

VILLAGE OF PELHAM BOARD OF TRUSTEES REGULAR MEETING  
TUESDAY, AUGUST 5, 2008 – 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. | Introduction of new Fire Chief                                    |               |
| 6. | Certificate of Appreciation for former Fire Chief Richard Carfora |               |
| 7. | Oaths of Office for two new Police Officers                       |               |
| 8. | Village Administrator's Report                                    | Approximate   |
| 9. | Public Comment  | Starting Time |
| #  | Agenda Items:   | of Discussion |

<b>Committee Reports</b>		<b>7:40 p.m.</b>
10.	Open Spaces (Purchase of trash /recycling cans, benches, picnic tables & bike racks; business Façade improvements; Hank White).	<b>Discussed</b>
11.	Website / Telecommunications (Verizon Fios, Website upgrades, E-mail notification list, Village Hall Phone Prompts).	<b>Discussed</b>
12.	Flooding (Westchester County Flood Action Task Force, Engineer Project Bid, DPW catch-basins mapping, etc.).	<b>Discussed</b>
13.	Environmental – (LED light status report).	<b>Discussed</b>
14.	Development (Site Plan Review Revision, Pelham Medical Group/Lordae, Commercial Zoning Review Committee).	<b>Discussed</b>
15.	Human Resources & Administration (incl. Dept. Risk Assessment).	<b>Discussed</b>
16.	Farmer's Market (status report).	<b>Discussed</b>
<b>Human Resources and Personnel</b>		<b>8:00 p.m.</b>
17.	Resolution authorizing the hiring of a new employee to the position of Laborer in the Public Works Department.	<b>Approved</b>
<b>Public Hearing – Cable Franchise</b>		<b>8:05 p.m.</b>
18.	Public Hearing on a proposed draft Franchise Agreement between the Village and Verizon for FIOS TV.	<b>Discussed</b>
<b>Business</b>		<b>8:40 p.m.</b>
19.	Resolution authorizing a contract award for Contract 2008-01 for Village tree trimming and removal.	<b>Approved</b>
20.	Resolution authorizing a contract award for Contract 2008-02 for a used or new 10-wheel Dump Truck for the Public Works Dept.	<b>Approved</b>
21.	Resolution authorizing a contract award for Contract 2008-03 for a new 2-yard Wheeled Loader.	<b>Approved</b>
<b>Streets and Traffic</b>		<b>8:55 p.m.</b>
22.	Resolution calling for a Public Hearing on a proposed amendment to the Village Code Chapter 90-16 B. regarding overnight parking for residents who have handicapped parking permits.	<b>Scheduled</b>
23.	Resolution Amending Chapter 90-49 enacting “no parking here to corner” on Highbrook Ave. North by Lincoln Avenue.	<b>Approved</b>
<b>Housekeeping</b>		<b>9:15 p.m.</b>
24.	Authorizing the Accounts Payable	<b>Approved</b>
25.	Other Business	<b>Approved</b>
26.	Minutes: June 3, June 17 and July 15, 2008	<b>Tabled</b>
27.	Adjournment	<b>Adjourned</b>

Note Schedule Change: Next Board Meetings are September 9 and 23, 2008.

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

VILLAGE OF PELHAM BOARD OF TRUSTEES REGULAR MEETING  
TUESDAY, AUGUST 5, 2008 – 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 Breskin, Lewis, Morris and Potocki. Trustees Homan and Weinstein were absent.

Village staff in attendance:

Administrator/Treasurer Richard Slingerland, Administrative Aide Devron Wilson, and Village Attorney Edward Bullock.

Item #2 – Pledge of Allegiance:

The Pledge of Allegiance was led by Mayor Edward Hotchkiss.

Item #3 – Mayor's Report

Mayor Hotchkiss reported that the Mount Vernon school district has eliminated its inter-scholastic sports program. The City of Mount Vernon has started a fundraiser for donations to support the restoration of the inter-scholastic sports program. People who are interested may visit the City of Mount Vernon website at <http://cmvny.com/>.

Mayor Hotchkiss also mentioned that the village will be paying a franchise fee to cablevision.

Item #4 – Trustees' Reports:

Trustee Breskin had nothing to report.

Trustee Potocki had nothing to report that was not included on the agenda.

Trustee Lewis had nothing to report.

Trustee Morris reported that Fire Chief Curtis Taylor informed her that the Pelham Fire Department was awarded a \$38,000 grant from FEMA for an emergency generator for the firehouse.

Item #8 – Village Administrator's Report:

(THIS TOPIC WAS MOVED UP FROM LATER IN THE AGENDA)

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

Item #5 - Introduction of new Fire Chief:

Mayor Hotchkiss mentioned that the board reports that the Village has seen progress in the department under the leadership of Chief Taylor, and is very pleased so far. He gave the Chief his ceremonial oath of office.

Item #6 - Certificate of Appreciation for former Fire Chief Richard Carfora:

Mayor Hotchkiss next presented former Pelham Fire Department Fire Chief Richard Carfora with a certificate of appreciation, and mentioned that Mr. Carfora was a volunteer firefighter in Pelham for many years, before becoming Deputy Chief and then the Chief. The board thanked him for his years of service to the Pelham community.

Item #7 - Oaths of Office for two new Police Officers:

Mayor Hotchkiss reported that two new Pelham police recruits started the police academy yesterday. Trustee Potocki wished them luck and stated he looks forward to having them work for the Village Police Department. Mayor Hotchkiss gave Michael Sheehy and Earl Scott their oaths of office as police officer.

Item #17 - Resolution authorizing the hiring of a new employee to the position of Laborer in the Public Works Department:

(This topic was moved up from later in the agenda)

On the motion of Trustee Lewis, seconded by Trustee Potocki, the following resolution was approved unanimously by vote of five in favor, none opposed. Trustees Homan and Weinstein were absent.

RESOLUTION

AUTHORIZING THE APPOINTMENT BY THE MAYOR  
OF OMAR SANCHEZ TO THE POSITION OF LABORER  
IN THE PELHAM PUBLIC WORKS DEPARTMENT

BE IT RESOLVED, that the Board of Trustees of the Village of Pelham authorize the appointment by the Mayor of Omar Sanchez of New Rochelle, New York, to the position of Laborer, with an effective date of appointment to start on Monday, August 4, 2008, with salary and benefits as agreed upon between the Village and the CSEA, subject to the requirements of Civil Service, for a probationary period of one (1) year, and authorizes the Mayor and the Village Administrator to take the necessary and appropriate actions to effect this appointment.

Item #9 – Public Comment:

Matthew Spafford of 531 1<sup>st</sup> Avenue submitted his request for the Board to revoke the prohibition on overnight parking in Pelham. He said residents should be allowed to park on the street overnight. The Board advised Mr. Spafford that prohibiting overnight parking increases safety in the village at night by allowing the police department to monitor cars that come in and out of the village. The Board advised Mr. Spafford that on the whole, the majority of the residents prefer not to have overnight parking in the Village. Mr. Spafford also asked the Board about the status of the building at 1<sup>st</sup> Street

and Lincoln Avenue where Milk and Things used to be. Village Administrator Slingerland informed everyone that after the fire, the owners have contacted the Building Inspector, and have coordinated with their insurance company to restore the site as soon as possible.

Item #18 – Public Hearing on a proposed draft Franchise Agreement between the Village and Verizon for FIOS TV:

(THIS TOPIC WAS MOVED UP FROM LATER IN THE AGENDA)

Mac Kerby, representing Verizon, submitted that the Village and Verizon are in the process of completing the negotiations on the agreement. He reported that Verizon plans to come back to make a full presentation when the agreement has been finalized. Trustee Breskin asked Mr. Kerby if Verizon could release a timeline showing the build-out by neighborhood. Mr. Kerby stated that Verizon cannot provide that information, but it can provide a community build out percentage.

John Cassone of 312 7<sup>th</sup> Avenue asked Mr. Kerby if people can sign up for Verizon FIOS service before their area is built out? Mr. Kerby stated that prospective customers call for service, and Verizon informs them that they either can or cannot receive service based on whether a franchise has been agreed to, and whether the system has been built out in their area. Mr. Cassone asked if Verizon will offer shorter agreements to new customers under the conditions of the franchise agreement. Mr. Kerby stated that it is Verizon's position that this is a matter of pricing and is typically not part of a franchise agreement.

Robert Hoch of Cablevision mentioned that there is a clause in the agreement between the Village and Cablevision that does not allow the Village to enter into an agreement with another cable franchise that offers more favorable terms. Mr. Hoch also went on to mention several differences between the Cablevision and Verizon agreement, and some differences between the companies. Mr. Hoch made several points, including that the proposed agreement with Verizon offers much less stringent regulations on right-of-way management to Verizon than Cablevision, and if Verizon was allowed to keep that language, then the Village would have to offer the same terms to Cablevision. Mr. Hoch made several points, including Cablevision offers a basic rate for seniors, which Verizon does not. Cablevision provides 1 free internet modem to the Village, and Verizon would have to match that. Verizon has much less strict provisions about transferring the system than apply to Cablevision. He commented that several companies have agreements from Verizon covering the provisions of Real Property Tax Law Section 626. He mentioned that Cablevision's contract has stronger provisions relative to audits. He submitted that the FCC establishes a municipality's right to know build out plan and schedule. He submitted that if Verizon offers bundled services, that the Village should make sure they are not weighted against Cable Television. He recommended two (2) "return lines" from Village Hall and the Schools to ensure better uplinks from the local broadcasts.

Upon completion of Mr. Hoch's comments, Mr. Kerbey made his rebuttal of Mr. Hoch's comments, and submitted that the level playing field provisions of the Public Service Commission supersede any provisions in a contract, and that if Verizon got more lenient provisions, then Cablevision should be allowed the same conditions under its franchise as well.

Chris Cohen of 304 7<sup>th</sup> Avenue stated that he likes the fact that Verizon provides tax breaks its users. Mr. Cohen asked Mr. Kerby if there will be a lot of disruption in during installation. Mr. Kerby informed everyone that disruptions would vary based upon aerial connection, connection to apartment building, etc. Nevertheless, disruption should be minimal.

Valerie James of 504 7<sup>th</sup> Avenue stated that she is looking forward to having a choice between Cablevision and Verizon, and that since many of the boxes are already up, there would be minimal disruption and not a lot of street excavations.

Mayor Hotchkiss mentioned that the Village has spent a lot of time on the negotiations, and the Village has to protect the rights of the residents, and give each company a comparable contract.

Mathew Spafford of 531 1<sup>st</sup> Avenue also mentioned that he is also looking forward to having a choice between Cablevision and Verizon.

John Cassone of 312 7<sup>th</sup> Avenue asked for an update on the wi-fi service near the Metro North Train Station, but none was submitted.

A motion was made by Trustee Lewis, with a second by Trustee Breskin to continue the public hearing to the next meeting on September 9, 2008. The motion was approved unanimously by vote of five in favor, none opposed. Trustees Homan and Weinstein were absent.

HEARING ON A PROPOSED  
DRAFT FRANCHISE AGREEMENT BETWEEN  
THE VILLAGE AND VERIZON FOR FIOS TV

RESOLVED, by the Mayor and Board of Trustees of the Village of Pelham, based on the completion of negotiations between the Village of Pelham and Verizon for a Franchise agreement to allow Verizon to offer its Verizon FIOS Cable TV service to homes and businesses in the Village of Pelham, that a public hearing is scheduled on the terms of that negotiated agreement, to be held as follows:

Cable Television Franchise Public Hearing to be held before the Mayor and Board of Trustees of the Village of Pelham as follows:

Subject: Draft Franchise Agreement between the Village of Pelham and Verizon for FIOS TV

Date: Tuesday, August 12, 2008; continued to the Board Meeting on September 9, 2008

Time: 7:30 p.m.

Location: Village Hall, 195 Sparks Avenue, Pelham

A copy of the draft proposed Franchise agreement will continue to be available for public review before the date of the hearing. Hard copies will be available at Village Hall, 195 Sparks Avenue, Pelham, NY, 10803. Electronic copies can be downloaded at [www.pelhamgov.com](http://www.pelhamgov.com), and requests made by e-mail to the Village Administrator by e-mail at [Richard.slingerland@pelhamgov.com](mailto:Richard.slingerland@pelhamgov.com).

At this time, the Mayor and Board returned to the Committee Reports section of the agenda.

Item #10 – Open Spaces (Purchase of trash /recycling cans, benches, picnic tables & bike racks; business Façade improvements; Hank White):

Administrator Slingerland reported he had met with several business owners about the façade program. There are about 8 businesses that are already signed up for the program. The village is trying to expedite review through the architectural review board. Mr. Slingerland is contacting the state to extend the grant agreement.

Mayor Hotchkiss mentioned that the village is working with Hank White on plans for Wolfs Lane Park. Trustee Morris reported that Hank White is working on a master plan for Wolfs Lane Park. Mr. White will produce a plan which will be developed in stages. Trustee Morris also reported that she attended a junior league meeting recently where members were discussing ways to improve Wolfs Lane Park.

Item #11 – Website / Telecommunications (Verizon Fios, Website upgrades, E-mail notification list, Village Hall Phone Prompts):

Administrative Aide Devron Wilson reported the new village website is almost complete. The village expects to publish the website and make it “live” within the next 2 weeks. Mr. Wilson informed everyone that some revisions are being made to the village auto-attendant phone system. The changes are expected to be completed by August 8, 2008. Mr. Wilson reported that the village has an email notification system set up on its website. Residents who would like to receive village notices and such via email should visit [www.pelhamgov.com](http://www.pelhamgov.com) and sign up for this service. Mayor Hotchkiss mentioned that there is also a call management system setup on the village website. Residents who have complaints, concerns, and inquiries can submit them through the web-based system at [www.pelhamgov.com](http://www.pelhamgov.com).

Item #12 – Flooding (Westchester County Flood Action Task Force, Engineer Project Bid, DPW catch-basins mapping, etc.):

Mayor Hotchkiss reported that City of New Rochelle Mayor Bramson wrote a letter to him stating that the City of New Rochelle will work with the Village of Pelham to lower Glenwood Lake before a rainstorm. Mayor Hotchkiss also reported that the village is preparing a proposal to submit to the Westchester County Flood Task Force regarding a flood remediation project that would benefit the Village.

He also reported that the village would put out a Request for Proposals to engineers to submit cost proposals to evaluate the flood basin and make recommendations on remediation measures.

Trustee Potocki mentioned that lowering the lake before a rainstorm has substantially helped flooding in the village. Residents on 7<sup>th</sup> Avenue have mentioned to Trustee Potocki that although they still receive flooding in the street, the water dissipates much quicker, and fewer homes have been flooded this year than in the past.

John Cassone of 312 7<sup>th</sup> Avenue asked the Board of the aerator in the lake is still operating. Trustee Potocki answered by stating that the aerator is not functional.

Item #13 – Environmental – (LED light status report):

Village Administrator Slingerland mentioned that he has been in touch with an environmental facilitator to get Pelham considered as a pilot project for L.E.D. lights.

Item #14 -- Development (Site Plan Review Revision, Pelham Medical Group/Lordae, Commercial Zoning Review Committee).

Mayor Hotchkiss called for a motion to schedule a public hearing regarding amendments to the village code as it relates to site plan review.

A motion was made by Trustee Morris, with a second by Trustee Breskin to adopt the resolution. The motion was approved unanimously by vote of four in favor, none opposed. Trustee Potocki stepped away for a moment, and was not present for the vote. Trustees Homan and Weinstein were absent.

## RESOLUTION

### SCHEDULING A PUBLIC HEARING FOR THE CONSIDERATION OF AN AMENDMENT TO THE VILLAGE CODE CHAPTER 79 THE SITE PLAN CODE AND GRANTING THE PLANNING BOARD THE AUTHORITY TO APPROVE CERTAIN SITE PLAN APPLICATIONS

RESOLVED, The Board of Trustees of the Village of Pelham hereby schedules a public hearing to be held at 7:30 p.m. on Tuesday, September 9, 2008, in Village Hall at 195 Sparks Avenue, Pelham, NY, on a draft proposed Local Law that would amend the Code of the Village of Pelham, as follows:

A LOCAL LAW that amends Chapter 79 of the Code of the Village of Pelham to amend the Site Plan Review Process, including a provision to authorize the Planning Board to review and authorize certain Site Plan applications.

A copy of the draft proposed Local Law is on file in the offices of the Village Clerk and may be viewed during normal business hours of 8 a.m. to 5 p.m., or an electronic copy may be obtained from the opening page of the Village's website [www.pelhamgov.com](http://www.pelhamgov.com).

By Order of the Mayor and Board of Trustees

Terri Rouke, Village Clerk

Richard Slingerland, Village Administrator/Deputy Clerk

Publication date: August 8, 2008

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Draft proposed text for the Local Law is in the process of being prepared in Final Draft, and will be available in final form on or before Friday, August 22, 2008. Proposed title:

A LOCAL LAW that amends Chapter 79 of the Code of the Village of Pelham to amend the Site Plan Review Process, including a provision to authorize the Planning Board to review and authorize certain Site Plan applications.

Item #14 continued -- Pelham Medical Group/Lordae, Commercial Zoning Committee:

Village Administrator Richard Slingerland reported that Pelham Medical Group received a permit for Phase 2 of the cliff remediation, including the wall, and has started work. Mr. Slingerland mentioned that Lordae Realty still must submit sufficient plans to the village to begin the construction of their new building.

Item #15 – Human Resources & Administration (incl. Dept. Risk Assessment):

Administrator Slingerland stated that he and Trustee Homan are working on developing a Human Resources manual for the Village of Pelham.

Mayor Hotchkiss reported that he and the Village Administrator had met with village department heads about risk management. The village is in the process of compiling a risk management assessment that applies to all departments.

Item #16 – Farmer's Market (status report):

Mayor Hotchkiss reported that the farmer's market has been doing well. Trustee Breskin mentioned that vendors have been selling out of product every week. Trustee Breskin suggested that the village ask Miriam Haas of Community Markets to attend a board meeting in September where she can give her input as to how she thinks the farmer's market is doing.

Item #19 – Resolution authorizing a contract award for Contract 2008-01 for Village tree trimming and removal:

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

RESOLUTION

AUTHORIZING THE AWARD OF CONTRACT NUMBER 2008-01  
FOR TREE REMOVAL, TRIMMING, AND STUMP REMOVAL

WHEREAS, The Village Of Pelham Issued A Notice to Bidders and Request For Bids for Contract 2008-01 for Tree Removal, Trimming, and Stump Removal In The Village Of Pelham; and

WHEREAS, a public notice was published on Monday, July 14, 2008, in the Gannett Westchester Newspaper, an official newspaper of the Village of Pelham; and

WHEREAS, during the notice period twelve (12) 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., Monday, August 4, 2008, the Village of Pelham publicly opened and read four (4) proposals; and

WHEREAS, on reviewing the proposals, the bids were as follows:

	Base Bid
1. Manor Tree Service of Pelham Manor, NY	\$ 17,735
2. Almstead Tree Service of New Rochelle, NY	\$ 24,044
3. Dom's Tree Service of Port Washington, NY	\$ 28,894
4. Sav-A-Tree of Mamaroneck, NY	\$ 61,624

WHEREAS, Administrator Richard Slingerland has determined that the lowest responsible bid that meets requirements is Manor Tree Service of Pelham Manor, NY.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of the Village of Pelham Village hereby award Contract 2008-01 for Tree Removal, Trimming, and Stump Removal In The Village Of Pelham to Manor Tree Service of Pelham Manor, NY, at the total approximate bid cost of seventeen thousand seven hundred thirty-five dollars (\$17,735), as a unit-price contract, with prices provided under the bid for add-on trees; 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 unit-price contract for these services.

Item #20 – Resolution authorizing a contract award for Contract 2008-02 for a used or new 10-wheel Dump Truck for the Public Works Dept:

A motion was made by Trustee Morris, with a second by Trustee Breskin to adopt the resolution. The motion was approved unanimously by vote of five in favor, none opposed. Trustees Homan and Weinstein were absent.

RESOLUTION

AUTHORIZING THE AWARD OF CONTRACT NUMBER 2008-02  
Used 2000 model or New(er) International Model 4700 or larger truck for DPW

WHEREAS, The Village Of Pelham Issued A Notice to Bidders and Request For Bids for Contract 2008-02 for Used 2000 model or New(er) International Model 4700 or larger truck for the Pelham DPW; and

WHEREAS, a public notice was published on Friday, July 18, 2008, in the Gannett Westchester Newspaper, an official newspaper of the Village of Pelham; and

WHEREAS, during the notice period three (3) 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., Monday, August 4, 2008, the Village of Pelham publicly opened and read one (1) proposal; and

WHEREAS, on reviewing the proposals, the bids were as follows:

	Base Bid
1. Coast Cities Equipment Sales of Neptune, NJ; International F-4800	\$52,450

WHEREAS, Administrator Richard Slingerland has determined that the lowest responsible bid that meets requirements is Coast Cities Equipment Sales of Neptune, NJ.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of the Village of Pelham Village hereby award Contract 2008-02 for Used 2000 model or New(er) International Model 4700 (International F-4900) 10-wheel Dump Truck for the Pelham DPW to Coast Cities Equipment Sales of Neptune, NJ, at the total approximate bid cost of fifty two thousand four hundred and fifty dollars (\$52,450); 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 this equipment.

Item #21 – Resolution authorizing a contract award for Contract 2008-03 for a new 2-yard Wheeled Loader:

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

RESOLUTION

AUTHORIZING THE AWARD OF CONTRACT NUMBER 2008-03  
Case Loader with Tink claw, or Approved Equal

WHEREAS, The Village Of Pelham Issued A Notice to Bidders and Request For Bids for Contract 2008-03 for a Case Loader, with Tink Claw for the Pelham DPW; and

WHEREAS, a public notice was published on Friday, July 18, 2008, 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 contract documents, or picked up copies of the contract documents; and

WHEREAS, at 11 a.m. E.S.T., Monday, August 4, 2008, the Village of Pelham publicly opened and read two (2) proposals; and

WHEREAS, on reviewing the proposals, the bids were as follows:

	Base Bid
1. Westchester Tractor; Brewster, NY; New Holland 130B w/Tink	\$ 127,500
2. Hoffman International; Bronx, NY; Case 621 E w/Tink	\$ 129,800

WHEREAS, Administrator Richard Slingerland has determined that the lowest responsible bid that meets requirements is Westchester Tractor of Brewster, NY.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of the Village of Pelham Village hereby award for Contract 2008-03 for a Case Loader, with Tink Claw (the New Holland 130B w/Tink Model 720 Claw) for the Pelham DPW to Westchester Tractor of Brewster, NY, at the total approximate bid cost of one hundred twenty seven thousand five hundred dollars (\$127,500); 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.

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Item #22 – Resolution calling for a Public Hearing on a proposed amendment to the Village Code Chapter 90-16 B. regarding overnight parking for residents who have handicapped parking permits:

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

RESOLUTION

SCHEDULING A PUBLIC HEARING ON A PROPOSED AMENDMENT  
TO THE VILLAGE CODE CHAPTER 90-16 B. REGARDING OVERNIGHT PARKING  
FOR RESIDENTS WHO HAVE HANDICAPPED PARKING PERMITS.

The Board of Trustees of the Village of Pelham hereby schedules a public hearing to be held at 7:30 p.m. on Tuesday, September 9, 2008, in Village Hall at 195 Sparks Avenue, Pelham, NY, on a draft proposed Local Law that would amend the Code of the Village of Pelham, as follows:

A LOCAL LAW that amends Section 90-16 of the Code of the Village of Pelham to amend the Code with regard to overnight parking for residents who have handicapped parking permits.

A copy of the draft proposed Local Law is on file in the offices of the Village Clerk and may be viewed during normal business hours of 8 a.m. to 5 p.m., or an electronic copy may be obtained from the opening page of the Village's website [www.pelhamgov.com](http://www.pelhamgov.com).

By Order of the Mayor and Board of Trustees

Terri Rouke, Village Clerk

Richard Slingerland, Village Administrator/Deputy Clerk

Publication date: August 8, 2008

Revised Proposed Draft

A LOCAL LAW that amends Section 90-16 of the Code of the Village of Pelham to amend the Code with regard to overnight parking for residents who have handicapped parking permits.

Board of Trustees  
Pelham

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

## SECTION 1.

The following language is added to Section 90-1, Definitions:

PELHAM OVERNIGHT HANDICAPPED PARKING (POHP) PERMIT– A permit issued to allow person with a handicap to park overnight on the street in front of their residence.

PELHAM OVERNIGHT HANDICAPPED PARKING (POHP) PERMIT COMMITTEE – A Committee to review and approve applications for POHP Permit privileges shall be comprised of the Police Chief, the Village Clerk and the Village Administrator.

## SECTION 2.

Section 90-16 of the Code of the Village of Pelham is repealed, and the following new Section 90-16 is adopted:

§ 90-16. All-night parking. [Amended 9-6-1988 by L.L. No. 4- 1988]

The parking of vehicles is hereby prohibited on all streets within the Village within the hours of 2:00 a.m. and 6:00 a.m., except:

A. In those locations where all-night parking of passenger vehicles only shall be permitted by specific authorization of the Village Board. Parking at long-term meters on First Street east of Wolf's Lane shall be permitted to begin at 5:00 a.m. [Amended 9-20-2005]

B. A passenger vehicle owned by a disabled person and registered pursuant to § 404-a of the Vehicle and Traffic Law of New York State or a passenger vehicle owned by or regularly used by a person holding a valid permanent or temporary parking permit for disabled persons, including a permit issued to a parent or parents of a disabled minor, issued pursuant to § 1203-a of the Vehicle and Traffic Law of New York State, provided that:

- (1) A POHP Permit is available only for a handicapped resident, whose home or Village of Pelham permit lot parking space do not allow him or her to walk from a passenger car to the home entrance.**
- (2) The POHP permit holder must be a resident of the Village of Pelham.**
- (3) The POHP permit allows a single passenger car registered at the permit holder's Village of Pelham address to be parked overnight on the street.**
- (4) The POHP permit term is a calendar year, or the expiration of the handicap parking permit issued under NYS law, whichever expires first.**
- (5) An application for a POHP permit must be submitted on an annual basis with updated information and include the following:**
  - (a) NYS Motor Vehicle form 664.1 with the accompanying medical certification.**
  - (b) A valid handicapped parking permit issued under NYS Law.**

- (c) A written explanation why the applicant's residence parking space is inadequate and the medical need to park on the street overnight.
- (d) A copy of either the property tax bill, rental lease payment receipt or current utility bill to prove the applicant's Village of Pelham residency.
- (e) Passenger car registration(s) covered by the permit.
- (f) Payment of annual processing fee to be established by resolution of the Board of Trustees.
- (6) The passenger vehicle can be parked with the POHP permit only in front of the permit holder's residence or as close as practicable.
- (7) The POHP Permit Committee, shall review each POHP permit application and determine eligibility. If the POHP Permit Committee denies the request, the applicant may appeal the decision to the Village of Pelham Board of Trustees.
- (8) An approved applicant will receive a POHP permit which must be placed in unobstructed view and be easily visible from the front windshield of the car when parking overnight on a Village of Pelham street.

SECTION 3.

This local law shall take effect immediately upon adoption and filing.

RESOLUTION

SETTING HANDICAPPED OVERNIGHT PARKING  
PERMIT RATE AT \$25 PER CALENDAR YEAR

RESOLVED, by the Board of Trustees of the Village of Pelham, that the handicapped overnight parking permit rate is established at twenty-five dollars (\$25) per calendar year.

Item #23 – Resolution Amending Chapter 90-49 enacting “no parking here to corner” on Highbrook Ave. North by Lincoln Avenue:

This matter was requested due to a recent event with cars parked that had greatly restricted traffic on the street. Upon review, the Police Chief, Village Administrator, and Traffic Liaison Potocki agreed to recommend it to the full board.

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

RESOLUTION

AMENDING CHAPTER 90-49  
ENACTING “NO PARKING HERE TO CORNER”  
ON HIGHBROOK AVENUE NORTH  
BY LINCOLN AVENUE.

Resolved, by the Mayor and Board of Trustees of the Village of Pelham, that the following change is made to Chapter 90 of the Village Code, entitled "Vehicles and Traffic", Section 90-49, as follows:

§ 90-49 Schedule X: No Parking Any Time.

In accordance with the provisions of § 90-15, no person shall park a vehicle at any time upon the following streets or parts of streets:

Name of Street	Side	Location
The following language is added to the Village Code:		
Highbrook Avenue North	East	From Lincoln Avenue to the first driveway, approximately 100' south
Highbrook Avenue North	West	From Lincoln Ave to a point 25' south

Item #24 – Authorizing the Accounts Payable:

Trustee Breskin had audited the accounts payable, his questions had been submitted and answered.

A motion was made by Trustee Breskin, with a second by Trustee Lewis to adopt the resolution. The motion was approved unanimously by vote of five in favor, none opposed. Trustees Homan and Weinstein 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	\$ 170,438.66
Water Fund	\$ 51,052.89
Capital Projects Fund	\$ 2,080.00
Trust and Agency Fund	\$ 0.00
H3 Fund	\$ 0.00
Grand Total	\$ 223,571.55

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

Administrator Slingerland reported to the Board that he had discussed and agreed with the Mayor to have an interim accounts payable between August 5<sup>th</sup> and September 9<sup>th</sup>, to prevent any late fees from being charged on bills submitted to the Village.

Item #25 – Other Business:

Administrator Slingerland distributed the village expenditure and revenue report to the board.

There was a discussion about the resolution below. This topic was ultimately tabled so that it could be reviewed and resubmitted to a future board meeting.

Recommendation to Add: No Parking, No Stopping and No Standing, in front of Joey's Coffee Shop at 300 5<sup>th</sup> Avenue.

Currently, there is a striped area for about 25' on the east side of 5<sup>th</sup> Avenue north of Lincoln Avenue. We want to formalize that in the Code, and extend it another three to four feet, to improve turn access for large trucks turning onto 5<sup>th</sup> Avenue from Lincoln Avenue. Other changes will be made to the area (e.g. moving back stop lines, reducing parking space lengths by a few feet, etc.), but we have found none others require Board approval at this time.

### RESOLUTION

AMENDING THE VILLAGE CODE, CHAPTERS 90-49, 90-50 AND 90-51  
TO FORMALIZE "NO PARKING, NO STOPPING AND NO STANDING  
ON THE EAST SIDE OF 5<sup>TH</sup> AVENUE, IN FRONT OF 300 5<sup>TH</sup> AVENUE  
FROM LINCOLN AVENUE TO A POINT APPROXIMATELY 25 FEET NORTH

RESOLVED, by the Board of Trustees of the Village of pelham, that the following amendments are added to Chapters 90-49 entitled, "No Parking Any Time", 90-50 "Standing Prohibited", and 90-51 "Stopping Prohibited", as follows:

The following addition is made to Chapters 90-49, 90-50 and 90-51:

Name of Street	Side	Location
5 <sup>th</sup> Avenue	east	From Lincoln Avenue, to a point approximately twenty-five feet north.

Item #26 – Minutes: June 3, June 17 and July 15, 2008:

This minutes were tabled until the next scheduled Board of Trustees Meeting on September 9, 2008.

Item #27 – Adjournment:

On the motion of Trustee Lewis, seconded by Trustee Breskin, the Board voted to adjourn the public portion of the board meeting and go into Executive Session at 9:55 p.m. to discuss contract negotiations related to Verizon, contract negotiations related to Hank White Architects, matters of potential litigation regarding two properties and site plans, and a personnel matter of collective bargaining, after which it would adjourn.

The motion was approved unanimously by vote of five in favor, none opposed. Trustees Homan and Weinstein were absent.

Respectfully submitted,

Devron Wilson, Administrative Aide

Richard Slingerland, Administrator/Deputy Clerk