

VILLAGE OF PELHAM BOARD OF TRUSTEES  
 REGULAR MEETING  
 TUESDAY, SEPTEMBER 7, 2010, 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:

<b>Non-Recurring Items</b>		<b>7:45 p.m.</b>
7.	Resolution Authorizing Appointment By the Mayor of Peter Bonington to the Position of Secretary to the Administrator	Approved
8.	Authorizing Change Orders for Additional Paving and Hydrant Replacement by ELQ Industries	Approved
9.	Authorizing Capitol Market Advisors. LLC to Provide Financial Advisory Services to the Village of Pelham in Connection with the Issuance of Bond Anticipation Notes and Bonds Regarding the Reconfiguration of the Pelham Public Works Facility Project	Approved
10.	Presentation on Retiree Medical Actuarial Valuation by Danziger & Markhoff	Discussed
11.	Flooding Grants Update	Discussed
12.	Building Department Update	Discussed
<b>Committee and Community Liaison Reports</b>		<b>9:00 p.m.</b>
13.	Commercial Zoning Review	Discussed
14.	Site Plan Review	Discussed
15.	B & W Site	Discussed
16.	Employee Benefits/HR Manual (draft proposal)	Discussed
17.	Tree Committee	Discussed
18.	Park Improvements	Discussed
19.	Development (including 3 <sup>rd</sup> Street RFP)	Discussed
20.	Parking (including FTA Parking Lot project)	Discussed
21.	Verizon (Cable Franchise Agreement Status)	Discussed
22.	Building Code Update on Section 1203 as Required by NYS	Discussed
23.	Other Reports	None
<b>Recurring Items</b>		<b>9:30 p.m.</b>
24.	Other Business: 5K Fun-Run	Approved
25.	Authorizing Accounts Payable	Approved
26.	Authorizing May 31,2010 Budget Amendments	Approved
27.	Authorizing Minutes of: July 13, 2010	Approved
28.	Adjournment to Executive Session	<b>10:00 p.m.</b>

Next Scheduled Board Meetings are:

Tuesday, September 21, 2010

Tuesday, October 5, 2010

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 7:30 p.m.

The following members of the Board of Trustees were present:

Mayor Edward Hotchkiss, Trustees Morris, Marty, Bullock, and Mohan

The following member of the Board of Trustees were absent:

Trustees Breskin and Lewis

Village staff in attendance:

Village Administrator Robert Yamuder, Administrative Intern Peter Bonington

Item #2 – Pledge of Allegiance:

The Pledge of Allegiance was led by Mayor Hotchkiss

Reports:

Mayor Hotchkiss's Report-

Mayor Hotchkiss opened his report by saying he hoped everyone in the Village had a good Labor Day weekend. He related the tragic accident which took place in Tarrytown where a DPW worker and a Firefighter were killed after being overcome by methane fumes in an open manhole cover. He said an incident like this reminds everyone of the potential dangers faced by Village employees such as the DPW, Fire, and Police Departments. As a show of support, all the flags will be lowered to half mast for the week.

He reminded the public the 9/11 ceremony is going to be observed on Saturday at the Sept. 11 memorial near the gazebo at 8:45 am. He encouraged people to attend the commemoration. The Mayor mentioned the Census Bureau had given the Village a plaque in thanks for the assistance during the Census for 2010. Mr. Yamuder said the Village's turnout was a percentage point higher than ten years ago.

The Mayor referenced the pension cost increases for fiscal year 2012. He said they are expected to rise from 18 to 21.6 of salaries which represents a 10% increase. He said the Board will be talking more about this in coming meetings. Mayor Hotchkiss reported there was a small fire at the Villa Nova restaurant and thanks to the Pelham Fire Department the blaze was quickly extinguished. He also reported that after some investigation by FEMA

regarding the storm damage from the March storms, the Agency will be issuing a \$50,000 check to the Village for reimbursement for overtime and damaged equipment.

Mayor Hotchkiss concluded his report by wishing all the residents in the Village celebrating the Jewish holidays to have a happy and healthy holiday.

Trustees Reports:

Trustee Breskin-

Absent

Trustee Bullock-

None

Trustee Lewis-

Absent

Trustee Marty-

None

Trustee Mohan-

Trustee Mohan reported the Village of Pelham Verizon application is up for approval by the Verizon Board on September 10. She said upon its ratification Verizon will be issuing the \$18,000 check for the P.E.G. grant. Mayor Hotchkiss thanked Trustee Mohan in securing the Verizon Franchise Agreement for the Village of Pelham.

Trustee Morris-

None

Village Administrator's Report-

Administrator Yamuder reported that a new batch of sidewalk repair notifications had been sent out to new residents. He said thus far the majority of residents who have received these notifications have complied and urged future recipients to comply as well. He also stated the applications for the HOPE permits are due on September 30. He reminded residents the HOPE permit is a waiver for on-street parking for qualified handicapped residents.

Item #6–Public Comment

Susan Mutti of Highbrook Avenue gave a brief synopsis of recent activities regarding the B&W property. She said she and a few residents have been pursuing the possibility of a “rails to trails” green space. She said her party addressed the Town Board about grant possibilities for this venture. She and her group intend to launch a website and work in cooperation with the Junior League on establishing landmark status for the area. Trustee Marty commented this is a good step for the B&W committee, to take and it is something the committee will be looking at once meetings resume again shortly.

Item #7–Resolution Authorizing Appointment By The Mayor Of Peter Bonington To The Position Of Secretary To The Village Administrator.

Mayor Hotchkiss said this resolution is to appoint current Administrative Intern Peter Bonington to a full-time staff position as Secretary to the Village Administrator. He said Administrator Yamuder and he feel Mr. Bonington has been an asset since he came to the Village a year ago.

A motion was made by Trustee Mohan and seconded by Trustee Marty to adopt the resolution. The vote was approved by a vote of five in favor, none opposed. Trustee Breskin and Lewis were absent.

RESOLUTION  
Authorizing Appointment By  
The Mayor Of Peter Bonington  
To The Position Of Secretary To The Village Administrator

BE IT RESOLVED, that the Board of Trustees of the Village of Pelham authorize the appointment by the Mayor of Peter Bonington, of Chappaqua, New York, to the position of Secretary to the Village Administrator to the Village of Pelham, with an effective date of appointment to start on July 20, 2010, with salary and benefits as agreed upon in an offer letter dated August 30, 2010, subject to the requirements of Civil Service, for a probationary period of six (6) months and authorizes the Mayor and the Village Administrator to take the necessary and appropriate actions to effect this appointment.

Item #8–Authorizing Change Orders for Additional Paving and Hydrant Replacement by ELQ Industries

Mayor Hotchkiss said this resolution pertains to the replacement of three hydrants in the Village with the use of CHPS money. Administrator Yamuder said this change order amends the earlier change order for replacement hydrants. Mr. Yamuder said ELQ is keeping the prices from last year to fix the pavement and replace 3 hydrants.

Trustee Mohan asked if ELQ is doing this work retroactively. Mr. Yamuder said the pavement is done already, but the hydrants have not yet been replaced. Trustee Morris asked if the hydrants were being placed in the Pelham water district. Mr. Yamuder said that they were.

Trustee Marty asked Mr. Yamuder if we were ahead or behind in the Village's paving schedule. He said, as he understood it, the Village is only accomplishing four or five blocks of paving every year. Administrator Yamuder replied the paving is determined by the DPW, and the amount of paving is done in accordance with what the Village can budget for. Mayor Hotchkiss asked how long the paving lasts once it has been completed. Mr. Yamuder said the average life of pavement is twenty years. Mr. Yamuder said this resolution is necessary to replace the hydrants.

A motion was made by Trustee Bullock and seconded by Trustee Morris to adopt the resolution. The vote was approved by a vote of five in favor, none opposed. Trustee Breskin and Lewis were absent.

Authorizing Change Orders #3 THROUGH #8  
Between The Village Of Pelham And ELQ  
For The Installation Of Three Hydrants And Additional Paving  
In Conjunction With Original Project Contract # 2008-04

BE IT RESOLVED, that the Board of Trustees of the Village of Pelham hereby authorizes the Change Orders #3 through #8 regarding the installation of three hydrants and additional paving for a total of \$109,424.11 and;

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

Item #9– Authorizing Capitol Market Advisors. LLC To Provide Financial Advisory Services To The Village Of Pelham In Connection With The Issuance Of Bond Anticipation Notes And Bonds Regarding the \$2.75 Million for the Reconfiguration of the Pelham Public Works Facility Project

Mayor Hotchkiss said this resolution is concerning the bonding for the DPW Yard Project behind the Village Hall. Trustee Marty reminded the public that the forty two additional spaces that will be created by this project will help pay the debt service. The Mayor said the Village needs an advisor to help draft the terms of the bonding agreement. This firm, Capitol Market Advisors LLC, has been recommended by the Village Financial Advisor, Shirley Brown.

Administrator Yamuder said the following page lists the duties and details regarding the debt structure. He said Ms. Brown has worked with this firm in the past and was confident of their

abilities. Trustee Mohan asked about the \$10,000 fee for presentations. Mr. Yamuder said the cost in case the firm must come to a Board meeting and make a full presentation. Trustee Marty said this project is a big expense, but the Board is making an investment in the Village. He suggested the Mayor and another Trustee draft a letter to the editor at the Pelham Weekly to explain the project in terms of what is being funded and how the money is being spent. The Mayor said this was a good suggestion, and added that Trustee Lewis could draft something for a future addition of the Pelham Weekly.

A motion was made by Trustee Marty and seconded by Trustee Bullock to adopt the resolution. The vote was approved by a vote of five in favor, none opposed. Trustee Breskin and Lewis were absent.

#### RESOLUTION

Authorizing The Retention Capitol Market Advisors. LLC  
To Provide Financial Advisory Services To The Village Of Pelham  
In Connection With The Issuance Of Bond Anticipation Notes And Bonds  
Regarding The \$2.75 Million For The Reconfiguration Of The  
Pelham Public Works Facility Project

BE IT RESOLVED, that the Mayor and Board of Trustees of the Village of Pelham hereby Authorize The Retention Of Capitol Market Advisors, LLC, A Contract In The Amount Of \$9500.00, To Provide Financial Advisory Services To The Village Of Pelham In Connection With The Issuance Of Bond Anticipation Notes And Bonds Regarding The \$2.75 Million For The Reconfiguration Of The Pelham Public Works Facility Project; And

BE IT RESOLVED, that the Mayor and Board of Trustees of the Village of Pelham hereby Authorize The Mayor, The Village Attorney And The Village Administrator To Sign The Necessary Contracts And Agreements To Obtain These Services.

#### Item #10–Presentation on Retiree Medical Actuarial Valuation by Danziger & Markhoff

The Mayor said this presentation pertains to the Government Accounting Standards Board (GASB) recommendation for post-retirement medical benefits accounting for municipalities. He said the representative of Danziger & Markhoff, Mr. Echeverria, is present to give some information about these recommendations to the Board.

Mr. Echeverria reported that as of fiscal year 2009 the GASB 45 contributions applied to the active population of Village employees as well as retired employees. He said this new system accounts for health care inflation and is a long term method of accounting for retirement benefits.

Mr. Echeverria said the Village of Pelham has a more mature population than other municipalities, which accounts for why the increase for retirement benefits is only roughly 100% as opposed to other towns and villages have had 150% increases. He stated that \$20.23 million is the total accrued liability of the Village of Pelham. He said this program cannot pre-fund under New York State law, but municipalities do have to keep track of these liabilities.

Trustee Marty asked what the requirement of the Village is in this system. Mr. Echeverria stated the Village had to pay \$600,000 for this past year. Trustee Marty said that under this system the Village would be accruing more liability each year. Mr. Echeverria said that was the case. Mayor Hotchkiss said this arrangement for Pelham is a microcosm of what is happening throughout New York State. He stressed that with union contracts coming up for negotiation that this will be a subject of discussion.

#### Item #11– Flooding Grants Update

Mayor Hotchkiss asked Secretary to the Administrator Peter Bonington to give a brief update of the Village's flooding grants. He said the Village has hired Leonard Jackson Associates (LJA) to assist the Village in procuring these grants. Mr. Bonington reported the EPA grant for \$340,000 is being reviewed by Administrator Yamuder and Ben Craig of Congresswoman Nita Lowey's office are working to find out the next administrative steps are in the process. The twin Local Pre-Disaster Mitigation (LPDM) grants; one for \$125,000 and one for \$50,000, require a number of studies that are being completed by LJA.

The newest awarded grant for \$562,500 from Congresswoman Nita Lowey's office for flooding remediation is still held up at the grant authority level. The last grant which the Village has not yet been awarded is for \$650,000 representing a third LPDM grant for the following installment of the Village's flooding remediation plan.

#### Item #12–Building Department Update

Mayor Hotchkiss requested Building Inspector Len Russo to discuss the number of building permits currently being issued, as well as the adoption of the Uniform New York State Building Code. Building Inspector Leonard Russo addressed the Board regarding current notable building permits in the Village:

100 Fifth Avenue, the Pelham Medical Group, is almost complete. They are currently stringing the telecommunication wires behind the building. Trustee Marty asked Mr. Russo to scrutinize the fencing on the building in order to keep it within the parameters of the new zoning requirements that are being completed.

33 Lincoln Avenue, the prospective Dunkin' Donuts site, is proceeding. He said it may take a few months to get approval from Con-Ed. Trustee Mohan asked if they are repaving the lot. Mr. Russo responded they are creating an exit out onto 1<sup>st</sup> Avenue.

The parking lot job for 17 5<sup>th</sup> Avenue on the side of 4<sup>th</sup> Avenue, Mr. Russo reported has been ongoing for almost eight years but is nearing completion

In all Mr. Russo reported that approximately 90 building permits are in process at the moment. Mayor Hotchkiss noted this is a significant increase from past years. Mr. Russo said there are more permits open this September as compared to the same month in past years.

The Mayor then stated Mr. Russo will be addressing the Board regarding the New York State Uniform Building Code. Mr. Russo explained that this version of the Building Code is mandatory and required to be used by all New York municipalities unlike a former version of the Code which municipalities could opt out of. Trustee Marty said this Code sets minimum standards that the Village must use in administrating its Building Code. Mayor Hotchkiss suggested that a copy of the Code be given to the Board by the next Board of Trustees meeting on Sept. 21.

### Committee Reports

#### Item #13– Commercial Zoning Review

Trustee Marty explained the need for his zoning recommendations to be amended in order for the RFP for the 3<sup>rd</sup> Street Development Project to be allowed in that area. Trustee Lewis's proposal for the Commercial 1 and Commercial 2 zones are being revised. He said there will be a draft and revisions ready by mid-to-late October.

#### Item #14– Site Plan Review

Mayor Hotchkiss said the Site Plan Review committee did not meet in August, but meetings will be resuming shortly.

#### Item #15– B & W Site

Trustee Marty reported there are presently two tracks with the Boston and Westchester property. One is continuing to seek involvement and input from the community, and the other is writing the actual RFPs for the site. He stressed the necessary questions to ask are: whom are we going to ask for bids? And what are we trying to determine or remediate? He wanted to report back to the Board with cost options in the future. He also said he wanted to meet with Administrator Yamuder to discuss the writing of these RFPs.

#### Item #16–Employee Benefits/HR Manual (draft proposal)

Administrator Yamuder and Trustee Bullock have been working on a draft of the HR Manual. Mr. Yamuder said he hopes to have a proposal copy shortly. Trustee Bullock said some of the provisions will require policy decisions that will need to be discussed by the Board. Mayor Hotchkiss urged them to complete a draft as soon as possible, citing a need for a solidified copy of the Village's regulations.

Item #17– Tree Committee

Trustee Bullock said he would try to get a meet together this month. The committee did not meet over the summer.

Item #18–Park Improvements

Administrator Yamuder said the benches and bike racks ordered as part of the streetscape leg of the New York Main Street grant have arrived. He said he is working on scheduling a meeting with Hank White, the landscape architect, on the placement of these amenities sometime in mid-September. Trustee Morris wanted to discuss the possibility of moving existing benches to bus stops around the Village. Mr. Yamuder said he would consult Michael Shriman on that issue. Trustee Mohan said at the meeting they are currently setting up, alternate locations for the benches and bike racks should be discussed.

Item #19– Development (including 3<sup>rd</sup> Street RFP)

The Mayor reported the RFP for the 3<sup>rd</sup> Street Development is progressing. He said a draft is being sent to local real-estate firms to get their input on its terms and descriptions. He said the task now is to finalize the option for replacing the current firehouse.

Item #20– Parking (including FTA Parking Lot project)

Mayor Hotchkiss said this topic was discussed during Agenda Item #9.

Item #21– Verizon (Cable Franchise Agreement Status)

Trustee Mohan had already announced the impending approval of the contract. She did congratulate Administrator Yamuder and the DPW for repainting Village Hall. She said the building is much improved by the work that was done.

Item #22–Building Code Update on Section 1203 as Required by NYS

Discussed in the Building Update.

Item #23– Other Reports

None

Item #24– Other Business

The Mayor mentioned the Pelham Children's Center 5K run on October 16. It will take place in the morning and is happening in collusion with the Pumpkin Festival Sale. He added the Pelham Chamber of Commerce is also holding its Craft Fair on that day. He said however, the events are not overlapping each other. He said Police coverage will be paid for by the Children's Center. Trustee Bullock asked if the Children's Center was aware of that requirement. The resolution put forward stated the terms of the event.

A motion was made by Trustee Marty and seconded by Trustee Mohan to adopt the resolution. The vote was approved by a vote of five in favor, none opposed. Trustee Breskin and Lewis were absent.

## RESOLUTION

Authorizing the Pelham Children's Center  
October 16<sup>th</sup> 5K Fun Run" Event to Use the Streets  
to Start from Harmon Avenue and to finish at the corner of Pelhamwood Avenue  
and Harmon Avenue,  
to Encourage People to Support the Children's Center.

BE IT RESOLVED, that the Board of Trustees of the Village of Pelham authorizes the Pelham Children's Center 5K Fun Run to take place on Saturday October 16, 2010, and authorizes the use of the street to start from Harmon Avenue to finish at the corner of Pelhamwood Avenue and Harmon Avenue

BE IT FURTHER RESOLVED, that the Pelham Children's Center will absorb the cost of the officers needed to direct traffic for this event;

AND BE IT FURTHER RESOLVED, that the Mayor and Village Administrator are authorized to take the necessary and appropriate actions to allow the Pelham Children's Center 5K Fun Run to take place.

Mayor Hotchkiss announced that of the original 100 recycling bins the Village purchased with an anonymous \$2,000 donation only 10 are still available. He said if any residents are interested they can pick one up at Village Hall.

Trustee Marty mentioned a letter he had received from Emily Friedburg regarding the twice a month collection of recycling materials. He stated Ms. Friedburg's concerns were that recycling materials were being thrown out with regular garbage and wasn't sure whether the Village needed twice a month bulk pickups. She recommended altering the schedule to something resembling Pelham Manor with a three week recycling pickup and one week bulk trash pickup. Mayor Hotchkiss said the Board should wait until the end of the year before making any substantial changes to the current schedule. He said it would also be necessary to bear in mind the potential cost of making any changes to the schedule currently under contract to the Village. Trustee Marty agreed that any changes should not be any more costly than what the schedule does already. Mayor Hotchkiss asked Administrator Yamuder to see what the difference in the cost for collecting recycling 3 times a week would be.

Item #25– Authorizing Accounts Payable

Trustee Lewis audited the Accounts Payable.

After some discussion, a motion was made by Trustee Marty and seconded by Trustee Mohan to adopt the resolution. The vote was approved by a vote of five in favor, none opposed. Trustee Breskin and Lewis were absent.

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:

Fund Name:

General Fund	\$ 448,041.73
Water Fund	\$ 103,694.24
Capital Projects Fund	\$154,434.40
Trust and Agency Fund	\$ 0.00
H3 Fund	\$ 0.00
TE Expandable Trust Fund	<u>\$ 0.00</u>
Grand Total	\$ 706,170.37

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

Item #26– Authorizing May 31, 2010 Budget Amendments

Mayor Hotchkiss said this is a remaining budget amendment that was left over from fiscal year 2009-2010. It was found by Financial Advisor Shirley Brown and this will conclude the final accounting information for that past year.

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

**RESOLUTION**  
**Re: Budget Transfers for Fiscal Year 2009-10**

**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,** during the course of the fiscal year, it is necessary from time to time to make modifications to the areas in the budget that have insufficient appropriations based on actual results of operations, 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 2009-10 Budget by making the following transfers:

2009/10 BUDGET TRANSFERS for 5/31/2010- VILLAGE BOARD MEETING  
September 7, 2010

BUDGET AMENDMENTS

GENERAL FUND

A9045.945	Life Insurance	\$ 150.00	A9049.949	Workers comp	\$ 150.00
-----------	----------------	-----------	-----------	--------------	-----------

Item #27–Authorizing Minutes of: July 13, 2010

After some discussion, a motion was made by Trustee Bullock and seconded by Trustee Marty to adopt the resolution. The vote was approved by a vote of five in favor, none opposed. Trustee Breskin and Lewis were absent.

July 13, 2010- Approved

Item #28– Adjournment to Executive Session

A motion was made by Trustee Morris with a second by Trustee Bullock to adjourn the public portion of the board meeting at 10:30 p.m. and go into Executive Session to discuss personnel and legal matters, which the Board would adjourn for the evening. The motion was approved by vote of five in favor, none opposed. Trustees Breskin and Lewis were absent.

Respectfully submitted,  
Peter Bonington, Secretary to the Village Administrator