

VILLAGE OF PELHAM BOARD OF TRUSTEES
REGULAR MEETING
TUESDAY, MARCH 20, 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

Approximate
Starting Time
of Discussion

#	Agenda Items:	
	Non-Recurring Items	7:40 p.m.
7.	Site Plan Application by DelPonte (3089 Wissman Inc. contract vendee) for 416 Ninth Avenue for a Proposed Single-Family Dwelling	Approved
8.	Scheduling a Public Hearing on a Draft Proposed Local Law on Property Tax Cap Override	Approved
	Reports and other Business	8:15 p.m.
9.	Monthly Budget Review	None
10.	Grants- Status Report	Discussed
11.	Other Business	None
	Recurring Items	9:00 p.m.
12.	Authorizing Budget Transfers	Approved
13.	Authorizing Accounts Payable	Approved
14.	Authorizing Minutes of: February 5, 2013, February 19, 2013	Approved
15.	Adjournment to Executive Session	9:30 p.m.

Next Regularly Scheduled BOT Meeting:

Tuesday, April 9, 2013 (Annual Organizational Meeting)
Tuesday, April 23, 2013- Budget Adoption

Proposed Meetings for Budget Work Sessions:

Monday, April 1, 2013 - PD, Building and Fire
Tuesday, April 2, 2013 - (hold for Building if needed)
Wednesday, April 3, 2013 - Revenue/Expense/ Administration and DPW
Monday, April 8, 2013 - (Hold time and date if needed)

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 Hotchkiss at 7:30 p.m.

The following members of the Board of Trustees were present:

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

The following members of the Board of Trustees were absent:

Trustee Marciona

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

None

Trustees Reports:

Trustee Lewis

None

Trustee Kagan

None

Trustee Marciona

Absent

Trustee Marty

None

Trustee McGoldrick

None

Trustee Morris

None

Village Administrator's Report

Administrator Yamuder stated that the Village has received a "satisfactory" rating on its MS4 audit. He said this is an annual audit to determine the effectiveness of Pelham's operations to prevent sediments from getting into stormwater drains. He said "satisfactory" is the highest rating that can be given and thanked Pelham's DPW and Village Staff for their efforts on this initiative. He said this year, to date, there have been no sewer breaks whereas last year there were several by this time of the year.

Item #6–Public Comment

None

Item #7– Site Plan Application by DeLPonte (3089 Wissman Inc. contract vendee) for 416 Ninth Avenue for a Proposed Single-Family Dwelling

Architect Aldo De Vitto gave a summary of the proposed development on the site of 416 Ninth Avenue. He said the lot is 5,000 square feet and approximately a quarter of it is in New Rochelle. He said the new home that will be built on this lot is in keeping with the character of the neighborhood.

Trustee Marty asked if there are any issues related to flooding in the area. Mayor Hotchkiss said this lot was not in a flood plain however there is never a "no risk" area. Trustee McGoldrick added that the Planning Board has looked at and approved this design.

Trustee Kagan asked if the resident's car will overhang the sidewalk if it parks in the driveway. Mr. De Vitto responded that the driveway is 25 feet which is long enough to prevent a car from overhanging the sidewalk.

Trustee Kagan inquired about the placement of the air conditioning units on the side of the house facing a neighbor's property and if neighbors have been consulted. Mr. De Vitto responded that the units placed in keeping with the setback requirements and the neighbor is actually the owner of this lot as well.

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

RESOLUTION
AUTHORIZING A SITE PLAN APPLICATION BY
FRANK DELPONTE (3089 WISSMAN INC.CONTRACT VENDEE) FOR
416 NINTH AVENUE FOR A PROPOSED SINGLE-FAMILY DWELLING

RESOLVED, that the application for a Site Plan by Frank DelPonte (3089 Wissman Inc.Contract Vendee) is approved, based on the review and recommendations by the Planning Board (hereinafter "Planning"), Architectural Review Board (hereinafter "the ARB") which the Planning and ARB approval memos are attached to and made a part of this approval; and

BE IT FURTHER RESOLVED, that the conditions applied by Planning and ARB are as follows:

1. All work shall be performed in compliance with Planning approval, as noted on plan drawings, dated February 25, 2013, as prepared by Aldo DiVitto Architect
2. In addition, all plantings for dwelling be as per approved plans;
3. The house will be built in accordance with the approved plans which are approved by the Planning Board and/or the Architectural Review Board of the Village Of Pelham And; the Village of Pelham Zoning Board of Appeals.
4. A Foundation Location Survey showing the location of the footings and the top of foundation elevation as per the approved plans for the two story house must be submitted to the Building Inspector before the framing of the building can commence.
5. That the applicant must obtain and submit the new deed for the apportioned property to the Village of Pelham Building Department upon making an application for the building permit;

BE IT FURTHER RESOLVED, that this application for a site plan to include a single family dwelling, with one car garage within basement and landscaping at 416 Ninth Avenue is subject to the procedures, regulations and requirements of the Pelham Village Code and Pelham Building Department; and

BE IT FURTHER RESOLVED, that the Mayor, Village Administrator, Building Inspector and other appropriate Village officials are authorized to take the necessary and appropriate actions to effect this approval and authorize this remediation plan to proceed, including the imposition of additional conditions and requirements as may be necessary.

MEMO

Date: February 27, 2013

To: Village of Pelham Board of Trustees

From: Village of Pelham Planning Board

Re: 416 Ninth Avenue
Application for new single family 2 and ½ story residence
Applicant: Frank Del Ponte Inc./3089 WISSMAN INC.

The Village of Pelham Planning Board (PB) recommends that the Village of Pelham Board of Trustees (BOT) approve the application for the construction of a new single family 2 and ½ story residence.

On February 12, 2013 the Planning Board unanimously (5-0) approved the application conditioned upon Applicant providing: a) revision of plans to reflect changes discussed at public meeting including revision of the side yard setbacks and placement of HVAC units to comply with zoning requirements, b) revision of plans to reflect addition of fencing and plantings on front yard walls to ensure safety, and c) submission of construction schedule.

The Applicant has provided the detail and information requested.

Work shall be performed as shown on Project Drawings Sheets A-1, A-2, A-3, A-4 A-5 and S-1, (dated 2/25/2013), prepared by Aldo Di Vitto, Architect.

RV

MEMO

Date: February 27, 2013

To: Village of Pelham Board of Trustees

From: Village of Pelham Architectural Review Board

Re: Application for proposed single-family dwelling at 416 Ninth Avenue

The Architectural Review Board (ARB) recommends that the Village of Pelham Board of Trustees (BOT) approve the application submitted by Frank DelPonte (Contractor Vendee), for a proposed single-family dwelling.

Work shall be performed as shown on drawings A.1, A.2, A.3., A.4, A.5, and S-1 dated 2/25/2013 prepared by Aldo DiVitto, Architect.

Item #8– Scheduling a Public Hearing on a Draft Proposed Local Law on Property Tax Cap Override

Mayor Hotchkiss stated this resolution is not invoking the override of the property tax cap but is being called for to give the Board the option to override the tax cap if deemed fiscally prudent for the coming Fiscal Year. He said the public hearing will take place on Tuesday, April 9th, 2013.

Administrator Yamuder said he was recommending the Board call for the hearing to allow the Board time during the budget work sessions to review all options for the coming Fiscal Year.

Trustee Marty confirmed that this resolution is not binding on the Board to invoke the tax cap and that it is just holding the option open to invoke it if necessary.

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

VILLAGE OF PELHAM, NY
SCHEDULING A PUBLIC HEARING
ON A DRAFT LOCAL LAW TO OVERRIDE
THE TAX LEVY LIMIT

The Board of Trustees of the Village of Pelham hereby schedules a public hearing to be held at 7:30 p.m. on Tuesday, April 9, 2013 in Village Hall at 195 Sparks Avenue, Pelham, NY, on a draft proposed Local Law that would amend the Code of the Village of Pelham, as follows:

**A local law to override the tax levy limit
Established in General Municipal Law 3-c**

A copy of the draft proposed Local Law is on file in the offices of the Village Clerk and may be viewed during normal business hours of 8 a.m. to 4:30 p.m., or an electronic copy may be obtained from the opening page of the Village's website www.pelhamgov.com.

By Order of the Mayor and Board of Trustees
Terri Rouke, Village Clerk
Publication date: Friday, March 22, 2013

Item #9– Monthly Budget Review

Mayor Hotchkiss said the Budget Report is not available this month due to the release of the Tentative Budget by the Village Staff. Administrator Yamuder said the Village is approximately 75% through the current Fiscal Year and approximately 75% spent. He said it is a good place to be at this time of the year.

Trustee Marty asked if the Tentative Budget would be posted online on the Village website. Administrator Yamuder said a copy would be made available in the coming days. He said there are hard copies upstairs at Village Hall.

Item #10– Grants Status Report

Secretary Bonington gave the grants status report. He stated the four grants the Village has applied for flooding remediation are in different stages of the process. He said the EPA administered \$340,000 grant for a new stormwater pipe on 3rd Street is currently being designed by Leonard Jackson Associates.

He said the Village is following up with the Dormitory Authority regarding the \$647,000 grant for Wolfs Lane Park. The project area will be at the intersection of Wolfs Lane and 1st Street. Secretary Bonington said the Village is still awaiting official confirmation that the funds will be released.

The Secretary stated the highlight since last meeting is that the Village has applied to FEMA for disaster relief resulting from Hurricane Sandy. He said the Village applied for approximately \$300,000 over three separate categories (A, B, and C) in aid and has received \$114,000 of those funds for category A which is for debris removal resulting from the storm. He said as compared to the receipt of grant funds for Hurricane Irene last year, the turnaround for this grant has been remarkably fast.

Item #11– Other Business

None

Item #12– 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 Lewis to adopt the resolution. The vote was approved by a vote of six in favor, none opposed. Trustee Marciona 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 #13– Authorizing the Accounts Payable

Trustee Marciona audited the Accounts Payable.

A motion was made by Trustee McGoldrick and seconded by Trustee Kagan to adopt the resolution. The vote was approved by a vote of six in favor, none opposed. Trustee Marciona 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	\$ 299,662.75
Water Fund	\$37,469.71
Capital Projects Fund	\$0.00
Trust and Agency Fund	\$0.00
H3 Fund	\$0.00
TE ExpendableTrust Fund	\$1000.29
Grand Total	\$338,132.75

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: February 5, 2013, February 19, 2013, and March 5, 2013

A motion was made by Trustee Lewis and seconded by Trustee McGoldrick to adopt the resolution to approve the minutes of February 5 and 19, 2013. The vote was approved by a vote of six in favor, none opposed. Trustee Marciona was absent.

February 5, 2013- Approved

February 19, 2013- Approved

March 5, 2013- Tabled

Item #15–Adjournment to Executive Session

Mayor Hotchkiss said this will be his last meeting after serving 10 years on the Village Board; four as Trustee and six as Mayor. He congratulated the new incoming Mayor, Timothy Cassidy, and new Trustees, Susan Mutti, Michael Volpe, and Joe Senerchia. He said in his time as Mayor he has encouraged the best financial practices for the Village's resources and tackled long-term issues; specifically flooding which he believes the Village has taken strides toward solving. He added that he has worked to expand the Village's tax base through prudent investments in the infrastructure. Mayor Hotchkiss thanked his fellow Trustees, Administrator Yamuder and all the Village staff for their service, and he thanked the residents who gave him the honor to serve on the Village Board.

Trustee Morris said this will be her last meeting as well on the Board of Trustees. She thanked Administrator Yamuder and the Village staff saying it has been a pleasure to work with them. She said future Board's should think of future residents and encourage more diverse housing and rental opportunities in the Village. She congratulated the new incoming Mayor and Trustees as well.

Trustee Lewis congratulated the new Mayor and incoming Trustees. He said there are many challenges that face the Village and said he hopes the community remains involved and engaged in the Village's affairs. He thanked the residents who allowed him to serve on the Village Board.

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 at 8:35 p.m. to discuss a personnel matter 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