

VILLAGE OF PELHAM BOARD OF TRUSTEES  
 ORGANIZATIONAL AND REGULAR MEETING  
 TUESDAY, APRIL 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   | Approximate Starting Time Of Discussion |
|-----|--|---|
|     | <b>Organizational Meeting Business</b>   | <b>7:40 p.m.</b>                        |
| 7.  | Oath of Office for Elected Trustees by Judge Anthony Pasquantonio, Annual Organizational Meeting and Mayoral appointments to Boards Committees, creation of Committees, and assignment for Board liaisons to the departments | <b>Completed</b>                        |
|     | <b>Public Hearings</b>   | <b>8:00 p.m.</b>                        |
| 8.  | Presentation and Public Hearing on the Village of Pelham Proposed Budget for Fiscal Year 2009-2010.  | <b>Discussed</b>                        |
|     | <b>Site Plan</b>   | <b>8:30 p.m.</b>                        |
| 9.  | Site Plan application by CCR Group, LLC. for Proposed Green Office Building 404 Fifth Avenue   | <b>Approved</b>                         |
|     | <b>Business</b>  | <b>8:45 p.m.</b>                        |
| 10. | Tax Certiorari Settlement and Payment authorizations for 103-109 Wolfs Lane and 163 Wolfs Lane   | <b>Approved</b>                         |
|     | <b>Housekeeping</b>  | <b>9:00 p.m.</b>                        |
| 11. | Grants (Awarded and Pending)   | <b>Tabled</b>                           |
| 12. | Authorizing the Accounts Payable   | <b>Approved</b>                         |
| 13. | Other Business   | <b>None</b>                             |
| 14. | Minutes – Jan.13, Jan 27 2009  | <b>Approved</b>                         |
| 15. | Executive Session  | <b>Approved</b>                         |
|     |  | <b>9:45 p.m.</b>                        |
| 16. | Adjournment  | <b>Adjourned</b>                        |

Next Scheduled Board Meetings are:  
 Tuesday, April 28<sup>th</sup>, 2009- Budget Adoption

Budget Work Session(s) are tentatively scheduled as follows:  
 April 16<sup>th</sup> at 7:30 p.m.

The First and Third Tuesday schedule will resume in May, 2009

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 Breskin, Bullock, Homan, Lewis, Morris, and Potocki.

Village staff in attendance:

Administrator/Treasurer Robert Yamuder, Village Clerk Terri Rouke

Item #2 – Pledge of Allegiance:

The Pledge of Allegiance was led by Mayor Edward Hotchkiss.

Item #7 – Oath of Office for Elected Trustees by Judge Anthony Pasquantonio.

Annual Organizational Meeting and Mayoral appointments to Boards, Committees, creation of Committees, and assignment of Board liaisons to the departments:

**\*\* THIS TOPIC WAS MOVED UP FROM LATER IN THE AGENDA\*\***

Pelham Town Judge Anthony Pasquantonio swore in Ed Hotchkiss as Mayor, Edwin Bullock, Laura Morris and Geoff Lewis to the positions of Village Trustee.

#### Reports:

Item # 3 Mayor Hotchkiss's Report-Nothing to report

Item # 4 Trustees Reports:

Trustee Breskin-reported on pursuing the Code enforcement issue at Pelpark, the illegal parking has stopped. There is a dumpster at the location of the former gas station. The permit to demo has been issued and the demolition will begin shortly so that the area will be less unsightly. Trustee Breskin appreciates Lester Kravitz 's cooperation.

Trustee Homan-Nothing to report

Trustee Lewis- Nothing to report

Trustee Morris-Nothing to report

Trustee Potocki- stated that he had several things to report. Police Officer Jason Pallett gave a tour of the license plate reader. Trustee Potocki stated that it is unbelievable technology. The scanner is able to read the plate of a car driving by and can determine if the car is stolen, suspended or a scofflaw. He reported that crime is down 5% from 2007 with most of the crimes larcenies of cell phones and Ipods. This drop is thanks to citizens who use their cell

phones to report crimes. As Per Chief Benefico these larcenies are crimes that common sense could avoid by not leaving these items lying around where they can be easily taken. Rob, Pete and Chief Benefico met with the Board of Education regarding the closing of Highbrook Avenue for one hour from 12 to 1 pm in September for lunch recess while the construction is going on at Colonial school. There is to be a meeting in late May, early June at Colonial School for the resident to discuss this. There would be no cars parked on the street all day long. The teachers that park there now would be moved to Irving, out of the way.

Trustee Bullock-Nothing to report

Item # 5 Village Administrator's Report- nothing to report

Item # 6 Public Comment

John Cassone of 312 Seventh Avenue inquired about the status of the strip mall at 33 Lincoln Avenue. Has a permit been issued to clean up the property? He stated that many of the seniors have come up to him to complain about the condition of the property with all of the graffiti, that it is becoming an eyesore and the residents would like to see something done to correct the problem.

Trustee Potocki told Mr. Cassone that there might be an insurance settlement issue related to the property and that the police and Len Russo of the building department were in contact with the owners.

Karen Pellow of the Pelham Preservation asked about tree legislation and where the village stands with it.

Mayor Hotchkiss informed her that a committee to make a comprehensive study of trees and how to deal with them was being formed with Ed Bullock appointed as the head of the committee. The study would address the trees in the parks, on the streets and give guidelines to the residents.

Trustee Homan told her that Martha Conforti, Village Attorney has a draft of the legislation that had been drafted after investigation of other community's laws.

Trustee Potocki said that there should be some restrictions telling homeowners what to do. Ms. Pellow said that she was very involved in looking at trees and could someone from the Pelham Preservation sit on the new village tree committee. She noted that Pelham Preservation had previously talked at length with Richard Slingerland, the former Village Administrator. She reported that Pelham Manor currently has some legislation coming up regarding trees. Pelham Preservation has also talked at length John Pierpont of Pelham Manor and that the two groups were working together to bring this legislation into effect.

Trustee Bullock said that the committee would be looking into the legislation of several communities.

Karen Pellow said that the Pelham Preservation welcomes this move because the real issue is protecting the trees on the streets. Christain Previa of the Pelham Green stated that the trimming by Con Ed is out of control because of the cutting around the electrical wires. He said that the residents need to be shown an example of the replacement policy for trees. He felt that the policy should have been started years ago and that the canopy over the streets needs to be rebuilt.

Trustee Homan said that the tree population in the Village is aging and Village only takes down trees when they are damaged or dying then replacing them.

Trustee Potocki said that even though some of the trees look okay they may still be dying. He reminded residents that they could call the Village to be put on a tree replacement list. He reported that the DOT was replacing trees on Manning Circle at the request of the neighbors in the area.

#### **Item 7: Annual Organizational Resolutions and Mayor's Committee Appointments**

Note: Appointments by the Mayor of Village officials and staff, and appointments by the Mayor to Land Use Boards, require Board approval.

A motion was made by Trustee Homan with a second by Trustee Breskin to adopt the annual organizational resolutions and resolutions of appointment of the following officials. The motion was approved unanimously by vote of seven in favor, none opposed

#### **ANNUAL ORGANIZATIONAL MEETING RESOLUTIONS 2009 RESOLUTIONS OF APPOINTMENT OF THE FOLLOWING OFFICIALS:**

RESOLVED, that Trustee Mia Homan is re-appointed by the Mayor as Deputy Mayor.

RESOLVED, that Robert Yamuder, Village Administrator, of Hawthorne, New York, is hereby appointed as Second Deputy Village Clerk, and appointed as Second Deputy Registrar of Vital Statistics.

RESOLVED, that Robert Yamuder, of Hawthorne, New York, is hereby appointed as Village Treasurer.

RESOLVED, that Mercedes Maldonado, 214 Sixth Avenue, is hereby appointed as Village Attorney.

RESOLVED, that Martha Conforti, Esq. is hereby re-appointed as Village Prosecuting Attorney for the Pelham Court.

RESOLVED, that Robert Wise is hereby re-appointed as Counsel to the Zoning Board of Appeals,

RESOLVED, that Michele Cassandra, Assessor for the Town of Pelham, is hereby re-appointed as the Assessor for the Village of Pelham.

RESOLVED, that Charles Amann, Receiver of Taxes for the Town of Pelham, is hereby re-appointed as Receiver of Taxes for the Village of Pelham.

RESOLVED, that Deborah DelGrosso is hereby re-appointed as Deputy Treasurer, Deputy Registrar of Vital Statistics and Water System Clerk for the Village of Pelham.

RESOLVED, that Terri Rouke is hereby re-appointed as Village Clerk and Registrar of Vital Statistics for the Village of Pelham.

RESOLVED, that Sandra Shriman is hereby re-appointed as Deputy Village Clerk.

RESOLVED, that the First (1<sup>st</sup>) and Third (3<sup>rd</sup>) Tuesdays of every month are hereby designated as the Regularly scheduled Meeting nights of the Village of Pelham Board of Trustees (meetings will begin at 7:30 p.m.), except as the schedule may be otherwise amended from time to time.

#### DESIGNATION OF SIGNATORIES

RESOLVED, that the Mayor, the Deputy Mayor, the Village Administrator, the Village Treasurer, and the Deputy Village Treasurer are hereby authorized to sign checks on behalf of the Village of Pelham.

#### DESIGNATION OF DEPOSITORIES

RESOLVED, that J P Morgan/Chase Bank N.A., HSBC Bank, Commerce Bank, and T.D. Bank North are hereby designated as depositories for the Village of Pelham.

#### DESIGNATION OF OFFICIAL NEWSPAPERS

RESOLVED, that the Pelham Weekly is hereby designated as the official newspaper, and the Journal News is hereby designated as the back-up official newspaper of the Village of Pelham for the ensuing official year.

### **LAND-USE BOARD APPOINTMENTS**

#### **ZONING BOARD OF APPEALS**

RESOLVED, that Kenneth Shirreffs of 146 Loring Avenue, Pelham, is re-appointed by the Mayor as a member of the Village of Pelham Zoning Board of Appeals, to a five-year term that will expire on March 31, 2014.

#### **PLANNING BOARD**

RESOLVED, that Philip Perrorazio of Manning Circle, Pelham, is re-appointed by the Mayor

as a member of the Village of Pelham Planning Board, to a five-year term that will expire on March 31, 2014.

### **ARCHITECTURAL REVIEW BOARD**

RESOLVED, that David Grigg of 235 Elderwood Avenue, Pelham, is appointed by the Mayor to the Village of Pelham Architectural Review Board, filling the vacancy created by the departure of Brian Chabrunn, to a three-year term that will expire on March 31, 2012.

RESOLVED, that Martin Semjen of 41 Boulevard, Pelham, is re-appointed by the Mayor to the Village of Pelham Architectural Review Board, to a three-year term that will expire on March 31, 2012.

### **LIAISON AND CHAIRPERSON APPOINTMENTS**

Trustee Liaison and Chairperson Appointments by the Mayor do not require Board action for advice and consent by the Board, but are included here to be entered into the minutes.

#### **Department Liaisons**

Trustee Greg Breskin is appointed as Liaison to the Building Department;

Trustees Mia Homan and Geoff Lewis are appointed to serve as Liaisons to the Pelham Public Works Department;

Trustee Laura Morris is appointed to serve as the Liaison to the Pelham Fire Department;

Trustee Peter Potocki is appointed to serve as the Liaison to the Pelham Police Department;

#### **Ongoing Liaisons and Committees**

Trustee Greg Breskin is appointed as the Chair of the Boston & Westchester Railroad Open Space Committee.

Trustee Geoff Lewis is appointed as Chair of the Commercial Zoning Review Committee.

Trustee Laura Morris is appointed as Liaison to Parks and Open Space Improvement Projects, including Wolfs Lane Park;

Trustees Peter Potocki and Laura Morris are appointed to serve as the Liaisons to the Flooding Remediation program;

Trustee Geoff Lewis is appointed as Communications Liaison;

Trustee Laura Morris is appointed as Chair of the Village of Pelham "Keep Pelham Clean!" Program.

### **New Liaisons and Committees**

Trustee Ed Bullock is appointed as the Chair of the Employee Benefits Review Committee.

Trustee Greg Breskin is appointed as the Liaison to the Pelham Chamber of Commerce;

Trustee Ed Bullock is appointed as Chair of the Village Tree Committee and the Liaison for Environmental Projects.

### **Item #8 Public Hearing on the Proposed Village of Pelham Budget for Fiscal Year June 1, 2009, through May 31, 2010.**

John Cassone of 312 7<sup>th</sup> Avenue praised the board on doing a great job with this year's proposed budget. Mr. Cassone said that it came in with a realistic number and that he hopes that the practice continues in the future. Trustee Homan thanked Administrator Slingerland and Director of Finance Shirley Brown for listening to the Board's direction and bringing in the budget with low numbers.

Summary is based on the Proposed Budget and amendments to date:

The Village's Fiscal Year runs from June 1 through May 31 every year. By State Law, Village Budgets must be adopted on or before April 30 of every year. Currently, the budget adoption is scheduled for April 28, 2008 at 7:30 p.m.

Home Values in Pelham increased overall by .94%.

Commercial Property Values in Pelham increased overall by 4.15%.

The Tax rate has increased slightly by 1.924% for homeowners, and it has increased slightly by 2.035% for commercial properties.

The Tax Levy was Proposed at \$8,281,114, up from \$7,963,003. Initial Proposed Tax Levy Increase was 3.9949%, but with cuts in expenses and small increases in some revenues, it is currently 3.3796%.

The increase in the Tax Levy, combined with the increase in home values, is the most true indicator of the tax impact on the homeowner.

The reason is that all properties in Pelham Village and Pelham Manor Village, within the Town of Pelham, are maintained at Full Value Assessments, which reflects changes in market values. These values are updated by the Assessor every year.

Impact on the Average Homeowner:

Average House Value – Using an Average assessment in Pelham of about \$810,000 from last year, the average assessment this year would be about \$763,000.

| Tax Rates: | Last Year<br>2008-2009 | Proposed<br>2009-2010 | As Revised<br>2009-2010 |
|------------|------------------------|-----------------------|-------------------------|
| Home:      | \$5.482565             | \$5.621303            | \$5.588043              |
| Non-Home:  | \$7.596042             | \$7.796723            | \$7.750592              |

The Board has already held 3 Budget Work Sessions, which have been open to and attended by the Public. Adoption is scheduled for April 28, 2008.

Item #9: Site Plan Application by CCR Group, LLC Avenue for Proposed Green Office Building

Architect Ray Beeler gave a brief presentation showing the plans for the first green office building to be located in the village at 404 Fifth Avenue. He introduced the owners, Carmine Lippolis, Charlie Small and Rob Doria (not in attendance at the meeting). Mr. Beeler listed all of the green features stating that the decisions that were made were based on environmental concerns. The idea is to fill up as much of the site as possible and to create as much street edge as possible. The parking spaces created is enough on site for the entire building. The back of the building is now on stilts and in the plans the entire back of the property is proposed parking.

Barbara Bartlett of the ARB stated there was very little change to the original plans submitted to the ARB, that it was a well thought out building and made it through the ARB in two meetings.

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

**RESOLUTION**  
**AUTHORIZING THE SITE PLAN FOR PROPOSED GREEN OFFICE BUILDING (CCR**  
**GROUP,LLC)**  
**AT 404 FIFTH AVENUE**

**RESOLVED**, that the application for a Site Plan to construct a proposed green office building 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 office building must be built in accordance with plans received by the Village and approved by the Planning Board in their memo dated March 10, 2009;

2. That the office building must be built in accordance with plans received by the Village and approved by the Architectural Review Board in their memo dated April 6, 2009;
3. That the Village of Pelham Board of Trustees approves of the building height as provided in article XV section 98-102 (C) of the Village of Pelham Zoning Code.
4. That Grading and Drainage on the sites as shown on the plans approved by the Planning Board and
5. 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;
6. Any other actions deemed necessary by the Mayor, Village Administrator, Building Inspector, and other officials of the Village of Pelham.
7. That the application and permit shall remain subject to the continued jurisdiction of the Board of Trustees.
8. 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;

**AND, BE IT FURTHER RESOLVED**, that this application for a site plan by CCR Group, LLC for 404 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, Village Administrator, Building Inspector and officials of the Village of Pelham are authorized to take the necessary and appropriate actions to effect this site plan approval.

Item #10 Tax Certiorari Settlement and Payment authorizations for 103-109 Wolfs Lane and 163 Wolfs Lane

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

AUTHORIZING A TAX CERTIORARI JUDGMENT  
FOR 103-109 WOLFS LANE  
FOR 163 WOLFS LANE;  
AS AUTHORIZED BY THE TOWN OF PELHAM  
FOR ASSESSMENT YEARS 1998 THROUGH 2007  
(CORRESPONDING TO FY 1999-2000 thru FY 2008-2009)

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 Den-Ra Realty and 163 Wolfs Lane Auto Service Corp. 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> |
|--------------------|---------------------------|--------------------------|----------------|
| 103-109 Wolfs Lane | 163.44 – 1 – 1            | 1998-2007                | \$8,314.51     |
| 163 Wolfs Lane     | 163.51 – 1 – 32           | 1998-2007                | \$4,521.42     |

|        |             |
|--------|-------------|
| Total: | \$12,835.93 |
|--------|-------------|

In the total amount of twelve thousand eight hundred thirty-five dollars and ninety-three cents (\$12,835.93), 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 11:Grants Awarded and Pending- the presentation by Administrator Yamuder was tabled until a future meeting.

Item 12 :Authorizing Accounts Payable

Trustee Breskin had audited the vouchers, and all questions were answered. A motion was made by Trustee Lewis, with a second by Trustee Bullock to adopt the resolution. The motion was approved unanimously 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             | \$ 184,295.06  |
| Water Fund               | \$ 50,417.73   |
| Capital Projects Fund    | \$ 55,770.75   |
| Trust and Agency Fund    | \$ 281.25      |
| H3 Fund                  | \$ 0.00        |
| TE Expandable Trust Fund | \$ <u>0.00</u> |
| Grand Total              | \$ 290,764.79  |

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

Item #13 – Other Business: None

Item #14 – Minutes: Jan 13<sup>th</sup>, Jan 27<sup>th</sup> and Feb 10<sup>th</sup> Feb 24 & Mar. 10:

The minutes of and Feb. 10<sup>th</sup>, Feb 24 & Mar. 10, 2009 tabled until the next scheduled Board of Trustees meeting on Tuesday, April 28, 2009.

A motion was made by Trustee Homan, with a second by Trustee Potocki to adopt the minutes of January 13, and Jan. 27<sup>th</sup>, 2009. The motion was approved by vote of seven in favor, none opposed.

Item #15: Executive Session

A motion was made by Trustee Lewis, with a second by Trustee Potocki, the Board voted to go into Executive Session immediately after the board meeting is adjourned to discuss matters of personnel and contract. The motion was approved by vote of seven in favor, none opposed.

Item 16: Adjournment

A motion was made by Trustee Lewis, with a second by Trustee Potocki to adjourn the public portion of the board meeting at 9:45 p.m., and go into Executive Session, after which the Board would adjourn for the evening. The motion was approved by vote of seven in favor, none opposed.

Respectfully submitted

Terri Rouke, Village Clerk

