

VILLAGE OF PELHAM BOARD OF TRUSTEES
REGULAR MEETING
TUESDAY, SEPTEMBER 18, 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

Approximate
Starting Time
of Discussion

#	Agenda Items:	
	Non-Recurring Items	7:40 p.m.
7.	Resolution Awarding Paving Contract #2012-1	Approved
8	Fire Department Task Force	Discussed
9.	Resolution Authorizing ArtsFest on September 22 nd and 23 rd , 2012	Approved
10.	Resolution Authorizing the Chamber of Commerce Fall Festival Street Fair on Sunday, October 21, 2012	Approved
11.	Resolution to Approve 2012 Village of Pelham Adjusted Base Proportions for the 2013 Tax Levy	Approved
12.	Continuing a Public Hearing on Proposed Changes in the Commercial Zoning Code	Approved
	Reports and other Business	8:15 p.m.
13.	Monthly Budget Review	Discussed
14.	Grants- Status Report	Discussed
15.	Other Business	Discussed
	Recurring Items	8:45 p.m.
16.	Authorizing Budget Transfers	Approved
17.	Authorizing Accounts Payable	Approved
18.	Authorizing Minutes of: August 14, 2012, September 4, 2012	Approved
19.	Adjournment to Executive Session	9:15 p.m.

Next Regularly Scheduled BOT Meeting:
Tuesday, October 2, 2012
Tuesday, October 16, 2012
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 7:30 p.m.

The following members of the Board of Trustees were present:

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

The following members of the Board of Trustees were absent:

None

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

None

Trustees Reports:

Trustee Lewis

None

Trustee Kagan

None

Trustee Marciona

None

Trustee Marty

None

Trustee McGoldrick

None

Trustee Morris

Village Administrator's Report

Administrator Yamuder stated the Village has begun receiving the reimbursement for Hurricane Irene damages. He said the Village has received \$98,000 and are expecting the last installment in the coming weeks.

Item #6–Public Comment

Richie Bell of 5th Avenue made several comments to the Board related to the proposed development on 5th Avenue and 3rd Street. He said he felt this was the wrong time for such a development.

He added that the proposed consolidation of the Fire Departments would affect the local Pelham men and families of the Fire Department.

Mr. Bell said the Board should consider allowing parking on the opposite side of Carol Avenue from Clovelly to accommodate homeowners.

Mr. Bell then asked the Board about the Pelham Housing Authority (HUD) transfer to the company CVR based out of White Plains. He said he had been hearing from Pelham residents who are in the program that they are having difficulty working with this new housing provider.

Administrator Yamuder stated the HUD program was transferred to a state run company called CVR several months ago. He said the Village previously had a contract with NDR of New Rochelle to administer the program in Pelham. NDR wanted to get out of the business altogether which made a transfer necessary. The Administrator stated CVR is a larger program with more capacity to handle inquiries.

He added that he was not aware residents were having trouble getting in touch with the company. The Administrator said he could put the contact information on the Village website and would forward any calls from concerned residents to the CVR office in White Plains.

Item #7– Resolution Awarding Paving Contract #2012-1

Administrator Yamuder said this resolution is to award the paving contract that the Village bid out recently in preparation for the street paving season. He stated the Village has allotted \$230,000 in the budget for the Fiscal Year to complete some paving work in the Village. He said the Village usually receives Community Highway Improvement Program (CHIP's) funds in the amount of \$80,000 to assist with this paving. He noted that this amount has been declining in recent years but still intend to put the funds to good use.

The Administrator said the Village received four proposals for the paving work. He said the lowest qualified bidder was Petrillo Contracting Inc. of Mount Vernon for a bid amount of

\$207,350.00. He said the Village has used Petrillo before during the previous years paving on Colonial Avenue. He added that the bid prices came in lower than expected and as a result the Village may be able to do more streets off the street paving list than previously expected. The Administrator finished by saying his recommendation was to proceed with Petrillo Contracting as the Village's paver for this year.

The Board amended the wording of the resolution to clarify that the Board can choose to spend up to the budgeted amount of \$310,000 for the paving of streets. This amount includes the bid price from Petrillo, the other budgeted funds from the Village, and the CHIP's improvement funds.

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

RESOLUTION

Authorizing the Award of Contract #2012-01 Street Milling and Repaving

WHEREAS, the Village of Pelham issued a Notice to Bidders and Request For Bids for Contract No. 2012-01 Street Milling and Repaving; and

WHEREAS, a public notice was published on Tuesday, September 4, 2012, 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., Monday, September 17, 2012, 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:

<u>Company</u>	<u>Location</u>	<u>Total Base Bid</u>
Petrillo Contracting, Inc	Mount Vernon, NY	\$207,350.00
PCI Industries	Mount Vernon, NY	\$219,575.00
ELQ Industries	New Rochelle, NY	\$223,400.00
MVM Construction, LLC	Mount Vernon, NY	\$244,130.00

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. 2012-01 to Petrillo Contracting, Inc., of Mount Vernon, NY at the total bid price for this unit price contract in the amount of two hundred seven thousand, three hundred fifty dollars, (\$207,350.00) 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 #8– Fire Department Task Force

Mayor Hotchkiss stated that the Village had been working with the City of New Rochelle and a firm called North Avenue Research on a preliminary report about consolidating the two Fire Departments. He said that as this research was preliminary it was not released to the public at that time. He said due to several reasons however, North Avenue Research will not be able to provide a report and the Village will not be required to pay the \$6,000 fee for the study.

The Mayor asked Trustee Marty, Kagan, and Administrator Yamuder to form a task force designed to look into the feasibility of retaining a private firm to investigate this matter further. Trustee Marty said the task force would render a recommendation whether to proceed or not by the October 16th Board of Trustees meeting. He said the question of safety is first and foremost but the benefits of cost savings would be considered as well. He said this process would be conducted openly and said there were many reasons why the Village should consider a merger such as this.

Trustee McGoldrick said the Village has to look at the financial realities of the situation and it is the only prudent thing to do under these difficult economic circumstances. Trustee Marciona added that a firefighter should be on the task force as a member.

Firefighter Destasio of the Pelham Fire Union stated this exercise is not a consolidation but an abolishment of the Pelham Fire Department. He said he was present at a meeting with Trustee Marty the previous evening and safety was not mentioned as the primary concern and that cost savings were the issue behind this study. Trustee Marty responded that was that safety is always a consideration in these discussions. He added that he expected a good working relationship between the task force and the Pelham Fire Department.

Mayor Hotchkiss said every Village department is under scrutiny in these tough economic conditions. Trustee McGoldrick said the Board must look carefully at all the options open to it.

Firefighter Destasio stated the public and Fire Department must be involved in this process.

Iris Kasten of 240 Carol Avenue asked what information the task force would be gathering. Trustee Marty said that the task force will just be determining if this process is worth looking into. He said a more detailed study involving logistics and allocation of resources. Mayor Hotchkiss added that there must be material savings for the Village to move forward with this initiative.

Steve Khahana of 6th Avenue said he understands the Board has to look at both sides of this issue. He stressed that they set goals for the Village departments to achieve savings. Mayor Hotchkiss said there is no excess for the Village to trim off the Village departments. He said the Village has to consider restructuring in order to achieve the type of savings that will make a material difference.

Item #9– Resolution Authorizing ArtsFest on September 22nd and 23rd, 2012

Mayor Hotchkiss said the ArtsFest will take place on the weekend of the 22nd and 23rd. He said he hoped the event would help local businesses and provide increased patronage through the Culture Trolley which will be circulating through the Village as part of the event.

The Mayor stated this resolution is approved with the understanding that the sponsor will conduct the cleanup of Wolfs Lane Park. Trustee Kagan said there is no defined sponsor for this event and the Arts Center does not have the ability to maintain the park.

Mayor Hotchkiss said the Village has a policy of not paying for overtime or cleanup for the events in the Village. Trustee Kagan stated that this policy will squash the activities in the park. Trustee McGoldrick said the Village may have to accept this as an unfair occurrence.

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

RESOLUTION
AUTHORIZING ARTSFEST
ON SEPTEMBER 22ND AND 23RD, 2012

WHEREAS, Annual ArtsFest is expanding beyond New Rochelle to include the Village of Pelham and will highlight a variety of arts and art venues to stimulate economic activity and cultural awareness in the village;

BE IT RESOLVED, that the Board of Trustees of the Village of Pelham authorizes ArtsFest and a “Culture Trolley” to circulate up and down Fifth Avenue and Wolfs Lane for this event on Saturday and Sunday, September 22nd and September 23rd; and

BE IT FURTHER RESOLVED, that it is with the understanding that the sponsors will be responsible for any cleanup of public spaces used, or will compensate the Village for any overtime incurred to affect the cleanup;

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 event to take place.

Item #10–Resolution Authorizing the Chamber of Commerce Fall Festival Street Fair on Sunday, October 21, 2012

Trustee Kagan stated the Chamber intends to hold its fall Street Fair on Sunday, October 21st. He said he attended the June Street Fair and said it was well attended.

Steve Khahana of 6th Avenue said traditionally the Civil Air Patrol has cadets who work as volunteers for the event as part of their community service. He said this year; the cadets will not be working on the garbage cleanup detail.

Trustee Morris stated the Village needs additional trash cans on the street. Administrator Yamuder said the Village DPW does obtain additional pails from the County prior to the event and does perform cleanup of the garbage pails after the event is finished.

Trustee Kagan suggested that perhaps the Chamber could get additional volunteers to work on garbage during the event through their event provider.

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

RESOLUTION

AUTHORIZING A FALL FESTIVAL STREET FAIR OPERATED BY THE CHAMBER OF COMMERCE TO BE HELD ON SUNDAY, OCTOBER 21, 2012

BE IT RESOLVED, that the Board of Trustees of the Village of Pelham authorizes a Chamber of Commerce Pelham Street Fair to take place on Sunday, October 21, 2012, and authorizes the closure of the following streets from 7:00 am to 7:00 pm:

- 5th Avenue from First Street to Lincoln Avenue,
- 3rd Street, from 5th Avenue to 4th Avenue, in between the Art Center and open parking lot but not blocking the parking garage; and

BE IT FURTHER RESOLVED, that the Chamber of Commerce will be responsible for all Village Of Pelham overtime costs and all other direct costs that are incurred by this event;

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 Fair 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 #11– Resolution to Approve 2012 Village of Pelham Adjusted Base Proportions for the 2013 Tax Levy

Trustee Lewis stated this adjusted base proportions represent the property tax proportion paid by homeowners and commercial businesses in the Village of Pelham. Administrator Yamuder stated the amount for homeowners went down this year.

Mayor Hotchkiss said these proportions represent 100% of the property tax collected for the Village. Trustee Kagan wanted to be clear that the Board is approving a rate that favors the homeowners and shifts the proportion to the commercial business owners. Trustee Lewis stated in past years, the proportions have favored the commercial businesses.

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

Resolution

ADOPTING THE 2012 ADJUSTED BASE ASSESSMENT PROPORTIONS FOR THE VILLAGE OF PELHAM 2012 FINAL ASSESSMENT ROLL

BE IT RESOLVED, that the Board of Trustees of the Village of Pelham hereby adopts the 2012 Adjusted Base Proportions using the 2012 Final Assessment Roll for the Village of Pelham on the request of the Assessor, at the rates of 82.138490 Homestead, and 17.861510 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.

Item #12– Continuing a Public Hearing on Proposed Changes in the Commercial Zoning Code

Trustee Lewis stated this is the fourth discussion related to the proposed commercial zoning changes. He said the goals were to provide consistency and simplicity for site plan approval as well as promote density in the downtown.

Trustee Lewis said several notable changes have been made to the original proposal. He said the building heights in the C2 Commercial district at 43 feet or four storeys. He said the M-Zone would be abolished in order to create consistency within the district. The creation of public parking for in new development would be used to help alleviate the shortage of parking spaces in the Village. Height variances would be considered if the new buildings have a parapet or another decorative design feature.

Trustee Marty stated said these proposed changes will create a simpler and more consistent zoning code for the Commercial district. Administrator Yamuder stated he is in touch with the County Planning and are working on rough schematics to show proposed building heights along 5th Avenue. Trustee Kagan suggested putting the zoning documents on the Village website for public consumption.

Trustee Lewis stated with these proposed changes, the Board has more authority to control the heights of buildings in the Village. Trustee Kagan asked if the fire apparatus would be able to reach

the maximum height allowable under these code revisions. Administrator Yamuder stated Fire Chief Stone would be asked for his comments.

Steve Khahana of 6th Avenue said the Board should have set goals for the proposed zoning changes in Pelham. He said he hoped these changes would have a harmonizing influence on the downtown. Mayor Hotchkiss said the Board wants to simplify the Zoning Code and encourage appropriate development. Trustee Lewis said the Board is also trying to take some of the tax burden off of residents. Trustee Marty added that an increase in foot traffic in a smaller section of the downtown is desirable as well.

A motion was made by Trustee Lewis and seconded by Trustee Marciona to continue the public hearing. The vote was approved by a vote of seven in favor, none opposed.

Item #13– Monthly Budget Review

Mayor Hotchkiss said the Village is seeking to seasonalize the budget report. Administrator Yamuder reported the Village is approximately 25% through the Fiscal Year and approximately 19% spent. He said in looking at the first quarter over the past five years, there has been a steadily decreasing trend in spending. He said this is a good sign gleaned from a snapshot the first quarter of the past few years. He added that the Village is ahead of its expected sales tax receivable.

Mayor Hotchkiss said Administrator Yamuder has done an excellent job of managing the Village's expenses. The Administrator said the Village Fire Department is looking into getting a new lieutenant to replace the injured Fire lieutenant. He said Chief Stone is working to keep the overtime to a minimum. Administrator Yamuder stated there are no other outstanding budget lines.

Item #14– Grants- Status Report

Secretary Bonington gave the grants status report. He stated the EPA grant for \$340,000 is moving forward. He said the Board approved Leonard Jackson Associates (LJA) to begin design work for the project on 3rd Street.

The Secretary stated the Economic Development (EDP) grant for Wolfs Lane Park amounting to \$647,000 is being administered by the Dormitory Authority (DASNY). He said DASNY is requesting some additional cost estimate information which the Village will provide as soon as possible to allow DASNY to continue their review.

He stated the Village has received three of the four FEMA reimbursement grants for the Hurricane Irene damages. He said the Village has received approximately \$98,000 and is awaiting a further \$1,400.

Item #15– Other Business

Secretary Bonington stated in response to Mr. Cassone's comments about the quality of the Board meetings being broadcast on the public access channels. He said the Village's videographer Keith and he looked into the matter further but did not notice any disturbance in the broadcasts of the meetings. The Secretary added that just prior to the meeting; Mr. Cassone had spoken to the Administrator and confirmed that his cable box was the primary cause of the disturbance.

Item #16– Authorizing Budget Transfers

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

Mayor Hotchkiss said he understands that budget transfers are required by general municipal law. He suggested the Board look at these transfers once a quarter so they can be factored into the Village's balance sheet.

A motion was made by Trustee Kagan and seconded by Trustee Marciona to 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 2012-13

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 2012-13 Budget by making the following amendments and rollovers:

Item #17– Authorizing the Accounts Payable

Trustee Kagan audited the Accounts Payable.

Trustee Kagan stated that the Village staff will be working on generating a new description to accompany each bill in the Accounts Payable. Administrator Yamuder said the Village staff will look into the feasibility of that request.

A motion was made by Trustee Kagan and seconded by Trustee Marciona to 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	\$ 122,432.30
Water Fund	\$22,305.93
Capital Projects Fund	\$9,675.95
Trust and Agency Fund	\$0.00
H3 Fund	\$0.00
<u>TE ExpendableTrust Fund</u>	<u>\$2,100.00</u>
Grand Total	\$156,514.18

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 14, 2012

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

August 14, 2012- Approved

September 4, 2012- Tabled

Item #19– Adjournment to Executive Session

A motion was made by Trustee Kagan with a second by Trustee Morris to adjourn the public portion of the board meeting and go into Executive Session to discuss real estate and contractual matters at 10:00 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