

VILLAGE OF PELHAM BOARD OF TRUSTEES REGULAR MEETING
TUESDAY, AUGUST 8, 2006, 7:30 PM
VILLAGE HALL – 195 SPARKS AVENUE, PELHAM, NY

MINUTES

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

StartingTime

Agenda Items:
of Discussion

	Land Use, Zoning and Site Plan Review	7:45 p.m.
7	Considering the final site plan request by Commerce Bank for the property on the northwest corner of 5 th and Lincoln Avenues.	Approved.
	Continued Public Hearings	8:15 p.m.
8	Hearing on a draft proposed Local Law to enact various amendments to the Village Code regarding enforcement of various building and property codes and other Village ordinances.	Severed & amended – Approved enf. only
	Agreements	8:25 p.m.
9	Authorizing Buckhurst Fish Jacquemart to prepare an RFP for Architectural Services for municipal parking, village yard and village garage improvements	Approved.
10	Authorizing Antonucci Associates to prepare contract documents for public bid for repairs to the Village’s Lot 2 and 3 parking decks.	Approved.
11	Authorizing an agreement to appraise the property at 211 5 th Avenue, and the appropriation of surplus from the Village’s Housing Fund to fund the expense.	Approved.
12	Authorizing an agreement with the NYS Power Authority for the GEM vehicle program.	Approved.
	Parking and Traffic	8:35 p.m.
13	Making amendments to the regulations around Colonial School to accommodate school permits	Approved.
14	Authorizing the annual Pelham Children’s Center Fun Run.	Approved.
	Housekeeping	8:45 p.m.
15	Year-End Transfers as requested by our auditors ODMD/BSK	Approved.
16	Authorizing the accounts payable.	Approved.
17	Old Business/New Business:	

18	Minutes: June 20, 2006, June 27, 2006 and July 18, 2006	Approved.
19	Executive session to discuss pending litigation	Approved.
20	Adjournment.	Adjourned.

Next Regular Board Meetings are Tuesdays September 5 and September 19, 2006

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

* Agenda is subject to change until the night of the meeting.

VILLAGE OF PELHAM BOARD OF TRUSTEES REGULAR MEETING
MINUTES
TUESDAY, AUGUST 8, 7:30 PM
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 Michael J. Clain at 7:30 p.m.

The following members of the Board of Trustees were present:
Mayor Michael Clain, Trustees Greco, Hotchkiss, Merrick, Mohan and Potocki. Trustee Homan was absent.

Village staff in attendance:
Administrator Richard Slingerland (Administrative Aide Devron Wilson was away).

Item #2 – Pledge of Allegiance:
The Pledge of Allegiance was led by Mayor Michael J. Clain.

Item #3 – Mayor's Report:
Mayor Clain reported that a second New York State Main Street Grant project had been awarded to Pelham and the Pelham Picture House.

Item #4 – Trustees Reports:
Trustee Greco reported on capital projects, parking decks, 1st Street storm drain project, and the firehouse floor. The cost to refurbish the firehouse floor is estimated at \$20,000.

Trustee Potocki followed up on speeding issues on Carol Avenue, Brookside Avenue, and Parkway Drive. He suggested the village have police patrol the area during the evening on random days. He mentioned that Parkway Drive is a private road which is very narrow and speed bumps would not be appropriate to use there. The Administrator said he would meet with Steve Grogg in September to discuss the idea of speed bumps on Carol and Brookside Avenues.

Trustee Hotchkiss reported the County in cooperation with the Glenwood Lake Association bought another piece of Glenwood Lake property, and they are seeking grants to purchase and preserve more. The village hopes now that the Glenwood Lake Association will help with 7th Avenue flooding. He mentioned Michael Yelin spoke to some residents about managing flooding by raising the lake, and that the neighborhood association seemed less resistant. Trustee Hotchkiss mentioned that the lake is problematic because of heavy sedimentation which causes regular algae blooms.

Trustee Hotchkiss mentioned and the Board discussed that Pelham's Downtown needs to be cleaned up.

Mayor Clain and Trustee Hotchkiss both spoke about the damage to the Pelham Metro North train station signs, and that the Village and ARB Chairman Nigel Scott-Williams would look into painting the signs and sharing the cost for the painting with Metro North.

Mayor Clain appointed Gary Hyer of 4th Avenue to the Pre-Disaster Hazard Mitigation Plan committee. The village is still looking for one more person to join the committee.

Trustee Merrick reported that Administrative Aide Devron Wilson found a grant source for trails within Linear Parks. Mr. Wilson is still exploring grant opportunities for restoring the Highbrook Avenue Bridge. Trustee Merrick also asked the Administrator to ask the County to lower the volume of the Public Address system at Wilson's Woods.

Item #5 – Village Administrator's Report:

Village Administrator Richard Slingerland reported that RFP's were sent out for supplying and planting trees in the village. He noted that Krez and Peisner would be the new legal representatives appointed by insurance for an injury at the Street Fair. He reported that Cingular requested to upgrade its equipment at the Firehouse under their lease agreement, and that he requested plans before any further action took place.

Item #6 – Public Comment:

Suzy Coviello of 2nd Avenue & 1st Street submitted a complaint about noise and dust from the First Street construction project, and asked the Village to reduce her taxes. She said the construction was starting at 7:30 a.m., against the restrictions of the Code. Mayor Clain advised her that the Village had agreed to allow Montesano Bros. to start at 7:30am with the hope that the work would be completed before school opens. The Board advised Mrs. Coviello they could not reduce her taxes.

Rae Szymanski of 88 Linden Avenue wrote a letter and publicly thanked the Village, particularly Trustee Potocki, Administrator Slingerland, Village Clerk Rouke, and Public Works Foreman Pallett for their work to get her house cleared of dangerous branches and dangling wires from the storm on the 18th of July. She mentioned that Mr. Pallett personally went above and beyond to help rectify the situation.

* Board of Trustees Statement on Parking: There was a consensus of the Board to authorize the following statement, which Mayor Clain read into the minutes.

STATEMENT BY THE BOARD OF TRUSTEES OF THE VILLAGE OF PELHAM

We continue to support the Board of Education in its attempts to find a parking solution that satisfies the needs of the employees of the school district while preserving the Ingalls athletic field, and we continue to believe that such a solution requires the unstinting cooperation of the two villages.

Some of the options being considered by the school district's parking advisory committee contemplate usage of property of the Village of Pelham or public streets within its jurisdiction, may require the expenditure of our public funds or rely on the willingness of our board to join in efforts to lobby the state legislature or its agencies. We think that this is an appropriate time to communicate to the Board of Education and the Village of Pelham Manor some of the principles that will guide our decisions.

First, we believe that given the already burdensome property taxes in our town, cost should be a major factor in choosing an appropriate parking solution.

Second, we believe that our elected officials should not expend any significant efforts in pursuing alternatives that have little chance of success – such as the suggestion that we ask a neighboring municipality to give up an active ball field within their jurisdiction so we can preserve a ball field in ours.

Third, we will not eliminate any portion of the Wolfs Lane linear park to accommodate parking needs at the high school and middle school. We believe that green space is a rare and precious commodity that improves the quality of life of all of the town's residents. While we think that there are circumstances that may warrant an intrusion into the green space (last year, for instance, we investigated the possibility of encroaching in order to provide additional shopper parking as part of our downtown revitalization efforts) we have already decided that it is preferable to continue maintaining it as a park for the benefit of all the residents of the town and have allocated material resources to that end.

Fourth, we do not support pursuing state and county approvals to use the green space on Wolfs Lane near Hutch Exit 9 for parking. The school district's request to use that land for parking was denied in 2002, despite the intervention of our state representatives, because of the Department of Transportation's perceived need "to maintain as much green space and buffer between the parkway and adjacent residents" as possible. We believe that a new request would have little chance of success and efforts in that direction would be wasted. Moreover, we agree with the assessment of the Department of Transportation that we need a buffer to insulate Wolfs Lane, Ingalls Field and the new Middle School building from the noise, pollution and visual impact of traffic on the Hutch. As some may recall, in 2003 our Board rejected a proposal by the developer of the Sandford Blvd. retail mall to widen Wolfs Lane south of Hutch

Exit 9 precisely because it would have meant cutting down numerous mature trees that provide a buffer from the Hutch at that point.

We also believe that the cost of building parking on the state land would be prohibitive. On another parking project in our village, our consultants advised that building on-grade parking on a flat piece of property would cost over \$16,000 a spot. That would make the cost of replacing the temporary parking lot on Ingalls with one on the state land \$1,000,000 or more.

Fifth, we believe that since the High School and the Middle School service both villages and are located at the border between them, accommodating the parking needs of the population that uses those facilities is a responsibility that should be shared equally by the two villages. We have already provided 30 permits to the school district for use by the teachers and staff who work at the High School or the Middle School on streets that border the facilities and have historically been used for that purpose. We will not provide any additional parking permits on our public streets to accommodate the High School and Middle School population unless the Village of Pelham Manor provides an equal number of permits on its own public streets.

Sixth, we believe that the recent New York State Attorney General's opinion does not fully answer the question of whether Pelham and Pelham Manor have the authority to provide permit parking for school district employees on streets that do not border the High School/Middle School complex. State law broadly authorizes villages to restrict parking on public streets and, in addition, to regulate parking "in designated areas reserved for public business at or adjacent to a government facility." The school district and the Village of Pelham Manor have recently asked the Attorney General to clarify the phrase "at or adjacent to". In an informal opinion issued on July 25th, the Attorney General's office opined that they did not believe the statutory authorization was intended generally to include streets that do not border the governmental facility, except in limited circumstances, such as where parking is not permitted on the bordering streets.

While parking is permitted on the streets that border the High School/Middle School complex, it is insufficient to meet the needs of the school district (particularly if the portion of Ingalls that is currently used as a temporary parking lot were to be returned to usage as an athletic field). Given the broad purpose of the statutory authorization (to permit villages to continue their historic practice of designating on-street parking spaces that allow public officials to reach their destinations quickly, according to the sponsor of the legislation), we see no practical difference between a situation in which parking on bordering streets is not permitted at all and one in which parking on bordering streets is insufficient to satisfy the government's needs.

It is important to remember that state law also authorizes villages to provide permit parking by obtaining legislative consent (the so-called “home rule” provision). This is a viable alternative to relying on the statutory authority relating to government facilities and should be explored further.

Since the Attorney General’s informal opinion has thrown into question the authority of Pelham and Pelham Manor to provide permits on streets that do not border the High School/Middle School complex, we would be willing to join with the Village of Pelham Manor to either request a clarification from the Attorney General’s office as to whether the Pelham situation meets the limited circumstances test specified in the recent informal opinion, or request the approval of the State legislature to appropriate home rule resolutions in the two villages.

Item #7 – Considering the final site plan request by Commerce Bank for the property on the northwest corner of 5th and Lincoln Avenues:

Paul Noto, Esq., Craig Thompkins from Bohler Engineering, Katie Nichols from Interarch, and Irwin Andress, Traffic Engineer from Atlantic Traffic Engineers were in attendance and made the presentation on behalf of the applicant, Commerce Bank. Gwen Miller-Tapogna, Planning Board Chair and Nigel Scott-Williams, ARB Chairman, were in attendance and made their presentations about their boards’ recommendations. The Mayor and Board of Trustees discussed the application at length, in particular whether to authorize one or two drive-thru lanes, which the Planning Board had recommended against. Trustees Greco and Hotchkiss were opposed to two drive-thru lanes.

A motion was made by Trustee Merrick, with a second by Trustee Mohan to adopt the resolution. The motion passed by vote of four in favor, two opposed. Note: However, the resolution was not approved with adequate number of votes required by the Site Plan Code. Trustees Hotchkiss and Greco were both opposed. Trustee Homan was absent.

**AUTHORIZING THE SITE PLAN FOR NEW COMMERCIAL BUILDING
(COMMERCE BANK) AT 301 FIFTH AVE.**

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, which are attached to and made a part of this resolution, except that the Board of Trustees agrees to a ____-lane drive-through; 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 dated July 20, 2005, November 16, 2005, January 10, 2006, February 3, 2006, March 3, 2006, April 7, 2006, April

- 13, 2006 May 5, 2006, June 9, 2006 and with revisions for Planning and ARB dated July 13, 2006, July 17, 2006, July 31, 2006 and must be built according to the window and trim details, landscaping plan, and approved colors and materials (as specified on plans) as:
- a. Window, Doors & Skylight (see Plans A-202,A-303,A-302, A-310);
 - b. All elevation details as per sheets (see Plans A300 & A301);
 - c. Lighting (see Plans C-10)
 - d. Thirteen (13) Off-street parking spots with each a minimum of 9' X 18', with a minimum aisle width of 24', (see Plans, C-4);
2. The continuing review of the Architectural Review Board ("ARB") on items listed in its Memorandum dated August 2, 2006 (see attached)
 3. The continuing review of the Planning Board on items listed in its Memorandum dated August 2, 2006 (see attached)
 4. The Commercial building 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 the landscaping plan must be complied with, with minimums as per specifications as shown on site plan (See plan, C-8,C-9);
 6. That Grading and Drainage on the sites as shown on the plans, to collect and detain stormwater and minimize contribution to the Village's stormwater system (C-5,C-11);
 7. Any other actions deemed necessary by the Mayor, Village Administrator, Building Inspector, Village Engineer, and other officials of the Village of Pelham.
 8. That the application and permit shall remain subject to the continued jurisdiction of the Board of Trustees.
 9. At no time may construction commence and not strictly adhere to the construction timeline this will be considered a violation of the Planning Board approval;

AND, BE IT FURTHER RESOLVED, that this application for a site plan by Commerce Bank for 301 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 MEMORANDUM

TO: The Mayor, Board of Trustees, Village Administrator,
Village of Pelham

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

DATE: August 2, 2006

SUBJECT: Commerce Bank, Fifth and Lincoln Avenues

The Architectural Review Board has reviewed the two sets of drawings received on, and dated by the Village, July 31st, and approves Commerce Bank's application subject to the conditions set forth below.

The design of the building addresses both the site condition and the existing contextual fabric of the village very well. The diagonal entry enhances the building's prominent corner position and announces the beginning of, and entrance into Pelham's commercial district. The additional bay creating the drive-through arch on Fifth Avenue extends the important continuity of the "streetwall" in the retail district, something which a "drive-through" type of building usually negates. The extensive use of brick and cast stone, together with muted brushed stainless steel where metal elements occur, respects the rich palette of historic materials common to the existing downtown buildings.

While the overall submission is adequate for approval of the project there are some issues on which the ARB requires further clarification and documentation from the applicant:

1. The rear canopy:
Drawings C-4, C-7 and A201 indicate a canopy supported by columns in the center with equal lane spacing on either side of the median and columns.
The elevations on A301 indicate the median and columns closer to the outer edge of the canopy in a 1/3 to 2/3 proportion. This is aesthetically more pleasing but clearly does not provide for two car lanes of equal size.

2. The roof plan indicates that the HVAC units will not extend above the parapet wall and coping, which is highly desirable. However the section detail through the façade indicates a possible 8 to 11 inches maximum of parapet wall so the ARB doubts that the HVAC system will be concealed. Although at the rear,

this is the “skyline” view of the building as one approaches from Mt. Vernon east along Lincoln Avenue. The ARB has sought windows on the rear and proper landscaping to avoid a “back” or “wrong” side to this building so the HVAC should be concealed.

3. Brick Pillars: Drawing C-4 indicates “proposed brick pillars” on the plan, but no

other drawings are provided of this important driveway entrance detail (on Lincoln Avenue). There appears to be signage on or near to these pillars (see item 5 below) and the ARB requests further documentation of this pillar design.

4. Lighting:

a. The pole lamps are specified as a Bridgehampton pole with a Montauk lamp fixture in the parking lot. The same symbol is used on the drawings for the street lamps, but it is not clear that these are the same fixture. The ARB would like the street lamps and parking lot fixtures to be the same, and needs to check that this fixture is an equal to the ones selected for the Marbury Corners project.

b. On drawing C-10 the fixture noted as “2” on the legend is described as being mounted at 10 feet, yet it appears to be recessed into the canopy.

c. An American Glass Light sconce is specified for either side of the main Entrance -- the ARB would like to see a cut-sheet of this fixture.

5. Signage: While the business signs remain for consideration under a separate sign

application there is an attached “Standard Detail sheet – 1 of 1” showing some

backlit (fluorescent) signs noted as “Directional Sign Details”. While the site plan

drawing notes some entry and exit signs it is not clear where signs such as the

illuminated “Drive-In Tellers - OPEN 7 DAYS” will be located.

6. Finishes - Brick selection:

The ARB had always intended that the final brick selection could be determined at

a later date with a mock-up in the field. The applicant is proposing the Jamestown

Tops Down Brick that was used at Commerce Bank's City of Rye location.
The ARB members have yet to visit that location, and if this selection is not satisfactory the board will continue to review further brick options as the construction progresses.

Planning Board MEMO

Date: August 2, 2006

To: Village of Pelham Board of Trustees

From: Village of Pelham Planning Board

Re: Commerce Bank
301 Fifth Avenue

As discussed at the July 11, 2006 Village of Pelham Planning Board (PB) meeting, the PB recommends that the Village of Pelham Board of Trustees (BOT) approve the application submitted by Commerce Bank for 301 Fifth Avenue on the condition that the bank agrees to have only one drive-through station at the rear of the building. Our recommendation that the bank have only one drive-through station is based on the following:

- (1) The Lincoln Avenue/Fifth Avenue intersection is already very congested, and we believe that Pelham's municipal planning efforts need to focus on minimizing any additional congestion at this site. Although widening and restriping the southbound Fifth Avenue lane will mitigate the bank's impact on southbound traffic, the northbound Fifth Avenue traffic will probably experience increased delays, especially during the peak evening hour, when the Level of Service will likely drop from "E" to "F."
- (2) There is significant pedestrian activity at the Lincoln/Fifth Avenue intersection, including students from Hutchinson School, and we believe that Pelham's municipal planning efforts need to focus on minimizing the adverse impacts of traffic on these pedestrians.
- (3) In the long run, two drive-through lanes will attract more drive-through traffic to the bank than one drive-through lane. Although the Bank's representatives have disputed this, common sense and scores of traffic planning studies indicate that TRAFFIC WILL INCREASE TO FILL WHATEVER SPACE IS PROVIDED FOR IT. One drive-through lane may create longer waiting times and more cars in the queue in the near term, but this will serve to divert customers to either use the drive-through lane at off-peak hours, or to park and walk into the bank. In effect, limiting the bank to one drive-through lane will serve as a method of limiting the drive-through traffic in the long term. This is a form of traffic calming.
- (4) In the long run, it will be better for Pelham's downtown businesses if a significant portion of Commerce Bank's customers consider Pelham to be their destination rather than a drive-through stop. If most of the bank's customers are just using the drive-through lanes, the net impact on downtown business activity will be similar to the impact of putting a gas station at this intersection.

- (5) Commerce Bank operates a successful in-line bank (without any drive-through lanes) in downtown Rye. This bank is situated in a downtown area similar to Pelham's. There is no reason to doubt that they can operate a successful branch with one drive-through lane in Pelham.
- (6) The Commerce Bank branches with multiple drive-through lanes in White Plains and Mamaroneck are both situated on high volume roads that are not appropriate models for the Lincoln/Fifth Avenue intersection. The Mamaroneck branch is on the Post Road at a point where there are four lanes of traffic and relatively little pedestrian activity. The White Plains branch is in a large commercial district that dwarfs Pelham as a drive-to destination for business, retail and medical activity.

Members of the Planning Board have spent many hours reviewing the traffic analyses provided by Commerce Bank for this branch. Although we believe that the bank's traffic engineers have conducted a satisfactory traffic impact study for this site, we do not believe that they have always used the most conservative trip generation numbers possible. We discussed our concerns in detail with their traffic engineers at the November 8, 2005 Planning Board meeting. We did not ask the traffic engineers to recalculate their trip generation analysis, however, since any recalculation using more conservative numbers would only make the potential traffic impact look worse, and we believe that the potential impacts already look significant enough to be a problem.

The above recommendation is based upon review of Project Drawings C-1 through C-12 dated 7/28/06 (Rev. #11) prepared by Bohler Engineering, PC and the plans and elevations dated 6/21/06 (A201, A202, A300, A301 & A310) 7/31/06 (A302 & A303) and prepared by InterArch. Please note that the applicant addressing the following items should be a condition of approval by the BOT:

- The landscape plan (Drawing C-8) does not show the planting area required for the proposed ivy along the north elevation of the building. The sidewalk in this location must be a minimum of 3 feet wide after the planting area is installed.
- A final construction schedule should be submitted. Prior to commencement of construction, the applicant must attend a meeting with the Pelham Building, Fire, Police and Public Works Departments to create a consensus on how the project will be staged and issues such as pedestrian rerouting and street closings will be addressed.

The top of the roof level mechanical equipment must be below the top of the parapet as stated in the memo prepared by InterArch dated August 2, 2006.

Item #8 – Hearing on a draft proposed Local Law to enact various amendments to the Village Code regarding enforcement of various building and property codes and other Village ordinances:

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

SEQ CHAPTER 1 LOCAL LAW NUMBER 1 OF 2006
SEQ CHAPTER 1

A local law, as amended, that amends the Code of the Village of Pelham to set higher minimum fines for certain violations.

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

SECTION 1.

§ 90-36 of the Code of the Village of Pelham is amended as follows:

- (1) The existing Section 90-36 shall be entitled 90-36A.
- (2) The following words of the first sentence of the new Section 90-36A are deleted: "Every person convicted of a traffic infraction for,".
- (3) The following words are inserted at the beginning of Section 90-36A: With the exception of the penalties for violations of the sections listed in subsection B of this section, every person found guilty of".
- (4) A new section 90-36B of the Code of the Village of Pelham is adopted as follows:

§ 90-36B Schedule of minimum fines for specific violations of this chapter.

Every person found guilty of the following sections of this chapter shall receive the specified penalty:

- (1) For a violation of Section 14B (2) a fine of \$50 shall be imposed.
- (2) For a violation of Section 14B (3) a fine of \$25 shall be imposed.
- (3) For a violation of Section 14C (1) a fine of \$75 shall be imposed.
- (4) For a violation of Section 14C (2) a fine of \$50 shall be imposed.
- (5) For a violation of Section 14C (3) a fine of \$50 shall be imposed
- (6) For a violation of Section 14D (1) a fine of \$40 shall be imposed.

- (7) For a violation of Section 14D (2) a fine of \$100 shall be imposed.
- (8) For a violation of Section 14D (3) a fine of \$100 shall be imposed.
- (9) For a violation of Section 14D (4) a fine of \$40 shall be imposed
- (10) For a violation of Section 14E a fine of \$ 100 shall be imposed.
- (11) For a violation of Section 14 F a fine of \$100 shall be imposed.
- (12) For a violation of Sections 90-15 and 90-49 a fine of \$40 shall be imposed.
- (13) For a violation of Section 90-16 a fine of \$40 shall be imposed.
The fine, however, shall be reduced to \$20 if the fine is paid by the end of the day on which the ticket is issued.
- (14) For a violation of Sections 90-20 and 90-53, a fine of \$20 shall be imposed. The fine, however, shall be reduced to \$15 if the fine is paid by the end of the day on which the ticket is issued.
- (15) For a violation of Sections 90-22 and 90-58 a fine of \$100 shall be imposed.
- (16) For a violation of Sections 90-24 and 90-25, a fine of \$40 shall be imposed.
- (17) For a violation of Sections 90-22.1 and 90-55 a fine of \$50 shall be imposed.
- (17) For a violation of Sections 90-22.2 and 90-57 a fine of \$50 shall be imposed.
- (18) For a violation of Section 90-30A (2) a fine of \$20 shall be imposed. The fine, however, shall be reduced to \$15 if the fine is paid by the end of the day on which the ticket is issued.
- (19) For a violation of Sections 90-31 and 90-56 a fine of \$20 shall be imposed. The fine, however, shall be reduced to \$15 if the fine is paid by the end of the day on which the ticket is issued.

SECTION 2

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

Item #9 – Authorizing Buckhurst Fish Jacquemart to prepare an RFP for Architectural Services for municipal parking, village yard and village garage relocation:

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

RESOLUTION

AUTHORIZING BUCKHURST FISH JACQUEMART TO PREPARE AN RFP FOR ARCHITECTURAL SERVICES FOR MUNICIPAL PARKING, VILLAGE YARD AND VILLAGE GARAGE RELOCATION

BE IT RESOLVED, by the Board of Trustees of the Village of Pelham that Buckhurst Fish Jacquemart, of New York, NY, is authorized to prepare at a cost not to exceed \$7,500 a Request for Proposals for Architectural Services to be publicly advertised by the Village in order to proceed within the parameters of the FTA grant for the Village to build an inter-modal facility, which will require the relocation of the Village DPW facility, and the Mayor and Village Administrator are authorized to sign and proceed with the proposal to seek these services.

BE IT FURTHER RESOLVED, by the Board of Trustees that the cost of such services be charged to the FTA grant.

Item #10 – Authorizing Antonucci Associates to prepare contract documents for public bid for repairs to the Village's Lot 2 and 3 parking decks:

Trustee Greco mentioned that he was looking into a proposal to repair and seal the Firehouse floor, and make that part of the borrowing to fund the parking deck repairs.

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

RESOLUTION

AUTHORIZING ANTONUCCI AND ASSOCIATES TO PREPARE SPECIFICATIONS AND DESIGN DOCUMENTS

FOR REPAIR OF THE MUNICIPAL PARKING GARAGES AT
3RD STREET AND 4TH AVE. AND 3RD STREET AND 6TH AVE.

BE IT RESOLVED, by the Board of Trustees of the Village of Pelham that Antonucci and Associates of Pelham, NY is authorized to prepare Specifications and Design documents to attach to the Village's standard contract documents for services to repair the concrete and steel portions of the parking decks at Lot 2 at 3rd Street and 4th Avenue and Lot 3 at 3rd Street and 6th Avenue, not to exceed \$15,000 and the Board authorizes the Mayor and Village Administrator to sign and proceed with this proposal.

Item #11 – Authorizing an agreement to appraise the property at 211 5th Avenue, and the appropriation of surplus from the Village's Housing Fund to fund the expense:

A motion was made by Trustee Merrick, with a second by Trustee Mohan to adopt the resolution. The motion passed unanimously by vote of six in favor, none opposed.

RESOLUTION

Authorizing the appropriation of surplus from the
Village's Housing Fund to fund an expense
And authorizing an agreement to appraise the property
at 211 5th Avenue, also known as Pelham Glass
for the potential purpose of acquisition for
construction of Senior Housing units

Whereas, pursuant to the provisions of Section 5-520 of the New York

State Village Law, the Board of Trustees, by resolution, may

increase existing appropriations by transferring funds from the unexpended balance of another appropriation, from the contingent account, from available cash surplus or unanticipated revenues within a fund, or by borrowing, and

Whereas, in all cases, there are sufficient unexpended balances in other appropriations accounts, excess revenues or fund balances available to cover the transfers, now therefore be it

Resolved, that pursuant to Village Law Section 5-520, the Board of Trustees hereby authorizes and directs the proper Village officers to modify the 2006-07 Budget by making the following transfers:

General
Fund
INCREASE EXPENSE

Housing
Fund
INCREASE REVENUE
Increase appropriated Housing Fund
Balance

A1420.400	Legal Services – appraisal (Sr. Hsg.)	\$3,000	H4000	Appropriate Housing Fund Balance	\$3,000
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AND BE IT FURTHER RESOLVED, that the Board of Trustees of the Village of Pelham authorizes Lane Appraisals of Larchmont, NY to prepare a property appraisal of the property at 211 5th Avenue, also known as Pelham Glass, for the proposal amount of three thousand dollars (\$3,000) for the possible purpose of purchase for the construction of Senior Housing, and the Board authorizes the Mayor and Village Administrator to sign and proceed with this proposal.

Item #12 – Authorizing an agreement with the NYS Power Authority for the GEM vehicle program:

Mayor Clain read the resolution, and mentioned that the Village is looking for the 2-door GEM vehicle with the hard-doors. A motion was made by Trustee Hotchkiss, with a second by Trustee Potocki to adopt the resolution. The resolution passed unanimously by vote of six in favor, none opposed.

RESOLUTION

AUTHORIZING AN AGREEMENT WITH THE NYS POWER AUTHORITY
FOR THE GEM VEHICLE PROGRAM

RESOLVED, that the Board of Trustees of the Village of Pelham authorizes the Village to participate in the NYS Power Authority GEM Vehicle Program to accept one of these vehicles, to be purchase off of NYS contract, acceptance of partial funding for the vehicle from NYPA at thirty percent (30%) of the cost of the vehicle, including hard doors, and one hundred percent (100%) of the cost of maintenance free batteries and charging cord, and the Board authorizes the Mayor, the Administrator/Treasurer, the Police Chief and the Village Clerk, to take the necessary and appropriate actions to sign any relevant documents and effect this agreement.

Item #13 – Making amendments to the regulations around Colonial School to accommodate school permits:

Trustee Potocki explained that the following recommendations are made for the regulations around Colonial School to accommodate school permits, to better accommodate the provisions in the area. He mentioned input from neighbor Tom Belviso, and mentioned that Fire Chief Carfora wants one (1) spot less on the

west side of Pelhamdale Avenue across the street from the playground. He summed up the Code changes with the following explanations:

BOE Permit Areas for Fall of 06

- All Permit Areas should be designated on Colonial, Corlies and Nyac with Sign/Signs that say Permit Parking Pelham Schools by order of the Village of Pelham same as exists currently on Highbrook and Pelhamdale.
- Highbrook east and Pelhamdale west (bet Blvd. and Colonial) 1 hr parking 7 am to 3pm school days except by permit.
- Colonial north(bet. Corlies and Wolfs) Corlies west (75ft? from corner of Colonial) Nyac west (150ft? from corner of Blvd.) no parking 7am to 3pm school days except by permit.
- Also, the 1 hr parking M-F 7am to 4pm except Sat. Sun. Hol. on the south side of Blvd. from Corlies to Highbrook and on the east side of Highbrook from Blvd to Irving need to be installed.
- We also think the current Visitor sign on the side of the Middle School gym should have a time limit such as 1 hour, and will check with Joe Longobardi.

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

RESOLUTION
AMENDING THE CODE OF THE VILLAGE OF PELHAM
FOR SCHOOL PERMIT AND OTHER PARKING REGULATIONS

* That the following sections of the Village Code § 90-49. Schedule X: No Parking Any Time are hereby added:

Name of Street	Side	Location
Colonial Avenue City line	North	From Wolfs Lane to the Mt. Vernon

* That the following sections of the Village Code Section 90-52 Schedule XIII: No Parking Certain Hours are hereby amended:

Name of Street	Side	Hours	Location
Delete: Colonial Avenue Avenue to the city line	North	2:00 a.m. to 9:00 a.m.	From Corlies Mount Vernon

* That the following sections of the Village Code Section 90-53 Schedule XIV: Limited-Time Parking are hereby amended:

Name of Street	Side	Time Limit	Hours/ Days	Location
(Amend May 16 th adopted hours from 4 p.m. to 3 p.m.):				
Highbrook Ave.	East	1 Hour	7 am-3 pm	From Boulevard to
			Mon.-Fri. Except Sat, Sun & Hol.	Colonial Ave.

Amend:
Nyac Avenue West
feet south

1 hr.

All times

From a point 150 feet south of First Street to Boulevard.

(Amend May 16 th hours from 4 p.m. to 3 p.m.):				
Pelhamdale Ave.	West	1 Hour	7 am-3pm	From Colonial Ave. to
			Mon.-Fri. Except Sat, Sun & Hol.	Boulevard

Delete:
Nyac Avenue West
feet

1 hr.

8:00 a.m. to 4:00 p.m.

From a point 290 feet south of Second Street to a point 100 feet

* That the following provisions are added to the Village Code, § 90-60. Schedule XXI: School Parking (only).

Name of Street	Side	Hours	Days	Location
Colonial Avenue Wolfs Lane	North	7 a.m.-3 p.m.	School Days	From Corlies Ave. to
Corlies Avenue Colonial Ave.	West	7 a.m.-3 p.m.	School Days	From 20 feet north of to driveway, approximately 100 feet north of Colonial Ave.
Highbrook Ave. Boulevard	East	7 a.m.-3 p.m.	School Days	From Colonial Ave. to

NYAC Ave.
Franklin

West 7 a.m.-3 p.m. School Days From Boulevard to
Avenue

Pelhamdale Ave.
Boulevard

West 7 a.m.-3 p.m. School Days From Colonial Ave. to

Item #14 – Authorizing the annual Pelham Children’s Center Fun Run:

A motion was made by Trustee Mohan, with a second by Trustee Hotchkiss to adopt the resolution. The motion passed unanimously by vote of six in favor, none opposed.

RESOLUTION

Authorizing the annual Pelham Children’s Center 5K and Fun Run
Saturday, October 14, 2006

BE IT RESOLVED, that the Board of Trustees of the Village of Pelham authorizes the Annual Pelham Children’s Center Fun Run, to be held on Saturday October 14, 2006, from 7 a.m. to 10 a.m., as follows:

5K race starting at 8 a.m. starting at Colonial School and ending up at the Daronco Townhouse along the normal route in Pelham, and the

Fun Run starting at 9 .m. at Franklin Field and finishing up at the Townhouse.

BE IT FURTHER RESOLVED, that the assistance of the Village, including the Police and Public Works Departments is authorized to facilitate this event.

Item #15 – Year-End Transfers as requested by our auditors ODMD/BSK

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

RESOLUTION

Re: Year-end Budget Transfers for 2005-06

Whereas, pursuant to the provisions of Section 5-520 of the New York State Village Law, the Board of Trustees, by resolution, may increase existing appropriations by transferring funds from the unexpended balance of another appropriation, from the contingent account, from available cash surplus or unanticipated revenues within a fund, or by borrowing, and

Whereas, at the end of the fiscal year, it is necessary to make modifications to the areas in the budget that had insufficient appropriations based on actual

results of operations, and

Whereas, in all cases, there are sufficient unexpended balances in other appropriations accounts, excess revenues or fund balances available to cover the transfers, now therefore be it

Resolved, that pursuant to Village Law Section 5-520, the Board of Trustees hereby

authorizes and directs the proper Village officers to modify the 2005-06

Budget by making the following transfers:

FY ending
31-May-06 as of August 3, 2006

2005/06 BUDGET AMENDMENTS

GENERAL FUND

INCREASE EXPENSE

Fire Hydrant
A3410.455 Rental \$12,493.00

DECREASE EXPENSE

A9015.915 Police Retirement \$10,000.00
A9035.935 Social Security \$ 2,493.00

WATER FUND

INCREASE EXPENSE

F8320.422 Water Utilities \$26,766.00

INCREASE REVENUE

Increase appropriated Water Fund Balance
Appropriate Fund
F4000 Balance \$26,766.00

Item #16 – Authorizing the accounts payable:

A motion was made by Trustee Merrick, with a second by Trustee Hotchkiss to adopt the resolution. The motion passed unanimously by vote of six in favor, none opposed.

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/Treasurer:

<u>Fund Name:</u>	<u>Amount</u>
General Fund	\$133,389.85
Water Fund	\$46,117.26
Capital Projects Fund	\$367,832.10
Trust and Agency Fund	\$10,853.17
H3 Fund	\$0.00
Grand Total	\$558,192.38

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

Item #17 – Old Business/New Business:

Trustee Hotchkiss would like the Village to think about ways to keep the Downtown clean. Trustee Potocki suggested educating people on how to dispose of garbage, and researching the cost of a mini-street sweeper. John Cassone of 7th Avenue suggested the Village send out nice reminder letters to shop owners to keep their store-fronts clean and pick up the garbage.

Item #18 – Minutes: June 20, 2006, June 27, 2006 and July 18, 2006:

A motion was made by Trustee Merrick, with a second by Trustee Mohan to approve the minutes from June 20, 2006, June 27, 2006, and July 18, 2006. The motion passed by vote of five in favor, none opposed, Trustee Homan absent, Trustee Hotchkiss stepped away.

Item #19 – Executive Session to discuss pending litigation and contract:

The Mayor asked for a motion to go into Executive Session to discuss pending litigation and contract issues. On the motion of Trustee Merrick, seconded by Trustee Mohan, the Board voted to adjourn the public portion of the Board Meeting and go into Executive Session to discuss the stated matters. The motion passed by vote of five in favor, none opposed.

Item #20 – Adjournment:

On the motion of Trustee Potocki, seconded by Trustee Greco, the Board voted to adjourn the public portion of the board meeting at 11:10 p.m. The motion passed by vote of five in favor, none opposed.

Respectfully submitted,

Devron Wilson, Administrative Aide

Richard Slingerland, Administrator/Deputy Clerk