

VILLAGE OF PELHAM BOARD OF TRUSTEES REGULAR MEETING  
TUESDAY, July 14, 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.	Tax Certiorari Settlement and Payment authorizations for 123-125 Sixth Street	<b>Approved</b>
8.	Site Plan application by Senerchia for Proposed Façade Renovation, 67 Lincoln Avenue	<b>Approved</b>
9.	Site Plan application by Veith for Proposed Addition, 28 Chestnut Avenue	<b>Approved</b>
10.	Site Plan Application for approval of proposed modifications of the façade of a two story commercial building, 415 Fifth Avenue, placed on the agenda at the request of the architect and building owner, CCR Group LLC (please note ARB has not come to a disposition after two meetings)	<b>Approved</b>
11.	Authorizing the appointment by the Mayor of a candidate to the position of Assistant to the Village Administrator.	<b>Approved Pending Acceptance</b>
	<b>Grants, Projects &amp; Other Business</b>	<b>8:15 p.m.</b>
12.	Projects- Status Report	<b>Discussed</b>
13.	Grants- Status Report	<b>Tabled</b>
14.	Other Business-TD North Account Authorization, Completion of Probation Officer Doug Bornholz	<b>Approved</b>
	<b>Recurring Items</b>	<b>8:45pm</b>
15.	Budget Amendment and Transfer resolution	<b>Approved</b>
16.	Authorizing the Accounts Payable	<b>Approved</b>
17.	Authorizing Minutes of: May 19, 2009, June 9,2009	<b>May 19 Approved June 9<sup>th</sup> tabled</b>
18.	Adjournment to Executive Session	<b>Approved 9:20pm</b>

Next Regular Board of Trustee Meetings are:  
Tuesday, August 11, 2009  
Tuesday, September 1, 2009

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

\*Agenda is subject to change.

Item #1 – Meeting called to order: The meeting of the Board of Trustees was called to order by Mayor Ed Hotchkiss at 7:30 p.m.

The following members of the Board of Trustees were present:

Mayor Edward Hotchkiss, Trustees Breskin, Bullock, Lewis, Morris, and Potocki. Trustee Homan was absent.

Village staff in attendance:

Administrator/Treasurer Robert Yamuder, Terri Rouke Village Clerk.

Item #2 – Pledge of Allegiance:

The Pledge of Allegiance was led by Mayor Hotchkiss

Item #3 – Mayors Report

Mayor Hotchkiss reported on the mini tornado storm that took place on July 7. He said that all emergency departments responded, put up barriers and taped off areas where trees had fallen on wires. He said that the DPW would be working with Con Ed over the next week during the clean up. He was very happy with the response of all of the departments and would like to thank them.

Item #4 – Trustees Reports

Trustee Breskin-reported on the efforts of the Pelham Preservation to name the downtown area in the village a historic district. He said that there would be a meeting on July 29 at the Daronco Town house and that anyone interested in attending should do so. The area that is being looked at is from Wolfs Lane up to Ralph's Barber Shop on Fifth Avenue. He reported on the status of the Boston Westchester Green space. There was a meeting of the committee where several members gave a report about a site meeting that they had with Vicki Ford of Eastchester, who has experience with creating a nature preserve. If a preserve is developed it could be used for educational purposes. The committee would talk to various groups to get more information. Trustee Breskin thanked Cathy Smith for finding Ms. Ford.

Trustee Homan- absent

Trustee Lewis-wanted to communicate why the village was no longer in negotiations with Verizon about FIOS. He said that most of 2008 there were negotiations and that on the eve of the final hearing Verizon withdrew without a final explanation. There was a meeting in June with Verizon and the Public Service Commission, where Verizon reduced an already inadequate offer. The village did not want to accept the offer because it would put the village

in a weakened position with Cablevision negotiations. He said that all efforts have been exhausted with Verizon but that Pelham was not the only municipality that was in this position. The Zoning Committee has completed all of the recommendations for all of the uses in the commercial zone to try matching the existing. The final presentation would be at the August meeting.

Trustee Morris-has contract discussion for executive session.

Trustee Potocki- said that in the past there had been flooding from Glenwood during big storms and that during the July 7<sup>th</sup> storm that the lake was below capacity and was able to absorb the water and the drastically reduced the effects. He hopes that New Rochelle continues what they are doing on an ongoing basis. He also wanted to remind people that there are 13 new 12 hour meters in the open Lot 2 that did not exist before and that the meters on Harmon Place on the south side have been changed. The first six closest to Fifth Avenue are now four hours and the remaining six are now twelve hours.

Trustee Bullock-nothing to report

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

Administrator Yamuder –thanked the DPW, Fire Department and Police Department for their response to the July 7<sup>th</sup> storm. He said that Foreman Michael Shriman had all of the branches picked up after the storm. The DPW and the Police Department had a mock OSHA inspection and received a clean bill of health.

Item #6– Public Comment-John Cassone of 312 Seventh Avenue thanked Administrator Yamuder for following up with his question last month regarding the problem with UPS dropping of packages and not ringing a doorbell to make sure that the item is received. Administrator Yamuder called UPS and was informed that the policy was that they could leave a package without notifying the homeowner.

#### Item #7 – Tax Certiorari Settlement and Payment authorizations for 123-125 Sixth Street

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

AUTHORIZING A TAX CERTIORARI JUDGMENT  
FOR 123-125 SIXTH STREET  
AS AUTHORIZED BY THE TOWN OF PELHAM  
FOR ASSESSMENT YEARS 1993 THROUGH 2002

(CORRESPONDING TO FY 1994-1995 thru FY 2003-2004)

BE IT RESOLVED, that the Board of Trustees of the Village of Pelham hereby authorize the court ordered settlement and payment for a refund of taxes and reduction in assessment to Mary Ferraro and 123-126 Sixth Street. 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>
123-125 Sixth Street	159.77 – 1 –51	1993-2002	\$6,065.18

Total:	\$6,065.18
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In the total amount of six thousand sixty-five dollars and eighteen cents (\$6,065.18), 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 #8 – Site Plan application by Senerchia for Proposed Façade Renovation, 67 Lincoln Avenue

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

**RESOLUTION**  
**AUTHORIZING THE SITE PLAN FOR PROPOSED FAÇADE RENOVATION (SENERCHIA)**  
**AT 67 LINCOLN AVENUE**

**RESOLVED**, that the application for a Site Plan to renovate a facade is approved, based on the review and recommendation by the Architectural Review Board; and

**BE IT FURTHER RESOLVED**, that conditions apply as follows:

1. That the modification to the façade of the commercial building must be completed in accordance with the recommendations of the Architectural Review Board in their memo dated June 17, 2009, upon completion of their review of the plans submitted to the Village of Pelham;

2. All construction activity must comply with the Village Noise Ordinance and all construction activity must only take place on the days and times as per Village Noise Ordinance;
3. Any other actions deemed necessary by the Mayor, Village Administrator, Building Inspector, and other officials of the Village of Pelham.
4. That the application and permit shall remain subject to the continued jurisdiction of the Board of Trustees and the Building Department of the Village Of Pelham;

**AND, BE IT FURTHER RESOLVED**, that this application for a site plan approval by Senerchia for 67 Lincoln Avenue, is subject to the procedures, regulations and requirements of the Pelham Village Code and Pelham Building Department; and

**BE IT FURTHER RESOLVED**, that the Mayor, Board of Trustees, Village Administrator, and Building Inspector of the Village of Pelham are authorized to take the necessary and appropriate actions to effect this site plan approval.

Item #9 – Site Plan application by Veith for Proposed Addition, 28 Chestnut Avenue

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

**RESOLUTION**  
**AUTHORIZING THE SITE PLAN FOR PROPOSED ADDITION (VEITH)**  
**AT 28 CHESTNUT AVENUE**

**RESOLVED**, that the application for a Site Plan to construct an addition is approved, based on the review and recommendations by the Planning Board and the Architectural Review Board; and

**BE IT FURTHER RESOLVED**, that conditions apply as follows:

1. That the addition must be built in accordance with the recommendations of the Planning Board and the Architectural Review Board in their respective advisory memo's attached hereto upon completion of their reviews of the plans submitted to the Village of Pelham;
2. That Grading and Drainage on the sites as shown on the plans approved by the Planning Board and
3. All construction activity must comply with the Village Noise Ordinance and all construction activity must only take place on the days and times as per Village Noise Ordinance;

4. Any other actions deemed necessary by the Mayor, Village Administrator, Building Inspector, and other officials of the Village of Pelham.
5. That the application and permit shall remain subject to the continued jurisdiction of the Board of Trustees and the Village of Pelham Building Department;
6. At no time may construction commence and not strictly adhere to the construction timeline this will be considered a violation of the Planning Board approval;
7. That there be no deviation from the approved plans without obtaining prior approvals from the applicable Boards and Agencies of the Village Of Pelham, and the State of New York;

**AND, BE IT FURTHER RESOLVED**, that this application for a site plan approval by Veith for 28 Chestnut Avenue, is subject to the procedures, regulations and requirements of the Pelham Village Code and Pelham Building Department; and

**BE IT FURTHER RESOLVED**, that the Mayor, Board of Trustees, Village Administrator and Building Inspector of the Village of Pelham are authorized to take the necessary and appropriate actions to effect this site plan approval.

Item #10– Site Plan Application for approval of proposed modifications of the façade of a two story commercial building, 415 Fifth Avenue, placed on the agenda at the request of the architect and building owner, CCR Group LLC (please note ARB has not come to a disposition after two meetings)

The applicants for the modifications to the façade, CCR Group, (Carmine Lippolis and Charlie Small) asked to be put on the agenda for the Board of Trustee Meeting after two meetings with the Architectural Review Board without receiving an approval. The Architect of the project, Ray Beeler, spoke about the condition of the building and the need for improvements to be made. He explained that there is a very good tenant in the building but that it is in very bad shape with leaking windows in urgent need of repair. He said that after two months of submitting to the ARB with no resolution and potentially having to come back several more times the owners felt that they could not spend more time going back and forth for a resolution with tenants residing in a building with leaking windows. He told the Board of Trustees that they had decided to take away the added features that they had originally added to the building to try to improve on it and now would just replicate the original building. Mr. Beeler asked the Board to approve the submission so that the project could move forward. He said that this submission has the full details that the ARB had asked for but that he thought that the ARB was asking for details that were beyond what they needed to ask for. Trustee Breskin said that the Board was working to try to better define the roles of the boards. Mr. Beeler said that he thought that at the end of a meeting the applicant should walk away with something in writing. Trustee Breskin agreed. After a discussion, the Board of Trustees agreed to approve the resolution, contingent upon the plans being submitted to the Building Inspector Len Russo with complete documentation for site plan approval. Carmine

Lippolis spoke about possibly not going through with the project. He said that one of the members of the ARB spoke about the landscape of Main Street and that Mr. Lippolis and his partner thought that was a great comment and that is what they were trying to do. He did not want to go back and just rebuild the original building. He was willing to work with the ARB but wanted clearer direction. Charles Small said that they were trying to fix the building and help the tenants and that the ARB wasted their time and money and that it was unacceptable. Trustee Morris said that it was important to have these issues brought to the attention of the BOT. Trustee Potocki said that it is imperative that the ARB comes to an understanding and works with the applicant and the architect. Mayor Hotchkiss pointed out that the ARB has been very helpful in the village in a lot of positive ways.

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

**RESOLUTION**  
**AUTHORIZING THE SITE PLAN FOR PROPOSED MODIFICATIONS OF FAÇADE OF A**  
**TWO STORY COMMERCIAL BUILDING (CCR GROUP, LLC)**  
**AT 415 FIFTH AVENUE**

**RESOLVED**, that the application for a Site Plan for proposed modifications of a façade of a two story commercial building be moved to the Board of Trustees for approval, upon the request of the project architect Raymond Beeler, AIA on behalf of the building owners, CCR Group , LLC. The applicant has been to two meetings with the ARB and there is no meeting of the minds with respect to the revision of details requested and resubmitted; and

**BE IT FURTHER RESOLVED**, that conditions apply as follows:

1. That the modifications of the building must be built in accordance with plans hereby submitted to the Building Inspector showing complete documentation that are required for site plan approval as determined by the Building Inspector ;
2. That the exterior alterations must be completed in accordance with plans received by the Board of Trustees of the Village Of Pelham stamped July 14,2009 and that there be no deviations from the plans without prior approval from all appropriate boards and agencies of the Village Of Pelham;
3. All construction activity must comply with the Village Noise Ordinance and all construction activity must only take place on the days and times as per Village Noise Ordinance;
4. Any other actions deemed necessary by the Mayor, Village Administrator, Building Inspector, and other officials of the Village of Pelham.
5. That the application and permit shall remain subject to the continued jurisdiction of the Board of Trustees and the Building Inspector of the Village of Pelham;

**AND, BE IT FURTHER RESOLVED**, that this application for a site plan approval by CCR Group, LLC for 415 Fifth Avenue, is subject to the procedures, regulations and requirements of the Pelham Village Code and Pelham Building Department; and

**BE IT FURTHER RESOLVED**, that the Mayor, Board of Trustees, Village Administrator, and Building Inspector of the Village of Pelham are authorized to take the necessary and appropriate actions to effect this site plan approval.

Item #11– Authorizing the appointment by the Mayor of a candidate to the position of Administrative Intern to the Village of Pelham

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

RESOLUTION

AUTHORIZING THE APPOINTMENT BY THE MAYOR  
OF PETER BONINGTON TO THE POSITION OF ADMINISTRATIVE INTERN  
FOR THE VILLAGE OF PELHAM, NY

RESOLVED, that Peter Bonington, of Chappaqua, New York, is hereby appointed to the position of Administrative Intern to the Village of Pelham, starting on Monday, July 27, 2009, at an annual salary of Twenty-eight thousand dollars (\$28,000.00).

Item #12 – Projects- Status Report

Administrator Yamuder reported on the status of the parking Deck, Lot 2 and 3 projects. The original bids that came in for the project were too high and needed to be re-bid. Before they could be re-bid the paint had to be tested for lead by Westchester County. That has been completed and the levels are below acceptable so the project can continue. The structural soundness of the fire house floor is a concern for Fire Chief Taylor. It is being evaluated by an engineer at the cost of \$1500.00. The report will be ready by next month. Len Russo, Building Inspector and Martha Conforti, Village Attorney have been meeting and have had some very fruitful discussions about the site plan review.

Item #13– Grants- Status Report - Tabled

Item #14– Other Business

A motion was made by Trustee Lewis with a second by Trustee Breskin to authorize the opening of a new checking account at TD Bank. The motion was approved by vote of six in favor, none opposed. Trustee Homan was absent.

**Authorizing the completion of probation for Police Officer Doug Bornholz**

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

**RESOLUTION****AUTHORIZING THE SUCCESSFUL COMPLETION OF PROBATION  
FOR DOUG BORNHOLZ AS POLICE OFFICER**

BE IT RESOLVED, that the Mayor and Board of Trustees hereby authorize the successful completion of probation for Doug Bornholz as Police Officer, which is approved based on the positive evaluation and recommendation of the Police Chief.

**Item #15– Budget Amendment and Transfer resolution**

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

**RESOLUTION****Re: Budget Transfers for Fiscal Year 2008-09**

**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 2008-09

Budget by making the following transfers:

Item #16– Authorizing the Accounts Payable

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

Trustee Bullock 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	\$528,180.50
Water Fund	\$ 40,899.40
Capital Projects Fund	\$8,866.00
Trust and Agency Fund	\$0.00
TE Fund	\$0.00
H3 Fund	<u>\$0.00</u>
Grand Total	\$577,945.90

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

Item # 14- Authorizing Minutes of: May 19, 2009, June 9,2009  
The minutes of June 9, 2009 were tabled until the next meeting.

A motion was made by Trustee Lewis, with a second by Trustee Bullock to adopt the minutes of May 19, 2009. The motion was approved by vote of six in favor, none opposed. Trustee Homan was absent.

Item # 15- Adjournment to Executive Session

A motion was made by Trustee Morris, with a second by Trustee Breskin to adjourn the public portion of the board meeting at 9:20 p.m., and go into Executive Session to discuss matters of contract, legal and personnel, after which the Board would adjourn for the evening. The motion was approved by vote of six in favor, none opposed. Trustee Homan was absent.

Respectfully Submitted  
Terri Rouke, Village Clerk