

VILLAGE OF PELHAM BOARD OF TRUSTEES REGULAR MEETING  
TUESDAY, MARCH 6, 2007, 7:30 PM  
VILLAGE HALL – 195 SPARKS AVENUE, PELHAM, NY

MINUTES

1. Call To Order
2. Pledge of Allegiance
3. Oath of Office – new Firefighter Tony Marciano
4. Mayor’s Report
5. Trustees’ Reports
6. Village Administrator’s Report
7. Public Comment

Approximate  
# Agenda Items: Time  
of Discussion

	<b>Code Changes</b>	<b>8:00 PM</b>
8.	Public Hearing on outstanding proposed change to the Site Plan Code in the Village of Pelham regarding notification for the initiation of a site plan.	<b>Disapproved</b>
9.	Public hearing on a proposed Local Law to amend the Code and increase Senior Citizen property tax exemption levels.	<b>Approved</b>
	<b>Business</b>	<b>8:30 PM</b>
10.	Considering an application and request by C. King of 105 Pelhamdale Avenue to install underpinning for an existing garage on along a section of Village parkland on First Street, with permission (not easement) to install a portion of the sub-surface foundation 6”-8” wide on Village Land.	<b>Approved</b>
11.	Authorizing the payment of pooled compensation to retiring Police Officer Joseph Veteri.	<b>Approved</b>
	<b>Housekeeping</b>	<b>9:00 PM</b>
12.	A. Authorizing the accounts payable (mid-February) B. Authorizing the accounts payable (early March)	<b>Approved Approved</b>
13.	Old Business/New Business – County EAP contract	<b>Approved</b>
14.	Minutes: February 6, 2007	<b>Tabled</b>
15.	Executive Session: Personnel Matter, and proposed Real Estate Purchase/Exchange.	<b>Discussed</b>
16.	Adjournment.	<b>Adjourned</b>

Next Regular Board Meetings are Tuesdays March 20<sup>th</sup> and April 10<sup>th</sup>, 2007

\* There will be no Board of Trustees Meetings during the week of April 2, 2007.

The Proposed Pelham Village Budget will be released 4 p.m. Tuesday, March 20, 2007

All meetings start at 7:30 p.m. unless otherwise noted.  
Agenda is subject to change until the night of the meeting.

VILLAGE OF PELHAM BOARD OF TRUSTEES REGULAR MEETING  
MINUTES  
TUESDAY, MARCH 6, 2007, 7:30 PM  
VILLAGE HALL – 195 SPARKS AVENUE, PELHAM, NY

Item #1 – Meeting called to order: The meeting of the Board of Trustees was called to order by Mayor Michael J. Clain at 7:35 p.m.

The following members of the Board of Trustees were present:

Mayor Michael Clain, Greco, Homan, Hotchkiss, Merrick, and Potocki. Trustee Mohan was absent.

Village staff in attendance:

Administrator/Treasurer Richard Slingerland, Administrative Aide Devron Wilson.

Item #2 – Pledge of Allegiance:

The Pledge of Allegiance was led by Mayor Michael J. Clain.

Item #3 – Oath of Office – New Firefighter Tony Marciano

Mayor Clain swore in Tony Marciano of Pelham, NY to the Pelham Fire Department. The Mayor, Village Administrator, Board of Trustees, and Pelham residents welcomed Mr. Marciano and gave him their best wishes in his new position.

Item #4 – Mayor's Report:

Mayor Clain had nothing to report.

Item #5 – Trustees Reports:

Trustee Hotchkiss reported that someone in Bedford, NY constructed a replica of a Mayan Temple on his or her own property. Pelham should note from a Zoning standpoint what happened in Bedford, NY and make sure that the Pelham Village Code doesn't allow this to happen in Pelham.

Trustees Greco, Homan, Merrick, and Potocki had nothing to report. Trustee Mohan was absent.

Item #6 – Village Administrator's Report:

Village Administrator Richard Slingerland reported that there is a sewer break at Wolfs Lane between Blvd West and Marquand Place (approximately 70 ft. of broken pipe 18-inch diameter sanitary sewer). An emergency RFP was sent out today with a deadline for responses by Friday March 9, 2007. He said he would advise the Board after the opening, and put the award on the March 20<sup>th</sup> agenda to be formalized.

He also reported that the village received plans from Pelham Medical Group for Phase 1 of the rock remediation behind the Pelham Medical Group building. The plans are currently being reviewed by the building department. If found acceptable by the building department and the Village's geotechnical consultant, the plans will be included on the agenda for the next Planning Board meeting on March 13<sup>th</sup> and a subsequent Board of Trustees meeting ,.

Trustee Merrick suggested that the village relocate the permit parking cars from Wolfs Lane between Blvd West and Marquand Place to Nyac Avenue, until the sewer repair is complete. Administrator Slingerland advised that was the Village's thought, and would include Carol Avenue, and Boulevard West too.

Item #7 – Public Comment: None.

Mayor Clain advised that the next item would be taken out of order, since the applicant only had a short item to be heard before the Board.

Item #10 – Considering an application and request by C. King to install underpinning for an existing garage on along a section of Village parkland on First Street, with permission (not easement) to install a portion of the sub-surface foundation 6"-8" wide on Village Land:

Charles King of 105 Pelhamdale Avenue provided plans to the Board of Trustees and gave a brief presentation about his need install underpinning for an existing garage along a section of Village parkland. The Planning Board had recommended the plan.

A motion was made by Trustee Homan, with a second by Trustee Greco to adopt the resolution. The motion passed unanimously by vote of six in favor, none opposed.

RESOLUTION  
CONSIDERING A SITE PLAN APPLICATION AND REQUEST  
BY C. KING OF 105 PELHAMDALE AVENUE  
TO INSTALL UNDERPINNING FOR AN EXISTING GARAGE ON ALONG A  
SECTION OF VILLAGE PARKLAND ON FIRST STREET, WITH PERMISSION  
(NOT EASEMENT) TO INSTALL A PORTION OF THE  
SUB-SURFACE FOUNDATION 6"-8" WIDE ON VILLAGE LAND.

BE IT RESOLVED, that the Board of Trustees of the Village of Pelham accepts the Planning Board's recommendation for a site plan and authorizes C. King of 105 Pelhamdale Avenue to install underpinning for an existing garage on along a section of Village parkland on First Street, with permission (not easement) to install a portion of the sub-surface foundation six to eight inches (6"-8") wide on Village Land; and be it

FURTHER RESOLVED, that based on the recommendation of the Planning Board, the Mayor and Board of Trustees apply the following conditions:

1. That the applicant must connect and maintain the roof leaders from the back of the house and the back of the garage to an existing dry well in the rear yard of the property
2. That there are no above-ground improvements authorized on Village property; and
3. Since this is parkland, this authorization does not constitute a permanent easement and parkland may not be alienated for such installation.

AND BE IT

FURTHER RESOLVED, that the Building Inspector, the Village Administrator, the Village Clerk and the Village Attorney are authorized to take the necessary and appropriate actions to authorize this site plan and installation.

Item #8 – Public Hearing on outstanding proposed changes to the Site Plan Code in the Village of Pelham regarding notification for the initiation of a site plan:

The Board discussed this matter, including whether it could procedurally be reintroduced, since it had been defeated once before. .

A motion was made by Trustee Potocki to adopt the proposed resolution, with a second by Trustee Homan . The motion to adopt failed by a vote of two in favor, four opposed, . Trustee Mohan was absent.

Proposed SEQ CHAPTER 79 OF LOCAL LAW NUMBER  
OF 2007

A local law that amends Chapter 79 of the Village code, requiring notification for the initiation of a site plan application.

BE ENACTED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF PELHAM AS FOLLOWS:

SECTION 1.

The following changes are made in Chapter 79 Site Plan Approval of the Code of the Village of Pelham:

1) Section 79-6 A. 1 is hereby repealed and the following new Section 79-6 A. 1 is enacted:

- (1) This process shall be commenced when the applicant files a declaration of intent to develop form, as prescribed by the Village, with the Building Inspector. Copies of this form are

to be transmitted to the Planning Board. Upon submission of a declaration of intent to develop form, the applicant shall provide notice to all property-owners of single- or two-family homes contiguous to the applicant's property. These notices must be hand delivered or mailed by the applicant at least ten (10) days prior to the date of the scheduled consideration by the Planning Board, with an affidavit (notarized), or proof of delivery, or proof of mailing, provided by the applicant to the Village Clerk prior to the Planning Board Meeting.

## SECTION 2.

This Local Law shall take effect upon adoption and filing in the office of the Secretary State of the State of New York.

### Item #9 – Public hearing on a proposed Local Law to amend the Code and increase Senior Citizen property tax exemption levels:

The Board and the Administrator briefly discussed the proposed law, to assist senior citizens on limited incomes to meet their expenses. John Cassone of 7<sup>th</sup> Avenue asked if senior citizens with large savings accounts would be allowed to participate in this program. The Mayor and Administrator advised him that those seniors could participate in the program, and that it was designed to assist seniors based on income, not assets.

A motion was made by Trustee Homan, with a second by Trustee Merrick to approve the local law to amend the Code and increase Senior Citizen property tax exemption levels. The motion passed unanimously by vote of six in favor, none opposed.

### A Local Law That Amends Chapter 73 To Enact Senior Citizen Property Tax Exemption Levels

BE IT ENACTED by the Board of Trustees of the Village of Pelham as follows:

Section 1. Article II, Veteran's Exemption is hereby repealed, and re-numbered as Article III.

Section 2. Article II, Senior Citizen Property Tax Exemption Levels is hereby adopted as follows:

73.4Section 467 of the New York State Real Property Tax Law, as amended from time to time, authorizes municipal corporations to grant partial real property tax exemptions to senior citizens who are 65 years of age or over who have limited incomes. Such partial real property tax exemptions established by New York State provide for property tax exemption levels

ranging from five percent (5%) to fifty percent (50%) of the assessed value of a home, based on household income levels.

73.5 Real property owned by persons 65 years of age or over shall be exempt from certain Village taxes, as defined hereafter, up to a maximum of fifty percent (50%) of the assessed valuation, pursuant to the following schedule and subject to the following conditions:

a. for the period expiring June 30, 2007:

Annual Income	Percentage of Assessed Value Exempt from Taxation
\$0 to \$26,000.00	50%
\$26,000.01 to \$26,999.99	45%
\$27,000.00 to \$27,999.99	40%
\$28,000.00 to \$28,999.99	35%
\$29,000.00 to \$29,899.99	30%
\$29,900.00 to \$30,799.99	25%
\$30,800.00 to \$31,699.99	20%
\$31,700.00 to \$32,599.99	15%
\$32,600.00 to \$33,499.99	10%
\$33,500.00 to \$34,399.99	5%

b. for the period commencing July 1, 2007 and expiring June 30, 2008:

Annual Income	Percentage of Assessed Value Exempt from Taxation
\$0 to \$27,000.00	50%
\$27,000.01 to \$27,999.99	45%
\$28,000.00 to \$28,999.99	40%
\$29,000.00 to \$29,999.99	35%
\$30,000.00 to \$30,899.99	30%
\$30,900.00 to \$31,799.99	25%
\$31,800.00 to \$32,699.99	20%
\$32,700.00 to \$33,599.99	15%
\$33,600.00 to \$34,499.99	10%
\$34,500.00 to \$35,399.99	5%

c. for the period commencing July 1, 2008 and expiring June 30, 2009:

Annual Income	Percentage of Assessed Value Exempt from Taxation
\$0 to \$28,000.00	50%
\$28,000.01 to \$28,999.99	45%
\$29,000.00 to \$29,999.99	40%

\$30,000.00 to \$30,999.99	35%
\$31,000.00 to \$31,899.99	30%
\$31,900.00 to \$32,799.99	25%
\$32,800.00 to \$33,699.99	20%
\$33,700.00 to \$34,599.99	15%
\$34,600.00 to \$35,499.99	10%
\$35,500.00 to \$36,399.99	5%

d. for the period commencing July 1, 2009:

Annual Income	Percentage of Assessed Value Exempt from Taxation
\$0 to \$29,000.00	50%
\$29,000.01 to \$29,999.99	45%
\$30,000.00 to \$30,999.99	40%
\$31,000.00 to \$31,999.99	35%
\$32,000.00 to \$32,899.99	30%
\$32,900.00 to \$33,799.99	25%
\$33,800.00 to \$34,699.99	20%
\$34,700.00 to \$35,599.99	15%
\$35,600.00 to \$36,499.99	10%
\$36,500.00 to \$37,399.99	5%

73.6 The owner, or owners, must file an application annually in the Assessor's Office at least ninety (90) days before the day for filing the final assessment roll or which other time as may be hereafter fixed by law. An application filed for Town or County senior citizen property tax exemption shall be deemed an application for Village taxes as well.

73.7 The income of the owner or the combined income of the owners of the property for the income tax year immediately preceding the date of making application for exemption from all sources, as set forth in §467 of the Real Property Tax Law must not exceed the levels noted in Village Code §73.5.

73.8 The property must be used exclusively for residential purposes, be occupied in whole or in part by the owners and constitute the legal residence of the owners.

73.9 All other provisions of §467 of the Real Property Tax Law applicable to Villages as municipal corporations of the State of New York shall apply.

Section 3. Section on Veteran's Exemption is hereby re-enacted as Article III. as follows:

73.10 Amount of exemption.

Qualifying residential real property, as defined in New York State Real Property Tax Law § 458-a, shall be exempt from taxation to the extent of 15% of the assessed value of such property; provided, however, that such exemption shall not exceed

\$54,000 or the product of \$54,000 multiplied by the latest state equalization rate for the assessing unit.

73.11 Amount of exemption for combat veterans.

In addition to the exemption provided by § 73-10 of this article, where the veteran served in a combat theatre or combat zone of operations, as documented by the award of a United States campaign ribbon or service medal, qualifying residential real property, as defined in New York State Real Property Tax Law § 458-a, shall be exempt from taxation to the extent of 10% of the assessed value of such property; provided, however, that such exemption shall not exceed \$36,000 or the product of \$36,000 multiplied by the latest state equalization rate for the assessing unit.

73.12 Amount of exemption for disabled veterans.

In addition to the exemptions provided by § 73-10 and 73-11 of this article, where the veteran received a compensation rating from the United States Veteran's Administration or from the United States Department of Defense because of a service-connected disability, qualifying residential real property, as defined in New York State Real Property Tax Law § 458-a, shall be exempt from taxation to the extent of the product of the assessed value of such property multiplied by 50% of the veteran's disability rating; provided, however, that such exemption shall not exceed \$180,000 or the product of \$180,000 multiplied by the latest state equalization rate for the assessing unit. For purposes of this section, where a person who served in the active military, naval or air service during a period of war died in service of the service-connected disability, such person shall be deemed to have been assigned a compensation rating of 100%.

Section 4.

This Local Law shall take effect immediately upon adoption and filing with the Secretary of State of the State of New York.

Item #11 – Authorizing the payment of pooled compensation to retiring Police Officer Joseph Veteri:

A motion was made by Trustee Greco, with a second by Trustee Homan to adopt the resolution. The motion passed unanimously by vote of six in favor, none opposed.

RESOLUTION  
AUTHORIZING PAYMENT OF POOLED COMPENSATORY TIME  
TO POLICE OFFICER JOSEPH VETERI UPON HIS RETIREMENT

BE IT RESOLVED, that the Board of Trustees of the Village of Pelham accepted the retirement of Police Officer Joseph Veteri effective February 2, 2007, after completion of over twenty years of employment as a police officer, and authorizes the reduction of police officer compensatory time banks by a day each as recommended by the Police Chief and Lieutenant in the total amount of seven thousand eight hundred eleven dollars and thirty one cents (\$7,811.31).

Item #12 – A. Authorizing the accounts payable (mid-February)

B. Authorizing the accounts payable (early March):

A motion was made by Trustee Greco, with a second by Trustee Homan to adopt the resolution. The motion passed unanimously by vote of six in favor, none opposed.

**A. Authorizing the accounts payable (mid-February – reviewed by Trustee Homan)**

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	\$161,003.37
Water Fund	\$817.50
Capital Projects Fund	\$11,030.30
Trust and Agency Fund	\$562.50
H3 Fund	\$0.00
Grand Total	\$173,413.67

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

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**B. Authorizing the accounts payable (mid-February – reviewed by Trustee Hotchkiss)**

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	\$38,251.98
Water Fund	\$0.00
Capital Projects Fund	\$0.00
Trust and Agency Fund	\$662.92
H3 Fund	\$0.00
Grand Total	\$38,914.90

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

Item #13 – Old Business/New Business – County EAP contract:

The Administrator had checked with other municipalities. There are two other Employee Assistance Programs which serve municipalities – Longview Associates, which charges up to \$55 per employee, and Lower Hudson Valley Employee Assistance Program, which has submitted a proposal that would cost \$100 per employee. He recommended remaining with the Westchester County EAP as the most cost effective program at this time, and if the Board would like to go through a public bid for these services, we can do so at the end of the calendar year.

A motion was made by Trustee Homan, with a second by Trustee Merrick to adopt the resolution. The motion passed unanimously by vote of six in favor, none opposed.

RESOLUTION

AUTHORIZING THE CONTRACT RENEWAL AND  
CONTINUED PARTICIPATION BY THE VILLAGE OF PELHAM IN THE  
WESTCHESTER COUNTY EMPLOYEE ASSISTANCE PROGRAM (EAP)

RESOLVED, that the Village of Pelham is authorized to continue to participate in the Westchester County EAP at the rate of \$35 per employee, for 78 employees,

for a total of \$2,730, and authorizes the Mayor, the Administrator, and the Village Attorney to take the necessary and appropriate actions to sign and renew this agreement.

Other Old Business/New Business:

Trustee Mohan asked Village Administrator Rich Slingerland if any progress has been made in regards to fixing the Highbrook Avenue gates that were damaged by the storm in the fall. Mr. Slingerland responded by letting everyone know that the Highbrook Avenue gates are not listed on the Village's asset list, therefore the Village's insurance will not fund the repair. The village will research other alternatives to fund the repair of the Highbrook gates. Trustee Potocki suggested that the village may want to publish an article in the Pelham weekly asking for residents to donate money to repair the Highbrook gates. The Board also asked the Administrator to remove the tape remnants tied to the posts, and he advised the Board it would be taken care of.

Item #14 – Minutes: February 6, 2007:

The minutes were tabled until the Board of Trustees meeting scheduled for Tuesday, March 20, 2007.

Item #15 – Executive Session: Personnel Matter, and proposed Real Estate Purchase/Exchange:

The Mayor asked for a motion to go into Executive Session to discuss personnel matters, and proposed Real Estate Purchase/Exchange. On the motion of Trustee Potocki, seconded by Trustee Homan, the Board voted to go into Executive Session. The motion passed unanimously by vote of six in favor, none opposed.

Item #16 – Adjournment:

On the motion of Trustee Merrick, seconded by Trustee Homan, the Board voted to adjourn the public portion of the board meeting and go into Executive Session at 8:45 p.m. The motion passed unanimously by vote of six in favor, none opposed.

Respectfully submitted,  
Devron Wilson, Administrative Aide  
Richard Slingerland, Administrator/Deputy Clerk