has furnished her with specifications for Wolfs Lane Park. Funds for this will be drawn from the New York Main Street Grant Program in which the Village stands to receive \$50,000 to improve the park. Items such as benches, trash cans, bike racks, and other landscaping structures were among his submittals to Trustee Morris. All the additions to the park will be light enough to be moved in case of future construction. In keeping with Mr. White's suggestion, the benches will be made from wood which he feels is a longer term decision for the life of the bench. Trustee Morris closed by thanking Mr. White for his time and effort.

Trustee Potocki-

Trustee Potocki reported that Chief Benefico has received a number of complaints from residents about citations they have been given for leaving trash cans and bags of grass clippings at their curb for extended periods of time. Trustee Potocki recapped that organic waste day is Tuesday and that after the waste has been picked up residents should remove any receptacles from the curb. He closed by saying that a number of summons had been sent out and that those contacted must attend a court hearing after receiving the document.

Trustee Bullock-none

Village Administrator's Report-

Administrator Robert Yamuder reported that after conferring with Fire Chief Curtis Taylor, Mr. Yamuder announced that this week will be considered Fire Prevention Week. He urged residents to use this week as an opportunity to check and if necessary replace batteries in their fire alarms. Additionally, residents should take this time to re-affirm the E.D.I.T.H. standards which are exit strategies in case of fire in the home. These measures are taken in order to ensure the safety for members of the Pelham community.

Public Comment-

After the Mayor called for Public Comment, Lester Kravitz of Pelpark LLC stood up to speak about the status of the Pelpark site. Mr. Kravitz is the owner of the vacant lot that is next to the DPW parking lot behind Village Hall, known as the Pelpark site. Mr. Kravitz expressed his interest in developing the Pell-Park site into empty nester and senior friendly residences as well as shopping complexes. In addition, he asserted that his construction would double the number of parking spaces and he stated he would build a passageway from the parking lot to allow easy access to the Metro-North railway station. He stated that he was promised a land distribution agreement by the Board to swap air and ground rights between his vacant lot and the Village parking area. He stated he was not consulted during the commercial re-zoning discussions taking place within the Board of Trustees and that thus far they were unwilling to negotiate with him. He stated that with an expected influx of low-income housing in Pelham, his lot would be utilized for such a structure. He finished by saying that the Village owes it to residents and to him to develop that property.

Trustee Breskin responded that there were a number of inaccuracies in Mr. Kravitz's claims, including his claims of secrecy and a lack of public involvement in the process on the part of the Board. Trustee Breskin pointed out that the Zoning Committee has not even published its report regarding any possible zoning changes in the Village and that all of the meetings have been open to the public. Further, nothing in the Zoning Code would be changed until there had been public hearings regarding the specific recommendations the Committee will be making. Trustee Breskin went on to point out that Mr. Kravitz's claims of his site being targeted for low-income housing were nothing more than spreading rumors and were a mischaracterization of the facts since it is not yet clear whether Pelham would have to construct low-income housing within its borders and no discussions had taken place with regard to the Pelpark site. Mr. Breskin reminded Mr. Kravitz that the reason the Board was not negotiating a land use agreement with him was that they are currently involved in litigation with him and that any negotiation could not be conducted in good faith. Mayor Hotchkiss proceeded to recount the events that had led up to these remarks. The Mayor stated that the Village had gone to extraordinary lengths to accommodate Mr. Kravitz and the failure to proceed so far is entirely because of Mr. Kravitz. The Village had arranged pre-submission site plan application meetings with the Planning and Architectural Review Boards, but Mr. Kravitz, was unprepared to have any meaningful discussions. He also stated that the Village enforced building and parking lot code violations on the property, in which afterwards Mr. Kravitz initiated a \$20 million law suit contending the enforcement was illegal. The Mayor said we would be happy to entertain any properly prepared proposal once we are not involved in litigation with each other. Mr. Kravitz asked the Board when they would be able to resume conversations about developing the property. Trustee Breskin informed him that while they are currently in litigation no such negotiation can take place. He added that if Mr. Kravitz would like to resume negotiations his next steps should be to bring his site into compliance with Village code and terminate the litigation.

Following Mr. Kravitz was Joe Martin, a local gas station owner, who wanted some information about the commercial re-zoning changes to the Village code. Specifically

referring to “grandfathering” business’s, Mr. Martin wanted to know how this clause would affect his business. Trustee Lewis stated that it would not and that it only affects businesses that do not have continuous use. Trustee Potocki commented that the Board is only discussing these changes at this date and that no definite changes are going to be made without further meetings. Trustee Lewis concluded by saying that his committee is not so much trying to change the code as to clarify it.

Item #7- Resolution Authorizing Town of Pelham’s Request to Maintain Brick Park after their Grant Work to Reconstruct the Park is Completed.

After some discussion about changing the wording of the terms of an inter-municipal agreement to “pursuant to an agreement to be negotiated by the Village and the Town” 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 TOWN OF PELHAM’S REQUEST TO MAINTAIN BRICK PARK AFTER THEIR GRANT WORK TO RECONSTRUCT THE PARK IS COMPLETED

BE IT RESOLVED, that the Board of Trustees of the Village of Pelham hereby authorizes the Town of Pelham to Maintain Brick Park owned by the Village of Pelham after their Grant Work to Reconstruct the Park is Completed, pursuant to an agreement between the Town and the Village, and authorizes the Mayor, the Deputy Mayor, the Village Administrator and the Village Attorney to take the necessary and appropriate actions to effect this agreement.

Item #8- Discussion of Brick Park Dedication and Renaming of Park in Memory of Joe Trotta

For the discussion on renaming Brick Park in honor of former Mayor Joseph Trotta, local resident John Cassone made some opening remarks about Mr. Trotta’s career highlighting specific instances of his inter-personal governmental style. Mr. Cassone quoted Town Supervisor Joe Solimine as saying of Mr. Trotta; “never was there a more loyal person in the community, never.” Mr. Cassone closed by saying that the Village should honor Mr. Trotta by naming the park after him. Joseph Trotta’s sister Marion Trotta was present and related some anecdotes about him and then described how former Village Administrator Richard Slingerland had discussed with her the possibility of obtaining a bench with a plaque in honor of Joseph Trotta. Mayor Hotchkiss suggested that when they begin buying benches with awarded grant monies for the various parks in Pelham that they could include this request for a specific bench with a plaque. She stated that she had obtained a petition from family and friends of Joe, which she hoped would help the Board make a determination on this matter. Several residents after Marion Trotta spoke at length about the generosity and good works of Mr. Trotta. Harry Pallet formally of the Department of Public Works spoke about Mr. Trotta’s

involvement in organizations such as the Boys Club as well as the breakfasts for the Boys Scouts and Firehouse spaghetti dinner. Trustee Potocki also gave an anecdote about Mr. Trotta expressing his persistence and loyalty to the committees and offices he served on and finished by saying he was a “wonderful man.” John Cassone spoke again at the conclusion of these presentations to reiterate his desire to have Brick Park named after Joseph Trotta. The Mayor concluded this discussion by thanking Mr. Cassone and Mrs. Trotta for their presentations as well as all those who came out and spoke about Mr. Trotta that evening. He said that they had given them much to think about and would look forward to discussing the matter further in the future.

Committee Reports

Item #9 – Employee Benefits/HR Manual

The first of the committee reports was about the standardization of employee benefits within a codified HR manual. Trustee Bullock as head of this committee stated that this was a recommendation from the auditors, and also is recommended by NYCOM. The purpose of the manual would be to provide fairness and standardization for all employees. Non-union employees would benefit from the clarity provided and the manual would also apply to Union employees except to the extent not inconsistent with provisions of the applicable union contract. The Manual will contain provisions governing benefits and regulations on topics such as sick days, holidays, comp –time, etc. Mr. Bullock stated that he hoped that the HR Manual could be completed in the next few weeks.

Also, as chairmen of the Tree Committee Mr. Bullock reported that Committee members have been working with Village Administrator Robert Yamuder to commence work on an inventory of the Village-owned trees. Barbara Mundy, a Committee member, has secured the support of Steven Beltecas, a science teacher at Pelham High School, on the project. Mr. Beltecas’ science research class and environmental club will assist on this project on a volunteer project. With the assistance from Pelham Green, they will be working to collect tree inventory data and compile it on an Excel spreadsheet, with the intention that at some point it will be transferred into Geographic Information Systems (GIS) data for trees throughout Pelham. He added that it is his understanding that Pelham Manor has previously completed a similar project and found it to be valuable. The next goal of the Tree Committee is to begin a resident education outreach program, which will among other things strive to provide ideas to residents about what native species of trees are recommended for planting in Pelham.

Items #10- Young Avenue Open Space

Trustee Breskin, the current head of the open spaces committee, is in the process of transferring this project over to the jurisdiction of Trustee Morris. However he did brief the Board on the current status of the Boston and Westchester (B and W) property on Young

Avenue. Trustee Breskin reported that there is an ongoing environmental issue and that the Village has a report stating that people should not be in regular contact with the soil but that local signage around the area specifically states that dogs must be leashed while on the property. Mr. Breskin stated that this was an invitation for people to come onto the property. He stated that previously other Board members had recommended the gate in front of the property should be taken out and a fence put in to discourage people from moving out onto the grounds as well as provides a path around the area and that the Board should reconsider this recommendation. He stressed that although this is not a life threatening issue it would be prudent on the part of the Board to allow the Village Administrator Robert Yamuder and the General Foreman of the DPW Michael Shriman to begin the process of limiting access to this area. Village Administrator Robert Yamuder added that the appropriate signage to read "No Trespassing" will be posted around the area as well. Mayor Hotchkiss stated that they had obtained a price for such a fence and that it was valued at \$2,700. Trustee Homan stated that she supported the idea and the Board should give the Administrator its blessing to continue this process by erecting a fence and putting up "No Trespassing" signage. Several Board members emphasized that this should be an interim measure put in place only for as long as it takes to find a more permanent disposition.

Item #11– Verizon FIOS

Trustee Lewis stated in his committee brief that he had a meeting with Verizon lobbyist Catherine Gasteyer and regional Verizon FIOS representative John Butler. He pointed out that this was not to be considered a new round of negotiations between the Village and Verizon. He informed the Board that as Pelham has no franchise agreement in place at the current time, negotiations cannot occur because Verizon considers this a prerequisite for entering into dialogue with a potential party. Mr. Lewis made it clear that the offer on the table would not be any better than in previous discussions and indeed due to the economy, the offer might actually be less. Pelham still resides on a list that Verizon would negotiate with but after the end of this year, Pelham would not be considered a potential Verizon customer. Mr. Lewis' recommendation was that under the current terms and the fact that Verizon is on the verge of bankruptcy it would be a futile gesture based on the current offer and the time limit given to negotiate with Verizon FIOS on this issue. As a point of clarification, Trustee Bullock asked when the Village's Cablevision contract was due to expire. Trustee Lewis informed him that the agreement is contracted to last until 2013.

Item #12- Chamber of Commerce

Trustee Breskin reported on the Chamber of Commerce's recent night out event. He noted the apparent lack of attendance was probably due to competing events. Trustee Potocki also commented that the event was set to take place too soon and that not enough advertising was done for it. Local reporter Maggie Klein noted that the street was not closed and that traffic may have discouraged participation in the event. However, Mr. Breskin did say that he sees a number of good things going on within the Chamber and that the Board could expect more in the future.

Items #13- Commercial Zoning Review

Trustee Lewis commented on the status of the commercial zoning review process. He stated that once the committee comes to an agreement on what needs to be changed then the process of clarifying the code becomes the next step. Trustee Potocki asked if he could see some concise documentation of what exactly is being changed. Trustee Breskin responded that Joe Marty has very good notes on this process and that it explains the various intricacies of how the deliberation and change take place. Trustee Morris suggested posting before and after alteration posting of the commercial zoning code on the Village website. Trustee Lewis stated that he was attempting to limit the amount of documentation going back and forth amongst Board members by streamlining the process through his committee. Lester Kravitz then asked the Board if any property owners had been consulted in these reviews. Trustee Breskin informed him that they were not but their interests were well represented. Mayor Hotchkiss added that once the Board does make a determination on what changes it wants to make to the code, it then becomes a public matter where further meetings and public hearings are scheduled. Attorney Carey Hillpert representing Lorday Reality asked about the review process and how much inclusion commercial businesses will have in it. She stated that her concern was largely due to the elimination of certain uses in the Village. She closed by saying that her organization would be monitoring the progress of the committee.

Item #14- Site Plan Review

Mayor Hotchkiss reported on the Planning Board and the Architectural Review Board and the need to clarify their respective roles within the Village Code. He stressed that this is a major issue that needs to be accomplished in order for the various organizations within Pelham to function correctly.

Item #15- Grants- Status Report

Mayor Hotchkiss reported that the New York Main Street Grant Program is progressing and that the initial applicants are having their packets submitted to SHPO in the coming weeks. These packets are being compiled by Administrator Yamuder and Administrative Intern Peter Bonington. The Mayor then commented on the pressing need to alleviate the flooding situation in Pelham, stressing that both Administrator Yamuder and Administrative Intern Peter Bonington will be working over the next few weeks to complete the application for the EPA Flooding Remediation grant in order to receive the awarded monies. The Mayor stated that a great deal of documentation was required but that the Administrator and his assistant are going to make it a priority. A question was raised over a discussion that Trustee Potocki had with Police Chief Joe Benefico regarding letters that were sent out to Congresswoman Nita Lowey and Senator Jeff Klein's offices. These letters, Trustee Potocki stated were requests for funding for a Live Scan Unit. This request was also present on a wish list for the

Police and Fire Department Member Item Grant that is currently in the works. Trustee Potocki asked Administrator Yamuder if this was the case. Mr. Yamuder replied that he had not seen the letter but as there was to be a staff meeting tomorrow for department heads he would be sure to ask Chief Benefico then. Trustee Homan added that even if Chief Benefico receives clearance for funding, the Board still has the right to determine how the funds are spent. The Mayor closed this segment with a comment about the DPW parking lot and the FTA grant which is appropriated for developing that lot. Mayor Hotchkiss reported that the project should be ready to be put out for bids in November. It should then be awarded in January and actual construction could begin as early as March of next year. The estimated construction time for the project is not more than 4 to 6 months according to Mr. Yamuder's estimate.

Item # 16- Projects- Status Report

Tabled

Item # 17- Building Department- New Permit Report

Tabled

Item # 18- Other Business

Trustee Potocki had two matters to discuss in this segment. He first addressed the fence in front of Parking Lot 2. From a conversation that Mr. Potocki had with DPW Foreman Michael Shriman, it appeared to him that there would be no adverse effect to removing the fence nor was there any point to keeping it in place. Mr. Potocki asked that the Board give Administrator Yamuder and Mr. Shriman permission to remove the fence. The other matter that Mr. Potocki addressed was the notices recently given to merchants in the downtown regarding easel advertisements for their business. Mr. Potocki expressed the opinion that this rule is archaic not to allow business owners to use signage outside their store to promote their business. Furthermore, he added that many prominent downtowns have displays such as these such as Saratoga Springs. Mr. Potocki contacted Susan Barden, the assistant planner for the city of Saratoga Springs, to inquire about how their town regulates these advertisements. Mr. Potocki finished by saying that if the use of easel signs is controlled then it could be helpful to Pelham. Trustee Lewis commented that Barbara Bartlett of the Planning Board stated that both her organization the Architectural Review Board would be willing to help codify rules and regulations for the use of easel signage. Trustee Homan added that the reason for this debate was because the Village Code prohibits signage from being used in the windows of shop fronts. She suggested that perhaps workshops could be organized for merchants to educate them on how to utilize what space they have in their windows. Mrs. Homan also advocated working with the Chamber of Commerce to establish the appropriate regulations for an easel code. Trustee Homan then stated that she would support a moratorium on enforcement of this aspect of the code until the Board can make a final determination. Mayor Hotchkiss then asked Administrator Yamuder if the use of easels was

explicitly prohibited by the Village Code. Mr. Yamuder responded that easels are prohibited for use by businesses. Trustee Breskin stated that he felt that it would be a mistake to allow easels within the Village of Pelham. He cited a lack of control and enforcement of such easels as impossible to regulate and that they generate a cluttered look for the downtown. He suggested that even if they limit their use strictly to restaurants that creates some level of control over this form of signage but to allow them wholesale in his opinion would be a mistake. Trustee Homan then made a motion to make a moratorium on enforcement of the easel signage code. The motion was seconded by Trustee Potocki. The motion was approved by vote of five in favor, with Mayor Hotchkiss and Trustee Breskin opposed. After this discussion, local resident Adam Kagan of 3rd Avenue rose to speak briefly to the Board about installing a speed bump on the corner of 6th St. and Willow St. He gave the Board a petition signed by 18 homes in and around the area in question. Trustee Breskin stated that there may be state code restrictions on where and how many speed bumps can be placed within a certain area. Trustee Homan also added that many people in Pelham want speed bumps on residential streets and thus it is difficult to say whether they will be able to add a new one.

Item # 19- Authorizing the Accounts Payable

Trustee Lewis is auditing the Accounts Payable.

A motion was made by Trustee Potocki with a second by Trustee Bullock 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	\$ 30,096.43
Water Fund	\$ 59,545.68
Capital Projects Fund	\$0.00
Trust and Agency Fund	\$ 0.00
H3 Fund	<u>\$ 0.00</u>
Grand Total	\$ 89,642.11

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: August 11, 2009 and September 8, 2009, September 22, 2009

A motion was made by Trustee Lewis with a second by Trustee Breskin to approve the minutes from August 11, 2009. The motion was approved by vote of seven in favor, none opposed.

Trustee Lewis advocated tabling the minutes from September 8 and 22, 2009 until the next meeting on October 20, 2009.

September 8, 2009

September 22, 2009

Item# 21- 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 matters, after which the Board would adjourn for the evening. The motion was approved by vote of seven in favor, none opposed.

Respectfully Submitted by,
Peter Bonington, Administrative Intern