

VILLAGE OF PELHAM BOARD OF TRUSTEES  
REGULAR MEETING  
TUESDAY, APRIL 24, 2012, 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>7:40 p.m.</b>
7.	Fiscal Year 2012-2013 Village of Pelham Budget Adoption, All Resolutions	Approved
8.	Resolution to Accept Donations from the Pelham Junior League Towards NYW & B- Area "A" Remediation	Tabled
9.	Resolution to Accept Donations from the Almstead Tree Company Towards NYW & B Area A Remediation	Approved
10.	Request for Informal Discussion by David Cooper (Zarin & Steinmetz) for Lincoln/Pelham Apartments Regarding Proposed Map Changes to 185 Lincoln Avenue	Discussed
11.	Public Hearing for Local Law #3-2012 Amending the Code of the Village of Pelham for the Administration and Enforcement of the New York State Fire Prevention and Building Code	Approved
12.	Authorizing a Stipulation of Agreement with Retired Fire Fighter	Tabled
	<b>Reports and other Business</b>	<b>9:00 p.m.</b>
13.	Monthly Budget Review	Discussed
14.	Grants- Status Report	Discussed
15.	Other Business	Discussed
	<b>Recurring Items</b>	<b>9:30 p.m.</b>
16.	Authorizing Budget Transfers	Approved
17.	Authorizing Accounts Payable	Approved
18.	Authorizing Minutes of: March 21, 2012	Approved
19.	Adjournment to Executive Session	<b>9:45 p.m.</b>

Next Regularly Scheduled BOT Meeting:  
Tuesday, May 8, 2012  
Tuesday, May 22, 2012  
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 7:35 p.m.

The following members of the Board of Trustees were present:

Mayor Hotchkiss, Trustees Kagan, Lewis, Marciona, Marty, McGoldrick, and Morris

The following members of the Board of Trustees were absent:

Village staff in attendance:

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

Item #2 – Pledge of Allegiance:

The Pledge of Allegiance was led by Mayor Hotchkiss.

### Reports

Mayor Hotchkiss's Report

Mayor Hotchkiss stated that the Pelham Police Department is cooperating with other police departments in the lower Westchester area along the New Haven Line in response to the spat of recent muggings by train stations. He encouraged residents to call the Police Department if they notice anything suspicious and to take all necessary precautions when walking home from the train station.

Trustees Reports:

Trustee Lewis

None

Trustee Kagan

None

Trustee Marciona

Trustee Marciona said she attended the planting last Saturday and said it was a very nice event.

Trustee Marty

Trustee Marty said last Saturday volunteers helped to install the plantings on Site A or the Greenspace area of the NYW&B property. He stated after the topsoil was placed over the area the site received the plantings that included saplings. He said much of this activity was made possible by volunteers and donations. He thanked Almstead Tree Service, Greener by Design, and Emily Friedburg for their assistance with this project.

Trustee McGoldrick

None

Trustee Morris

None

Village Administrator's Report

None

Item #6– Public Comment

None

Item #7– Fiscal Year 2012-2013 Village of Pelham Budget Adoption, All Resolutions

Mayor Hotchkiss stated that this budget was developed under difficult circumstances. He said the Village is responsible for 1.4 million dollars in pension contributions before paying salaries to its employees.

Administrator Yamuder stated the tax levy for the coming Fiscal Year will be 3.774%. Mayor Hotchkiss said the preliminary budget was adjusted at the Village's budget work sessions to reach this point of adopting the operating budget. The Mayor stated there are six resolutions that must be adopted by the Board for this agenda item.

Summary is based on the Preliminary 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 24, 2012 at 7:30 p.m.

Home Values in Pelham decreased overall by 4.764%

Commercial Property Values in Pelham decreased overall by 4.060%

The Tax rate has increased by 7.879%for homeowners, and it has increased by 13.574% for commercial properties.

The Tax Levy was Proposed at \$10,053,949, up from \$9,672,996. Initial Proposed Tax Levy Increase was 3.9383%, but with cuts in expenses and small increases in some revenues, the revised tax levy is 10,038,058 and is currently at 3.7740%.

The increase in the Tax Levy, combined with the decrease 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 \$659,664.00 vs. \$691,888.00 for 2011, the average homeowners taxes would increase from \$4818.00 to \$4,956.00.

Tax Rates:	Last Year 2011-2012	Proposed 2012-2013	As Revised 2012-2013
Home:	\$6.963542	\$7.5241	\$7.5122
Non-Home:	\$9.155035	\$10.4141	\$10.3977

The Board has already held 4 Budget Work Sessions, which have been open to and attended by the Public. Adoption is scheduled for April 24, 2012.

In connection with approval of the budget for Fiscal Year 2012-2013, the Board of Trustees should adopt the following resolutions tonight.

A. Resolution with Amendments and Revisions to the Tentative Budget

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

B. Resolution adopting Fees, including Parking Permit Fee Rates.

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

C. Resolution for Budget Adoption

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

D. Resolution to Levy Taxes

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

E. Resolution Authorizing Investments

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

F. Resolution Authorizing Levy of Additional Taxes

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

BUDGET RESOLUTION A  
VILLAGE OF PELHAM – APRIL 24, 2012  
RESOLUTION AMENDING AND REVISING THE  
PROPOSED 2012-2013 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:

BUDGET RESOLUTION B  
ADOPTING FEE SCHEDULE  
INCLUDING ANNUAL PARKING PERMIT RATES

BE IT RESOLVED, that the Board of Trustees of the Village of Pelham hereby adopts the Fee Schedule for the Village of Pelham as follows:

AND BE IT RESOLVED, that the Mayor, Village Administrator, Village Attorney, Treasurer, Building Inspector and Police Chief are authorized to take the necessary and appropriate actions to effect and apply these fee rates.

BUDGET RESOLUTION C  
VILLAGE OF PELHAM  
APRIL 24, 2012

BUDGET ADOPTION RESOLUTION

**RESOLUTION ADOPTING A BUDGET FOR THE FISCAL YEAR COMMENCING JUNE 1, 2012 AND ENDING MAY 31, 2013 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 10, 2012, 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, March 26, 2012, Wednesday, March 28, 2012, Tuesday, April 3, 2012, Wednesday April 4, 2012 and as presented at the Budget Hearing held on Tuesday April 10, 2012 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, 2012, unless provided for by other means.

BUDGET RESOLUTION D  
VILLAGE OF PELHAM  
RESOLUTION LEVYING TAXES  
FOR FISCAL YEAR 2012-2013

APRIL 24, 2012

RESOLUTION DATED APRIL 24, 2012, LEVYING THE 2012 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, 2012 and ending May 31, 2013, and WHEREAS, such budget as adopted establishes a general Village tax levy of \$10,038,058 for this period.

NOW THEREFORE, BE IT RESOLVED that there are levied and assessed the sum of \$10,038,058 against all taxable real property and special franchise in the Village, pursuant to this budget, as adopted, and the 2012 Village tax rate is set at \$7.5122 per thousand dollars of assessed valuation for Homestead Properties and \$10.3977 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 2012 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, 2012, and the dates and rates of interest shall be set as follows:

Payment Due: Due June 1, 2012  
From June 1, 2012 to June 30, 2012 - No Interest  
On July 1, 2012 - 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, 2012 TO MAY 31, 2013

GENERAL FUND

Government Support.....	\$1,617,329
Public Safety.....	\$5,340,226
Transportation.....	\$927,036
Home & Community Services.....	\$805,200
Employees' Benefits.....	\$3,735,135
Debt Service Payments.....	\$459,705
Transfer to Capital.....	\$15,000
TOTAL	\$12,899,631
Less Estim Revenue.....	\$2,861,573
Tax Levy.....	\$10,038,058

Assessed Valuation: HOMESTEAD.....	\$1,103,043,180
Tax Rate Per Thousand Homestead.....	\$7.5122
Assessed Valuation: NON-HOMESTEAD.....	\$168,476,107
Tax Rate Per Thousand. ....	\$10.3977

The total amount of local assistance to the General Fund anticipated to be received from the State of New York during the fiscal year 2012– 2013 ..... \$73,154

RATES OF INTEREST

Payment Due: Due June 1, 2012  
 From June 1, 2012 to June 30, 2012 - No Interest  
 On July 1, 2012 - 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, 2012, payable without interest until June 30, 2012.

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	or	Town Tax Assessor
34 5 <sup>th</sup> Avenue		34 5 <sup>th</sup> Avenue
PELHAM, NY 10803		PELHAM, NY 10803
914-738-1642		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, 2012.

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 2012-2013 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.

BUDGET RESOLUTION E  
2012-2013 VILLAGE OF PELHAM BUDGET  
AUTHORIZATION FOR INVESTMENTS

RESOLVED, that the Village Administrator/Treasurer and/or Deputy Treasurer, during the fiscal year beginning June 1, 2012 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.

BUDGET RESOLUTION F  
2012-2013 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, 2012 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.

Item #8—Resolution to Accept Donations from the Pelham Junior League Towards NYW & B- Area “A” Remediation

The Board decided to table this resolution until a later meeting.

BE IT RESOLVED, that the Board of Trustees of the Village of Pelham authorizes the acceptance of a donation of \$2000.00 from the Pelham Junior League towards NYW & B- Area “A” Remediation with thanks to the donor for their contribution to the Village of Pelham community.

Item #9—Resolution to Accept Donations from the Almstead Tree Company Towards NYW & B Area A Remediation

Mayor Hotchkiss said that this resolution accepts a donation by Almstead Tree Company for mulch that was installed on the NYW&B property over last weekend. He said the Board must formally accept donations by resolution as a matter of General Municipal Law.

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

BE IT RESOLVED, that the Board of Trustees of the Village of Pelham authorizes the acceptance of a donation of \$500.00 worth of bark mulch from Almstead Tree Company towards NYW & B Area A Remediation with thanks to the donor for their contribution to the Village of Pelham community.

Item #10—Request for Informal Discussion by David Cooper (Zarin & Steinmetz) for Lincoln/Pelham Apartments Regarding Proposed Map Changes to 185 Lincoln Avenue

Mayor Hotchkiss began this discussion by saying that the Board has had no formal discussion on this project and cannot make any decisions on the design at this meeting. Attorney David Cooper of Zarin and Steinmetz stated that Mr. Millowitz, the developer his firm represents, is looking to have a conceptual discussion on his project and to get some initial feedback from the Board. He said that they will be putting a formal petition for re-zoning into the Village land use boards once they have attained this feedback.

Mayor Hotchkiss said the Village is in the process of proposing to change its zoning ordinances. Mr. Cooper stated that at this time, the Getty Gas Station located at 185 Lincoln Avenue is a commercial island in a sea of residences. He said the proposed concept for a three storey 18 apartment unit complex will conform to the current zoning mandate in residential A3. He added that the addition of these apartments will reduce traffic in this area.

The Mayor stated that the Board cannot design this apartment complex for the developer. He must put together a proposal and submit it through the Village land use boards. Mr. Cooper said that the Board will have to make the final site plan approval for this project.

Trustee Lewis stated that in the proposed zoning changes, the Village intends to eliminate Zone M and thus extending its boundaries for this project would be awkward. He suggested perhaps Zone M1 would be better suited for the purpose of this project.

Trustee Marty stated that this concept is in the realm of possibility. He said it creates a taxable base for the Village and is good for the surrounding residences. Administrator stated that the developers should bear in mind that the Fire Department and other first responders will have to access to the building on all sides in the event of an emergency. Mr. Cooper stated that the developer and his firm will be submitting a formal proposal to the land use boards.

Item #11—Public Hearing for Local Law #3-2012 Amending the Code of the Village of Pelham for the Administration and Enforcement of the New York State Fire Prevention and Building Code

Mayor Hotchkiss said the Village is proposing to bring the Village of Pelham Building Code in line with the Building Code of the State of New York. Administrator Yamuder stated this will grant the Building Inspector the enforcement power to perform his duties under State standards. He thanked Building Inspector Russo and Village Prosecutor Martha Conforti for their assistance on this project.

The Mayor asked if there were any comments from the public on these proposed changes. John Cassone of 7<sup>th</sup> Avenue asked about the procedure to open and close a building permit. Administrator Yamuder stated that a resident must obtain a permit to begin work and then obtain either a certificate of occupancy or a certificate of compliance to close the active building permit. He stressed that Building Inspector Russo would be the best resources for residents with inquiries about the building related matters.

The Board reviewed the amended sections of the Code. It discussed aspects of fire safety inspections, building permit applications, public notices, replacement vs. repair projects, and swimming pools.

After some discussion, a motion was made by Trustee McGoldrick and seconded by Trustee Morris to close the hearing. The vote was approved by a vote of seven in favor, none opposed.

The Board decided to table the resolution adopting the Code until a later meeting.

Village Of Pelham, NY  
Public Hearing That Amends the Code of the Village of Pelham for the Administration and Enforcement of the New York State Fire Prevention and Building Code

Local Law No. 3- 2012

**A local law to provide for the administration and enforcement of the New York State Fire Prevention and Building Code and local laws with respect to building construction and fire prevention**

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

Item #12– Authorizing a Stipulation of Agreement with Retired Fire Fighter

The Board decided to table this resolution until a later meeting.

Resolution  
Authorizing a Stipulation of Agreement  
with Retired Firefighter Christopher

BE IT RESOLVED, the Board of Trustees hereby approves the Stipulation of Agreement between the Village and retired firefighter Christopher Warn executed by Mr. Warn on March 28, 2012, resolving a dispute over payments owed to him under General Municipal Law §207-a(2) and authorizes the Mayor to execute such Agreement on behalf of the Village.

Item #13– Monthly Budget Review

Administrator Yamuder stated the Village is approximately 83% through the Fiscal Year. He said the Village's expenses are approximately 80% which is good for this time of the year. He said notably that the Fire Department overtime is approximately 176% over budget at this time. He said however the overtime budget is approximately \$100,000 less than last year's overtime budget. He noted that the Fire Department has two full time firefighters out at this time which is contributing to the overtime.

Item #14– Grants- Status Report

Secretary Bonington reported that the Village has received its full reimbursement of \$100,000 for the First Street parking lot project. He said this closes the grant and it will be moved to the Grants Completed page of the spreadsheet by next meeting.

With regard to the Technology and Development grant for Wolfs Lane Park, he stated the Village has received correspondence changing the name of the grant program to The New York Economic Development Program. He said the Village may be asked to submit additional paperwork which the Village will complete and return promptly.

Trustee Morris asked about the survey at Wolfs Lane Park. The Secretary responded that the surveyors have been out at the site and working to complete the survey. Mayor Hotchkiss asked what the progress was with regard to the flooding project on 3<sup>rd</sup> Street. Secretary Bonington stated a survey is being completed for that stretch of road. Once complete, it will be provided to Leonard Jackson Associates to assist in their drafting of the specifications for the project.

Item #15–Other Business

With regard to the quality of the broadcast Board meetings, John Cassone of 7<sup>th</sup> Avenue stated he had polled people on their viewing experience. He said Verizon customers have reported no difficulty with viewing the meetings but Cablevision customers have noticed interruptions in service. He said he had spoken with Secretary Bonington and he was aware of the disturbance. Administrator Yamuder stated Cablevision has been contacted about these interruptions.

Item #16– Authorizing Budget Transfers

Administrator Yamuder stated these transfers performed as part of a state requirement that states a municipality cannot purposefully overbill a budget line that is overspent already. This procedure allows for continual correction of the budget.

**FIGURES FOR BUDGET TRANSFER WILL BE AVAILABLE TUESDAY**

These Budget Amendments and Transfers were requested by Finance Director Shirley Brown.

**RESOLUTION**

**Re: Budget Amendments and Transfers for Fiscal Year 2011-12**

**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,** 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 2011-12 Budget by making the following amendments and rollovers:

Item #17– Authorizing the Accounts Payable

Trustee Marty audited the Accounts Payable.

After some discussion, a motion was made by Trustee Marty and seconded by Trustee Lewis 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	\$ 281,859.48
Water Fund	\$53,684.67

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	\$335,544.15

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

Item #18– Authorizing Minutes of: March 21, 2012, April 10, 2012

After some discussion, a motion was made by Trustee Marty and seconded by Trustee Lewis to adopt the resolution. The vote was approved by a vote of six in favor, none opposed. Trustee Kagan abstained.

March 21, 2012- Approved

April 10, 2012- Tabled

Item #19–Adjournment to Executive Session

A motion was made by Trustee McGoldrick with a second by Trustee Morris to adjourn the public portion of the board meeting and go into Executive Session to discuss a personnel matter at 9:35 p.m. after which time the Board would adjourn for the evening. The motion was approved by vote of seven in favor, none opposed.

Respectfully submitted,  
Peter Bonington, Secretary to the Village Administrator