

VILLAGE OF PELHAM BOARD OF TRUSTEES  
 REGULAR MEETING  
 TUESDAY, APRIL 23, 2013, 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

# Agenda Items:

<b>Non-Recurring Items</b>		
7.	Organizational Meeting and Mayoral Appointments to Land Use Boards, Appointments of Committee Chairpersons, and Assignment for Board Liaisons	<b>Approved</b>
8.	Fiscal Year 2013-2014 Village of Pelham Budget Adoption, All Resolutions	<b>Approved</b>
9.	Public Hearing for Local Law #2-2013 a Local Law to Revise the Regulation of Sidewalk Cafes in the Business Districts	<b>Continuation Approved</b>
10.	Authorizing the Annual Chamber Of Commerce Street Fair to Take Place on Sunday, June 23, 2013	<b>Approved</b>
11.	Authorizing the Schematic Plan for Trotta Park Renovation	<b>Approved</b>
<b>Reports and Other Business</b>		
12.	Other Business	<b>None</b>
<b>Recurring Items</b>		
13.	Authorizing Accounts Payable	<b>Approved</b>
14.	Authorizing Minutes of: April 9, 2013	<b>Approved</b>
15.	Adjournment	<b>Approved</b>

Next Regularly Scheduled BOT Meeting:  
 Tuesday, May 7, 2013  
 Tuesday, May 21, 2013

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

Item #1 – Meeting called to order: The meeting of the Board of Trustees was called to order by Mayor Cassidy at 7:40 p.m.

The following members of the Board of Trustees were present:

Mayor Cassidy, Trustees Kagan, McGoldrick, Senerchia, Mutti, Marty, and Volpe

The following members of the Board of Trustees were absent:

None

Village staff in attendance:

Village Administrator Robert Yamuder and Secretary to the Village Administrator Peter Bonington

Item #2 – Pledge of Allegiance:

The Pledge of Allegiance was led by Mayor Cassidy.

Reports:

Mayor Cassidy Report

None

Trustees Reports:

Trustee Kagan

None

Trustee Marty

None

Trustee McGoldrick

Trustee McGoldrick wished William Shakespeare's a happy birthday.

Trustee Mutti

Trustee Mutti said she attended a Tree Committee lecture at the Pelham Public Library regarding tree maintenance around the Village. She added the Pelville Association is fundraising for the hanging baskets along 5<sup>th</sup> Avenue. She said there are still opportunities for residents to donate at the Pelville Association website [www.pelville.org](http://www.pelville.org).

Trustee Senerchia

None

Trustee Volpe

None

Village Administrator's Report

None

Item #6–Public Comment

Frank Reese of Wolfs Lane Designer Consignment store introduced himself to the Board. He said he recently opened his establishment in Pelham and Trustee Mutti had recommended he come during public comment to let the public know about the store.

Mayor Cassidy and the Board welcomed Mr. Reese and wished him good luck.

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

**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 McGoldrick and seconded by Trustee Kagan to adopt the resolution. The vote was approved by a vote of seven in favor, none opposed.

ANNUAL ORGANIZATIONAL MEETING RESOLUTIONS 2013  
RESOLUTIONS OF APPOINTMENT OF THE FOLLOWING OFFICIALS:

RESOLVED, that Trustee Michael Volpe is appointed by the Mayor as Deputy Mayor.

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

RESOLVED, that Cathy King, 105 Pelhamdale 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 John Nesi, 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 Peter Bonington is hereby re-appointed as Secretary to the Village Administrator.

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 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 David Brown of 134 Cliff Avenue, Pelham, is 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, 2018.

### **ARCHITECTURAL REVIEW BOARD**

RESOLVED, that Barbara Bartlett of 314 Pelhamdale Avenue, 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, 2016.

RESOLVED, that Nigel Scott Williams of 5 Pine Avenue, Pelham, is appointed by the Mayor to the Village of Pelham Architectural Review Board, to a three-year term that will expire on March 31, 2016.

### **TRUSTEE LIAISON APPOINTMENTS**

Note: Trustee Commissioner, Liaison, and Committee 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.

Trustee Michael Volpe is appointed by the Mayor to serve as:

- Deputy Mayor;
- Fire Department Liaison;
- Community Liaison for Parking Issues;
- HUD Liaison.

Trustee Susan Mutti is appointed by the Mayor to serve as:

- Public Works Department Liaison;
- Community Liaison for Parks and Open Spaces;
- Liaison for MTA/Metro North;
- Chairperson of Village Tree Committee.

Trustee Joseph Senerchia is appointed by the Mayor to serve as:

- Police Department Liaison;
- Community Liaison for Flooding Issues;
- Liaison to Chamber of Commerce.

Trustee Adam Kagan is appointed by the Mayor to serve as:

- Liaison to Administration Office Staff;
- Liaison for Employee Benefit Matters;
- Liaison to United Water Company;
- Liaison for Village Technology.

Trustee Joe Marty is appointed by the Mayor to serve as:

- Chairperson of Commercial/Zoning Review Committee;
- Liaison for Sanitation Services;
- Liaison for Village Communications.

Trustee Paul McGoldrick is appointed by the Mayor to serve as:

- Chairperson of the Site Plan Review Committee;
- Liaison to the Building Department and Land Use Committee;
- Community Liaison for Environmental Issues.

Item #8– Fiscal Year 2013-2014 Village of Pelham Budget Adoption, All Resolutions

Mayor Cassidy said the Board will now approve the resolutions to adopt the budget for Fiscal Year 2013-2014. He stated he felt the Board had delivered a fair and balanced budget.

John Cassone of 7<sup>th</sup> Avenue thanked the Board for delivering a budget that is below the property tax cap and one that is below the Pelham Manor tax levy as well.

Summary is based on the Tentative 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 23, 2013 at 7:30 p.m.

Home Values in Pelham decreased overall by 3.709%

Commercial Property Values in Pelham decreased overall by 1.181%

The Tax rate has increased by 5.990% for homeowners, and it has increased by 6.235% for commercial properties.

The Tax Levy was proposed at \$10,700,269 up from \$10,038,058. Initial Proposed Tax Levy Increase was 6.5970%, but with cuts in expenses and small increases in some revenues, and appropriation of fund balance, the revised tax levy is \$10,295,903 and is currently at 2.568%.

The increase in the Tax Levy, combined with the decrease in home values, is the truest 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 \$635,307.00 vs. \$659,664.00 for 2012, the average homeowners taxes would increase from \$4,955.00 to \$5,058.00.

Tax Rates:	Last Year 2012-2013	Proposed 2013-2014	As Revised 2013-2014
Home:	\$7.51148	\$8.2741	\$7.961427
Non-Home:	\$10.3977	\$11.4799	\$11.046026

The Board has already held 4 Budget Work Sessions, which have been open to and attended by the Public. Adoption is scheduled for April 23, 2013.

In connection with approval of the budget for Fiscal Year 2013-2014, the Board of Trustees should adopt the following resolutions tonight.

- A. Resolution with Amendments and Revisions to the Proposed Budget
- B. Resolution for Budget Adoption
- C. Resolution to Levy Taxes
- D. Resolution Authorizing Investments
- E. Resolution Authorizing Levy of Additional Taxes

BUDGET RESOLUTION A  
VILLAGE OF PELHAM – APRIL 23, 2013  
RESOLUTION AMENDING AND REVISING THE  
PROPOSED 2013-2014 VILLAGE BUDGET

WHEREAS, the Board of Trustees has met at the times and places specified on the proposed budget and heard all persons desiring to be heard thereon; and, subsequently consulted with the appropriate Village officials on the contents thereof and determined that certain modifications would be desirable.

NOW, THEREFORE, BE IT RESOLVED that the budget be amended and revised as follows:

## Summary of Changes to 2013-14 Proposed Budget

<u>Review Date</u>	<u>Page #</u>	<u>Acct #</u>	<u>Detail</u>	<u>Proposed</u>	<u>Revised</u>	<u>Change</u>
due to Fire	11	A1930.930	Judgements & Claims	293,000	187,500	105,500
Contract	12	A1990.990	Contingency	300,000	300,000	0
"	15	A3410.101	Fire- Pers. Serv.Regular	1,234,408	1,332,014	-97,606
"	26	A9030.935	Social Security	464,000	471,500	-7,500
"	27	A9060.960	Hospital & Dental	1,727,000	1,735,000	-8,000
"	28	A9085.800	Firemen Retirement Supplement	57,965	65,760	-7,795
						0
Meeting 4/1/13	17	A3620.404	Building Dept Prof. Dues	300	100	200
	17	A3620.404	Building Dept supplies &materials	800	600	200
						0
Meeting 4/2/13	16	A3410.120	Fire - Overtime	250,000	185,000	65,000
	16	A3410.121	Fire Training Overtime	25,000	15,000	10,000
	16	A3410.201	Fire - Equipment	24,000	10,000	14,000
	16	A3410.451	Fire Truck Repair	15,000	10,000	5,000
	14	A3320.201	On Street - Equipment	6,000	7,000	-1,000
	20	A5989.415	Traffic Supplies & Materials	15,000	13,000	2,000
Meeting 4/3/2013						
	4	A1010.415	Bd of Trustees-Mat & Supplie	1,500	250	1,250
	7	A1410.407	Village Office- Notices	7,000	4,000	3,000
	7	A1410.408	Village Office- Record Manage	6,000	3,000	3,000
	8	A1620.201	Village Hall Equipment	13,800	5,000	8,800
	11	A1950.952	Web Site Design	5,650	3,500	2,150
	13	A3120.122	Police - Compensated Absences	65,000	40,000	25,000
	14	A3120.453	Police - Maint. Of Equipment	17,000	15,000	2,000
	16	A3510.400	Animal Control Services	10,000	0	10,000
						0
	5	A1230.100	Administrator Pers. Services	162,877	166,085	-3,208
	5	A1325.100	Treasurer - Per. Services	156,668	153,901	2,767
	6	A1410.100	Village Clerk - Per Serv	59,745	62,940	-3,195
	17	A3620.100	Building Inspector - Per. Ser	91,403	93,201	-1,798
	15	A3410.102	Fire - Per. Serv- Fire Chief	56,100	57,222	-1,122
	13	A3120.100	Police Per Ser. Police Chief	150,582	153,594	-3,012
	13	A3120.100	Police Per Ser. Police Ltd	135,038	137,739	-2,701
	13	A3120.104	Police Per. Serv. Clerical	15,888	16,206	-318
	13	A3120.105	Police Per. Serv -Crossing Guards	112,395	114,623	-2,228
	13	A3120.106	Police Per Serv - Code Enforce	104,895	106,992	-2,097

18	A5110.100	Highway Per Serv - Foreman	93,784	95,660	-1,876	
11	A1930.930	Judgements & Claims	187,500	152,000	35,500	
12	A1990.990	Contingency	300,000	260,000	40,000	
10	A1900.915	Dep. Head Incentives	25,000	0	25,000	
20	A5142.415	Snow Removal Supplies & Materials	75,000	65,000	10,000	
Meeting 4/8/2013					0	
8	A1620.201	Village Hall Equipment	5,000	10,000	-5,000	
18	A5110.107	Street Maint. PerSer. Seasonal	55,000	20,000	35,000	
13	A3120.200	Police Vehicles	0	40,000	-40,000	
<b>CHANGES TO</b>	<b>PRELIMINA RY</b>	<b>BUDGET PRESENTED AT 4/15/2013 BUDGET</b>	<b>HEARING</b>			
	11	A1930.930 Judgements & Claims	152,000	146,572	5,428	
	12	A1980.400 MTA Payroll Tax	20,000	17,000	3,000	
	15	A3410.101 Fire - Pers. Service	1,332,014	1,340,442	-8,428	
	To reflect correction for Fire Dept. salary schedule				0	
			<u>13,648,94</u>		<u>216,911</u>	
			<u>2</u>			
Budget and Tax Rate Change	2012-2013 adopted		13-14	\$ Chg Yr-Yr	% Levy Incr	
Expenditures and Transfers	12899631		Propd 13,432,03	532,400	4.127%	
	Levy 10038058		10,295,90	257,845	2.569%	
	Amount to comply with 2% Tax		10,306,40	0		
	Cap		7			
<b>Revenues</b>						
<u>Review Date</u>	<u>Page #</u>	<u>Acct #</u>	<u>Detail</u>	<u>Proposed</u>	<u>Revised</u>	<u>Change</u>
4/3/2013	1	A.1740	On-Street Parking Meters	410000	400000	-10,000
	2	A.2830	Inter Fund Transfer Capt. Fund	50000	60000	10,000
	3	A.4000	Approp Fund Balance (FEMA)	0	187455	187,455
						0
						0
						0
						0
						0
						0
						0
						0
						187,455
			Orig. Amount raised by taxes	10,700,26	10,295,903	-404,366
			Revenues Other than taxes	2,948,673	3,136,128	187,455
			Appropriated Fund Balance	0	0	
			Total Taxes and Revenues & App.Fund Bal	13,648,94	13,432,031	-216,911

CAPITAL PROJECTS  
FUND

4/8/2013

EXPENSE

				0
55 H3120.203	Police Vehicles	78,000	0	-78,000
55 H3410.201	Fire Equipment	36,000	22000	-14,000
55 H3410.202	Fire Chief Vehicle	40,000	0	-40,000
55 H5110.202	Highway Road Resurfacing	130,000	0	-130,000
55 H5110.203	CHIPS Road Resurfacing	82,400	104355	21,955
56 H5110.206	Highway - Bucket Truck	100,000	0	-100,000
56 H55650.20	Parking Lot Deck 2 Impts	150,000	0	-150,000
1				
57 H8140.404	7th Ave Flood Remediation FEMA	166,667	0	-166,667
57 H8140.405	6th St Flood Remediation FEMA	66,667	0	-66,667
57 H8140.406	4th Ave Flood Remediation FEMA	749,500	0	-749,500
57 H9901	Interfund Transfer to General Fund	50,000	60000	10,000
	Total			-1,462,879

REVENUE

54 H3501	State Aid CHIPS	82,400	104,355	21,955
54 H3504	Fed Grants Storm Sewers	1,077,500	340,000	-737,500
54 H4000	Appropriated Fund Balance	50,000	60,000	10,000
54 H5731	Bond Anticipation Notes	1,143,516	386,182	-757,334
	Total			-1,462,879

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

BUDGET RESOLUTION B  
VILLAGE OF PELHAM  
APRIL 23, 2013

BUDGET ADOPTION RESOLUTION

**RESOLUTION ADOPTING A BUDGET FOR THE FISCAL YEAR COMMENCING JUNE 1, 2013 AND ENDING MAY 31, 2014 MAKING APPROPRIATIONS FOR THE CONDUCT OF THE VILLAGE GOVERNMENT AND ESTABLISHING THE RATES OF COMPENSATION FOR OFFICERS AND EMPLOYEES FOR SUCH PERIOD.**

WHEREAS, this Board of Trustees has met at the time and place of April 9, 2013, as specified in the Notice of Public Hearing on the preliminary budget and heard all persons desiring to be heard thereon.

**NOW, THEREFORE, BE IT RESOLVED** that the budget as amended at Work Sessions held on Monday, April 1, 2013, Tuesday, April 2, 2013, Wednesday April 3, 2013 and Monday, April 8, 2013 and as presented at the Budget Hearing held on Monday, April 15, 2013 as hereinafter set forth is hereby adopted and the salaries and wages stated in the Salary Schedule of the budget are fixed at the amounts shown and are effective June 1, 2013, unless provided for by other means.

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

**BUDGET RESOLUTION C**  
**VILLAGE OF PELHAM**  
**RESOLUTION LEVYING TAXES**  
**FOR FISCAL YEAR 2013-2014**  
**APRIL 23, 2013**

RESOLUTION DATED APRIL 23, 2013, LEVYING THE 2013 VILLAGE TAX, ESTABLISHING THE TAX RATE, FIXING DATES OF PAYMENT.

WHEREAS, pursuant to Section 5-508 of the Village Law, the Board of Trustees has adopted the Village Budget for the fiscal year commencing June 1, 2013 and ending May 31, 2014, and WHEREAS, such budget as adopted establishes a general Village tax levy of \$10,295,903 for this period.

NOW THEREFORE, BE IT RESOLVED that there are levied and assessed the sum of \$10,295,903 against all taxable real property and special franchise in the Village, pursuant to this budget, as adopted, and the 2013 Village tax rate is set at \$7.961427 per thousand dollars of assessed valuation for Homestead Properties and \$11.046026 per thousand dollars of assessed valuation for Non-Homestead Properties. The Collector of Taxes is hereby authorized and directed to extend and carry out upon the 2013 tax roll the amount to be levied against each parcel of real property and each special franchise shown thereon,

AND BE IT FURTHER RESOLVED, that pursuant to Section 1432 of the Real Property Tax Law, taxes levied as aforesaid are due June 1, and payable by June 30, 2013, and the dates and rates of interest shall be set as follows:

Payment Due:        Due June 1, 2013

From June 1, 2013 to June 30, 2013 - No Interest  
 On July 1, 2013 - 5% will be added and 1% additional on the first day of each month thereafter until paid.

BUDGET FOR THE VILLAGE OF PELHAM  
 FOR THE FISCAL YEAR JUNE 1, 2013 TO MAY 31, 2014

GENERAL FUND

Government Support.....	\$1,546,217
Public Safety.....	\$5,470,315
Transportation.....	\$968,912
Home & Community Services.....	\$866,200
Employees' Benefits.....	\$4,050,692
Debt Service Payments.....	\$514,695
Transfer to Capital.....	\$15,000
<b>TOTAL</b>	<b>\$13,432,031</b>

Less Estimated Revenue.....	\$2,948,673
Tax Levy.....	\$10,295,903
Assessed Valuation: HOMESTEAD.....	\$1,062,234,054
Tax Rate Per Thousand: Homestead.....	\$7.961427
Assessed Valuation: NON-HOMESTEAD.....	\$166,485,558
Tax Rate Per Thousand: Non-Homestead .....	\$11.046026

The total amount of local assistance to the General Fund anticipated to be received from the State of New York during the fiscal year 2013-2014..... \$73,154

RATES OF INTEREST

Payment Due: Due June 1, 2013  
 From June 1, 2013 to June 30, 2013 - No Interest  
 On July 1, 2013 - 5% will be added and 1% additional on the first day of each month thereafter until paid.

**PLEASE NOTE:** It is the taxpayer's responsibility to remember the due date of the tax payment – JUNE 1, 2013 payable without interest until June 30, 2013

SENIOR CITIZENS: You may be eligible for tax exemption if you are age 65 and over.

For more information, please call or write:

Town Receiver of Taxes  
34 5<sup>th</sup> Avenue  
PELHAM, NY 10803  
914-738-1642

or

Town Tax Assessor  
34 5<sup>th</sup> Avenue  
PELHAM, NY 10803  
914-738-2878

### THIRD PARTY NOTIFICATION

Under New York State Law (Chapter 758, Laws of 1986) if you are either 65 years of age or older or disabled and own and occupy a 1, 2, or 3 family residence, you may designate a consenting adult third party to receive duplicate copies of your tax bills and notice of unpaid taxes until further notice. Applications may be obtained in person from the Tax Office, 34 5<sup>th</sup> Avenue, Pelham, New York 10803 or by mail if you include with your request a self-addressed stamped envelope.

Applications for third party notification must be filed with the Receiver of Taxes no later than June 1, 2013.

### TAX SCHEDULE

JANUARY:	Second Half School Taxes Town of Pelham
APRIL:	Town Taxes Town of Pelham
JUNE:	Village Taxes are due w/o interest by June 30 <sup>th</sup> To: Village of Pelham (Town Receiver of Taxes)
SEPTEMBER:	First Half School Taxes Town of Pelham

**The data used to calculate real property taxes due is shown in Appendix 4 of the 2013-2014 Village of Pelham Budget.**

**The Village of Pelham, Assessed under Full Valuation by the Town of Pelham, shall submit assessment information in compliance with the applicable Section of the Real Property Tax Law.**

If you feel your assessment is too high, you have the right to seek a reduction in the future. Applications for challenging your assessment and a copy of the booklet "How to File a Complaint about Your Assessment" are available at the Assessment Office.

Any tax questions can be answered by calling the Town of Pelham Tax Assessor at 738-2878 or the Town of Pelham Receiver of Taxes at 738-1642 for Village, School or Town tax information.

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

**BUDGET RESOLUTION D  
2013-2014 VILLAGE OF PELHAM BUDGET  
AUTHORIZATION FOR INVESTMENTS**

RESOLVED, that the Village Administrator/Treasurer and/or Deputy Treasurer, during the fiscal year beginning June 1, 2013 are authorized to invest monies not needed for immediate expenditure in accordance with the provisions of the General Municipal Law, the Local Finance Law and the Village's investment policy.

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

**BUDGET RESOLUTION E  
2013-2014 VILLAGE OF PELHAM BUDGET  
RESOLUTION AUTHORIZING THE LEVY AND COLLECTION  
OF ADDITIONAL TAXES UPON TERMINATION OF EXEMPT STATUS**

RESOLVED, that the Town Assessor and Receiver of Taxes, during the fiscal year beginning June 1, 2013 are authorized to levy and collect additional Village taxes upon termination of exempt status of real property in accordance with provisions of Section 494 of the Real Property Tax Law.

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

Item #9– Public Hearing For Local Law #2-2013 A Local Law To Revise The Regulation Of Sidewalk Cafes In The Business Districts.

Mayor Cassidy said the Board intends to open a public hearing to consider revisions to the Village Code regulations governing sidewalk cafes.

Village Prosecutor Martha Conforti said she had a meeting with Building Inspector Len Russo, Village Clerk Terri Rouke, and Trustee Paul McGolrick to discuss the feasibility of implementing changes to

the Code to simplify the process and allow more restaurants to take advantage of the sidewalk café permit. She said the current Code language states that outdoor establishments require wait staff and the use of china dishes and cups in order to receive a permit. The new revisions will remove these stipulations as well as revise the process by which the permit is approved and issued.

Trustee Volpe thanked Ms. Conforti for her work. He said in his reading of the proposed language the process would involve the Architectural Review Board (ARB) receiving the application but the approval comes from the Building Inspector. He asked if involving the ARB would create extra steps in the process.

Ms. Conforti stated that ideally the permit application would go the Village Clerk and then be approved by the Building Inspector based on his inspection and reading of the Village Code. She said however she did not want to remove the ARB from the equation without consulting the Board.

Trustee Kagan asked if the Board could research whether the permitting process could be crafted without the input of the ARB. He said if it makes the process easier it might be worth looking into but suggested they consult the ARB first.

Trustee McGoldrick stated the ARB would disagree with being excluded from the permitting process. He said in a conversation he had with Barbara Bartlett, she expressed the view that the ARB protects the Village from outlandish streetscapes that while conforming to the Code may be unsightly.

Shiv Davadi, President of the Pelham Chamber of Commerce said the Board could revise the Code to have an exact standard for sidewalk cafes by creating a distance requirement between the street and the façade of the building. He said that would avoid the involvement of the land use boards and simplify the process.

Administrator Yamuder said the sidewalk café permits are issued on a case-by-case basis and the circumstances of each establishment are all different from each other. He advised against enacting a “one-size-fits-all” approach to avoid confusion and conflicts. He said the Building Inspector is responsible for determining the feasibility on a case-by-case basis.

Trustee Marty stated that the ARB has done good work for the Village in the past, however, he agreed with Trustee Volpe about simplifying the process.

Mayor Cassidy said he understood Trustee Volpe's point about keeping the process simple. He said the Board should consult the ARB for their comments on these proposed changes. He said the purpose of these changes should be to make the permitting process simple and effective.

Trustee Volpe suggested the Board should implement some changes now to allow commercial property owners to take advantage of the permit this season and continue to work on the bigger issues and add them as changes later on after more research has been completed. He said while a

complete overhaul would be good; it would take too much time and the commercial property owners would be left without the possibility of getting a permit.

Trustee McGoldrick said he would be fine with that option as long as safety requirements were included in the short list of proposed immediate changes.

Ms. Conforti stated if the Board makes substantive changes to the proposed law before them; they will have to re-advertise the law to allow the public a chance to read and comment on the changes.

Mayor Cassidy asked if the Board could have a new draft with simpler changes made to review by the next Board meeting. He said the ARB would also be consulted before the next meeting on May 7, 2013.

Trustee Kagan suggested removing the wait staff, the use of china, and safety considerations should be included in the short list of proposed changes.

Mark Robbins of DeCicco Market asked if the Board would consider extending the permitting period next year from March 1, 2014 to November 15, 2014. He said there are some nice days in March and April and would like to be able to offer the sidewalk café to patron for an extended period of time during the season.

A motion was made by Trustee Volpe and seconded by Trustee McGoldrick to continue the public hearing. The vote was approved by a vote of seven in favor, none opposed.

**LOCAL LAW NUMBER 2 OF 2013**

**A local law to revise  
the regulation of  
sidewalk cafes in the  
business districts.**

**Be enacted by the Board of Trustees of the Village of Pelham as follows:**

**SECTION 1**

Chapter 75 of the Code of the Village of Pelham is repealed, and the following new Chapter 75 is adopted:

**SIDEWALK CAFÉ LAW**

**§75-1. Purpose and intent.**

The purpose of this chapter is to regulate outdoor cafes in the business districts of the Village of Pelham in order to:

- A. Protect and enhance the physical appearance of the downtown business districts;
- B. Create a more attractive and economic environment;
- C. Protect the safety and health of the public;
- D. Provide pedestrians with clear passage on the sidewalks where sidewalk cafes are located;
- E. Ensure access to adjacent commercial and retail establishments;
- F. Minimize noise disturbance to residential neighbors; and
- G. Reduce distractions and obstructions that may contribute to accidents.

**§75-2. Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

**FOOD SERVICE ESTABLISHMENT** – A location where food is prepared and intended for individual portion service and which in order to operate requires a permit from the Westchester County Department of Health.

**Furnishings** Umbrellas, barriers such as railings and planters, and other movable fixtures of the sidewalk café.

**Furniture** Tables and chairs.

**Sidewalk café** An outdoor eating area that is:

- 1. Located on a public sidewalk adjoining food service establishment;
- 2. Operated by the adjacent food service establishment;
- 3. Comprised of readily movable furniture and furnishings; and
- 4. Open to the air, except that a retractable awning is permitted.

**§ 75-3. Permit required for sidewalk cafes.**

- A. All sidewalk cafes must have a permit.
- B. Sidewalk café permits are valid only through November 15 of the year that the permit is issued.

**§ 75-4. Application procedure for a sidewalk café permit.**

Applications for a permit issued pursuant to this chapter shall be submitted on the prescribed forms available from the Village Clerk and shall include:

- A. The name, address, title, telephone number, and signature of the food establishment's owner and/or operator, who is applying for a sidewalk café permit;
- B. The name, address and telephone number of the property owner as well as the property owner's written consent to the application for an outdoor café permit if the applicant for the sidewalk café permit does not own the property where his or her food service establishment is located;
- C. A drawing or rendering of the placement of furniture and furnishings that will be part of the outdoor café;
- D. Applications for a sidewalk café permit must be submitted to the Village Clerk at Village Hall during regular business hours.
- E. Applications for a sidewalk café permit shall be referred to the Architecture Review Board for its recommendation regarding whether the proposed furniture and furnishings of the proposed sidewalk cafe meet the requirements of this chapter.
- F. After the Building Inspector has received the Architectural Review Board's recommendation, the Building Inspector will either approve the application or will provide the applicant with a written statement giving the reasons for the denial of the outdoor café permit. An applicant can appeal the disapproval of an application for a sidewalk café permit to the Board of Trustees within thirty days of the date of the Building Inspector's disapproval of the application.

**§75-5. The sidewalk café permit.**

After the Building Inspector has approved an application of a sidewalk café permit, the Village shall issue the sidewalk café permit after the applicant has provided the Village with:

- A. Payment of the permit fee established by resolution of the Village Board of Trustees; and
- B. Satisfactory proof of the insurance required by §75-6.

**§75-6. Insurance requirements**

- A. Before the Village grants a sidewalk café permit, the applicant must file with the Village Clerk a certificate of insurance for an insurance policy:

- (1) Issued by an insurance company authorized to do business in New York State;
  - (2) Listing the Village of Pelham as an additional insured on the policy; and
  - (3) Indemnifying and saving harmless the Village from any and all judgments, costs or expenses which the Village may incur or suffer by reason of granting the applicant a sidewalk cafe permit.
- B. The required insurance policy and each insurance certificate must have endorsed thereon: "No cancellation of or change in this policy will become effective until after the sidewalk café has been closed for the rest of the licensing period or until after thirty (30) days' written notice of such cancellation or change has been given by registered mail to Village Clerk, Village of Pelham, New York 10803.
- C. The required insurance must be in effect throughout the operation of the sidewalk café in the amounts set by resolution of the Board of Trustees.

**§75-7. Seasons and hours of operation of sidewalk cafes.**

- A. Sidewalk cafes may operate only from April 15 through November 15.
- B. Sidewalk cafes shall not operate before 8:00 AM or after 10:00 PM.

**§75-8. Permissible locations of outdoor cafes.**

- A. Sidewalk cafes may be located on public property in the business districts of the Village of Pelham.
- B. The location of a sidewalk café must not impede or obstruct pedestrian or vehicular traffic.
- C. To allow adequate pedestrian movement there shall be a minimum of four feet of open space on the sidewalk, exclusive of the area occupied by the sidewalk café, and that open space must be free of all obstructions, including by not limited to street trees, parking meters, fire hydrants, and lamp posts.
- D. Sidewalk cafes shall not interfere with any public service facilities, such as telephones, bus stops, crosswalks, mailboxes or benches located on the sidewalk or the public right-of-way.
- E. The Building Inspector shall determine the specific locations of tables, chairs and any other structures related to the sidewalk café.
- F. A sidewalk café shall be located only directly in front of the food service establishment with which it is associated, and it shall be operated solely in conjunction with that food service establishment.

**§75-9. Other regulations pertaining to sidewalk cafes.**

A. Regulations pertaining to furniture and furnishings

- (1) All furniture shall be uniform, non-folding, made of metal or wood, and of the same color. Tabletops shall be round or square and shall not exceed 36 inches in diameter or in the length of each side. No furniture shall display lettering, numbers or pictorial matter.
- (2) Furnishing must be a solid color. No furnishing shall display lettering, numerals or pictorial matter. All umbrellas must be secured in a device intended to anchor the umbrellas. There must be a clearance of seven feet between the sidewalk and the lowest edge of the umbrella.
- (3) If the sidewalk café has three or more tables, an easily visible barrier, such as railings or planters, must delineate the café area.
  - (a) The minimum height of such barrier shall be 36 inches, unless the barrier is comprised of planters. The minimum height of a barrier of planters shall be 36 inches inclusive of the plants.
  - (b) The maximum height of such barrier shall be four feet, unless the barrier is comprised of planters. The maximum height of a barrier of planters is six feet provided that plants make up at least two feet of the barrier's height.
- (4) All furniture and furnishings shall be kept clean and in good condition.
- (5) The holder of the sidewalk café permit shall remove all the chairs and umbrellas of the café each night when the restaurant closes.
  - (6) When the food service establishment with the sidewalk café permit is closed for business for more than one night, the tables, chairs and umbrellas of the café shall be removed from the sidewalk.
- (7) If the sidewalk cafe has two or fewer tables, such tables shall be placed against the building of the associated food service establishment with no chairs between the building and tables.
- (8) Neither furniture nor furnishings shall be attached, temporarily or permanently, to the sidewalk or any other public property except that railings may be secured by means of flush-mounted anchors in a manner approved by the Building Inspector. The holder of the sidewalk café permit shall be responsible for all damage to the sidewalk.
- (9) No furnishing or furniture of the sidewalk café shall be attached, temporarily or permanently, to any building or structure abutting the café.

B. Sound amplification and public address systems and equipment are prohibited in sidewalk cafes. Sidewalk cafes shall not be used for live performances or recorded audio transmissions.

C. Food and beverage service

- (1) No patron at a sidewalk café shall be served food or beverages unless said patron is seated at a table.

(2) Service of alcoholic beverages

(a) No beer, alcoholic or spirituous liquors shall be served on the sidewalk café premises or at any table thereon, unless permitted under a license issued by the New York State Liquor Authority.

(b) Before sunset, the sidewalk café may only serve alcoholic beverages in conjunction with the service of food. After sunset, the outdoor cafe may serve alcoholic beverages without also serving food.

(c) The food establishment with the permit for the sidewalk café shall prepare all the alcoholic beverages served in the café and shall only serve the drinks to patrons seated at the sidewalk café's tables.

(d) A sidewalk café patron drinking an alcoholic beverage while seated at a table within the sidewalk café will not violate of Article 1 of Chapter 68 of the Code of Village of Pelham that prohibits open containers of alcohol in a public area.

D. Cleanliness and sanitation

(1) The holder of a sidewalk café permit is responsible at all times for the cleanliness of the café as well as the cleanliness of the abutting sidewalk and curb areas.

(2) No structure, container or enclosure for garbage or rubbish may be erected or placed adjacent to or within the confines of the sidewalk café.

**§75-10. Violations**

A. If found guilty of committing a violation of this chapter or allowing such a violation, the holder of the sidewalk café shall be sentenced pursuant to §1-12 of the Code of the Village of Pelham.

B. In addition, the Village Board of Trustees may revoke a sidewalk café permit if the holder of the permit has violated any provision of this chapter, any condition of the permit, or any other law applicable to the operation of the sidewalk café.

**§ 75-11. Partial invalidity.**

If any section of this chapter shall be held unconstitutional, invalid, or ineffective, in whole or in part, such determination shall not be deemed to affect, impair, or invalidate the remainder of this local law.

**SECTION 2**

This local law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law

**4/18/13**

Item #10– Authorizing the Annual Chamber Of Commerce Street Fair to Take Place on Sunday, June 23, 2013

Administrator Yamuder stated this resolution will authorize the annual Street Fair in June. Trustee Marty asked whether the Administrator had informed the Chamber of their responsibility to pay any overtime costs associated with the event. Administrator Yamuder stated that the language is in the resolution which the Board is approving. He said he will have that conversation after the Board passes the resolution.

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

Dear Mayor Cassidy and the Village Trustees,

The Pelham Chamber of Commerce is requesting permission to hold it's annual street fair on Sunday June 23rd 2013. The hours of the fair will be from 10 am to 5 pm but we are requesting that the streets be closed from 7 am to 7 pm on that day.

The streets we will need closed are 5th Ave from the old post office by 1st ave down to Lincoln Ave, as well as 2nd street in between 4th and 5th Ave.

We would also request to close down the north side of Pelhamwood Ave as well as Harmon Ave, for the car show that is normally provided by Harry Pallet and Basil Ciampi for the sole purpose of raising money for the Danny Fund.

The chamber has already requested event organizer [streetfairs.org](http://streetfairs.org) represented by Mr.Darryl Walker to supply the village with required certificate of insurance.

If you have any questions please contact me at 914.512.4731

Thank you  
Shiv Dawadi  
Pelham Chamber of Commerce

## RESOLUTION

AUTHORIZING THE ANNUAL STREET FAIR  
OPERATED BY THE CHAMBER OF COMMERCE

TO BE HELD ON SUNDAY JUNE 23, 2013

BE IT RESOLVED, that the Board of Trustees of the Village of Pelham authorizes the annual Chamber of Commerce Pelham Street Fair to take place on Sunday, June 23, 2013 from 10 am to 5 pm, and authorizes the closure of the following streets from 7 am to 7pm:

- 5<sup>th</sup> Avenue from First Street to Lincoln Avenue,
- the one-way part of 2<sup>nd</sup> Street, from 5<sup>th</sup> Avenue to 4<sup>th</sup> Avenue,
- the one-block portion on the one-way section of Harmon Avenue, east of 5th Avenue,
- the north side, westbound portion of Pelhamwood Avenue, for the staging of a classic car show (weather permitting),

BE IT FURTHER RESOLVED, that the Chamber of Commerce will be responsible for all Village Of Pelham overtime costs and all other direct costs that are incurred by this event;

AND BE IT FURTHER RESOLVED, that Mayor and Board authorize the appropriate Village officials and staff to take the necessary and appropriate actions to allow the Fair to take place, with the requirement that the Village of Pelham be provided with the insurance satisfactory to the Village's insurance carrier by the Pelham Chamber of Commerce.

Item #11—Authorizing the Schematic Plan for Trotta Park Renovation

Mayor Cassidy said Trustee Mutti will give a brief presentation regarding the schematic plan for Trotta Park. He said he is comfortable with moving forward with this design schematic as a concept.

Trustee Mutti stated she and the Mayor had met with Town officials to discuss the future of the project. She said two Village representatives and two Town representatives will be selected to work together on the design of the park and put out the bid documents. She said once the project has been bid out, a contractor will be selected after review by the Town and Village.

Mayor Cassidy said that this is an introductory rendering and the Village will have opportunities to comment in the future. He said there are approximately \$85,000 in grant funds through the Town for the project.

John Cassone of 312 7<sup>th</sup> Avenue said he believed the figure was closer to \$100,000.

Trustee Volpe asked how they planned to memorialize Joe Trotta's name on the park. Mr. Cassone stated originally there was to be a bench but now the family is planning to install a commemorative plaque.

Trustee Kagan asked if the DPW and ARB had been contacted for their input on this project. Trustee Mutti said the Building Inspector was consulted and other Village boards and departments will be contacted as well. Trustee Senerchia added that this is a long awaited and deserved project.

Harry Pallet of 7<sup>th</sup> Avenue recommended the Board replace a clay pipe that runs beneath the park with a new more modern pipe. Administrator Yamuder said the Village video tape the line to see what condition the pipe is in before making a decision to replace it.

Iris Kasten of 240 Carol Avenue asked if the Board would encourage local residents to get involved and contribute on this project. Mayor Cassidy responded that the Board would encourage input however the project is not at that stage yet.

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

#### RESOLUTION

##### Authorizing the Schematic Plan for Trotta Park Renovation

WHEREAS the Town of Pelham has agreed to fund the design and its implementation through grant money and private funding to improve this public space for the community's enjoyment and in conformance with an Inter-municipal Agreement (IMA).

WHEREAS the firm Eberlin and Eberlin,P.C. has presented a design for rehabilitation of an existing park in a urban environment;

BE IT RESOLVED, that the Board of Trustees of the Village of Pelham hereby approves the plan for the schematic design of Trotta Park presented at its meeting of April 23, 2013, subject to minor revisions, furniture selection, and final choices of materials.

##### Item #12– Other Business

None

##### Item #13– Authorizing the Accounts Payable

Trustee Mutti audited the Accounts Payable.

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

### 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	\$ 174,166.91
Water Fund	\$40,731.74
Capital Projects Fund	\$0.00
Trust and Agency Fund	\$0.00
CD NYS Main Street Fund	\$0.00
H3 Fund	\$0.00
<u>TE Expand Trust Fund</u>	<u>\$0.00</u>
Grand Total	\$214,898.65

**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: April 9, 2013, April 15, 2013

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

April 9, 2013- Approved

April 15, 2013- Tabled

Item #15– Adjournment

A motion was made by Trustee Volpe with a second by Trustee Marty to adjourn the public portion of the Board meeting and would adjourn for the evening at 9:15 p.m. The motion was approved by vote of seven in favor, none opposed.

Respectfully submitted,  
Peter Bonington, Secretary to the Village Administrator