

VILLAGE OF PELHAM BOARD OF TRUSTEES
 REGULAR MEETING
 TUESDAY, DECEMBER 18, 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:	Approximate Starting Time of Discussion
	Non-Recurring Items	7:40 p.m.
7.	Authorizing The Village Of Pelham To Enter Into An Inter-Municipal Agreement With Westchester County For The Coordination Of Police Training And The Sharing Of Police Instructors With The Academy	Tabled
8.	Authorizing A Contract Between The Village Of Pelham And New York State Office Of Emergency Management (NYSOEM) For Pre-Disaster Mitigation At 7th Avenue Beginning At Its Intersection With 6th Street	Approved
9.	Continuing a Public Hearing on Proposed Changes in the Commercial Zoning Code	Approved
10.	Scheduling a Public Hearing on Proposed Changes in the Commercial Zoning Code	Approved
	Reports and other Business	9:00 p.m.
11.	Monthly Budget Review	Discussed
12.	Grants- Status Report	Discussed
13.	Other Business	Discussed
	Recurring Items	9:30 p.m.
14.	Authorizing Budget Transfers	Approved
15.	Authorizing Accounts Payable	Approved
16.	Authorizing Minutes of: November 20, 2012	Approved
17.	Adjournment to Executive Session	10:00 p.m.

Next Regularly Scheduled BOT Meeting:
 Wednesday, January 2, 2013
 Tuesday, January 15, 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 Hotchkiss at 7:30 p.m.

The following members of the Board of Trustees were present:

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

The following members of the Board of Trustees were absent:

Trustee McGoldrick

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 Hotchkiss

Reports

Mayor Hotchkiss's Report

Mayor Hotchkiss asked for a moment of silence in honor of the children and teachers in Newtown who lost their lives last Friday.

The Mayor reminded the public that the bagged meters on 5th Avenue and Wolfs Lane are still subject to the two hour parking limitation. He said the Police will be enforcing this parking limitation during the next two weeks.

Trustees Reports:

Trustee Lewis

Trustee Lewis said three Pelham Officers have been recognized for the Journal News Award for the apprehension of the Pelham Train Station Suspect. He congratulated Officer Chris Casucci and Detectives Rick Deere and Jon Hynes who were the recipients who were the recipients of the award.

He added that Chief Benefico assured him that the Pelham Police trains for emergencies that can arise around schools.

Trustee Kagan

Trustee Kagan asked the Administrator to follow up with Con Edison regarding the repair of several street lamps in the Village. The Administrator responded that the DPW Foreman Shriman and he had been following up with Con Edison regularly to provide prompt remediation.

Trustee Marciona

Trustee Marciona said the Village is working on the initial paperwork regarding the Urban Forestry Grant.

Trustee Marty

None

Trustee McGoldrick

Absent

Trustee Morris

None

Village Administrator's Report

Administrator Yamuder said the Department of Environmental Conservation will be holding an annual audit of the Village's MS4 policies regarding the proper distribution of stormwater. He said in the past few years the Village has received A+'s on their management of the stormwater.

He said the Village would be bagging meters on 5th Avenue and Wolfs Lane through December 27.

The Administrator reminded residents that as of Saturday, December 15 there will be no more organic waste pickups for the season. He said the DPW will be doing a few patrols to collect any remaining leaves and organic this week.

Item #6–Public Comment

None

Item #7– Authorizing The Village Of Pelham To Enter Into An Inter-Municipal Agreement With Westchester County For The Coordination Of Police Training And The Sharing Of Police Instructors With The Academy

Administrator Yamuder said this is a five-year contract between the Village and the County providing Village officers as training assistance for the Westchester County Police Academy. He said there are 42 other municipalities that take part in this program who all donate their officer's time to this training initiative. He said after Trustee Kagan's request he contacted the administrator of the program to see previous years agreements and learn of any changes to the contract. The Village Administrator said there were no significant changes made to this year's contract. He recommended that the Board approve this agreement.

Trustee Kagan asked the Board table agreement until Village counsel has had an opportunity to review this agreement.

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

RESOLUTION

AUTHORIZING THE VILLAGE OF PELHAM
TO ENTER INTO AN INTER-MUNICIPAL AGREEMENT
WITH WESTCHESTER COUNTY
FOR THE COORDINATION OF POLICE TRAINING
AND THE SHARING OF POLICE INSTRUCTORS WITH THE ACADEMY

RESOLVED, that the Board of Trustees of the Village of Pelham authorizes the Village of Pelham to participate in a Police Training IMA for a five year period from March 21, 2012 to March 20, 2017 with Westchester County that would require, from time to time, the Village to send certified instructors to assist with the police training, which the Village utilizes when it sends candidates to the Westchester Police Academy, and the Village shall act as a part of the rotation of municipalities sharing instructors with the Westchester County Police Academy, and authorizes the Mayor, the Administrator, and the Police Chief to take the necessary and appropriate actions to sign this agreement and participate in this program

Item #9– Authorizing A Contract Between The Village Of Pelham And New York State Office Of Emergency Management (NYSOEM) For Pre-Disaster Mitigation At 7th Avenue Beginning At Its Intersection With 6th Street

Mayor Hotchkiss said this resolution pertains to one of three flooding remediation grants the Village has through the Federal Emergency Management Agency (FEMA) and the New York Office of Emergency Management (NYSOEM). Administrator Yamuder said the grant is part of the Local Pre-Disaster Mitigation Grant Program (LPDM) and is in the amount of \$125,000 with a \$62,200 Village match. The Administrator stated that this grant will be used to complete the installation of a 48" runoff pipe on 7th Avenue from the Glenwood Lake to the intersection of 6th Street.

Trustee Kagan asked if this contract has been reviewed by Village counsel. Administrator Yamuder said the contract was not reviewed.

Trustee Marty asked what is the purpose of this storm runoff pipe. The Administrator said the addition of this pipe will reduce the flooding in the Village by diverting the stormwater underground and out to the Hutchinson River without causing an impact in the Village or downstream.

John Cassone of 7th Avenue asked if there is a target date for this construction. Administrator Yamuder stated that depending on the speed of the paper process, the Village can anticipate an approximate start date sometime in the early fall of next year.

Trustee Kagan asked that the Board approve this contract subject to review by counsel.

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

RESOLUTION
AUTHORIZING A CONTRACT
BETWEEN THE VILLAGE OF PELHAM
AND NEW YORK STATE OFFICE OF EMERGENCY MANAGEMENT (NYSOEM)
FOR PRE-DISASTER MITIGATION
AT 7TH AVENUE BEGINNING AT ITS INTERSECTION WITH 6TH STREET

BE IT RESOLVED, that the Board of Trustees of the Village of Pelham hereby authorize a contract agreement between the Village of Pelham and the New York State Office Of Emergency Management (NYSOEM) per the agreement provided for by NYSOEM (attached hereto and made a part hereof), which will allow for a project to replace a 24 inch diameter storm drainage pipe with a 48 inch culvert at 7th Avenue beginning at its intersection with 6th Street; and

BE IT FURTHER RESOLVED, that funding has been made available in an amount not to exceed the total project cost of \$187,200.00 with the Federal Share of \$125,000.00 and a required 25% non-Federal matching share of \$62,200.00;

AND BE IT FURTHER RESOLVED, that the Mayor and the Village Administrator are authorized to sign this agreement and to take the necessary and appropriate actions to effect this agreement.

Item #10– Continuing a Public Hearing on Proposed Changes in the Commercial Zoning Code

Mayor Hotchkiss said the Board will be closing the public hearing for the original draft of the Commercial Zoning changes at this meeting. He said the changes have been incorporated into a new draft which the Board will schedule a new hearing for at the January 2, 2013 meeting.

Trustee Marty gave an overview presentation of the Commercial Zoning Changes and the reasons for their inclusion in to the Code. He stated the revisions are consistent with the Pelham Comprehensive Plan and will promote density and more foot traffic in the downtown. He added that all the documentation is online and available for the public to review.

Trustee Kagan said a series of petitions have been circulated in the community which present information about the Zoning Code which is not factually accurate. He stated that the question of whether a building can be built “as of right” only applies to accessory buildings such as garages or on

lots of less than 275 sq. ft. He said that site plan approval from the land use boards and the Village Board of Trustees is required for everything else. He added that there is a clause in the Code that in the event of a conflict between sections within the Code that the stricter application applies. Trustee Kagan urged residents to review the documents available on the Village website.

Dominica Comfort of 4th Avenue said that the increased allowable building height would have a direct effect on her home property and the increase of businesses on 4th Avenue would take attention away from 5th Avenue. Trustee Lewis responded that there would be no businesses that front on 4th Avenue. Commercial establishments in that area would have to have their frontage on 5th Avenue.

Joe Marciona of 4th Avenue stated the resulting development on 5th Avenue will bring about increased traffic and more students into the school district. He said this will then cause the Village to expand the Police and Fire Departments to handle these increases. He said, in his estimation, the Village was not equipped with the space, the time, or the money to handle this development.

Chris Maiberger asked the Board if any of them had used Rye, NY as a model for the type of community that Pelham should become. He said he liked the small town feel of Pelham and suggested that Rye had managed that balance between incoming businesses and development while still maintaining the character of their community.

Carol Spawn Desmond spoke to the Board about the petitions that were circulated against these proposed changes to the Commercial Zoning Code. She said there is a danger of the Board losing their review capabilities by allowing a potential developer to build under these proposed parameters "as of right." She said these changes will have a detrimental effect on the residents on 4th Avenue. She finished by saying the Board is asking a lot for the public to trust them.

Trustee Kagan stated the Board is asking for the residents of Pelham to trust them because as elected officials they are responsible to acting in the best interest of the Village. He said at the end of the day, they are the ones who have to say yes or no to any development.

Trustee Marciona added that there are currently two tudor buildings on 5th Avenue that are more than six stories. She said there is an opportunity to create a more attractive frontage on 4th Avenue by removing the parking garage. She said Rye and New Rochelle are two municipalities that are not comparable to Pelham.

Everett Spiros of Linden Avenue asked the Board why the increase from 4 floors to 5 floors. Trustee Marty responded that the Village sent out an RFP for this development and the feedback they received from interested potential developers was that they could not make money out of a 4 story apartment building. He said it is a judgment call on the part of the Board but it is based on research performed throughout the bidding process.

Mr. Spiros said he would like to keep the parking lot at the 4th Avenue location but make it a nicer parking lot. Trustee Marty stated any development on the site would have to include a certain

amount of residential parking spaces. He said with a smaller number of spaces, the Village could put in as many cars.

Ralph Palma of 4th Avenue said the increased traffic and loss of sunlight will have a negative impact of the value of his property.

Greg Breskin of Monterey Avenue said as former Trustee he is aware of the financial issues facing the Village. He said the Village is faced with Federal and State mandates imposed on it that it is responsible to pay into. He said the Village cannot continue to pay for its current level of service when confronted with these mandates. Mr. Breskin stated that the only options are to raise taxes or cut services and positions which he did not believe anyone advocating. He said the only feasible way to avoid these eventualities is to increase development.

Aimee Kaplan of 203 Cliff Avenue said she organized the petitions against the proposed zoning changes. She said she felt that this new development would affect the tax base in the Village and was concerned the Village will be throwing away Village property on a failed rental which could have consequences for the school system. Trustee Kagan asked that the Board accept the petitions with the understanding that they contained an inaccurate explanation of 'as-of right' development in the Village Zoning Code.

Jennifer Lapey of the Pelham Preservation Society urged the Board to work within the existing Zoning Code to move forward with this development. She said the Board is only focusing on the revenue side of this potential development and not the impact that it will have on the school system.

Trustee Marty said the Board has looked at this issue long and hard. The Board has been told that condos and office buildings are not in demand and high-end rental units are. He said the Board will reach out to the Village departments for their input.

Sonia Davidian of Highbrook Avenue said this rental will cost more than it will give in the long run. She said 110 rental units will bring loads of students into the school district. She said Pelham is a small community and does not want large looming buildings on its main thoroughfare. She urged the Board to wait for the right project.

Cliff Raggo of 4th Avenue was concerned about the number of cars on the streets if parking lot #2 is closed. Trustee Lewis responded that any development would have to supply a certain amount of off-street parking.

Nigel Scott Williams stated several concerns regarding the proposed zoning changes. He said the Board is pushing this development through these proposed changes and added that there is a conflict of interest by having ARB member Raymond Beeler prepare shadow studies of the proposed building heights.

Megan Mackay of Maple Avenue said she is concerned about rental apartments in the downtown and the creation of first floor retail space. Trustee Kagan responded that rentals and first floor retail are allowable under the current zoning code.

Roger McDaniel of Highbrook Avenue encouraged the Board to find and provide more data to the public. He said the Zoning Code is an important document and it is worth getting right.

Mayor Hotchkiss thanked the public for their comments. He encouraged residents to speak to the Trustees privately and to continue the discussions. He stressed that there is a balance that must be reached on this issue. He said the Board will now close this public hearing, republish the current drafts of the documents, and call for a new public hearing at the next Board meeting in January.

A motion was made by Trustee Kagan and seconded by Trustee Lewis to close the hearing. The vote was approved by a vote of six in favor, none opposed. Trustee McGoldrick was absent.

Item #11– Scheduling a Public Hearing on Proposed Changes in the Commercial Zoning Code

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

VILLAGE OF PELHAM, NY
NOTICE OF PUBLIC HEARING

Please take notice that the Village Board of Trustees of the Village of Pelham will hold a public hearing at Village Hall, 195 Sparks Avenue, Pelham, New York on the 2nd day of January, 2013 at 7:30 p.m. to discuss the possible adoption of Local Law No. 1-2013, which Local Law would amend Chapter 98 of the Code of the Village of Pelham, namely the Zoning Code, by eliminating the Business-1, Business-2, Business -3 and M Zoning Districts and creating the Commercial C-1 and Commercial C-2 Zoning Districts and setting forth permissible uses and dimensional requirements for same. The proposed Local Law will involve changes to both the text of the Village Zoning Code and to the Village Zoning Map.

Copies of the proposed Local Law containing the proposed zoning text changes and Zoning Map changes are available for public inspection on the web site at www.pelhamgov.com and in the Village Clerk's Office at 195 Sparks Avenue during regular business hours.

All persons are invited to attend the public hearing and present their views.

By Order of the Mayor and Board of Trustees
Terri Rouke, Village Clerk
Publication date: Friday, December 21, 2012

Item #12– Monthly Budget Review

Administrator Yamuder stated the Village is approximately six months through the fiscal year. He said the Village is approximately 44.9% spent which is close to where the Village was last year at this time. He said however the winter months are still ahead.

The Administrator commented that the overtime for the Village departments are higher than expected largely due to the Hurricane and nor'easter that occurred in November. He said much of this overtime can be recouped through the FEMA reimbursement the Village is applying for.

Administrator Yamuder finished his report by saying the Village currently has no tax certioraris and there is an early indication that sales tax will be higher than expected.

Item #13– Grants- Status Report

Secretary Bonington gave the grants status report. He stated the grants highlights were the paperwork for the \$340,000 EPA administered grant for flooding remediation on 3rd Street is progressing. He said Leonard Jackson Associates (LJA) are completing the plans and specifications for the project at this time. He said there is a Village match of \$287,182.

He stated the Village has received the contracts for the \$125,000 LPDM grant for flooding remediation on 7th Avenue between 7th Street and 6th Street. He said these contracts will be signed and returned to the State shortly. The Secretary added that the two other LPDM grants from 2009 and 2010 are both under review by FEMA and SEMO. He said there is a Village match of \$62,200.

The Economic Development Program (EDP) grant for Wolfs Lane Park at the corner of 1st Street is still under review by the Dormitory Authority (DASNY). He said this grant is for \$647,000 and there is no Village match.

The Secretary finished his report by saying the Hurricane Sandy FEMA reimbursement process is proceeding. He stated the Village Administrator has met with his FEMA contact and the initial paperwork is being completed.

Item #14–Other Business

Trustee Marty stated said Trustees McGoldrick, Kagan, and Lewis spoke with the Town regarding the Trotta Park bid opening. He said the Town received 4 bids for the project between \$2,800 and \$20,000. He said they have an apparent low bidder but are still reviewing the bids for selection. He said he hopes to advise further at the next meeting.

Trustee Morris stated that she and Trustee Marciona have met with the Junior League regarding the fundraiser for the Children’s Adventure Park.

Item #15– Authorizing Budget Transfers

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

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

RESOLUTION

Re: Budget Amendments and Transfers for Fiscal Year 2012-13

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 2012-13 Budget by making the following amendments and rollovers:

Item #16– Authorizing the Accounts Payable

Trustee Marciona audited the Accounts Payable.

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

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	\$ 197,825.29
Water Fund	\$41,516.52
Capital Projects Fund	\$19,950.00
Trust and Agency Fund	\$0.00
H3 Fund	\$0.00
<u>TE Expendable Trust Fund</u>	<u>\$0.00</u>
Grand Total	\$259,291.81

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

Item #17– Authorizing Minutes of: November 20, 2012, December 4, 2012

A motion was made by Trustee Lewis and seconded by Trustee Kagan to adopt the minutes for the November 20, 2012 meeting. The vote was approved by a vote of three in favor, none opposed. Trustee McGoldrick was absent. Trustees Morris and Marciona abstained.

November 20, 2012- Approved

December 4, 2012- Tabled

Item #18–Adjournment to Executive Session

A motion was made by Trustee Kagan 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 10:30 p.m. after which time the Board would adjourn for the evening. The motion was approved by vote of six in favor, none opposed. Trustee McGoldrick was absent.

Respectfully submitted,
Peter Bonington, Secretary to the Village Administrator