

VILLAGE OF PELHAM BOARD OF TRUSTEES
REGULAR MEETING
TUESDAY, SEPTEMBER 4, 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	7:45 p.m.
7.	Presentation on Retiree Medical Actuarial Valuation by Danziger & Markhoff	Discussed
8.	Resolution Authorizing Renewal of Section 211 Waiver for Fire Chief Stone	Approved
9.	Resolution Authorizing the Acceptance of a Grant to Purchase Computers for the Village of Pelham Fire Dept.	Approved
10.	Resolution Authorizing Use of Funds for NYPA Trees from The Thomas Fenlon Memorial Street Tree Fund	Approved
11.	Resolution Authorizing a Policy for a Blood Borne Pathogens Exposure Control Plan	Tabled
12.	Resolution Authorizing a Policy for Confined Space Entry	Approved
13.	Resolution Authorizing ArtsFest on September 22 nd and 23 rd 2012	Discussed
14.	Continuing a Public Hearing on Proposed Changes in the Commercial Zoning Code	Approved
	Committee and Community Liaison Reports	8:30 p.m.
15.	Commercial Zoning Review	None
16.	Site Plan Review	None
17.	B & W Site	Discussed
18.	Employee Benefits/HR Manual	Discussed
19.	Tree Committee	Discussed
20.	Park Improvements	Discussed
21.	Development (including 3 rd Street RFP)	Discussed
22.	Parking	None
23.	KVS Accounting Software Implementation	Discussed
24.	Updating Building Code, Chapter 79 and 98	Discussed
25.	Other Business	Discussed
	Recurring Items	9:30 p.m.
26.	Authorizing Accounts Payable	Approved
27.	Authorizing Minutes of: July 10, 2012	Approved
28.	Adjournment to Executive Session	9:45p.m.

Next Scheduled Board Meetings are:

Tuesday, September 18, 2012

Tuesday, October 2, 2012

All meetings start at 7:30 p.m. unless otherwise noted.

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

The following members of the Board of Trustees were absent:

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 Marciona

Trustee Marciona stated that she had become aware that a contractor for the Town of Pelham who worked on Trotta Park has not been paid. She said the contractor completed his work eight months ago and even alerted the Town and Village to a potential hazard on the site. She wanted to know why this contractor had not been compensated.

Administrator Yamuder stated that he follow up on this matter and found that the Town Board will be voting on the payment to this contractor at their next Town Board meeting. Trustee Morris added that this is a Town issue.

Trustee Marty

None

Trustee McGoldrick

None

Trustee Kagan

Trustee Kagan suggested that the Building Code updates be posted on the Village webpage.

Trustee Morris

Trustee Morris asked if the black tape on the light post at Trotta Park could be taken off the pole. Administrator Yamuder stated he would speak with the DPW Foreman about that request.

Village Administrator's Report

Administrator Yamuder stated that United Water will be conducting their annual hydrant flushing in the coming weeks. He said he will advise the public further as the date approaches. He said United Water will be working in several municipalities starting the first week in September. He said if residents have any questions to call Village Hall.

Item #6–Public Comment

Robert DeStasio of the Pelham Fire Union stated he had attended the last Board meeting and asked the Board if they were in discussions and were generating a study with New Rochelle over a consolidation of the Fire departments. He said since then he has become aware that the Village paid \$6,000 to prepare a study on this consolidation.

Trustee Marty confirmed that that the Village is working with a firm called North Avenue Research with New Rochelle to produce a report about the feasibility of a consolidation of the Fire Departments of Pelham and New Rochelle.

Firefighter Destatsio stated that he asked the Mayor at the last Board meeting about if a report was being compiled and was told that Pelham had not initiated the discussion with New Rochelle and no report was being put together. He said since that meeting that he has had learned from Chuck Strome, the manager of New Rochelle that Pelham had opened the discussions and was preparing a report.

Firefighter Destasio asked if the report would be made public. Trustee Marty stated the report would be made public when it is finished. He said he did not have a deadline yet but when it is completed the Board can share North Avenue's findings. Firefighter Destasio said the Fire Department would like more discussions with Trustee Marty, who acts as the liaison to the Fire Department.

Firefighter Destasio stated that the Pelham Fire Department and taxpayers will want to be heard on this issue before there is any decision made. Mayor Hotchkiss said it is too soon to say what the end report will be. He added that the Board is always looking for options and savings for the Village.

Trustee Marciona stated that she was not aware that the discussions had reached this point. She asked how the Board arrived at North Avenue Research and asked why she had not been notified of the decision to proceed with this report.

Kathy Mattisi of 228 Carol Avenue asked how the Mayor could not have told the taxpayers that they were spending \$6,000 for a report that members of the Board of Trustees were not aware of. Ms. Mattisi then asked Administrator Yamuder what he had done with the survey map provided which she claimed proved Carol Avenue was a private street.

Administrator Yamuder stated that he had the map on file but no action has been taken at this time. Mayor Hotchkiss said that there is no evidence that Carol Avenue was ever a private street and even if at one time it was the Village has obtained a legal opinion which states that it has become a public street through the Village's maintenance of it.

Iris Kasten of 240 Carol Avenue explained that she understood the Board had reached out to the State of New York for a Home Rule on this issue because there is a standing State law which prohibits the sale of parking permits on public streets. She asked how the State allowed the Village to arrange a licensing agreement with Clovelly.

Mayor Hotchkiss responded that the Clovelly negotiations regarding Hillside and Brookside Avenues are a completely different case than the situation on Carol Avenue. He said the licensing agreement was part of a settlement to prevent costly litigation. Trustee Marciona added that in order to avoid a lawsuit, the Village was able to get around the state requirement.

Francis Lamanna of 220 Carol Avenue asked if he could see the legal opinion the Village received regarding the status of Carol Avenue as a public street.

John Cassone of 7th Avenue stated he was disappointed with the picture and sound quality of the Village meetings. Mr. Cassone stated that he had spoken with friends who have Cablevision as their provider and acknowledged that he had not spoken to anyone who has Verizon as their cable provider. He added that including the date and time on the meetings would be helpful for viewers.

Secretary Bonington stated that this was the first he had heard of these disturbances in the broadcast. He said he would follow up with the Village's technical advisor and look into these matters further. He said, however, that the Village is working off a standard definition signal which is usual for public access broadcasts and not high definition that one might see on ESPN. He finished by saying that if Mr. Cassone or other residents notice a disturbance in service to please contact him at Village Hall.

Item #7– Presentation on Retiree Medical Actuarial Valuation by Danziger & Markhoff

Mr. Echeverria of Danziger & Markoff gave the report to the Village Board on the actuarial valuation as part of the Government Accounting Standards Board (GASB) 45. Mr. Echeverria stated this is a three year evaluation of the Village Other Post Employment Benefits (OPEB) and the municipality's obligation has increased significantly. He said this was the case for most of the original members of the consortium. He said the main reasons for this increase were that some actuarial assumptions changed since 2008, and the amortization method was changed to an approach better accepted by GASB.

Mr. Echeverria cautioned that this obligation will not affect the day to day running of the Village. He said it is a reminder of the Village obligation to fund the retirement benefits of its employees. He added that this obligation cannot be pre-funded by New York State law so there is very little a municipality can do to save for it.

Trustee Kagan stated that between 2010 and 2011 there was a presumed 5% increase and this year there appears to be an approximate 36% increase. He said he did not want to see another true up like this in the next valuation.

Trustee Lewis stated that this obligation is something the Village would have to pay if all Village employees retired at the same time. Trustee Kagan responded he understood but he did not want the Village to be in a position where it must borrow money to pay this obligation.

Mayor Hotchkiss said it serves as a reminder and gives a prospect of what municipalities will have to contend with as the expected increases to OPEB continue.

Item #8– Resolution Authorizing Renewal of Section 211 Waiver for Fire Chief Stone

Trustee Marty stated the because Chief Bill Stone of the Pelham Fire Department is part of the New York State Retirement system, the Village must periodically apply for a waiver from the state of New York to allow the Chief to receive more his payment from the Village.

Trustee Kagan said the Village does receive some cost saving in terms of benefits for the Fire Chief. Mayor Hotchkiss said this provides protection for the Village and allows the Fire Chief to manage the Department.

Administrator Yamuder stated that Village requires that the Fire Chief live within a radius of 25 miles from the Village of Pelham. He stated Fire Chief Stone lives in Harrison which is well within that radius.

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

RESOLUTION
AUTHORIZING RENEWAL OF SECTION 211 WAIVER FOR FIRE CHIEF STONE

BE IT RESOLVED, that the Mayor and Board of Trustees hereby authorize the submission of the Renewal of Section 211 Waiver for Chief William Stone; and

BE IT FURTHER RESOLVED, that the Board of Trustees of the Village of Pelham authorizes the Mayor and the Village Administrator to take the necessary and appropriate actions to effect this submission.

Item #9– Resolution Authorizing the Acceptance of a Grant to Purchase Computers for the Village of Pelham Fire Dept.

Mayor Hotchkiss said the Fire Department has applied for and received a \$2,000 grant for computers at the Fire House. Trustee Kagan saw that the Fire Department had asked for three computers, 1 backup drive, and software. He asked if software was covered by the grant as well.

Administrator Yamuder stated that grant will cover most of the costs but for any remaining balance, the Fire Department has equipment budget lines to cover the cost. Trustee Kagan thanked the Fire Department for their initiative.

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

RESOLUTION
AUTHORIZING THE ACCEPTANCE OF A GRANT
TO PURCHASE COMPUTERS FOR THE VILLAGE OF PELHAM FIRE DEPT.

BE IT RESOLVED, that the Board of Trustees of the Village of Pelham authorize the acceptance of an FM Global Fire Prevention Grant in the amount of two-thousand dollars (\$2000.00) for the purchase of three computers and one external back up drive; and

BE IT FURTHER RESOLVED, that the Board of Trustees of the Village of Pelham authorizes the Mayor, the Village Administrator and the Fire Chief to take the necessary and appropriate actions to affect this purchase.

Item #10–Resolution Authorizing Use of Funds for NYPA Trees from the Thomas Fenlon Memorial Street Tree Fund

Administer Yamuder stated that Financial Advisor Shirley Brown and he had come across this memorial trust fund for the purpose of planting trees in Pelham. It was bequeathed to the Village as part of the last will and testament of Tom Fenlon, a longtime Pelham resident. The Administrator said the initial amount deposited as \$10,000 but has grown with interest to closer to \$11,000. He said this resolution would move funds from this trust to the Village’s general fund to be used as part of the New York Power Authority (NYPA) tree planting program. He said the Village would only have to make this resolution once to setup a transfer of the funds.

Trustee Marciona wanted to know how the Village planned to disperse these trees. Administrator Yamuder stated the Village has a list of residences and locations where trees are most needed.

Trustee Kagan stated that his reading of this resolution was that only the interest can be used to plant the trees while the principle \$10,000 will remain in the trust. Administrator Yamuder stated that was not his understanding of this document but he would clarify with the executor of the estate.

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

RESOLUTION
AUTHORIZING USE OF FUNDS FOR NYPA TREES FROM
THE THOMAS FENLON MEMORIAL STREET TREE FUND

WHEREAS, on July 10, 2012 the Board of Trustees of the Village of Pelham authorized the payment of \$1,000.00 to the New York Power Authority (NYPA) one-for-one tree plan in which the Village can receive two trees for every one it purchases; and

BE IT RESOLVED, that the Board of Trustees of the Village of Pelham authorizes that payment of \$1,000.00 to the New York Power Authority (NYPA) from a special trust account bequeathed to the Village of Pelham by Thomas B. Fenlon and known as the Thomas B.Fenlon Memorial Street Tree Fund; and

BE IT FURTHER RESOLVED, that the Mayor and Village Administrator are authorized to take the necessary and appropriate actions to effect this payment.

Item #11– Resolution Authorizing a Policy for a Blood Borne Pathogens Exposure Control Plan

Administrator Yamuder stated that the Village departments hold monthly Safety Committee meetings to plan, program, and generate new safety policies. He said this policy is to protect Village employees from bloodborne pathogens. The policy draft was supplied by Lovell Safety Management, the Village's workers comp provider. He said it is already OSHA and PESH compliant but has been personalized in certain sections to fit the Village of Pelham.

The Administrator said the policy outlines a plan to have all Village employees vaccinated for Hepatitis B. He said it is a series of three injections and details the proper record keeping regulations.

Trustee Kagan stated that it would be a good thing to have the employees protected from possible exposure to bloodborne pathogens, however, he would like to know more about what the cost of this vaccination would cost. Mayor Hotchkiss said that the Village would be compelled to perform this vaccination policy if they accept this policy now. The Board requested additional information before approving the bloodborne pathogens safety policy.

The Board decided to table this resolution until a later meeting.

RESOLUTION
AUTHORIZING A POLICY FOR A
BLOOD BORNE PATHOGENS EXPOSURE CONTROL PLAN

BE IT RESOLVED, that the Board of Trustees of the Village of Pelham authorizes the approval of a policy for a Blood Borne Pathogens Exposure Control Plan to be part of establishing an effective Safety Management Program in the Village of Pelham to help prevent costly work related injuries and to support compliance with PEOSHA workplace safety regulations; and

BE IT FURTHER RESOLVED, that the Mayor and Village Administrator and all Department Heads are authorized to take the necessary and appropriate actions to affect this program.

Item #12– Resolution Authorizing a Policy for Confined Space Entry

Administrator Yamuder stated that this is another policy that was given to the Village by Lovell and was further developed within the Safety Committee. He said the Village DPW purchased the equipment necessary to allow the DPW to enter into confined spaces. He said the DPW workers underwent a training course through Lovell Safety Management and are now certified to operate in confined spaces.

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 A POLICY FOR A
CONFINED SPACE ENTRY

BE IT RESOLVED, that the Board of Trustees of the Village of Pelham authorizes the approval of a policy for Confined Space Entry to be part of establishing an effective Safety Management Program in the Village of Pelham to help prevent costly work related injuries and to support compliance with PESH workplace safety regulations; and

BE IT FURTHER RESOLVED, that the Mayor and Village Administrator and all Department Heads are authorized to take the necessary and appropriate actions to affect this program.

Item #13– Resolution Authorizing ArtsFest on September 22nd and 23rd 2012

Mayor Hotchkiss explained that at a prior Board meeting, Lynn Honeysett of the Pelham Arts Center gave a presentation regarding the proposed ArtsFest. Administrator Yamuder stated Wolfs Lane Park does not need to be insured because it is used as a public space already so it can be utilized by artists if they wish to setup there.

He said he has received the certificate of insurance for the Culture Trolley that will be roving through Pelham. He said there is a clause in the resolution that the Arts Center will be responsible for any overtime incurred by the event.

Trustee Kagan stated that in his conversations with the Arts Center, he was not sure they had the funds to pay for the overtime. Mayor Hotchkiss stated that this is a Village policy and there cannot be exceptions to this rule. He stated the Board could approve the resolution to allow artists in Wolfs Lane Park with the understanding that the Park is cleaned up after its use in the event and there will be no overtime needed.

Trustee Kagan said that will in effect prevent the artists in the Park from happening because the Arts Center does not have a centralized workforce that can cleanup the site.

The Board decided to table this resolution until a later meeting.

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

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

Mayor Hotchkiss stated this is a continuation of the public hearing which began in July over the proposed changes to the Commercial Zoning Code. Trustee Lewis gave some background as to how his committee arrived at these proposed changes. He said he had listened to the comments at the previous meetings and had worked to address the question of height restrictions on the buildings under these new code provisions.

Trustee Lewis stated he is working to develop a correlation between the heights of the building permitted with the number of parking spaces made available. Mayor Hotchkiss stated the Board will have to approve each site plan before anything is built. Trustee Lewis added that the Board did not want to tell potential developers how to construct their proposed buildings, rather they would like to see what the developer provides the Board with during the site plan review process.

Trustee Marty stated the purpose of the proposed changes are meant to create consistency within the Commercial Code and promote growth and density in the downtown through ground floor retail and upper floor apartments. He said generally the building height is 68 ft or six storeys in height in the C1 commercial district and 46 ft in the C2 district. He added that a developer who can offer additional public parking could receive authorization for an additional height allowance.

Trustee Marciona said the Board must look at the living component to these zoning changes, giving

the example of White Plains and its commercial district. Trustee Lewis stated White Plains is not a comparable example to Pelham and that the Code was not meant to be restrictive with its regulations. Mayor Hotchkiss said the aesthetics of the district would be a matter for the ARB to determine.

Paul Lamanna of 220 Carol Avenue asked if property owners on Wolfs Lane would be allowed to build up to the property line under these new provisions. Trustee Lewis said that would be possible under the current code but any design change would be subject to site plan review.

Ken Nilson of 6th Avenue thanked the Board for altering the height restrictions for 6th Avenue. He suggested the Board utilize the services of the Westchester County Planning Board's resources such as block diagrams and schematics drawings. Mayor Hotchkiss stated the Village has been in contact with the County Planning Board and received comments about the proposed changes to the Code.

Steven Carmana of 115 6th Avenue said all of these changes are logical but residents will want to know what this will look like. Marilyn Hoyt of 110 6th Avenue said the Board should do its best to blend new development with the older charm of Pelham.

Mayor Hotchkiss said the Board's intention was not to construct high buildings and put pressure on the school system. He stated the Board's goals are consistent with those in the Master Plan and create growth in the downtown.

James Scofield of 116 6th Avenue stressed maintaining the consistency and heritage of Pelham within the Commercial Code. He advised have models and diagrams be drawn up to assist residents in their understanding of the changes.

Mayor Hotchkiss thanked the public for their comments and stated the Village Board will continue the public hearing until the next Board of Trustees meeting on Tuesday, September 18, 2012.

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

Committee and Community Liaison Reports

Item #15– Commercial Zoning Review

None

Item #16–Site Plan Review

None

Item #17– B & W Site

Trustee Marty stated he hopes to have the committee generated options paper available in the next few meetings.

Item #18– Employee Benefits/HR Manual

Trustee Kagan reported that the draft of the employee manual is being reviewed by counsel.

Item #19– Tree Committee

Trustee Marciona stated the Village needs to pick a day to declare as Arbor Day.

Item #20– Park Improvements

Mayor Hotchkiss stated he would talk with Town Supervisor DiPaola about the status of the Trotta Park.

Item #21– Development (including 3rd Street RFP)

Mayor Hotchkiss stated Spinnaker is completing its initial report regarding the proposed site.

Item #22– Parking

None

Item #23– KVS Accounting Software Implementation

Administrator Yamuder stated the KVS software has been integrated into the Village system. He said he is working with them to revise the Accounts Payable sheets.

Item #24– Updating Building Code, Chapter 79 and 98

Administrator Yamuder stated that Village Prosecutor Martha Conforti, Building Inspector Russo, and he are working on some changes to this section of the Code.

Item #25– Other Business

Trustee Kagan stated he understood the Chamber of Commerce will be bringing in a proposal to hold a Fall Street Fair at a coming meeting.

Item #26– Authorizing Accounts Payable

Trustee McGoldrick audited the Accounts Payable.

A motion was made by Trustee McGoldrick and seconded by Trustee Lewis 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	\$ 232,732.39
Water Fund	\$ 88,751.69
Capital Projects Fund	\$ 0.00
Trust and Agency Fund	\$8,750.00
H3 Fund	\$0.00
TE Expandable Trust Fund	<u>\$0.00</u>

Grand Total \$ 330,234.08

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

Item #27– Authorizing Minutes of: July 10, 2012, August 14, 2012

A motion was made by Trustee Kagan and seconded by Trustee Lewis to adopt the minutes from the July 10, 2012 meeting. The vote was approved by a vote of five in favor, none opposed. Trustee McGoldrick and Marciona abstained.

July 10, 2012- Approved

August 14, 2012- Tabled

Item #28– 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 a personnel matter at 11:30 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