

VILLAGE OF PELHAM BOARD OF TRUSTEES REGULAR MEETING
TUESDAY, SEPTEMBER 22, 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

#	Agenda Items:	Starting Time of Discussion
	Non-Recurring Items	7:45 p.m.
7.	Authorize Chamber of Commerce to Close 5 th Avenue from 1 st Street to 3 rd Street on Friday, September 25 th , 5-8:00 p.m. for Extended Shopping and Dining.	Approved
8.	Discussion on the Proposed Nomination to Designate the Business District as a Historic Site.	Discussed
9.	Authorizing the Pelham Travel Soccer 5K Race October 31, 2009	Tabled
10.	Discussion on Westchester County Human Rights Commission Recommendation to Approve Overnight Parking Permit.	Discussed
11.	Quarterly Financial Report FY 2009/2010	Discussed
12.	Resolution adopting the 2009 Adjusted Base Proportions for the Village of Pelham 2009 Final Assessment Roll.	Approved
	Grants, Projects & Other Business	9:15 p.m.
13.	Grants- Status Report	Discussed
14.	Projects- Status Report	Tabled
15.	Building Department- Summary Report	Tabled
16.	Other Business	Discussed
	Recurring Items	9:30 p.m.
17.	Authorizing the Accounts Payable	Approved
18.	Authorizing Minutes of: August 11, 2009 and September 8, 2009	Tabled
19.	Adjournment to Executive Session	9:45 p.m.

Next Regular Board of Trustee Meetings are:

Tuesday, October 6, 2009

Tuesday, October 20, 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, Lewis, Homan, and Breskin. Trustee Morris arrived at 7:35 p.m. and Trustee Potocki arrived at 8:30 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

Item #3- Mayor Hotchkiss Report-None

Item #4- Trustees Reports:

Trustee Breskin-None

Trustee Homan-

Trustee Homan asked that now that school has officially started that drivers in the community remember to abide by the rules of the road and make full stops at appropriate signage out of concern for the safety of school children in the area. She commented that this consideration also extends to bikers as well. Mrs. Homan also asked for an increase in attendance for the local Farmers Market that takes place on Sunday mornings at 9:00 a.m. She stated that if the Village wants to keep having this function then people must show up.

Trustee Lewis-None

Trustee Morris-None

Trustee Potocki-None

Trustee Bullock-None

Village Administrator's Report-Reserved for Other Business

Public Comment-None

Item #7- Resolution Authorizing Chamber of Commerce to Close 5th Avenue from 1st Street to 3rd Street on Friday, September 25th, 5-8:00 p.m. for Extended Shopping and Dining.

After some discussion concerning displaying the event on the Village website and the payment for the overtime by the Chamber of Commerce, a motion was made by Trustee Lewis and seconded by Trustee Homan to adopt the resolution. The vote was approved by a vote of six in favor, none opposed. Trustee Potocki was absent.

RESOLUTION

AUTHORIZING CHAMBER OF COMMERCE
TO CLOSE 5TH AVENUE FROM 1ST STREET TO 3RD STREET
ON FRIDAY, SEPTEMBER 25TH, FROM 5:00 P.M.-8:00 P.M.
FOR EXTENDED SHOPPING AND DINING.

BE IT RESOLVED, that the Board of Trustees of the Village of Pelham authorizes Chamber of Commerce to close 5th Avenue from 1st Street to 3rd Street on Friday, September 25th, from 5:00 p.m.-8:00 p.m. for extended shopping and dining.

AND BE IT FURTHER RESOLVED, that Mayor and Board authorize the appropriate Village officials and staff to take the necessary and appropriate actions to allow the street to be closed for the extended shopping and dining to take place, with the requirement that the Village of Pelham be provided with the insurance satisfactory to the Village's insurance carrier by the Pelham Chamber of Commerce.

Item #8- Discussion on the Proposed Nomination to Designate the Business District as a Historic Site.

Mayor Hotchkiss conveyed the next discussion which was a public hearing on classifying the business district as a historic site. He introduced Peter Shaver from the New York State Office of Historic Preservation to present to the Board the overall nature of what classifying

the business district as a historic site would entail for the Village. Mr. Shaver stated that it was determined that the downtown business district was considered a credible site which would be eligible for classification as a historic site. He mentioned that he does not seek to impose restrictions on private property owners, only on what the Village can do to a historic site. He then recounted the process by which this conclusion was determined. The Pelham Preservation Society had sent in an application to the State Office of Historic Preservation. The State supported the designation as historic and now the matter will be brought by the state to the Federal program for final listing on the National Register of Historic Places. Mr. Shaver then went on to describe that this listing on the National Register, at least in terms of Pelham, would be mostly for recognition but there would also be notable incentives for this classification. He noted that for commercial buildings that are doing renovations there is a one year deal for decreasing their income tax payments for up to 20%. Additionally, non-profit municipality grant opportunities are available for application to areas such as Wolfs Lane Park, provided they are used to renovate the site with the correct tools under the historical preservation parameters such as using the right mixture of mortar in a stone wall. Trustee Breskin asked if the decrease in income tax was a yearly occurrence for renovations. Mr. Shaver responded that it was not a recurring decrease and but rather a "one-shot" deal. Trustee Lewis asked whether the Village can apply for grants to deal specifically with parks in the Village. Mr. Shaver stated that the Village would be eligible to receive grants from the federal or state organizations. Trustee Bullock asked what the Historic Preservation office looks at when reviewing sites for possible renovations by the owners or the Village. Mr. Shaver replied that the Historic Preservation Office considers the most important aspects of the site and how to maintain those aspects such as using the proper fixtures within a historic house. He also added that his office does not review Village renovation projects, only state and Federal renovation. Trustee Morris raised the question of renovations to the parks in Pelham. Mr. Shaver stated that renovations can be made to parks but the money to do so will not come from the State Historical Preservation Office. Mayor Hotchkiss asked what the difference was between being an eligible historic district and simply being on the National Register. Mr. Shaver stated that there was essentially no difference between being on the list and being considered an eligible historic district. Pelham is already considered historic it just has not yet been approved by the appropriate Federal Historical Preservation Office. The main difference is in official recognition of the sites. Given the size of the district, Pelham would only be eligible for about 2 projects by the state and Federal organizations. Trustee Bullock inquired about how much influence the State Historical Preservation Office will have over projects in the historic district and what restrictions could be placed on the Village? Mr. Shaver replied that he doesn't see the state's requirements as restrictions but as negotiations. He cited that many such projects cross his desk and that for the most part they pass without incident. Only in special cases does the Office get involved in mediating with the municipality over what materials can be used on specific building projects. Trustee Bullock continued that some of the park extends beyond the bounds of the historic area and asked, would that area be covered by the Office in terms of funding. Mr. Shaver stated that any area outside the historic site would not be covered by the state. He suggested Transportation Enhancement or T-21 funding for non-historic site renovation. Trustee Homan at this point advocated moving forward with this classification and supporting the designation of the district as historic. Mr. Shaver added that this designation does not require a vote by

the Board because effectively the matter is for determined by Federal organizations. Mayor Hotchkiss then asked what it would take to stop the classification from occurring. Mr. Shaver replied that up until the point of registration on the National Register, if 50% of the property owners within the district, each receiving one vote per property, voted no then registration could be stopped. After Mr. Shaver had finished his presentation, Mayor Hotchkiss opened up the floor to public comment and invited John DeCicco of the Pelham Chamber of Commerce to speak. Mr. DeCicco spoke as a representative of the Chamber saying that he and the rest of the business owners within the district couldn't find any downsides or negatives to this classification of the downtown area as historic. He said he believed it would be good for Pelham and that he understood that the Board must look at this decision from the governmental perspective to ascertain that there are no hidden rules or clauses within the decision to classify the downtown. Next, Toby Epstein of the Pelham Preservation Society approached the Board with a printout of articles pertaining to the Village of Cold Spring in Putnam County citing that after their classification in 1982 as a historic district their village underwent great enhancement in the economy and quality of their downtown. She stated that the Village of Cold Spring would be a comparable example to Pelham and that the opportunities afforded to Cold Spring would resemble those that Pelham could receive such as grants and other community benefits. Mrs. Epstein was followed by local resident Mary Veith who conveyed to the Board that she feels that many of her neighbors are happy with Pelham's parks as they are and that the residents are not anxious to have much work done to them therefore she would support their classification as historic for the protection they will receive under such a designation. Maggie Klein then approached the microphone and asked for confirmation on the boundaries of the historic district and whether it would extend from 2nd Avenue all the way to Boulevard? Trustee Lewis confirmed that those were the district boundaries. After this testimony, Trustee Homan expressed her desire to make a motion to have the Board support the decision to classify the downtown business district as a historic site. After some discussion, Trustee Homan made a motion to write a letter to the state in support of the classification of the business district as a historic site. This motion was seconded by Trustee Bullock. A vote was taken with the result of seven in favor, none opposed. Mayor Hotchkiss thanked Peter Shaver for coming to the meeting and informing the Board of what this designation entails. Trustee Bullock added to that sentiment by thanking the Pelham Preservation Society for their hard work on this project.

Item #9 – Authorizing the Pelham Travel Soccer 5K Race October 31, 2009

Trustee Lewis informed the Board that Michael Lahn, a board member for the Pelham Travel Soccer Club, had notified him of the Club's intention to cancel the 5K Race set for October 31, 2009. Although the decision is not official yet, Trustee Lewis asked the board to table the issue until the next meeting when more information will be available.

Items #10- Discussion on Westchester County Human Rights Commission Recommendation to Approve Overnight Parking Permit.

Trustee Potocki began the discussion concerning the issuing of Handicapped On-Street Parking Exception permits or HOPE permits for disabled residents. Mr. Potocki commented that Village Administrator Robert Yamuder, as well as Village Clerk Terri Rouke, and Police Chief Joe Benefico were involved in a meeting concerning a resident who was not issued a permit. Mr. Yamuder summarized that a local resident was denied a HOPE permit by Chief Benefico due to the resident's proximity to the town's parking lot and thus it was considered unnecessary to issue the resident a handicap permit. The resident disagreed with this assessment and subsequently notified the Westchester Count Human Rights Commission. This organization offered a recommendation that the HOPE permit stipulations be re-written to allow the handicapped residents the ability to park on the street within a reasonable distance from their homes. Mr. Potocki stated that he felt there wasn't enough information available at the present time to make a definitive determination on this matter and suggested tabling it until the next meeting. He did however; state that if the Village is within the confines of state law regarding handicapped accommodations then the Village are not without grounds for refusing to submit a permit in this case. Mayor Hotchkiss suggested looking up the law as it is written for further verification on the matter. Trustee Potocki's sentiment was reiterated by Trustee's Homan and Breskin. Trustee Homan asserted that this was a much abused privilege and that the Village must remain vigilant on the standards set forth under the HOPE law. Trustee Breskin corroborated that it would behoove the Board to trust Chief Benefico's judgment in this determination. He maintained that the guidelines were very specific and that it would be unlikely that the Chief would not be aware of those requirements in his determination. Mayor Hotchkiss concluded that the outlining of general principles for these permits was very long and tedious. He suggested the Board examine the law and discuss the issue again at the next Board meeting on October 6, 2009.

Item #11- Quarterly Financial Report FY 2009/2010

Mayor Hotchkiss began the discussion by highlighting specific aspects of the report. Certain revenues and expenses are still being compiled but for now areas of interest for the Board include; collection of property tax, fines and forfeiture, Police and Fire overtime, and sales tax. The Mayor cautioned that there was expected to be a shortfall in several of these areas but that as this is a quarterly report the Board need not extrapolate too much from it. Trustee Breskin expressed his opinion that an increase in sales tax is unlikely even with the holiday season due to a lack of consumer confidence. Trustee Homan concurred saying that the back to school season was below estimate for this quarter. Trustee Potocki mentioned that New Rochelle is currently in the process of furloughing 15 firemen out to make up close to a million dollar shortfall and he warned that if the Board is not careful with its expenditures, Pelham could face a similar version of that. Mr. Potocki suggested that for next quarter, further steps have to be taken to drum up some revenue because he does not want the burden to go to the tax payer. To avoid that, drastic measures must be taken. Trustee Lewis noted that parking meters are up in revenue this quarter. He suggested that the Board step

back and examine all its options. Trustee Homan advised that she would like to hear from Financial Consultant Shirley Brown and get her opinion on what can be done to trim expenditures. Trustee Breskin suggested to Administrator Yamuder that he call a staff meeting in which a deadline is set for each department head to come up with five ways to cut back on spending because no one knows better than they how to cut back and where to do it. Administrator Yamuder stated that this was a regular topic of discussion at his staff meetings and noted the shared use of road salt by the Village and Pelham Manor accounts for 50% of the salt used by buying equally in bulk between the two municipalities. Mayor Hotchkiss cited that this issue is an extraordinary one and that it requires extraordinary action. Trustee Potocki commended Trustee Lewis on his letter to the state which explained that the state's shortfall cannot be dumped on the tax payer arbitrarily.

Item #12- Resolution adopting the 2009 Adjusted Base Proportions for the Village of Pelham 2009 Final Assessment Roll.

After some discussion, a motion was made by Trustee Lewis and seconded by Trustee Homan to adopt the Adjusted Base Proportions from the 2009 Final Assessment Roll. The motion was approved by a vote of six to one in favor, Trustee Morris was opposed.

RESOLUTION

ADOPTING THE 2009 ADJUSTED BASE ASSESSMENT PROPORTIONS FOR THE VILLAGE OF PELHAM 2009 FINAL ASSESSMENT ROLL

BE IT RESOLVED, that the Board of Trustees of the Village of Pelham hereby adopts the 2009 Adjusted Base Proportions using the 2009 Final Assessment Roll for the Village of Pelham on the request and recommendation of the Assessor, at the rates of 84.171219 for Homestead, and 15.828782 for Non-Homestead; and

BE IT FURTHER RESOLVED the Mayor, Village Administrator/Treasurer and the Assessor are authorized to take the necessary and appropriate steps to effect this action.

Items #13- Grants Status Report

Village Administrator Yamuder reported that the FTA/DPW Intermodel Parking lot was proceeding. After a phone conference with the engineers at PCI concerning the ventilation system for the soil in the yard, Administrator Yamuder was confident that the project will be ready to bid out by the end of the year and construction could begin in the spring. Mr. Yamuder also stated that he has received his ECHO password which will allow him access to the ECHO-FTA system. Mr. Yamuder commented on the status of the New York Main Street Grant stating that information was being compiled for the New York State Preservation Office and that he and Administrative Intern, Peter Bonington, have been in contact with the

Chamber of Commerce with regard to what the participants in the grant complete their files in order to expedite the process. The Fire House generator is also proceeding. As of now it is due to be installed by mid-October. Mr. Yamuder concluded that as always, he is pushing ahead on the flooding remediation grants and that he hopes to make progress in the coming weeks.

Item #14- Projects- Status Report-Tabled

Item #15- Building Department Summary Report-Tabled

Item # 16- Other Business

Administrator Yamuder stated in his report that was carried over from earlier in the meeting that Fire Chief Curtis Taylor recommended repairing and replacing the 35 year old doors at the Fire House that allow the trucks to pass out and onto the street. Chief Taylor's report states that the motor that cranks the doors open has fallen into disrepair and that at this point, it is necessary to patch the motor up and then bid out the job to have the doors replaced. Mr. Yamuder added that the RFP has been circulated and that they have received 3 bids two of which are below \$10,000 with the lowest qualified bid at \$9,800. With the Board's permission the project is set to move ahead. Mayor Hotchkiss asked if there was any way that they could forgo repairing the doors if they will be replaced anyway. Mr. Yamuder replied that it would take three weeks for the replacement doors to be delivered and did not want to risk a motor malfunction in the interim. The Mayor inquired whether there would be an issue with leaving the affected door open for that period. Trustee Homan commented that this would be a big security issue if the doors were left open for three weeks on end. Mr. Yamuder offered that the project could be bonded out and this was met with a question by Trustee Potocki as to whether there were any resources among Amy Paulin and Jeff Klein grants? Mr. Yamuder suggested that the initial payments should come out of the general fund and then bond after the fact. Mayor Hotchkiss added that any door that is ordered should be able to be opened manually in case this situation would not happen again. Trustee Potocki agreed with the Mayor said that it should be a customized door to prevent this occurrence. Trustee Potocki then commented on Police Chief Joe Benefico's request to retain his current, part-time secretary Fran Campion despite her recent move to the Town Hall. Mr. Potocki stated that Fran is willing to work for \$15,000 a year after Chief Benefico had budgeted that it would cost \$20,000 a year to hire a different secretary. He added that she is experienced with her duties and able to work before and after her days at the Town Hall. Mayor Hotchkiss stated that Administrator Yamuder should look into the matter to determine the expenditures. Mr. Potocki concluded that that would be acceptable but it was nonetheless good to see department heads trying to conserve money by retaining their staff.

Item # 17- Authorizing the Accounts Payable

A motion was made by Trustee Potocki with a second by Trustee Homan to adopt the resolution. The motion was approved by vote of seven in favor, none opposed.

Trustee Potocki is auditing the Accounts Payable.

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	\$ 158,166.38
Water Fund	\$ 0.00
Capital Projects Fund	\$0.00
Trust and Agency Fund	\$ 0.00
H3 Fund	<u>\$ 0.00</u>
Grand Total	\$ 158,166.38

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

Item # 18- Authorizing Minutes of August 11, 2009 and September 8, 2009

A motion was made by Trustee Lewis and seconded by Trustee Morris to table the adoption of the minutes from August 11, 2009 and September 8, 2009.

August 11, 2009

September 8, 2009

Item # 19- 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

