

VILLAGE OF PELHAM BOARD OF TRUSTEES REGULAR MEETING
TUESDAY, May 19, 2009– 7:30 PM
VILLAGE HALL – 195 SPARKS AVENUE, PELHAM, NY

Minutes

1. Call To Order
2. Pledge of Allegiance
3. Mayor's Report
4. Trustees' Reports
5. Village Administrator's Report
6. Public Comment

Approximate
Starting Time
of Discussion

Agenda Items:

	Site Plan	8:00 p.m.
7.	Site Plan application by Doak for Proposed Two Car Garage 242 Elderwood Avenue	Approved
	Business	8:15 p.m.
8.	Public Discussion and consideration of the Village of Pelham's MS-4 report under the EPA Phase 2 Stormwater management guidelines , and authorizing submission to the NYS DEC for consideration of renewal of the Village's SPEDES permit	Authorized - no comments
9.	Resolution to designate Robert Yamuder, Village Administrator/Treasurer as signature authority to replace former signature authority Administrator Richard Slingerland for all FTA grant applications and execution of all FTA grant awards	Approved
10.	Resolution to designate Robert Yamuder, Village Administrator/Treasurer as signature authority to replace former signature authority Administrator Richard Slingerland for all Main Street grant applications and execution of all Main Street grant awards	Approved
11.	Tax Certiorari Settlement and Payment authorizations for 125 Wolfs Lane	Approved
	Housekeeping	8:30 p.m.
12.	Grants (Received and Applying for)	Tabled
13.	Authorizing the Accounts Payable	Approved
14.	Other Business	None
15.	Minutes:, Feb. 24, and March 10	Approved
16.	Executive Session	Approved
17.	Adjournment	9:00pm

Next Regular Board of Trustee Meetings are:
Tuesday, June 2, 2009
Tuesday, June 16, 2009

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

*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 8:00 p.m.

The following members of the Board of Trustees were present:

Mayor Edward Hotchkiss, Trustees Breskin, Bullock, Lewis, Morris, and Potocki. Absent Trustee Homan

Village staff in attendance:

Administrator/Treasurer Robert Yamuder, Terri Rouke Village Clerk.

Item #2 – Pledge of Allegiance:

The Pledge of Allegiance was led by Mayor Edward Hotchkiss.

Item #3 – Mayor’s Report: Mayor Hotchkiss had nothing to report

Item #4 – Trustees Reports

Trustee Breskin- Reported that the Junior League Pelham Night Out was a big success. He said that one of the retail stores, The Powder Room, was sold out of inventory. He suggested that the Junior League submit a closure report to the Chamber of Commerce telling what they did and how they did it with suggestions for potential Chamber events.

Trustee Bullock-reported that there were now seven members of the tree committee. He said that they would have their first organizational meeting before the end of May and a report at the next BOT meeting.

Trustee Homan-absent

Trustee Lewis- said that the zoning update committee was making progress.

Trustee Morris- Called the Junior League event a success and thanked them for focusing on the downtown. She also thanked Michael Shriman and Jerry Tew from the Street Department for volunteering their time as well as Senator Klein and all others who participated.

Trustee Potocki-reported that the police awards were held earlier before the BOT meeting. He thanked the police officers for the fine job that they did throughout the year. He also congratulated Chief Joseph Benefico on behalf of the Mayor and Board on becoming the President of the Westchester County Chiefs Association.

Item #5 Village Administrator’s Report: Administrator Yamuder reported on the street paving that is to begin next Tuesday, May 26th. ELQ was doing the work and the list of streets would

be posted on the web site. He said that there are ten locations that would be repaved with \$140,000.00 of CHIPS money.

Item #6 Public Comment: Dom Dembowski of 130 Sixth Avenue spoke about coming to the Board 3 weeks ago to complain about a basketball hoop that is in the street for 2 ½ years. Mr. Dembowski said that he sent numerous e-mails and made many phone calls and nothing has happened. Trustee Potocki said that a police sergeant had spoken to the homeowner and asked them to make an arrangement to move the hoop off of the street. Mr. Dembowski said that kids from other areas come to play and that the noise is too much. Mayor Hotchkiss informed Mr. Dembowski that at this point the best thing to do was to call the police when it becomes an issue. Trustee Breskin said that the hoop could be taken out to the street and then moved back. Mr. Dembowski said that was his complaint that the hoop is never moved.

Annie Kim owner of 33 Lincoln Avenue spoke about the issues of her building after the fire and the complaints of the nearby residents about the condition of the property. She said that Building Inspector Len Russo suggested that she come and formally introduce herself to the Board and address some of the issues. She reported that she had a cousin helping her with some of the things that had become overwhelming for her and that they were working hard to get things together, to reconstruct and get the building open again. She explained that this is new territory for her and she was trying to get more money from the insurance because the money that they were offering was not enough to cover the bids that were coming in from the contractors. She said that now things seemed to be moving more quickly. Mayor Hotchkiss said that a lot of people had been concerned and that he was happy to see the work done over the past few weeks to clean up the property and the fence around the property put up. Ms. Kim said that she keeps in contact with Detective Hynes for updates and that she wants to be in complete cooperation with the village.

Item # 7- Site Plan application by Doak for Proposed Two Car Garage 242 Elderwood Avenue

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

RESOLUTION
AUTHORIZING THE SITE PLAN FOR PROPOSED TWO CAR GARAGE (DOAK)
AT 242 ELDERWOOD AVENUE

RESOLVED, that the application for a Site Plan to construct a proposed two car garage building is approved, based on the review and recommendations by the Planning Board and the Architectural Review Board; and

BE IT FURTHER RESOLVED, that conditions apply as follows:

1. That the two car garage must be built in accordance with plans received by the Village and approved by the Planning Board in their memo dated April 30, 2009 and must be approved by the building inspector prior to issuance of the building permit;
2. That the two car garage must be built in accordance with plans received by the Village and approved by the Architectural Review Board in their memo dated May 6, 2009 and must be approved by the building inspector prior to issuance of the building permit;
3. That Grading and Drainage on the sites as shown on the plans approved by the Planning Board and must be approved by the building inspector prior to issuance of the building permit;
4. If the engineer determines that it is possible then the overall height of the garage shall be lowered as per ARB and must be approved by the building inspector prior to issuance of the building permit;
5. Garage door elevation has been changed but a garage door has not been specified. The garage door specification must be submitted and approved and must be approved by the building inspector prior to issuance of the building permit. In addition, as stated in the meeting, the window lights should follow the scale and proportion of the window lights on the main house. The 4 lights as drawn are large and horizontal. They need to be made small and vertical as per ARB;
6. All construction activity must comply with the Village Noise Ordinance and all construction activity must only take place on the days and times as per Village Noise Ordinance;
7. Any other actions deemed necessary by the Mayor, Village Administrator, Building Inspector, and other officials of the Village of Pelham;
8. That the application and permit shall remain subject to the continued jurisdiction of the Board of Trustees ; and
9. At no time may construction commence and not strictly adhere to the construction timeline this will be considered a violation of the Planning Board approval;

AND, BE IT FURTHER RESOLVED, that this application for a site plan by Doak for 242 Elderwood Avenue, is subject to the procedures, regulations and requirements of the Pelham Village Code and Pelham Building Department; and

BE IT FURTHER RESOLVED, that the Mayor, Village Administrator, Building Inspector and officials of the Village of Pelham are authorized to take the necessary and appropriate actions to effect this site plan approval.

MEMO

Date: April 30, 2009

To: Village of Pelham Board of Trustees

From: Village of Pelham Planning Board

Re: Applicant: DOAK
Property: 242 Elderwood Avenue
Application for Proposed New 2 Car Garage

The Village of Pelham Planning Board (PB) recommends that the Village of Pelham Board of Trustees (BOT) approve the application for the Proposed New 2 Car Garage at 242 Elderwood Avenue. The Planning Board unanimously (4-0) approved the application for the proposed construction of the new 2 car garage submitted by the Applicant, subject to submission by the Applicant of confirmation of compliance with set backs including eaves, revision of the plan showing a reduction of driveway curb cut to 12 feet with an 11 foot driveway, construction schedule, drywell calculations showing sufficient drainage capture, cut sheet showing the proposed exterior lighting, and indication on plan of trees to be planted to replace trees that are to be removed. Applicant has provided all requested items.

All work relating to the construction of the proposed new 2 car garage shall be performed as shown on Plan Drawings T-1, T-2, S-1, A-1, A-2, and A-3 dated 3/31/09 by Mastrogiamaco Engineering, P.C.

RV

MEMO

Date: May 6, 2009

To: Village of Pelham Board of Trustees

From: Village of Pelham Architectural Review Board

Re: Application for new garage

The Architectural Review Board (ARB) recommends that the Village of Pelham Board of Trustees (BOT) approve the application submitted by Mastrogiacommo Engineering PC for a new Garage at 242 Elderwood Ave

Work shall be performed as shown on the following drawings dated April 27, 2009 received via email on May 1, 2009:

- Cover Sheet with Plot Plan and General Notes (no sheet number)
- Sheet A-1
- Sheet A-2

Please have the following noted on the resolution:

1. If the engineer determines that it is possible then the overall height of the garage shall be lowered.

(If the ceiling height could be lowered to 7'-6" then the garage door height could be reduced and the roof height could be lowered. Reducing the scale of the mass would be sensitive to the neighbors (and the applicants own yard) but the applicant has to make sure that the new lower garage door height will be tall enough to accommodate their vehicles. My gut feeling is that it will accommodate them but the engineer has to prove it out.)

2. Garage door elevation has been changed but a garage door has not been specified. The garage door specification must be submitted and approved. In addition, as stated in the meeting, the window lights should follow the scale and proportion of the window lights on the main house. The 4 lights as drawn are large and horizontal. They need to be made small and vertical.

Item # 8- Public Discussion and consideration of the Village of Pelham's MS-4 report under the EPA Phase 2 Stormwater management guidelines, and authorizing submission to the NYS DEC for consideration of renewal of the Village's SPDES permit

Administrator Yamuder reported that the documentation for the SPDES permit was prepared by Michael Ritchie and James Maxwell of Dolph Rotfeld Engineering. He explained that the federal law commonly known as Stormwater Phase II permits will be required for stormwater discharges from Municipal Separate Storm Sewer Systems (MS4s). To implement the law, the department has developed two general permits, one for MS4s in urbanized areas and one for construction activities. The permits are part of the State Pollutant Discharge (SPDES) and that the operators of regulated MS4s and operators of construction activities must obtain permit coverage under either an individual SPDES permit or one of the general permits. The reporting period is from March 2008 to March 2009. The report must be compiled and submitted to the NYS DEC by June 1, 2009. There were no public comments about the MS-4 report.

A motion was made by Trustee Bullock, with a second by Trustee Morris to authorize submission of the report. The motion was approved by vote of six in favor, none opposed. Trustee Homan was absent.

Item # 9-Resolution to designate Robert Yamuder, Village Administrator/Treasurer as signature authority to replace former signature authority Administrator Richard Slingerland for all FTA grant applications and execution of all FTA grant awards

A motion was made by Trustee Lewis, with a second by Trustee Morris to approve the resolution. The motion was approved by vote of six in favor, none opposed. Trustee Homan was absent.

RESOLUTION

AUTHORIZING ROBERT YAMUDER, VILLAGE ADMINISTRATOR/TREASURER TO REPLACE RICHARD SLINGERLAND FORMER VILLAGE ADMINISTRATOR/TREASURER AS SIGNATURE AUTHORITY FOR ALL FTA GRANT APPLICATIONS AND EXECUTION OF ALL FTA GRANT AWARDS

WHEREAS, the Federal Transportation Administrator has been delegated authority to award Federal financial assistance for a transportation project; and

WHEREAS, the applicant has or will provide all annual certifications and assurances to the FTA required for the project;

Now, THEREFORE BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF PELHAM AS FOLLOWS;

As designee of signature authority, Robert Yamuder is authorized to execute and file with its application the annual certification and assurances and other documents the FTA requires before awarding a Federal Assistance Grant or cooperative agreement; and

As designee of signature authority, Robert Yamuder is authorized to execute grant and cooperative agreements with the FTA on behalf of the Village Of Pelham

Item 10-Resolution to designate Robert Yamuder, Village Administrator/Treasurer as signature authority to replace former signature authority Administrator Richard Slingerland for all Main Street grant applications and execution of all Main Street grant awards

A motion was made by Trustee Bullock, with a second by Trustee Morris to approve the resolution. The motion was approved by vote of six in favor, none opposed. Trustee Homan was absent.

RESOLUTION

AUTHORIZING ROBERT YAMUDER, VILLAGE ADMINISTRATOR/TREASURER TO REPLACE RICHARD SLINGERLAND FORMER VILLAGE ADMINISTRATOR/TREASURER AS SIGNATURE AUTHORITY FOR ALL MAIN STREET GRANT APPLICATIONS AND EXECUTION OF ALL MAIN STREET GRANT AWARDS

WHEREAS, the Housing Trust Fund Corporation, Division of Housing and Community Renewal has been delegated authority to award State financial assistance for a project; and

WHEREAS, the applicant has or will provide all annual certifications and assurances to the required for the project;

Now, THEREFORE BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF PELHAM AS FOLLOWS;

As designee of signature authority, Robert Yamuder is authorized to execute and file with its application the annual certification and assurances and other documents the Housing Trust Fund Corporation, Division of Housing and Community Renewal requires before awarding a Main Street Grant or cooperative agreement; and

As designee of signature authority, Robert Yamuder is authorized to execute grant and cooperative agreements with the Housing Trust Fund Corporation, Division of Housing and Community Renewal on behalf of the Village Of Pelham

Item #11- Tax Certiorari Settlement and Payment authorizations for 125 Wolfs Lane

A motion was made by Trustee Breskin, with a second by Trustee Bullock to approve the resolution. The motion was approved by vote of six in favor, none opposed. Trustee Homan was absent.

AUTHORIZING A TAX CERTIORARI JUDGMENT
FOR 125 WOLFS LANE;
AS AUTHORIZED BY THE TOWN OF PELHAM
FOR ASSESSMENT YEARS 2002 THROUGH 2007
(CORRESPONDING TO FY 2003-2004 thru FY 2008-2009)

BE IT RESOLVED, that the Board of Trustees of the Village of Pelham hereby authorize the court ordered settlement and payment for a refund of taxes and reduction in assessment to Kidsanne Realty Corp., pursuant to the Court Order and Judgment for the properties at the following addresses for the following amounts:

<u>Address:</u>	<u>Tax Lot ID Number:</u>	<u>Assessment Years:</u>	<u>Amount:</u>
125 Wolfs Lane	163.51-1-72	2002-2007	\$1,467.05
		Total:	\$1,467.05

In the total amount of one thousand four hundred sixty-seven dollars and five cents (\$1,467.05), and authorizes the Mayor, the Village Attorney and the Village Administrator/Treasurer to sign this agreement take the necessary and appropriate actions to effect this Court Order and refund these taxes.

Item # 12-Grants (Received and Applying for)

This item was tabled until a future meeting.

Item # 13- Authorizing the Accounts Payable

A motion was made by Trustee Lewis, with a second by Trustee Bullock to approve the resolution with the exception of two vouchers, until further information could be obtained, one

from CRP for \$1800.00 and one from the Fire Department regarding gas and mileage. The motion was approved by vote of six in favor, none opposed. Trustee Homan was absent.

Trustee Potocki is auditing the Accounts Payable.

RESOLUTION

WHEREAS, pursuant to Section 5-524 of the New York State Village Law, the Board of Trustees shall audit all claims against the Village.

NOW, THEREFORE, BE IT HEREBY RESOLVED, that the Board of Trustees after audit of the following claims, authorizes payment for services rendered and materials received, for the following items that have been submitted to the Treasurer's Office for payment and authorized by the Village Administrator:

<u>Fund Name:</u>	<u>Amount</u>
General Fund	\$ 132,55.12
Water Fund	\$ 15,696.14
Capital Projects Fund	\$ 58,401.23
Trust and Agency Fund	\$ 0.00
H3 Fund	<u>\$ 0.00</u>
Grand Total	\$ 206,652.49

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

Item # 14- Other Business- No other business

Item # 15- Approval of Minutes Feb 24 and Mar. 10.

A motion was made by Trustee Breskin, with a second by Trustee Morris to approve the minutes of February 24, 2009 and March 10, 2009. The motion was approved by vote of six in favor, none opposed. Trustee Homan was absent.

Item #16 – Executive Session:

On the motion of Trustee Lewis, seconded by Trustee Morris, the Board voted to go into Executive Session immediately after the board meeting is adjourned to discuss matters of personnel and contract. The motion was approved by a vote of six in favor none opposed. Trustee Homan was absent.

Item #17= Adjournment

On the motion of Trustee Lewis, seconded by Trustee Morris, the Board voted to adjourn to go into Executive Session. The motion was approved by a vote of six in favor none opposed. Trustee Homan was absent.

Respectfully submitted,

Terri Rouke, Village Clerk