

VILLAGE OF PELHAM BOARD OF TRUSTEES REGULAR MEETING  
TUESDAY, NOVEMBER 13, 2007 – 7:30 P.M.  
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 | Approximate   |
| 6. | Public Comment                 | Starting Time |
| #  | Agenda Items:                  | of Discussion |

	<b>Committee Reports</b>	<b>7:45 p.m.</b>
7.	Pelham Post Office.	<b>Discussed</b>
8.	Flooding initiatives.	<b>Discussed</b>
9.	Streetscape Clean-up & Improvements.	<b>Discussed</b>
10.	Cliff Remediation for Pelham Medical Group.	<b>Discussed</b>
11.	Comprehensive Plan update.	<b>Discussed</b>
12.	Website and Telecommunications initiatives.	<b>Discussed</b>
	<b>General Business</b>	
	<b>Fire Department</b>	<b>8:00 p.m.</b>
13.	Authorizing the appointment by the Mayor of a fourth Lieutenant in the Pelham Fire Department.	<b>Approved</b>
14.	Authorizing the issuance of a Bid/Request for Proposals for a new or Demonstration Fire Pumper Apparatus.	<b>Approved</b>
	<b>Land Use and Parking</b>	<b>8:15 p.m.</b>
15.	Considering appointment by the Mayor of Alyssa Talanker to the ZBA.	<b>Approved</b>
16.	Scheduling a Public Hearing on a draft proposed Code Change regarding Storm Water Management and Control, including Detection and Elimination of Illegal Connections.	<b>Tabled to Dec. 4<sup>th</sup> meeting</b>
17.	Public hearing on a proposed Code change to the Zoning Code, a.k.a. Hedge Law, adding a definition and replacing "street line" with "curb line" to 98-104.	<b>Approved</b>
18.	Resolution adding two (2) teacher parking spaces on the east side of Wolfs Lane, between visitor parking and the fire hydrant south of Franklin Place.	<b>Approved</b>
19.	Declaring the Mayor and Trustees Lead Agency under SEQRA, and opening a Public Hearing on a Local Law for the Village of Pelham to be a Greenway Compact Community.	<b>Approved</b>
	<b>Public Works Department</b>	<b>8:45 p.m.</b>
20.	Authorizing Bond Resolutions to fund a new/used DPW truck, and for Sewer Video and Relining Work.	<b>Approved</b>
	Considering an award of contract for Video work and relining of storm and sanitary sewers and culverts in the Village of Pelham.	<b>Approved</b>
	Considering an award of contract for the purchase by the Village of a 2001 or newer International Dump Truck with Plow.	<b>Approved</b>
	<b>Site Plan</b>	<b>9:15 p.m.</b>
21.	Considering Site Plan approval for Lordae Realty's 5 <sup>th</sup> Avenue replacement building.	<b>Approved</b>
	<b>Housekeeping</b>	<b>9:45 p.m.</b>
22.	Authorizing the Accounts Payable	<b>Approved</b>
23.	Old Business/New Business	
24.	Minutes – October 16, 2007 and October 30, 2007	<b>Approved as amended by Laura Morris and Mayor</b>
25.	Executive Session	
26.	Adjournment	<b>Adjourned</b>

Next Regular Board Meetings are Tuesdays December 4<sup>th</sup> and December 18<sup>th</sup>, 2007

The November 6<sup>th</sup> and 20<sup>th</sup> Meetings are re-scheduled to November 13<sup>th</sup>.

\* All meetings start at 7:30 p.m. unless otherwise noted. Agenda is subject to change.

VILLAGE OF PELHAM BOARD OF TRUSTEES REGULAR MEETING  
TUESDAY, NOVEMBER 13, 2007 – 7:30 P.M.  
VILLAGE HALL – 195 SPARKS AVENUE, PELHAM, NY

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 Edward Hotchkiss, Trustees Greco, Morris, and Potocki. Trustee Lewis and Trustee Weinstein joined the meeting later. Trustee Homan was absent

Village staff in attendance:

Administrator/Treasurer Richard Slingerland and Administrative Aide Devron Wilson,

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' Report:

Trustee Greco reported that the Pelham Fire Department had its annual fire inspection last Friday. The fire inspection went well.

Trustee Potocki reported that a committee is in the process of being assembled to discuss traffic improvements around Hutchinson Elementary School. There are approximately 16 to 17 suggestions to be considered. The main priority of the committee is to focus on safety, drop off, and pick up.

Trustee Potocki also reported that there are only forty (40) days left until Christmas. Residents can still purchase meter keys at village hall.

Trustee Morris had nothing to report.

Item #5 – Village Administrator's Report:

Village Administrator Richard Slingerland had nothing to report on that was not included in the agenda.

Item #6 – Public Comment: None.

Item #7 – Pelham Post Office:

The Post Office is in the process of discussing the elevations for the proposed building.

Item #8 – Flooding initiatives:

Administrator Slingerland and Administrative Aide Devron Wilson submitted a grant application for flooding to FEMA on Friday, November 9, 2007. Furthermore, United

Water has removed the water main at 5<sup>th</sup> Avenue and 6<sup>th</sup> Street which was obstructing the flow of water in that area.

Item #9 – Streetscape Clean-up & Improvements:

Nothing new to report.

Item #10 – Cliff Remediation for Pelham Medical Group:

Mr. Steve Kahaner asked for an update on the Pelham Medical Group cliff remediation, and expressed concerns that the cliff had been cut back too steeply. Mr. Slingerland explained that the rock could not be cut with laser-precision, but that the Village had been informed that the cliff remediation had been cut largely in compliance with the approved site plan.

Mr. Kahaner stated that his concerns, as a layman, focused on the survey of property lines, and that his survey by Bournazos disagreed with the survey by Welsh. The Mayor reported that the Village is observing that the PMG is just about done with the Phase 1, and would soon be ready to submit the plans and specifications for Phase 2. Mr. Kahaner expressed concerns about possible erosion of his property. Mr. Slingerland explained that the completion of Phase 1 would resolve his issues about the survey, including the location of the cliff, and the slope and cut of the cliff, along with drawings and construction plans for completion under Phase 2.

Mr. Slingerland explained that the Village is dealing with this application and progress of construction in much the same manner as the application and construction by Lordae Realty, and expects the Village to receive as-built plans for filing in order to close out Phase 1 and proceed to the construction of the wall under Phase 2.

Item #11 – Comprehensive Plan update:

A public hearing is scheduled for December 4, 2007. Saratoga Associates will be at the December 4<sup>th</sup> board meeting to give a presentation to the Board of Trustees and for the Public in attendance at the hearing.

Item #12 – Website and Telecommunications initiatives:

Mayor Hotchkiss reported that the village now has mass-email capability. Residents are encouraged to sign up for village notices via the Village of Pelham website. Mayor Hotchkiss also reported that cablevision has installed wi-fi capability along 5<sup>th</sup> Avenue from Lincoln Avenue to Harmon Avenue. Administrator Slingerland reported he had requested Cablevision to expand their area to cover and include the Metro North station platform.

Item #13 – Authorizing the appointment by the Mayor of a fourth Lieutenant in the Pelham Fire Department:

A motion was made by Trustee Greco, with a second by Trustee Potocki to adopt the resolution. The resolution was approved unanimously by vote of four in favor, none opposed. Trustees Homan, Lewis, and Weinstein were absent at the time of voting.

RESOLUTION

AUTHORIZING THE APPOINTMENT BY THE MAYOR  
OF CHRISTOPHER MCCANN TO THE POSITION OF LIEUTENANT  
IN THE PELHAM FIRE DEPARTMENT

BE IT RESOLVED, that the Board of Trustees authorizes the promotion and appointment by the Mayor of Christopher McCann, to the position of Fire Lieutenant, for a probationary period of one year, subject to the requirements of Civil Service.

Item #14 – Authorizing the issuance of a Bid/Request for Proposals for a new or Demonstration Fire Pumper Apparatus:

Trustee Greco mentioned that the fire department has been reviewing demonstration and used trucks for the last few weeks. Fire Chief Carfora composed the specifications to include in the RFP for a new or demonstration truck. The RFP will be sent out shortly.

A motion was made by Trustee Weinstein, with a second by Trustee Potocki to adopt the resolution. The motion was approved as amended, unanimously by vote of six in favor, none opposed. Trustee Homan was absent.

Motion:

Authorizing the issuance of a Bid/Request for Proposals for a new or demonstration Fire Apparatus or such other purposes which may be allowed by the grant, with a grant from FEMA/Department of Homeland Security in the amount of \$261,250, with any additional funding required to be provided by the Village of Pelham, from a source yet to be determined by the Mayor and Board of Trustees.

Item #15 – Considering appointment by the Mayor of Alyssa Talanker to the ZBA:

Zoning Board of Appeals Chairman Bill McDevitt was in attendance. He mentioned that he is pleased that all of the board members positions are occupied, and he welcomed Alyssa Talanker to the zoning board. He also thanked the Mayor and Board of Trustees for appointing him as chairman of the Zoning Board of Appeals.

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

RESOLUTION  
CONSIDERING APPOINTMENT BY THE MAYOR  
OF ALYSSA TALANKER TO THE  
ZONING BOARD OF APPEALS

RESOLVED, that Alyssa Talanker of 401 Ninth Avenue, Pelham, is hereby appointed by the Mayor as a Member of the Village of Pelham Zoning Board of Appeals, to replace David Daly, who has resigned, to the unexpired portion of a term that will expire on March 31, 2008, and

BE IT FURTHER RESOLVED, that the Mayor and Board authorize a waiver for Ms. Talanker for the 4-hour annual training requirements as required by New York State, if necessary.

Item #16 – Scheduling a Public Hearing on a draft proposed Code Change regarding Storm Water Management and Control, including Detection and Elimination of Illegal Connections:

\*This topic has been tabled until the next scheduled Board of Trustees Meeting on December 4, 2007.

2 Local laws submitted in draft form, held over until the December 4, 2007 Meeting.

Item #17 – Public hearing on a proposed Code change to the Zoning Code, a.k.a. Hedge Law, adding a definition and replacing “street line” with “curb line” to 98-104:

Trustee Potocki mentioned that the current law is a bit ambiguous. The proposed law is more clearly defined.

Administrator Slingerland explained that he, Administrative Aide Devron Wilson, and Deputy Clerk Sandra Shriman, had gone out into the field to take photographs to explain the effects of the current law and the proposed changes.

See also Martha’s letter regarding this proposed Code Change, and the photographs of the impact on hedges, as defined by Rich and Devron.

For reference, the staff reviewed a copy of the old law with the Board.

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

**LOCAL LAW NUMBER    OF 2007**

**A Local Law amending the Village Code Chapter 98 – Zoning, by adding a new definition for “Curb Line”, and amending Chapter 98-104 H., to reference Curb Line rather than Street Line.**

**SECTION 1**

Section 98-6 of the Code of the Village of Pelham is amended to include the following new term:

**CURB LINE** – The edge of the curb adjacent to the road. Where there is no curb, the curb line will be interpreted as the outermost edge of the road.

**SECTION 2**

Section 98-104H of the Code of the Village of Pelham is repealed, and the following new Section 98-104H is adopted:

- H. On corner lots in Residence A-1, A-2, A-3, B-1 or B-2 Districts, the triangular area described below shall be maintained to help pedestrians and motorists see oncoming traffic as they approach the intersection. This triangular area is defined by connecting three points: the point where the two curb lines would intersect, and on both curb lines the point located twenty feet from the intersection of the two curb lines. Within this triangular area it is:
1. Impermissible to erect walls, fences or other structures to a height more than 30 inches above the level of the curb;
  2. Impermissible to create a driveway or parking area **or** to park a vehicle or place any object or other obstruction that is more than 30 inches above the level of the curb;
  3. Required than all hedges, shrubs and all other vegetation be trimmed to a height no more than 30 inches above the level of the curb with the exception of trees that have no branches less than ten feet above the road bed.

**SECTION 3**

This local law shall take effect upon its adoption and filing with the Secretary of State.

Item #18 – Resolution adding two (2) teacher parking spaces on the east side of Wolfs Lane, between visitor parking and the fire hydrant south of Franklin Place:

A motion was made by Trustee Greco, with a second by Trustee Morris to only add one (1) teacher parking space on the east side of Wolfs Lane, between visitor parking and the fire hydrant south of Franklin Place. The motion was approved unanimously by vote of six in favor, none opposed. Trustee Homan was absent.

RESOLUTION

CREATING SCHOOL PARKING (est. 1 space)  
ADJACENT TO THE MIDDLE SCHOOL  
BETWEEN VISITOR PARKING AND THE HYDRANT ON WOLFS LANE

RESOLVED, that the Village Code chapter 90-60 is for School Parking is hereby amended as follows:

Name of Street	Side	Hours	Days	Location
Wolfs Lane	East	7 a.m. to 4 p.m.	School Days	Permit only, for 1 space, from the "Visitor Parking" spaces south of Franklin Place to the fire hydrant.

Item #19 – Declaring the Mayor and Trustees Lead Agency under SEQRA, and opening a Public Hearing on a Local Law for the Village of Pelham to be a Greenway Compact Community:

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

RESOLUTION

DECLARING THE MAYOR AND BOARD OF TRUSTEES  
AS LEAD AGENCY UNDER SEQRA,  
FOR A TYPE 1 ACTION AND ADOPTING A NEGATIVE DECLARATION UNDER  
SEQRA, FINDING THAT THERE WILL BE NO IMPACT ON THE ENVIRONMENT  
BY THE VILLAGE OF PELHAM TAKING ACTION  
TO BECOME A GREENWAY COMPACT COMMUNITY

BE IT RESOLVED, that the Mayor and Board of Trustees hereby find that there has been no objection or challenge to its declaration of intent to act as Lead Agency under SEQRA for the Type 1 Action of Adopting Zoning and Site Plan Code Changes in order for the Village to become a Greenway Compact Community; and

BE IT FURTHER RESOLVED, that the Mayor and board authorize the adoption of a Negative Declaration, finding no impact on the environment caused by this action, and authorizing the Village Administrator to sign the EAF for the action of adopting a local law to adopt Westchester County Greenway Compact Plan, *The Greenprint for a Sustainable Future ...the Westchester Way*, and amending the Village Code by adopting a new Chapter 53, and amending Chapters 79 and 98, in order for the Village of Pelham to become a Greenway Compact Community.

**LOCAL LAW NUMBER    OF 2007**

**A local law to adopt  
Westchester County  
Greenway Compact  
Plan, *The Greenprint  
for a Sustainable  
Future            ...the  
Westchester Way***

**BE ENACTED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF  
PELHAM AS FOLLOWS:**

**SECTION 1**

A new Chapter 53 Westchester Greenway Compact Plan is adopted as follows:

**CHAPTER 53**

**WESTCHESTER GREENWAY COMPACT PLAN**

**§53-1. Adoption of Westchester County Greenway Compact Plan**

Pursuant to the provisions of Section 44-0119 of the Environmental Conservation Law of the State of New York, the Village of Pelham hereby adopts the statement of policies, principles and guides detailed in *The Greenprint for a Sustainable Future...the Westchester Way*, the Westchester County Greenway Compact Plan, by which the Village of Pelham becomes a participating community in the Greenway Compact.

**§53-2. Amendments to the Compact Plan**

Proposals to amend the Compact Plan may from time to time be made by the Hudson River Valley Greenway Communities Council, hereinafter referred to as "Greenway Council," in response to requests from participating communities. Within 90 days of receipt of any such proposal from the Greenway Council, the Board of Trustees of the Village of Pelham shall determine by resolution whether to accept or to reject such

proposed amendment. Any proposed amendment so accepted shall be considered an amendment of the Compact Plan as adopted by the Village of Pelham. Any proposed amendment rejected by the Village of Pelham will not be considered to be an amendment of the Greenway Plan for the Village of Pelham, and notice of such rejection shall promptly be provided to the Greenway Council.

### **§53-3. New and Amended Village Land Use Laws and Regulations**

It is stated policy of the Village of Pelham that, to the extent the Village amends its current land use laws and regulations or enacts new ones, such new or amended laws and regulations, where appropriate, should be designed to be consistent with the Compact Plan.

### **§53-4. Home Rule of Authority**

Nothing in this Chapter adopting the Compact Plan, or in becoming a participating community in the Compact Plan is intended, or shall be construed (a) to limit the home rule authority of the Village of Pelham under State Law to make local land use and zoning decisions, (b) to authorize any other entity to supersede the Village's land use laws and regulations or to impose any requirements on the Village of Pelham, or (c) to prevent the Village of Pelham in its sole discretion from adopting a local law at a later date for the purpose of withdrawing from the Greenway Compact or Westchester County Greenway Compact Plan.

### **§53-5. Severability**

If any part or provision of this Chapter or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part of provision or application directly involved in the controversy in which judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Chapter or the application thereof to other persons or circumstances, and the Village of Pelham hereby declares that it would have passed this Chapter or the remainder thereof had such invalid application or invalid provision been apparent.

## **SECTION 2.**

To implement the Compact Plan in the Village of Pelham, Section 98-133 of the Code of the Village of Pelham is hereby amended as follows:

- 1) The following new Section 98-133A is adopted:

**§98-133A. Westchester County Greenway Compact Plan.** The Village of Pelham has adopted the Compact Plan, as amended from time to time, as a statement of policies, principles, and guides to supplement other established land use policies in the Village. In its discretionary actions under this chapter, the

Zoning Board of Appeals should take into consideration said statement of policies, principles and guides, as appropriate.

- 2) Sections 98-133A, 98-133B, 98-133C and 98-133D are renumbered respectively Sections 98-133B, 98-133C, 98-133D and 98-133E.

### **SECTION 3.**

To implement the Compact Plan in the Village of Pelham, Section §79-5 of the Code of the Village of Pelham is hereby amended by the addition of the following subsection:

- §79-5L. The Village of Pelham has adopted the Westchester County Greenway Compact Plan, as amended from time to time, as a statement of policies, principles, and guides to supplement other established land use policies in the Village. In its discretionary actions under this Chapter, the Planning Board should take into consideration said statement of policies, principles and guides, as appropriate.

### **SECTION 4. Effective Date**

This Local Law shall take effect immediately upon filing in the office of the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

#### Item #20 – Authorizing Bond Resolutions to fund:

Item 20 - A.1: A new/used DPW truck; and

Item 20 - A.2: Sewer Video and Relining Work:

The Board reviewed the debt of the Village, and the Mayor explained that he would like to see some of the debt remain short-term debt, or BANs, rather than being converted into long-term debt.

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

A.1 – New or Used DPW truck with plow:

**BOND RESOLUTION, DATED November 13, 2007, AUTHORIZING THE ISSUANCE OF UP TO \$34,000 AGGREGATE PRINCIPAL AMOUNT SERIAL BONDS OF THE VILLAGE OF PELHAM, COUNTY OF WESTCHESTER, STATE OF NEW YORK, PURSUANT TO THE LOCAL FINANCE LAW, TO FINANCE THE COSTS OF THE ACQUISITION OF A VEHICLE FOR THE DEPARTMENT OF PUBLIC WORKS.**

**WHEREAS**, the Board of Trustees of the Village of Pelham (the “Village”), a municipal corporation of the State of New York, located in the County of Westchester, hereby determines that it is in the public interest of the Village to authorize the financing of the costs of the acquisition of a

vehicle for the Department of Public works, including any preliminary and incidental costs related thereto, at a total estimated cost not to exceed \$34,000, all in accordance with the Local Finance Law;

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Trustees of the Village of Pelham, County of Westchester, State of New York, as follows:

Section 1. There is hereby authorized to be issued serial bonds of the Village, and/or bond anticipation notes issued in anticipation of the issuance of such serial bonds, in the aggregate principal amount not to exceed \$34,000, pursuant to the Local Finance Law, in order to finance the costs of the specific objects or purposes, or classes of objects or purposes, hereinafter described.

Section 2. The specific objects or purposes, or classes of objects or purposes, to be financed pursuant to this bond resolution (collectively, the "Project"), the respective estimated maximum cost of such specific objects or purposes, the principal amount of serial bonds, and/or of bond anticipation notes issued in anticipation of the issuance of such serial bonds, authorized for such specific objects or purposes, and the period of probable usefulness of such specific objects or purposes, or classes of objects or purposes, pursuant to the applicable subdivision of paragraph a of Section 11.00 of the Local Finance law, are as follows:

(a) The acquisition of a vehicle for the Department of Public Works and any preliminary and incidental costs related thereto, at an estimated maximum cost of \$34,000, for which \$34,000 principal amount of serial bonds, and/or bond anticipation notes issued in anticipation of the issuance of such serial bonds, are authorized herein and appropriated therefore, having a period of probable usefulness of five (5) years pursuant to subdivision 29(a) of paragraph a of Section 11.00 of the Local Finance Law. Such serial bonds shall have a maximum maturity of five (5) years computed from the earlier of (a) the date of the first issue of such serial bonds or (b) the date of the first issue of bond anticipation notes issued in anticipation of the issuance of such serial bonds.;

Section 3. The Board of Trustees of the Village has ascertained and hereby states that (a) the estimated maximum costs of the Project are not to exceed \$34,000; (b) no money has heretofore been authorized to be applied to the payment of the costs of the Project; (c) the Board of Trustees of the Village plans to finance the costs of the Project from the proceeds of the serial bonds authorized herein, and/or bond anticipation notes issued in anticipation of the issuance of such serial bonds; (d) the maximum maturity of such serial bonds authorized herein shall not be in excess of five (5) years; and (e) on or before the expenditure of moneys to pay for any costs in connection with the Project for which the proceeds of the obligations authorized herein are to be applied to reimburse the Village, the Board of Trustees of the Village took "official action" for federal income tax purposes to authorize the capital financing of such expenditure.

Section 4. Subject to the terms and conditions of this bond resolution and the Local Finance Law, including the provisions of Sections 21.00, 30.00, 50.00 and 56.00 to 60.00, inclusive, the power to authorize serial bonds as authorized herein, and bond anticipation notes issued in anticipation of the issuance of such serial bonds, including renewals thereof, the power to prescribe the terms, form and contents of such serial bonds and such bond anticipation notes, and the power to issue, sell and deliver such serial bonds and such bond anticipation notes, are hereby delegated to the Village Treasurer, as the chief fiscal officer of the Village. The Village Treasurer is hereby authorized to execute on behalf of the Village all serial bonds issued

pursuant to this bond resolution, and all bond anticipation notes issued in anticipation of the issuance of such serial bonds, and the Village Clerk is hereby authorized to impress the seal of the Village (or to have imprinted a facsimile thereof) on all such serial bonds and all such bond anticipation notes and to attest such seal. Each interest coupon, if any, representing interest payable on such serial bonds shall be authenticated by the manual or facsimile signature of the Village Treasurer.

Section 5. The faith and credit of the Village are hereby and shall be irrevocably pledged for the punctual payment of the principal of and interest on all obligations authorized and issued pursuant to this bond resolution as the same shall become due.

Section 6. When this bond resolution takes effect, the Village Clerk shall cause the same, or a summary thereof, to be published together with a notice in substantially the form prescribed by Section 81.00 of the Local Finance Law in The Journal News, a newspaper having a general circulation in the Village. The validity of the serial bonds authorized herein, and of bond anticipation notes issued in anticipation of the issuance of such serial bonds, may be contested only if such obligations are authorized for an object or purpose, or class of object or purpose, for which the Village is not authorized to expend money, or the provisions of law, which should have been complied with as of the date of the publication of this bond resolution, or such summary thereof, were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication, or if such obligations were authorized in violation of the provisions of the Constitution of the State of New York.

Section 7. Prior to the issuance of any obligations authorized herein, the Board of Trustees of the Village shall comply with all applicable provisions prescribed in Article 8 of the Environmental Conservation Law, all regulations promulgated thereunder by the New York State Department of Environmental Conservation, and all applicable Federal laws and regulations in connection with environmental quality review relating to the Project (collectively, the "environmental compliance proceedings"). In the event that any of the environmental compliance proceedings are not completed, or require amendment or modification subsequent to the date of adoption of this bond resolution, the Board of Trustees of the Village will re-adopt, amend or modify this bond resolution prior to the issuance of any obligations authorized herein upon the advice of bond counsel. It is hereby determined by the Board of Trustees of the Village that the Project will not have a significant effect on the environment.

Section 8. The Village hereby declares its intention to issue the serial bonds authorized herein, and/or bond anticipation notes issued in anticipation of the issuance of such serial bonds (the "obligations"), to finance the costs of the Project. The Village covenants for the benefit of the holders of such obligations that it will not make any use of the proceeds of such obligations, any funds reasonably expected to be used to pay the principal of or interest on such obligations or any other funds of the Village, and will not make any use of the Project which would cause the interest on such obligations to become subject to federal income taxation under the Internal Revenue Code of 1986, as amended (the "Code") (except for the federal alternative minimum tax imposed on corporations by section 55 of the Code), or subject the Village to any penalties under section 148 of the Code, and that it will not take any action or omit to take any action with respect to such obligations, the proceeds thereof or the Project financed thereby, if

such action or omission would cause the interest on such obligations to become subject to federal income taxation under the Code (except for the federal alternative minimum tax imposed on corporations by section 55 of the Code), or subject the Village to any penalties under section 148 of the Code. The foregoing covenants shall remain in full force and effect notwithstanding the defeasance of any serial bonds authorized and issued under this bond resolution, or any other provisions hereof, until the date which is sixty (60) days after the final maturity date or earlier prior redemption date thereof. The proceeds of any obligations authorized herein may be applied to reimburse expenditures or commitments of the Village made in connection with the Project on or after a date which is not more than sixty (60) days prior to the date of adoption of this bond resolution by the Board of Trustees of the Village.

Section 9. For the benefit of the holders and beneficial owners from time to time of the serial bonds authorized herein, and of bond anticipation notes issued in anticipation of the issuance of such serial bonds, the Village agrees, in accordance with and as an obligated person with respect to such obligations under, Rule 15c2-12 (the "Rule") promulgated by the Securities Exchange Commission pursuant to the Securities Exchange Act of 1934, to provide or cause to be provided such financial information and operating data, financial statements and notices, in such manner as may be required for purposes of the Rule. In order to describe and specify certain terms of the Village's continuing disclosure agreement for that purpose, and thereby to implement that agreement, including provisions for enforcement, amendment and termination, the Village Treasurer is authorized and directed to sign and deliver, in the name and on behalf of the Village, the commitment authorized by subsection 6(c) of the Rule (the "Commitment") to be placed on file with the Village Clerk, which shall constitute the continuing disclosure agreement made by the Village for the benefit of holders and beneficial owners of the obligations authorized herein in accordance with the Rule, with any changes or amendments that are not inconsistent with this bond resolution and not substantially adverse to the Village and that are approved by the Village Treasurer on behalf of the Village, all of which shall be conclusively evidenced by the signing of the Commitment or amendments thereto. The agreement formed collectively by this paragraph and the Commitment shall be the Village's continuing disclosure agreement for purposes of the Rule, and its performance shall be subject to the availability of funds and their annual appropriation to meet costs the Village would be required to incur to perform thereunder. The Village Treasurer is further authorized and directed to establish procedures in order to ensure compliance by the Village with its continuing disclosure agreement, including the timely provision of information and notices. Prior to making any filing in accordance with the agreement or providing notice of the occurrence of any material event, the Village Treasurer shall consult with, as appropriate, the Village Attorney and bond counsel or other qualified independent special counsel to the Village and shall be entitled to rely upon any legal advice provided by the Village Attorney or such bond counsel or other qualified independent special counsel in determining whether a filing should be made.

Section 10. This resolution shall be effective immediately upon its due adoption by the Board of Trustees of the Village.

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

A.2: Sewer Video and Relining Work.

**BOND RESOLUTION, DATED November 13, 2007, AUTHORIZING THE ISSUANCE OF UP TO \$180,000 AGGREGATE PRINCIPAL AMOUNT SERIAL BONDS OF THE VILLAGE OF PELHAM, COUNTY OF WESTCHESTER, STATE OF NEW YORK, PURSUANT TO THE LOCAL FINANCE LAW, TO FINANCE THE COSTS OF THE ACQUISITION, CONSTRUCTION AND RECONSTRUCTION OF SANITARY SEWER AND STORM SEWER IMPROVEMENTS AND RELATED CONSULTING SERVICES IN AND FOR THE VILLAGE.**

**WHEREAS**, the Board of Trustees of the Village of Pelham (the "Village"), a municipal corporation of the State of New York, located in the County of Westchester, hereby determines that it is in the public interest of the Village to authorize the financing of the costs of The acquisition, construction and reconstruction of sanitary sewer and storm sewer improvements and related consulting services in and for the Village, including any preliminary and incidental costs related thereto, at a total estimated cost not to exceed \$180,000, all in accordance with the Local Finance Law;

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Trustees of the Village of Pelham, County of Westchester, State of New York, as follows:

Section 1. There is hereby authorized to be issued serial bonds of the Village, and/or bond anticipation notes issued in anticipation of the issuance of such serial bonds, in the aggregate principal amount not to exceed \$180,000, pursuant to the Local Finance Law, in order to finance the costs of the specific objects or purposes, or classes of objects or purposes, hereinafter described.

Section 2. The specific objects or purposes, or classes of objects or purposes, to be financed pursuant to this bond resolution (collectively, the "Project"), the respective estimated maximum cost of such specific objects or purposes, the principal amount of serial bonds, and/or of bond anticipation notes issued in anticipation of the issuance of such serial bonds, authorized for such specific objects or purposes, and the period of probable usefulness of such specific objects or purposes, or classes of objects or purposes, pursuant to the applicable subdivision of paragraph a of Section 11.00 of the Local Finance law, are as follows:

(a) The acquisition, construction, and reconstruction of sanitary sewer and storm sewer improvements and related consulting services, in and for the Village, and any preliminary and incidental costs related thereto, at an estimated maximum cost of \$180,000, for which \$180,000 principal amount of serial bonds, and/or bond anticipation notes issued in anticipation of the issuance of such serial bonds, are authorized herein and appropriated therefore, having a period of probable usefulness of forty (40) years pursuant to subdivision 4 of paragraph a of Section 11.00 of the Local Finance Law. Such serial bonds shall have a maximum maturity of forty (40) years computed from the earlier of (a) the date of the first issue of such serial bonds or (b) the date of the first issue of bond anticipation notes issued in anticipation of the issuance of such serial bonds.

Section 3. The Board of Trustees of the Village has ascertained and hereby states that (a) the estimated maximum costs of the Project are not to exceed \$180,000; (b) no money has heretofore been authorized to be applied to the payment of the costs of the Project; (c) the Board of Trustees of the Village plans to finance the costs of the Project from the proceeds of the serial bonds authorized herein, and/or bond anticipation notes issued in anticipation of the issuance of such serial bonds; (d) the maximum maturity of such serial bonds authorized herein shall be in excess of five (5) years; and (e) on or before the expenditure of moneys to pay for any costs in connection with the Project for which the proceeds of the obligations authorized herein are to be applied to reimburse the Village, the Board of Trustees of the Village took "official action" for federal income tax purposes to authorize the capital financing of such expenditure.

Section 4. Subject to the terms and conditions of this bond resolution and the Local Finance Law, including the provisions of Sections 21.00, 30.00, 50.00 and 56.00 to 60.00, inclusive, the power to authorize serial bonds as authorized herein, and bond anticipation notes issued in anticipation of the issuance of such serial bonds, including renewals thereof, the power to prescribe the terms, form and contents of such serial bonds and such bond anticipation notes, and the power to issue, sell and deliver such serial bonds and such bond anticipation notes, are hereby delegated to the Village Treasurer, as the chief fiscal officer of the Village. The Village Treasurer is hereby authorized to execute on behalf of the Village all serial bonds issued pursuant to this bond resolution, and all bond anticipation notes issued in anticipation of the issuance of such serial bonds, and the Village Clerk is hereby authorized to impress the seal of the Village (or to have imprinted a facsimile thereof) on all such serial bonds and all such bond anticipation notes and to attest such seal. Each interest coupon, if any, representing interest payable on such serial bonds shall be authenticated by the manual or facsimile signature of the Village Treasurer.

Section 5. The faith and credit of the Village are hereby and shall be irrevocably pledged for the punctual payment of the principal of and interest on all obligations authorized and issued pursuant to this bond resolution as the same shall become due.

Section 6. When this bond resolution takes effect, the Village Clerk shall cause the same, or a summary thereof, to be published together with a notice in substantially the form prescribed by Section 81.00 of the Local Finance Law in The Journal News, a newspaper having a general circulation in the Village. The validity of the serial bonds authorized herein, and of bond anticipation notes issued in anticipation of the issuance of such serial bonds, may be contested only if such obligations are authorized for an object or purpose, or class of object or purpose, for which the Village is not authorized to expend money, or the provisions of law, which should have been complied with as of the date of the publication of this bond resolution, or such summary thereof, were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication, or if such obligations were authorized in violation of the provisions of the Constitution of the State of New York.

Section 7. Prior to the issuance of any obligations authorized herein, the Board of Trustees of the Village shall comply with all applicable provisions prescribed in Article 8 of the Environmental Conservation Law, all regulations promulgated thereunder by the New York State Department of Environmental Conservation, and all applicable Federal laws and regulations in

connection with environmental quality review relating to the Project (collectively, the “environmental compliance proceedings”). In the event that any of the environmental compliance proceedings are not completed, or require amendment or modification subsequent to the date of adoption of this bond resolution, the Board of Trustees of the Village will re-adopt, amend or modify this bond resolution prior to the issuance of any obligations authorized herein upon the advice of bond counsel. It is hereby determined by the Board of Trustees of the Village that the Project will not have a significant effect on the environment.

Section 8. The Village hereby declares its intention to issue the serial bonds authorized herein, and/or bond anticipation notes issued in anticipation of the issuance of such serial bonds (the “obligations”), to finance the costs of the Project. The Village covenants for the benefit of the holders of such obligations that it will not make any use of the proceeds of such obligations, any funds reasonably expected to be used to pay the principal of or interest on such obligations or any other funds of the Village, and will not make any use of the Project which would cause the interest on such obligations to become subject to federal income taxation under the Internal Revenue Code of 1986, as amended (the “Code”) (except for the federal alternative minimum tax imposed on corporations by section 55 of the Code), or subject the Village to any penalties under section 148 of the Code, and that it will not take any action or omit to take any action with respect to such obligations, the proceeds thereof or the Project financed thereby, if such action or omission would cause the interest on such obligations to become subject to federal income taxation under the Code (except for the federal alternative minimum tax imposed on corporations by section 55 of the Code), or subject the Village to any penalties under section 148 of the Code. The foregoing covenants shall remain in full force and effect notwithstanding the defeasance of any serial bonds authorized and issued under this bond resolution, or any other provisions hereof, until the date which is sixty (60) days after the final maturity date or earlier prior redemption date thereof. The proceeds of any obligations authorized herein may be applied to reimburse expenditures or commitments of the Village made in connection with the Project on or after a date which is not more than sixty (60) days prior to the date of adoption of this bond resolution by the Board of Trustees of the Village.

Section 9. For the benefit of the holders and beneficial owners from time to time of the serial bonds authorized herein, and of bond anticipation notes issued in anticipation of the issuance of such serial bonds, the Village agrees, in accordance with and as an obligated person with respect to such obligations under, Rule 15c2-12 (the “Rule”) promulgated by the Securities Exchange Commission pursuant to the Securities Exchange Act of 1934, to provide or cause to be provided such financial information and operating data, financial statements and notices, in such manner as may be required for purposes of the Rule. In order to describe and specify certain terms of the Village’s continuing disclosure agreement for that purpose, and thereby to implement that agreement, including provisions for enforcement, amendment and termination, the Village Treasurer is authorized and directed to sign and deliver, in the name and on behalf of the Village, the commitment authorized by subsection 6(c) of the Rule (the “Commitment”) to be placed on file with the Village Clerk, which shall constitute the continuing disclosure agreement made by the Village for the benefit of holders and beneficial owners of the obligations authorized herein in accordance with the Rule, with any changes or amendments that are not inconsistent with this bond resolution and not substantially adverse to the Village and that are approved by the Village Treasurer on behalf of the Village, all of which shall be conclusively evidenced by the signing of the Commitment or amendments thereto. The agreement formed

collectively by this paragraph and the Commitment shall be the Village's continuing disclosure agreement for purposes of the Rule, and its performance shall be subject to the availability of funds and their annual appropriation to meet costs the Village would be required to incur to perform thereunder. The Village Treasurer is further authorized and directed to establish procedures in order to ensure compliance by the Village with its continuing disclosure agreement, including the timely provision of information and notices. Prior to making any filing in accordance with the agreement or providing notice of the occurrence of any material event, the Village Treasurer shall consult with, as appropriate, the Village Attorney and bond counsel or other qualified independent special counsel to the Village and shall be entitled to rely upon any legal advice provided by the Village Attorney or such bond counsel or other qualified independent special counsel in determining whether a filing should be made.

Section 10. This bond resolution is subject to a permissive referendum and will take effect upon its adoption by the Board of Trustees of the Village and the expiration of the period prescribed in the Village Law during which petitions for a permissive referendum may be submitted and filed with the Village Clerk.

**Item #20B.– Considering an award of contract for Video work and relining of storm and sanitary sewers and culverts in the Village of Pelham:**

The Village Administrator/Treasurer provided the following report and background information to the Board.

The bid and Capital estimate for re-lining this Fiscal Year was for approximately \$180,000. At this time, we recommend adhering to the original budget.

Based on a review of the Bids for the work to be performed, we have the following to report:

Willow Avenue sewer – there is a sewer problem there. There are 2 pipes (a “Y” pipe); it only involves one house when it gets backed up, by Willow and Third. This is to clean and video and reline the pipe, which backs up every 3 months into the manhole and then the affected home. This is the lowest priority. \$12,675. Can be held off. May require point repair rather than relining.

Wolfs Lane, from First Street to Second Street – This should come out, and plan for future replacement with larger pipe. \$44,625

This section should actually be a full replacement – Harry advises that there are dips and cracks and collapses that need to be corrected in the pipe. Remove from this bid award entirely. Plan to replace in a future fiscal year.

Wolfs Lane, from Second Street to Boulevard – this can be held off. Was basically a maintenance and prevention measure, rather than a remediation of a compromised sewer.

Note: We do however, request the \$180,000 bond, to include repairs required at 5<sup>th</sup> Avenue and 6<sup>th</sup> Street after United Water dug it up, including approximately \$6,500 to cut and remove the Village's old abandoned 15” sanitary sewer pipe under United Water's main, a new pre-cast manhole to cover the existing 15” active sanitary sewer pipe where it cuts through the storm

drain, and a new lateral pipe from the storm drain to allow flows to continue if and when they become backed up by the existing sanitary sewer at 5<sup>th</sup> Avenue and 6<sup>th</sup> Street.

FISCAL IMPACTS:

Amortization schedule for long-term debts are attached from the 2007-2008 Budget.

Fund Balance: The undesignated Fund Balance at the end of FY 2006-2007 is \$1,460,017. At the end of the Fiscal Year it was \$1,848,614 (total fund balance), and the Administration recommended and the Village Board appropriated \$356,000 to offset and balance increased and shifting expenses and revenues between fiscal years. Again, the remaining, or Undesignated Fund Balance is \$1,460,017. This equates to 12.88% of total General Fund Expenditures budgeted for 2007-2008, since expenditures for the 2007-2008 Fiscal Year are budgeted at \$11,332,468.

FUTURE CAPITAL NEEDS IN THE NEAR FUTURE:

- a. We will need matching funds for the FEMA and CDBG flood grants, if any are awarded to us
- b. We will need matching funds for the replacement Fire Truck, at a minimum \$12,500 +/-
- c. We will need matching funds for the CDBG Streetscape project we were awarded for Summer of 2008, of \$80,000 CDBG matched by \$80,000 Village. Currently that is planned to be funded by borrowing, although the Board may reconsider that because the budget for the Summer of 2008 is not yet adopted
- d. We will need to borrow monies to match the \$750,000 Village Yard and Parking Project for behind 195 Sparks Avenue, and on First Street. Currently we project we will need about \$350,000, to be funded by borrowing, but that number will increase by including the First Street Lot

OUTSTANDING SHORT AND LONG-TERM DEBT:

Current short-term debt authorized and used is \$405,000. Current long-term debt is \$1,620,000, including various projects, not the least of which were the First Street Storm Drain project and the new Fire Ladder Truck, which together add up to about \$1 million.

Short Term Debt (BANs) budgeted to be paid this year:

Interest: \$14,459  
Principal: \$65,000  
Total short: \$79,459

Long Term Debt (Bonds) budgeted to be paid this fiscal year:

Interest: \$ 69,834  
Principal: \$100,000  
Total long: \$169,834

Total debt to be paid this fiscal year -- \$249,293.

**Recommendation:**

At this time, having reviewed the DPW's needs and recommendations, we recommend adhering to the original budget of \$180,000 to cover all the current and proposed projects we need to do this Fiscal Year, holding off on the add-on projects and re-evaluating them for future planning and design and construction in future fiscal years.

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

**RESOLUTION**

**AUTHORIZING THE AWARD OF CONTRACT NUMBER 2007-07  
TO VIDEOTAPE AND CIPP LINE AND OTHER ADDITIONAL WORK TO  
INSPECT RE-LINE AND STABILIZE STORM AND SANITARY SEWERS**

WHEREAS, The Village Of Pelham Issued a Notice to Bidders and Request For Bids for Contract 2007-07 to Videotape and CIPP Line and Other Additional Work to Inspect, Clean, Re-Line and Stabilize Storm and Sanitary Sewers in the Village Of Pelham; and

WHEREAS, a public notice was published on Monday October 8<sup>th</sup> and Tuesday October 9<sup>th</sup>, in the Gannett Westchester Newspaper, an official newspaper of the Village of Pelham; and

WHEREAS, during the notice period eight (8) companies were contacted and sent copies of the contract documents, or picked up copies of the contract documents; and

WHEREAS, at 11 a.m. E.S.T., Wednesday, October 24, 2007, the Village of Pelham publicly opened and read two (2) proposals; and

WHEREAS, on reviewing the proposals, the total approximate bids based on unit prices were as follows:

Company		Base Bid
1. En Tech of Closter, NJ		\$157,846
	Add-on work	\$ 88,350
2. Allstate Power Vac of Rahway, NJ		\$318,840
	Add-on work	\$140,860

WHEREAS, Administrator Richard Slingerland has determined that the lowest responsible bid that meets requirements is En Tech of Closter, NJ, and that the add-on work must be analyzed and re-evaluated for the most cost-effective repair approaches.

BE IT RESOLVED, that the Board of Trustees of the Village of Pelham hereby award Contract 2007-07 to Videotape and CIPP Line and Other Additional Work to Inspect, Clean, Re-Line and Stabilize Storm and Sanitary Sewers in the Village Of Pelham to En Tech of Closter, NJ, at the total approximate bid cost of One Hundred Fifty Seven Thousand Eight Hundred Forty Six Dollars (\$157,846), as a unit-price contract; and be it

FURTHER RESOLVED, that the Mayor and Village Administrator are authorized to take the necessary and appropriate actions to effect and execute this contract for these services.

Item #20C.– Considering an award of contract for the purchase by the Village of a 2001 or newer International Dump Truck with Plow:

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

**RESOLUTION**

**AUTHORIZING THE AWARD OF CONTRACT NUMBER 2007-08  
FOR A 2001 OR NEWER INTERNATIONAL DUMP TRUCK MODEL 4700 WITH PLOW**

WHEREAS, The Village Of Pelham Issued a Notice to Bidders and Request For Bids for Contract 2007-08 for a 2001 or Newer International Dump Truck Model 4700 with Plow; and

WHEREAS, a public notice was published on Thursday November 1, 2007, in the Gannett Westchester Newspaper, an official newspaper of the Village of Pelham; and

WHEREAS, during the notice period two (2) companies were contacted and sent copies of the bid request form; and

WHEREAS, at 11 a.m. E.S.T., Friday, November 9, 2007, the Village of Pelham publicly opened and read two (2) proposals; and

WHEREAS, on reviewing the proposals, the bid prices were as follows:

Company	Base Bid
1. Coast Cities Trucks of Rahway, NJ	\$34,000
* Truck bid as specified; 2001 Model 4700 with new plow; mileage 162,870.	
2. Healy International Trucks of Poughkeepsie, NY	\$17,900
* Truck bid as 1989, Model 2554 (smaller), with existing plow, mileage 81,411	

WHEREAS, the Village Administrator and the General Foreman, upon review of the bids, have determined that the lowest responsible bid that meets requirements is Coast Cities Trucks of Rahway, NJ, for the total bid price of \$34,000.

BE IT RESOLVED, that the Board of Trustees of the Village of Pelham hereby award Contract 2007-08 for a 2001 or Newer International Dump Truck Model 4700 with Plow to Coast Cities Trucks of Rahway, NJ, at the total bid price of thirty four thousand dollars (\$34,000) for the truck as specified; and be it

FURTHER RESOLVED, that the Mayor and Village Administrator are authorized to take the necessary and appropriate actions to authorize the purchase of this truck.

Item #21– Considering Site Plan approval for Lordae Realty’s 5<sup>th</sup> Avenue replacement building:

\* Note: This matter was also on the Planning board Meeting agenda of this same night, November 13, 2007, to resolve and approve two (2) outstanding issues, including the drainage plan for roof drainage (where it will connect), and the construction schedule. Upon approval, if granted, Assistant to the Administrator Devron Wilson will convey the direction of the Planning Board for the Board’s consideration at the time of review of this resolution. Since this occurred, the matter was placed before the Board for consideration.

Lordae Realty’s attorney Dan Hollis of Shamburg Marwell Davis & Hollis, P.C. of Mount Kisco, NY, gave a brief presentation of the plan review process which has brought them to this point. Phase 1 and Phase 2 of their remediation plan to secure the rock was approved months ago. Once that was done, Lordae Realty was ready to start rebuilding, but had to hold off doing so because Pelham Medical Group, who owns the adjacent property, was a bit behind in their approval process. Now that Pelham Medical Group has made some headway in their approval process, Lordae Realty can continue to move forward with rebuilding their property.

Steve Basini, R.A. spoke about the plans for the property at 100 5<sup>th</sup> Avenue. He mentioned that there will be adequate drainage on the property.

Barbara Bartlett from the Architectural Review Board (ARB) mentioned that she is thrilled to have the building going back up at 100 5<sup>th</sup> Avenue. However, the ARB is concerned with the color of the stone for the building. They would like the stone to be similar to the gold color that was there before.

Mayor Hotchkiss asked if capacity had been built in for a future second story. Mr. Hollis responded that due to zoning, and in the interest of rebuilding most quickly, the design had not been adjusted to provide for a future second story.

Mr. Hollis reported to the Mayor and Board that Lordae Realty had spent about \$500,000 on rock remediation.

Mayor Hotchkiss asked Mr. Hollis about the plan review process. Mr. Hollis commented that the special meetings greatly facilitated the process.

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

**RESOLUTION**  
**AUTHORIZING THE SITE PLAN FOR NEW COMMERCIAL BUILDING (LORDAE)**  
**AT 100-112 FIFTH AVENUE**

**RESOLVED**, that the application for a Site Plan to construct a commercial 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 Commercial Building must be built in accordance with plans received by the Village and approved by the Planning Board on dated Sept 13, 2006;
2. That the Commercial Building must be built in accordance with plans received by the Village and approved by the Architectural Review Board in their memo dated Sept 20, 2006 ;
3. Furthermore the continuing review of the Architectural Review Board ("ARB") on items listed in its Memorandum dated October 18, 2006, please note their review for these items requires that the building and the stonework for the façade be in place so that they may approve the accent pieces for the stonework when it is in place. (see attached)
4. Please not The Commercial building is a replica of the building that was removed on or about December 20, 2005 and must be built according to the notations for the following:
  - a. Every finish
  - b. Full pallet and detail of materials
  - c. Colors
  - d. Window specifications
  - e. Mechanicals
5. That Grading and Drainage on the sites as shown on the plans approved by the Planning Board and
6. Any other actions deemed necessary by the Mayor, Village Administrator, Building Inspector, Village Engineer, and other officials of the Village of Pelham.
7. That the application and permit shall remain subject to the continued jurisdiction of the Board of Trustees.
8. 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 Lordae for 100-112 Fifth 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

ARB memo here.

**Memorandum**

To: Pelham Village Board, Village of Pelham Building Inspector

From: Nigel Scott-Williams, Chair; Barbara Bartlett, Brian Chabrunn, Ron Czajka, Martin Semjen; Village of Pelham Architectural Review Board

Date: September 20, 2006

Re: Replacement building for Lordae Realty, 100 Fifth Avenue

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The Architectural Review Board (ARB) reviewed plans for replacing the stone, one story building at 100 Fifth Avenue. The plans dated September 8, 2006 were unanimously approved, at the September 20<sup>th</sup> ARB meeting, for size, location and the orientation of the building. The outstanding issues are façade details and completion of drawings for finish details.

c. Richard Slingerland, Village Administrator

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Additional requirements, as stated in the ARB minutes of October 18, 2006:

100 Fifth Avenue

Proposed New Building

Applicant: Santomero

Resolved that the application for the proposed new building at 100 Fifth Avenue be resubmitted to the ARB after the following changes requested by the board:

- Recommendation regarding the space on the South End-two end spaces better for retail not the bank. Put the Bank in 4 north spaces;
- Dropped the sill down to look more like a door entrance, okay;
- Show corner elevation page;
- Coping-resolved to 12 inch thick wall, thicker, was too thin, make larger, make span full depth of parapet wall;
- Band make a better material than bronze, make a lighter color closer to the color of the stone;
- Main elevation-proportions okay;
- Signage arch increased, okay;
- Need a picture of the side of the original building to refer to;
- Deal with the coping on the main elevation, come back with a sample of the stone when get further along;
- Make it look like a true masonry wall not like it is just laid on like veneer;
- Approved pending changes and coping stone, submit the stone at a later date so can include stone in the final resolution;

Possibly add two lights on either side of the middle section not necessary because well lit by lamp posts on either end of the building.

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PB memo here:

Memorandum

To: Pelham Village Board, Village of Pelham Building Inspector

From: Village of Pelham Planning Board

Date: October 26, 2007; and as completed on November 13, 2007

Re: Replacement building at 100 Fifth Avenue, Pelham, NY

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The Planning Board (PB) reviewed plans for replacing Lordae Realty's stone, one story building at 100 Fifth Avenue.

The Planning Board previously approved the footprint, columns and footings.

As of the Planning Board Meeting of November 13, 2007, the construction schedule, roof plan and drainage plan have been submitted and have been found to be acceptable.

For the record, the restoration of the Washington Mutual Bank will have reviewed and approved by the Planning Board and the Architectural Review Board.

Item #22- Authorizing the Accounts Payable:

This is authorization for previously held invoices, which were subject to request for further back-up (invoice for emergency light and radio installations held for additional detail from the vendor).

A motion was made by Trustee Weinstein, with a second by Trustee Greco to adopt the resolution. The resolution was approved unanimously by vote of six in favor, none opposed. Trustee Homan 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; and

**WHEREAS**, upon audit the Mayor and Board of Trustees had questions regarding certain bills and backup, which were investigated, additional information and departmental provided, and these bills and invoices are hereby submitted for Board consideration.

**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	\$2,812.50
Water Fund	\$0.00
Capital Projects Fund	\$187,837.45
Trust and Agency Fund	\$0.00
H3 Fund	\$0.00
Expendable Trust Fund	\$0.00
Grand Total	\$190,649.95

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

This resolution is for regular bi-weekly authorizations:

#### 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	\$ 71,603.06
Water Fund	\$ 39,919.70
Capital Projects Fund	\$ 41,022.19
Trust and Agency Fund	\$0.00
H3 Fund	\$0.00
Expendable Trust Fund	\$0.00
Grand Total	\$152,544.95

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

#### Item #23– Old Business/New Business:

A motion was made by Trustee Potocki, with a second by Trustee Greco to bag parking meters along Wolfs Lane and 5<sup>th</sup> Avenue from December 14, 2007 to January 2, 2007. The motion was approved unanimously by vote of six in favor, none opposed. Trustee Homan was absent.

Item #24– Minutes – October 16, 2007 and October 30, 2007:

A motion was made by Trustee Lewis, with a second by Trustee Greco to adopt the minutes from October 16, 2007 and October 30, 2007, as amended by Trustee Morris and Mayor Hotchkiss. The motion passed unanimously by vote of six in favor, none opposed. Trustee Weinstein was absent.

Item #25 – Executive Session:

The Mayor asked for a motion to go into Executive Session to discuss personnel matters. On the motion of Trustee Lewis, seconded by Trustee Greco, the Board voted to go into Executive Session. The motion was passed unanimously by vote of six in favor, none opposed. Trustee Homan was absent.

Item #26 – Adjournment:

On the motion of Trustee Lewis, seconded by Trustee Greco, the Board voted to adjourn the public portion of the board meeting and go into Executive Session at 10:15 p.m., to discuss personnel matters. The motion was passed unanimously by vote of six in favor, none opposed. Trustee Homan was absent.

Respectfully submitted,

Devron Wilson, Administrative Aide

Richard Slingerland, Administrator/Deputy Clerk