

VILLAGE OF PELHAM BOARD OF TRUSTEES
REGULAR MEETING
TUESDAY, NOVEMBER 20, 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:	
	Non-Recurring Items	7:40 p.m.
7.	Update on possible FEMA Reimbursements	Discussed
8.	Creation of a Task Force for Emergency Responses	Discussed
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	Tabled
11.	Resolution Authorizing Extension of MOU with Spinnaker Real Estate	Tabled
12.	Resolution Authorizing Release of Retainage for Completion of Electrical Work Under Contract 2012-02E	Approved
	Reports and other Business	9:00 p.m.
13.	Monthly Budget Review	Discussed
14.	Grants- Status Report	Discussed
15.	Other Business- Lt. Donofrio	Approved
	Recurring Items	9:30 p.m.
16.	Authorizing Accounts Payable	Approved
17.	Authorizing Minutes of: October 2, 2012, October 16, 2012	Approved
18.	Adjournment to Executive Session	10:00 p.m.

Next Regularly Scheduled BOT Meeting:
Tuesday, December 4, 2012
Tuesday, December 18, 2012
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 Edward Hotchkiss at 7:30 p.m.

The following members of the Board of Trustees were present:

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

The following members of the Board of Trustees were absent:

Trustee Marciona and Morris

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 wished the residents of Pelham a Happy Thanksgiving. He stated the MTA would be selecting artists to decorate many of the train stations in Westchester County. He said the selection will take place in New York at the MTA Headquarters on December 12, 2012.

The Mayor stated he had met with the Town Supervisor regarding Trotta Park. There is currently an RFP out for a new landscape architect to oversee the design of the park. He said the attendants to the meeting were all in agreement about how to proceed with the project and they are hoping for a construction date sometime in the spring.

Trustee Kagan said he hoped the Town Board will keep the Village apprised of its progress.

Trustees Reports:

Trustee Lewis

Trustee Lewis stated that American Express has a special promotion beginning on the Saturday after Thanksgiving which Village merchants may want to take advantage of.

Trustee Kagan

Trustee Kagan stated the Village merchants will be staying open later on Thursday evenings beginning after Thursday, November 29 through December 20. He encouraged residents to shop locally over the next few weeks.

Trustee Marciona

Absent

Trustee Marty

None

Trustee McGoldrick

None

Trustee Morris

Absent

Village Administrator's Report

Administrator Yamuder said he attended a meeting with Con Ed as a follow up to the Hurricane Sandy response. He said the municipal managers present were very honest and upfront about Con Ed's shortcomings in response to the Hurricane. He said Con Ed has promised to prepare for disasters more thoroughly and train its people to communicate better in the future. He stated it was a successful meeting and he intends to continue the dialogue with Con Ed.

Trustee Lewis asked how residents can keep the pressure on Con Ed. Administrator Yamuder stated residents can call Con Ed directly but said that the municipalities will keep up with any developments from Con Ed.

The Administrator added that Fire Chief Stone's 211 retirement waiver were passed recently. He is cleared for another two years.

Item #6–Public Comment

John Cassone of 7th Avenue thanked the DPW Foreman Michael Shriman and the DPW for removing a damaged tree in the aftermath of Hurricane Sandy. He suggested that the Board consider waiving building permit fees for residents who need to do reconstruction on damaged homes.

Iris Kasten of 240 Carol Avenue thanked the Police Department for maintaining order at the local gas stations while residents and visitors waited to get gas. She asked if any notification of the increased shopping hours would be published. Trustee Kagan said he understood that two advertisements would be published shortly.

Item #7–Update on possible FEMA Reimbursements

Administrator Yamuder stated that the Village is seeking reimbursement from FEMA in the aftermath of the hurricane. He said he has the Village Department heads compiling all overtime sheets and bills accumulated during and after the storm. He added that he attended a registration kick-off meeting and will be receiving more information shortly.

The Administrator suggested residents visit the FEMA website to learn more about how they can apply for reimbursement. He added that there have been reports of fraudulent FEMA inspectors. He said official FEMA inspectors have identity credentials and do not accept money or offer to complete applications.

Item #8– Creation of a Task Force for Emergency Responses

Mayor Hotchkiss stated the Board intends to form a Task Force to assess the response by Village departments to the hurricane. The Task Force will consist of Trustees Lewis, Kagan, and Marciona. The goal will be to improve communication to the public and assess what can be done better in the future.

Trustee Kagan stated the Board would be looking into how it can incorporate social media into its response system.

Item #9– Continuing a Public Hearing on Proposed Changes in the Commercial Zoning Code

Mayor Hotchkiss stated that based on the research he conducted prior to the last meeting on November 7, he determined that each apartment building in Pelham has approximately 0.8 parking spaces per unit in the Village. He said that this has led him to believe that not every incoming resident will require a car. He cited several other municipalities including Tuckahoe, Rye, New Rochelle, and Mamaroneck that have specific districts that have less parking per unit when in close proximity to a train station. Trustee Marty stated he is more comfortable with retaining the one-to-one parking space-to-one (one space per dwelling unit) resident ratio that is now in the Code for properties that are close to the train station.

The Mayor stated that the Board has commissioned shadow studies of two sites in the Village to give the public a visual representation of the maximum heights permitted under the current zoning code vs. the possible impact of the proposed zoning changes. The sites are located at the intersections of 5th Avenue and 3rd Street and 5th Avenue and 1st Street. The renderings give the anticipated shadowing effect at various times of the year and day.

John Cassone, of 7th Avenue, asked if the Village could charge the developer back for these shadow studies as part of the overall design cost for the project. Mayor Hotchkiss stated these visuals were generated for the commercial zoning revision and are not a part of the proposed development project.

Carol Spawn Desmond, of the Pelham Preservation and Garden Society, cautioned the Board that the SEQRA review process is not as protective as the Board has stated in previous meetings. She stated that depending on whether this proposed development is listed as a Type 1, Type 2, or Unlisted Action, can have a great determination on how strict the review of the overall project is. She asserted that a Type 2 designation requires no further review of the project once it is declared. She stated the MOU does not contain the language requiring an in-depth review process and this deprive the Village of oversight on the nature of the project.

Mayor Hotchkiss disagreed with Ms. Desmond's assessment of the MOU and stated that the Board would be the lead agency on the SEQRA review process for this project, and would require the developer to provide in-depth studies of any impacts that its proposed development would have on the community. He stated that the burden of proof is on the developer to make a case for why their development would be beneficial to Pelham and reiterated that the Board of Trustees has final approval for any project.

Ms. Desmond stated that the Board cannot rely on SEQRA alone as a Type 1 designation only provides minimal oversight on the overall aesthetic look of the project. She stated these environmental reviews are not always a protection for the municipality.

Trustee Kagan stated the project would be subject to site-plan review and Board approval. He further explained to Ms. Desmond that the Board had final authority to review and approve any plans under Chapter 79.4 of the Village Code. He invited Ms. Desmond to relate any weakness in Chapter 79.4.13 of the Code to him for Board review. Trustee Marty said that the members of the Board are not real estate experts but rely on the advice of real estate counsel on this proposed project. Mayor Hotchkiss thanked Ms. Desmond for the information. He stated that the Board intends to renotify the public through the newspapers of this hearing on the next agenda item.

A motion was made by Trustee Lewis and seconded by Trustee Marty to adopt the resolution to continue the public hearing. The vote was approved by a vote of five in favor, none opposed. Trustees Marciona and Morris were absent.

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

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

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 4th day of December, 2012 at 7:30

p.m. to discuss the possible adoption of Local Law No. 4-2012, 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, November 23, 2012

Item #11– Resolution Authorizing Extension of MOU with Spinnaker Real Estate

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

Item #12– Resolution Authorizing Release of Retainage for Completion of Electrical Work Under Contract 2010-02E

Administrator Yamuder said this resolution will release the retainage to Anderson Electric who performed the electrical work on the DPW Yard House. He said at this time all electrical connections have been made and the work completed.

Trustee Kagan asked if all inspections had been made. Administrator Yamuder said all inspections will be made as part of the final Certificate of Occupancy that comes from the general contractor.

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

Resolution
Authorizing the Release of Retainage for
Completion of Electrical work Under Contract 2010-02E

BE IT RESOLVED, that the Board of Trustees of the Village of Pelham hereby authorize the release of retainage to Anderson Electric in the amount of ten thousand nine hundred-forty nine dollars and forty-one cents (\$10,949.41) with the completion of the Electrical work under Contract 2010-02E for the construction of the Department of Public Works Facility and FTA Parking Lot.

BE IT Further RESOLVED that this resolution authorizes Village Administrator/Treasurer to take the necessary and appropriate actions to effect this refund.

Item #13– Monthly Budget Review

Mayor Hotchkiss said he is still working on getting the budget review packages to reflect a month-to-month to see the effect on the Village's fund balance.

Administrator Yamuder said the Village is approximately 5 months or 41% through the Fiscal Year. He said the Village is approximately 35% spent which is under budget. He reminded the Board however that larger expenses such as the pension contribution will be paid at the end of December and the winter months are still ahead.

The Administrator stated the sales tax collection is higher than expected. He said this is a good trend and hopes it will continue. He stated that at the next Board meeting the Board will have to approve some budget transfers.

Administrator Yamuder stated the overtime for the Fire Department is approximately 53% of the budgeted amount. He said the DPW overtime is approximately 20% of the budgeted amount. He said much of this overtime was the result of the storm. He said, however, that most of it is reimbursable through the FEMA program for disaster relief.

Item #14– Grants- Status Report

Secretary Bonington gave the grants status report. He reported that the \$340,000 EPA administered grant for flooding remediation is in process. The Village is awaiting the next steps for this project but has retained Leonard Jackson Associates (LJA) to begin work on the plans and specifications for the project. The site of the project will be on 3rd Street between 4th and 1st Avenues.

The Secretary stated that the 2008 application for the Local Pre-Disaster Mitigation (LPDM) grant has been approved. The Administrator received a letter confirming this approval and when to expect the contracts for the grant. The grant amount totals \$125,000. There is a Village match of \$62,200 for this project.

Secretary Bonington stated the \$647,000 New York Economic Development Program (NYEDP) grant is being processed. The Village has supplied all requested documentation to the Dormitory Authority (DASNY) and is awaiting approvals from their SEQRA review and legislative approval. There is no Village match for this grant.

The Secretary finished his report by saying the Village was notified that it has been approved for the 2012 Urban Forestry Grant. He said the Village would be receiving \$3,404 in addition to a \$6,250 match for a grant amount totaling \$9,654.

Item #15– Other Business

Mayor Hotchkiss stated the Board did not pass a resolution promoting Firefighter Donofrio to Fire Lieutenant at the previous meeting. He suggested the Board pass one now as Lt. Donofrio has already been made effectively an officer.

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

Item #16– Authorizing the Accounts Payable

Trustee Marty audited the Accounts Payable.

A motion was made by Trustee Marty and seconded by Trustee Kagan to adopt the resolution. The vote was approved by a vote of five in favor, none opposed. Trustee Marciona and Morris were 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	\$ 290,083.00
Water Fund	\$41,149.71
Capital Projects Fund	\$21,812.31
Trust and Agency Fund	\$350.00
H3 Fund	\$0.00
TE ExpendableTrust Fund	\$0.00
Grand Total	\$354,395.02

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: October 2, 2012, October 16, 2012, November 7, 2012

A motion was made by Trustee Lewis and seconded by Trustee Marty to adopt the minutes from October 2 and 16. The vote was approved by a vote of five in favor, none opposed. Trustee Marciona and Morris were absent.

October 2, 2012- Approved

October 16, 2012- Approved

November 7, 2012- Tabled

Item #18—Adjournment to Executive Session

A motion was made by Trustee McGoldrick with a second by Trustee Kagan to adjourn the public portion of the Board meeting and go into Executive Session to discuss a real estate matter at 10:15 p.m. after which time the Board would adjourn for the evening. The motion was approved by vote of five in favor, none opposed. Trustee Marciona and Morris were absent.

Respectfully submitted,
Peter Bonington, Secretary to the Village Administrator