

VILLAGE OF PELHAM BOARD OF TRUSTEES REGULAR MEETING  
TUESDAY, SEPTEMBER 8, 2009– 7:30 PM  
VILLAGE HALL – 195 SPARKS AVENUE, PELHAM, NY

Minutes\*

1. Call To Order
2. Pledge of Allegiance
3. Mayor’s Report
4. Trustees’ Reports
5. Village Administrator’s Report
6. Public Comment

Approximate  
Starting Time  
of Discussion

# Agenda Items:

	<b>Non-Recurring Items</b>	<b>7:45 p.m.</b>
7.	Authorizing the Award of Contract #2009-03 Tree Removal, Trimming and Stump removal (bid deadline and opening 8/19/09, 11 a.m.)	<b>Approved</b>
8.	Tax Certiorari Settlement and Payment authorizations for JP Chase,35 Fifth Avenue	<b>Approved</b>
9.	Discussion regarding funding of Pension Benefits	<b>Discussed</b>
	<b>Grants, Projects &amp; Other Business</b>	<b>8:30p.m.</b>
10.	Grants- Status Report	<b>Discussed</b>
11.	Projects- Status Report	<b>Tabled</b>
12.	Building Department- Summary Report	<b>Tabled</b>
13.	Other Business	<b>Discussed</b>
	<b>Recurring Items</b>	<b>9:00 p.m.</b>
14.	Authorizing the Accounts Payable	<b>Approved</b>
15.	Authorizing Minutes of: August 11,2009	<b>Tabled</b>
16.	Adjournment to Executive Session	<b>9:30 p.m.</b>

Next Regular Board of Trustee Meetings are:  
Tuesday, September 22, 2009  
Tuesday, October 6, 2009  
All meetings start at 7:30 p.m. unless otherwise noted.  
\*Agenda is subject to change.

Reports

Item #1 – Meeting called to order: The meeting of the Board of Trustees was called to order by Mayor Edward Hotchkiss at 7:45 p.m.

The following members of the Board of Trustees were present:

Mayor Edward Hotchkiss, Trustees Bullock, Morris, Lewis, Homan, Potocki, and Breskin

Village staff in attendance:

Administrator/Treasurer Robert Yamuder, Administrative Intern Peter Bonington

Item #2 – Pledge of Allegiance:

The Pledge of Allegiance was led by Mayor Hotchkiss

Item #3 – Mayors Report

Mayor Hotchkiss reported that on Friday, September 11, 2009 there will be a 9-11 memorial service to be held at the town gazebo shortly after 8:00 a.m. The Mayor stated that he hoped for a large gathering and encouraged residents to attend.

Item #4 – Trustees Reports

Trustee Bullock- Trustee Bullock reported that on October 8, 2009 there is to be a climate change municipal official's panel to be held in White Plains and that this meeting would be open to the public.

Trustee Morris- Trustee Morris announced that Fire Chief Curtis Taylor has given notice of his intent to leave the Fire Department. She added that more information about the job opening is available on the website.

Trustee Lewis- none

Trustee Homan- none

Trustee Potocki- Trustee Potocki commented on several changes that have been made to the elementary and middle schools in Pelham. By the Hutchinson Elementary School the new sidewalks have been completed which will allow for a newer, safer drop-off for school kids. New construction on the Colonial School to add two additional classrooms continues on schedule. The street areas between Boulevard and Colonial on Highbrook will be used as a playground while construction is taking place. Trustee Potocki added that steps are being taken to ensure that the street access is closed off during those times to ensure the safety of the children. Additional parking for teachers will also be re-allocated to Irving Place where

twelve parking spots have been allotted. On another note, Trustee Potocki commented on a letter written by a former Mayor of Pelham Manor about the lack of turnover of elected officials, specifically Town Supervisor Joe Solimine and Congresswoman Nita Lowey. Mr. Potocki commended both Mr. Solimine and Mrs. Lowey for their service to the Village of Pelham adding that Mr. Solimine has done tremendous work for the schools in the area and that Congresswoman Lowey has secured large amounts of monetary aid for the alleviation of flooding in Pelham. He proposed that the constituents have the final decision in the turnover of their elected officials.

Trustee Breskin- none

#### Item #5 – Village Administrator's Report

Village Administrator Yamuder began his report by thanking the Department of Public Works for their efforts in keeping Pelham's traffic flowing and organized. He noted particularly their painting and signage as important in this endeavor. Mr. Yamuder explained that he and General Foreman of the DPW, Michael Shriman, and Administrative Intern Peter Bonington were party to a conference call for local municipalities managers and the Westchester Board of Health on the N1H1 and the N1H2 viruses, collectively known as "Swine Flu," as well as about how administrators can disseminate information about these threats to the public. He announced that no one at this time can say how severe the virus will be but that the same protocol as in the first wave of cases still holds. Residents should cover their nose and mouth when sneezing and wash their hands regularly. He also stated that a vaccine is anticipated for use in October. Mr. Yamuder also announced that a recent sewer grease clog on Wolfs Lane has been cleared but that that bricks from the internal chimney had collapsed and that this has created an urgent hazard for vehicles and pedestrians on Wolfs Lane. While not yet an emergency, Mr. Yamuder stated that he had already received 3 bids for construction work to be done to repair the chimney and that pending Board approval and budget allocation, work could begin shortly.

#### Item #6– Public Comment

Local resident John Cassone made a public comment concerning the Village of Pelham's need to build affordable senior housing. He stated that the number of seniors in Pelham is growing and that there is a necessity to appropriate housing for them. Following Mr. Cassone's comments, Rob DeStasio, of the Pelham Fire Fighters Union, spoke about the cessation of funding for the on-call Incident Commander position for the Fire Department when the Chief is not in town. Mr. DeStasio explained that when the Lieutenant is on a call for a fire, he cannot function as both the Incident Commander and the chief of the department. He also stated that a Lieutenant cannot likewise fulfill the same role as he also possesses conflicting duties. Particularly, Firefighter DeStasio cited lack of manpower as the critical element of this debate and that it is a "life safety issue." Lieutenant McCann then approached the Board and offered that the approach taken prior to Chief Glover's retirement in 1998 was "archaic" then and is virtually impossible now. The amount of time that Chief Curtis Taylor is away from the Fire House coupled with the unavailability of volunteer

firefighters to cover shifts when the Chief is away complicate the problem. Lieutenant McCann stressed the need for an Incident Commander outside of a structure fire monitoring an ever changing and dangerous situation. Trustee Homan responded that there was never an instance where it was only three firefighters available to respond to a call and that the call-back system allowed for fast reinforcement if a fire escalated. Lieutenant McCann retorted that it sometimes takes over 10 to 15 minutes for these call-backs to arrive and that the first 8 to 10 minutes of any fire determine whether the problem is under or out of control. Trustee Morris commented that she had conveyed the firefighters concerns to the Board in the past. Trustee Breskin concluded by saying that the Fire Department is a large part of the Pelham budget and that it must now be a part of the solution due to budgetary pressures. Mayor Hotchkiss and Trustee Potocki added that the town appreciates the Fire Department's efforts and that they look forward to talking to them in the future.

Item #7 – Resolution authorizing the award of contract number 2009-03 for tree removal, trimming, and stump removal.

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

#### RESOLUTION

##### AUTHORIZING THE AWARD OF CONTRACT NUMBER 2009-03 FOR TREE REMOVAL, TRIMMING, AND STUMP REMOVAL

WHEREAS, The Village Of Pelham Issued A Notice to Bidders and Request For Bids for Contract 2009-03 for Tree Removal, Trimming, and Stump Removal In The Village Of Pelham; and

WHEREAS, a public notice was published on Wednesday, August 5, 2009, in the Gannett Westchester Newspaper, an official newspaper of the Village of Pelham; and

WHEREAS, during the notice period eleven (11) companies were contacted and sent copies of the contract documents, or picked up copies of the contract documents; and

WHEREAS, at 11 a.m. E.S.T., Wednesday, August 19, 2009, the Village of Pelham publicly opened and read three (3) proposals; and

WHEREAS, on reviewing the proposals, the bids were as follows:

	Base Bid
1. Manor Tree Service of Pelham Manor, NY	\$ 11,745
2. Almstead Tree Service of New Rochelle, NY	\$ 14,023
3. Dom's Tree Service of Port Washington, NY	\$ 22,751

WHEREAS, Administrator Robert Yamuder has determined that the lowest responsible bid that meets requirements is Manor Tree Service of Pelham Manor, NY.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of the Village of Pelham Village hereby award Contract 2009-03 for Tree Removal, Trimming, and Stump Removal In The Village Of Pelham to Manor Tree Service of Pelham Manor, NY, at the total bid cost of Eleven thousand seven hundred forty-five dollars (\$11,745), as a unit-price contract, with prices provided under the bid for add-on trees; and be it

FURTHER RESOLVED, that the Mayor and Village Administrator are authorized to take the necessary and appropriate actions to effect and execute this unit-price contract for these services.

Item #8– Resolution authorizing a tax certiorari judgment for 35 Fifth Avenue as authorized by the town of Pelham for assessment years 2006 through 2007, corresponding to FY 2007-2008 thru 2008-2009.

After some brief discussion, a motion was made by Trustee Lewis and seconded by Trustee Potocki to authorize the tax certiorari judgment for 35 Fifth Avenue. The motion was approved by a vote of seven in favor, none opposed.

RESOLUTION

AUTHORIZING A TAX CERTIORARI JUDGMENT  
FOR 35 FIFTH AVENUE  
AS AUTHORIZED BY THE TOWN OF PELHAM  
FOR ASSESSMENT YEARS 2006 THROUGH 2007  
(CORRESPONDING TO FY 2007-2008 THRU FY 2008-2009)

BE IT RESOLVED. The Board of Trustees of the Village of Pelham hereby authorizes the court ordered settlement and payment for a refund of taxes and reduction in assessment to JP Morgan Chase. pursuant to the Court Order and Judgment for the properties at the following addresses for the following amounts:

<u>Address:</u>	<u>Tax Lot ID Number:</u>	<u>Assessment Years:</u>	<u>Amount:</u>
35 Fifth Avenue	163.44 – 1 –33	2006-2007	\$1,095.29

---

Total:	\$1,095.29
--------	------------

in the total amount of one thousand ninety-five dollars and twenty-nine cents (\$1,095.29), and authorizes the Mayor, the Village Attorney and the Village Administrator/Treasurer to sign this agreement, take the necessary and appropriate actions to effect this Court Order, and refund these taxes.

Item #9 – Discussion regarding the funding of Pension Benefits.

Village Administrator Robert Yamuder began his presentation on the budget benefits by thanking Shirley Brown, the Financial Consultant for the Village, on her work preparing the figures for the Board meeting. Mr. Yamuder stated that the projected estimated pension contributions for 2011 were 11.2% for the Employee Retirement System (ERS) and 16.8% for Police and Fire. He added that the State projects that the long term rates will rise over the next five years to 19.5% for Police and Fire. In sum, the 2011 bill is not a one-shot correction for the 26% loss in the retirement fund. Mr. Yamuder finished by saying that a portion increase was not a definite option for the Village as the state has not approved this legislation. Trustee Potocki inquired about these projections and questioned as to whether these changes would be a 3% increase to the budget before the Village even does their budget which essentially means that the burden is on the tax payer if the state cannot cover its own investments. Trustee Homan added that it would “pay to be pessimistic” about the state’s ability to handle the money. Trustee Breskin stated that this issue involves looking at the big picture and the long term ramifications of what is done with the pension funds. Additionally, Mr. Breskin stated that even if the economy turns around, the state will not necessarily lower its pension rates back to the pre-recession standards. Mayor Hotchkiss surmised that the Village has two options under the circumstances; raise additional revenue or cut services. To this point, Trustee Breskin suggested that there are hidden revenues within Pelham that are not tapped to their potential. He recommended obtaining an RFP for developing the Village owned 3<sup>rd</sup> St. parking lots to bring in additional tax revenues. He also brought up the issue of the frequency of garbage collection and the upcoming continuance of the contract with the CRP Sanitation Company under the current terms. Mr. Breskin made it clear that he would advise the Board against extending their contract this year. Trustee Potocki stated that any changes made would not result in 100% savings for the Village and that the same amount of garbage would be taken in regardless of reducing the pickup schedule, however he express that certain residents would be amenable to going to a once-a-week pickup schedule. Trustee Homan asked Administrator Yamuder when the expected continuance date would be and how quickly he could put together a new contract that could be released for bidding after that date? Mr. Yamuder was optimistic in his assessment of putting together a contract and suggested that by taking such action the Village could be using the financial crisis to its advantage in perhaps securing a lower price from competing companies.

Items #10—Grants-Status Report- Presented by administrative intern Peter Bonington were the updates for grants since the last Board of Trustees meeting 8/11/09. Highlights included:

Administrative Intern Peter Bonington reported that the New York Main Street grant monies for the façade improvements and Wolfs Lane bike rack additions was available for use by the Village but for the State Historic Preservation Office's requirements were in the process of being completed. Some of the information may have to be acquired from the merchants directly but the majority can be compiled and sent off to the state. The FTA grant for the DPW parking lot is progressing on schedule. To date, Mr. Yamuder has received the TEAM information and is awaiting delivery of the ECHO passwords for the Village. This constitutes a significant step forward along with the specs submitted by the engineers. The Flooding Remediation grants are progressing as well. In the coming weeks the grant information will be put onto the Village website for trustee and official use so that updates and progress on the grant procurement can be made more easily.

Item #11– Projects- Status Report - Tabled

Item #12—Building Department Summary Report- Tabled

Item #13– Other Business- The segment of other business centered on the impending classification of Wolfs Lane and Fifth Avenue as a historic district and the funding of police overtime for two particular fund raising events; a 5K race by the Pelham Children's Center and a Fun-Run sponsored by the Pelham Travel Soccer Club.

The Board addressed the matter of the state sponsored classification of Fifth Avenue and Wolfs Lane as a historic district. Trustee Homan confirmed that she has spoken with Toby Epstein of the Pelham Preservation Society but the Board of Trustees has yet to weigh in on the issue. Trustee Breskin suggested an informational meeting in order to get a consensus of the community as well as bring to light some of the positive and negative aspects of declaring Fifth Ave/Wolfs Lane as a historic district. Trustee Homan urged that any meeting must take place soon. Trustee Bullock reminded the Board that although its opinion is an important factor in this process, it does not have overall authority to make or break this designation. Trustee Breskin responded that the influence of the Village in this matter as either supporting or not supporting this decision will impact the outcome.

Following this discussion, the Board debated funding the police overtime involved for two upcoming fund-raising events in Pelham. The question of overtime was raised by Mayor Hotchkiss over whether the Village can pay for the police overtime. Trustee Potocki concluded that about 1,200 to 1,500 dollars of police overtime would be expected per each event. Mr. Potocki made the suggestion that if the organization wants to have the event it should pay for the police overtime. Trustee Homan countered that the Pelham Children's Center has been doing this 5K run for 5 years and has given months notice of their intent to

do so. Trustee Breskin remarked that the Board should not say yes or no on a case by case basis which would show favoritism or preference to one organization over another, but rather should make a policy change in the interest of consistency. He suggested stating clearly that after the Fun-Run by the Pelham Travel Soccer Club that the policy of funding overtime for events be discontinued. Trustee Potocki felt that funding the Fun-Run was not acceptable given the short notice by the Club and their lack of definitive planning for the event. Mayor Hotchkiss commented that if a policy change is in order then announcing that decision in a timely fashion is critical. He suggested getting the announcement out to the general public in the most expedient way would be through a press release of some kind. Trustee Homan stated that the Board should say to the Pelham Children's Center that this will be the last year that the Village will pick up the cost of the overtime if this new policy is enacted also adding that Pelham Manor charges organizations for events in their Village. Trustee Morris moved they vote on the matter of funding the overtime for the Pelham Children's Center. The motion was passed by a vote of five in favor, Trustee Breskin and Mayor Hotchkiss opposed. Mayor Hotchkiss then asked Trustee Morris to move to vote on the second race for the Pelham Travel Soccer Club. Trustee Morris moved that the Fun-Run be voted on but the motion did not receive a second and hence there was no vote. The Fun-Run was tabled until the next meeting on September 22, 2009. Christine Ferra, a resident, posed the question to the Board; if they had children in Little League or a Children's program, would they be so quick to say that having the organization sponsoring the event should pay for the overtime. The Board responded with a unanimous yes, stating that it is an obligation of the Village to be consistent in its policies towards events. Trustee Breskin agreed that \$1,500 won't make a huge difference in the Village's budget and that he liked the events that take place in Pelham, citing that they are part of what makes the Village a community. However, he was sympathetic to the monetary issues especially if, in fact, Pelham is the only municipality that does pay exclusively for the police overtime at public events.

#### Item #14- Authorizing the Accounts Payable

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

Trustee Breskin 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	\$ 401,605.11
Water Fund	\$ 96,538.07
Capital Projects Fund	\$27,940.00
Trust and Agency Fund	\$ 481.25
H3 Fund	<u>\$ 0.00</u>
Grand Total	\$ 526,564.43

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

Item # 15- Authorizing Minutes of August 11, 2009

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

Item # 16- Adjournment to Executive Session

A motion was made by Trustee Lewis, with a second by Trustee Homan to adjourn the public portion of the board meeting at 10:25 p.m., and go into Executive Session to discuss matters such as the budget and pension benefits, 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