

VILLAGE OF PELHAM BOARD OF TRUSTEES REGULAR MEETING  
TUESDAY, DECEMBER 18, 2007 – 7:30 PM  
VILLAGE HALL – 195 SPARKS AVENUE, PELHAM, NY

MINUTES

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

Approximate  
Starting Time  
of Discussion

#	Agenda Items:	
	<b>Committee Reports</b>	<b>7:40 p.m.</b>
7.	Pelham Post Office.	<b>Discussed</b>
8.	Website and Telecommunications initiatives.	<b>Discussed</b>
	<b>Public Hearings</b>	<b>7:50 p.m.</b>
9.	Village of Pelham Comprehensive Plan; continued hearing to allow for continued public comment and input.	<b>Discussed</b>
10.	Public Hearing on a draft proposed Code Change regarding changes to the Alarm Code.	<b>Approved changes</b>
11.	Public Hearing on a draft proposed Code Change regarding Storm Water Management and Control, including Detection and Elimination of Illegal Connections.	<b>Discussed, continued to next mtg.</b>
12.	Public Hearing and consideration of the Annual Housing Agency Plan for Pelham's Section 8 program.	<b>Continued</b>
	<b>Human Resources</b>	<b>8:10 p.m.</b>
13.	Authorizing the Village to enter into an agreement with the CSEA for the time period of June 1, 2007 through May 31, 2010.	<b>Approved both resolutions</b>
14.	Authorizing a stipulation agreement between the Village and a retired employee with regard to resolution of compensation and benefits.	<b>Approved</b>
15.	Authorizing the Pelham Police Department to pursue accreditation of the Pelham Police Department.	<b>Approved</b>
	<b>Land Use</b>	<b>8:30 p.m.</b>
16.	Considering authorizing a reduction in the Pelham Medical Group Performance Bond from \$400,000 to \$200,000.	<b>Tabled</b>
	<b>General Business</b>	<b>8:45 p.m.</b>
17.	Authorizing the Village to choose to continue to participate in and utilize Westchester County's bidding and purchasing contracts.	<b>Approved</b>
18.	Authorizing mid-Fiscal Year budget amendments and transfers.	<b>Approved</b>
	<b>Flooding Initiatives</b>	<b>9:15 p.m.</b>
19.	Flooding status report and update.	<b>Discussed</b>
	<b>Housekeeping</b>	<b>9:45 p.m.</b>
20.	Authorizing the Accounts Payable	<b>Approved</b>
21.	Old Business/New Business	<b>Shopping ctr. sign and review land use</b>
22.	Minutes – November 13, 2007 and December 4, 2007	<b>Tabled</b>
23.	Executive Session	
24.	Adjournment	<b>Adjourned</b>

Next Regular Board Meetings are Tuesdays January 8 and January 22, 2008.

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

Agenda is subject to change. Happy Holidays and a Happy New Year!

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VILLAGE OF PELHAM BOARD OF TRUSTEES REGULAR MEETING  
TUESDAY, DECEMBER 18, 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 7:34 p.m.

The following members of the Board of Trustees were present:

Mayor Edward Hotchkiss, Trustees Greco, Homan, Lewis, Morris, and Potocki. Trustee Weinstein 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 on that was not included in the agenda.

Item #4 – Trustees’ Report:

Trustee Greco had nothing to report.

Trustee Potocki reported that the village forwarded its Safe Routes to School recommendations to the Hutchinson Elementary School Parent Teachers Association. There will be a meeting scheduled in January between the village, Hutchinson Elementary School PTA to discuss the recommendations. Some of the major recommendations highlighted establishing drop-off zones and making 3<sup>rd</sup> Avenue between 5<sup>th</sup> Street and Lincoln Avenue one-way southbound toward Lincoln Avenue, to allow a sidewalk to be installed along the west side of 3<sup>rd</sup> Avenue. Trustee Potocki also mentioned that Police Chief Benefico informed him that a police officer will be at the corner of Franklin Place and Wolfs Lane to direct traffic when school resumes in January. He announced there had been a recent robbery on Pelhamdale, and passed along Chief Benefico’s recommendations for residents to walk in well illuminated areas, and to use careful judgment and not walk alone to prevent becoming a target for crime.

Trustee Homan reported that Vange Gorsline who was in charge of the Pelham Children’s Theatre, passed away. Trustee Homan also reported that the village DPW did a great job handling the storm and removing snow from village streets, and recommended that the DPW needed to finish clearing the parking lots.

Mayor Hotchkiss reminded everyone that the Village had amended the code to make it clear that people needed to shovel their sidewalks, and if they could not then they had to put down sand and salt to make them safe to walk on. He also mentioned the Village needed to make another pass around the train station for snow and ice removal.

Trustee Morris had nothing to report.

Item #5 – Village Administrator's Report:

Village Administrator Richard Slingerland reported that leaves will continue to be picked up until the streets are clear. He mentioned that as the DPW completes a street, residents should not put additional leaves out at the curb since leaf season is done. He mentioned that if residents have additional leaves they should be bagged for final pickup at a later date. The village DPW will continue to pick up the leaves that are already curbside. Administrator Slingerland also reminded everyone that residents have twenty four (24) hours after a storm to remove snow from their property, and if they could not then they needed to place gritty material on top of the snow.

Item #6 – Public Comment:

Fred Vetranov and Josephine Randolph of 115 3<sup>rd</sup> Avenue had complaints about the leaf pickup and said that the last time the leaf crews had been down their street was November 21<sup>st</sup>. Administrator Slingerland advised the Village will review his street again and make sure all the leaves were picked up.

Item #7 – Pelham Post Office:

Mayor Hotchkiss gave an update on the Post Office. He mentioned that the Committee, including members from the ARB and Planning Board had reviewed the alternate plans and recommended changes to improve the design of the project. He informed everyone that the Post Office's latest design takes into account the suggestions of the Planning Board and Architectural Review Board.

Christine Conroy of 37 1<sup>st</sup> Street was in attendance to object to the Post Office going on First Street. She mentioned that she does not want the Post Office to move to 26 First Street, along with all the traffic from the 500 mailboxes in the post office now. If the post office moves to First Street, parking and foot traffic will increase near Marbury Corners. Mayor Hotchkiss reminded Ms. Conroy that the current location is just 2 blocks away, and that the parking at the Post Office is very limited.

Frank Begley, a resident of Pelham Manor, was against moving the post office to First Street. He believes it should be located downtown along 5<sup>th</sup> Avenue. The Board briefly reviewed the alternatives that had been discussed with the Post Office, and explained that all the alternatives had been exhausted.

Susie Coviello of 8 Second Avenue mentioned that the hill along First Street will pose a problem for senior citizens walking to the location of the new post office location. Mayor Hotchkiss explained that the Village had proposed relocating the post office entrance closer to 2<sup>nd</sup> Avenue. However, the topography of the land does not allow it. Susie Coviello asked the village to find out the times when the post office trucks deliver mail in the morning. Trustee Homan mentioned the Post Office had said they would not park trucks overnight at the new location.

Julie Chang of 55 First Street thanked the board for considering the thoughts of the residents who live on 1<sup>st</sup> Street as it relates to the Post Office. She said the residents of Marbury Corners will continue to fight the issue. She asked that the board re-visit the issue of traffic in the First Street area. She said she had seen traffic backed up all the way along First Street, and up First Avenue.

Dave Garufi of 7 Second Avenue asked if the village had attempted to get Nita Lowey's office involved. Mayor Hotchkiss responded that he had explored the issue around the Village, and that the residents are divided on the issue. Administrator Slingerland mentioned that in the past the Village had received her help in the review of the alternative locations, which had been explored and exhausted. Mayor Hotchkiss advised everyone that the village has not attempted to get Nita Lowey's office involved any further because there are residents who don't want the post office to move to First Street, and other residents who don't care if the post office moves to First Street. He said ultimately, that the main thing is to keep a Post Office in Pelham.

John Cassone of 312 Seventh Avenue asked if the final proposal that the post office sent to the village only addresses the building, and not additional or new alternative locations. Administrator Slingerland replied yes. Mr. Cassone suggested that the village review the traffic in that area sooner rather than later.

Mayor Hotchkiss informed everyone that the village will review the parking and traffic patterns along First Street.

Item #8 – Website and Telecommunications initiatives:

Mayor Hotchkiss mentioned that he spoke with Verizon representative John Butler about Verizon Fios TV service being offered in the village. He mentioned that negotiations are scheduled for January to discuss this matter further. In the meantime, the village has a copy of the agreement between Pelham Manor and Verizon.

Regarding the website, Administrative Aide Devron Wilson reported that the village is in the process of changing the layout and improving the functionality of the website. The Mayor asked to tie this into a project for the Pelham High School students. Eddie Ganbaum of the Pelham High School Tech Department has agreed to lend his services.

Item #9 – Village of Pelham Comprehensive Plan; continued hearing to allow for continued public comment and input:

\*No additional comments were made at this time, and the hearing was continued.

Item #10 – Public Hearing on a draft proposed Code Change regarding changes to the Alarm Code:

The Board opened the hearing on the draft proposed Alarm Code.

**PUBLIC HEARING**  
on a Proposed Local Law to amend the Alarm Code  
Chapter 27 of the Village Code  
With regard to registration for alarm systems, and  
Allowing up to three (3) false alarms prior to the issuance of a violation

The Board of Trustees of the Village of Pelham hereby schedules a public hearing to be held at 7:30 p.m. on Tuesday, December 18, 2007, in Village Hall at 195 Sparks Avenue, Pelham, NY, on draft proposed Local Laws that would amend the Code of the Village of Pelham, as follows:

Enact amendments to amend Chapter 27 of the Pelham Code on Alarm Systems With regard to registration for alarm systems, and allowing up to three (3) false alarms prior to the issuance of a violation.

Village Prosecutor Martha Conforti mentioned that the revision of this law has been in the works for awhile. Now that the revisions are complete, the law is more concise than it was before. Trustee Potocki mentioned the law is very fair. Trustee Greco mentioned that in Mount Vernon there are no warnings, just a violation and court summons. The Board discussed that the new registration form would be mailed out soon, and suggested it be included with the Village newsletter.

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

**LOCAL LAW NUMBER    OF 2007**

A local law to repeal  
Chapter 27 and adopt a  
new Chapter 27 Alarm  
Systems

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

**SECTION 1**

The current Chapter 27 of the Code of the Village of Pelham is repealed and a new Chapter 27 ALARM SYSTEMS is adopted as follows:

**Chapter 27 ALARM SYSTEMS**

‡ **27-1. Findings; purpose.**

The Village of Pelham finds that the frequency of false alarms from alarm systems to the Police and Fire Departments hinders the efficiency of those Departments, may expose the police, firefighters, and the general public to avoidable hazards and risks, waste taxpayer funds and may result in delays of emergency services to those who actually need them. The purpose of this chapter is to reduce the number of false alarms and promote the responsible use of alarm devices in the Village of Pelham.

▸ **27-2. Definitions.**

As used in this chapter, unless the context otherwise requires, the following phrases, words and their derivations shall be defined as follows:

**ALARM SYSTEMS**

- A. Any system designed to call for Police or Fire Department response when activated by a criminal act, fire or other emergency which:
1. Transmits a signal to police or fire headquarters.
  2. Transmits a signal to a person who relays information to police or fire headquarters.
  3. Produces an audible or visible signal to which the Police or Fire Departments are expected to respond.
- B. This definition does not include systems which:
1. Are designed to alert or signal only persons within the premises on which the system is installed.
  2. Are installed in a motor vehicle or trailer.

**ALARM USER**                      The owner or tenant or any premises in which an alarm system is located.

**DIAL ALARM**                      A telephone-interfaced device that automatically connects to police or fire headquarters and transmits a pre-recorded voice message to report an emergency condition that requires a response by the Police Department or Fire Department.

**FALSE ALARM**                      Any activation of an alarm system to which the Police or Fire Departments respond and which is not caused by a criminal act, fire or other emergency.

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VILLAGE

The Incorporated Village of Pelham.

▸ **27-3. Registration requirement.**

- A. Every alarm user of an alarm system in the Village of Pelham and controlled by this chapter must register the alarm system by filing within the time limits set forth in ▸ 27-3B, C and D the following information with the Police Department:
- (1) The type of alarm system.
  - (2) The street address and the nearest cross street of the building that houses the alarm.
  - (3) In the case of commercial premises, the name, address and telephone number of an authorized representative and an alternate representative who when called by the police will be able to respond immediately to deactivate the alarm system.
  - (4) In the case of a private residence, the name, address and telephone number of the person residing at the address and the name, address and telephone number of a person who is not a resident of the private residence in question and who when called by the police will be able to respond immediately to deactivate the alarm system.
  - (5) In the case of a multi-dwelling building, a commercial building housing more than one business, a building with both residential and commercial uses, or a complex of more than one building, the registration of the alarm system must include a description of the location of the alarm system. This information shall include the following information where applicable: building number, floor, and apartment, suite or office number.
  - (6) The name, address and telephone number of the person, firm, business or corporation installing, servicing and/or maintaining the alarm system.
- B. Every alarm system must be registered with the Police Department within fifteen days of its installation.
- C. Whenever the alarm user at a premises changes, within two weeks of such change the new alarm user must file a new registration for the alarm system with the Police Department.
- D. Alarm systems installed prior to the effective date of this law must be registered with the Police Department within sixty days of the effective date of this law.

▸ **27-4. Confidential Information**

Information obtained by the Police Department under this chapter relating to particular alarm users and their alarm systems shall not be divulged without the written consent of the alarm user, except as necessary or appropriate to the enforcement or administration of this chapter or to assist the Police Department or Fire Department in responding to an alarm,

‡ **27-5. Requirements for alarm systems.**

- A. Every alarm system shall be equipped so that, upon the activation of a burglary alarm, there shall be a delay of at least thirty (30) seconds before the transmission of a signal to the Police Department so as to enable the user to abort the signal in the event that it was triggered inadvertently. This delay shall not be applicable to alarms activated in cases of criminal acts involving physical injury or the threat of physical injury or alarms activated in cases of medical emergencies.
- B. Every alarm system installed in the Village shall be designed and equipped to prevent activation by loss of electrical power.
- C. Every alarm system emitting an audible or visual signal outside the house, whether such system is connected to police headquarters or operates independently, must be equipped with a system which automatically shuts off the outside audible or visual signal within 15 minutes of its activation.

‡ **27-6. Dial alarms**

The use of dial alarms in the Village of Pelham is prohibited.

‡ **27-7. Additional rules and regulations.**

The Village Administrator is hereby authorized to make and publish supplemental rules and regulations concerning all matters regarding alarm systems. The Village Administrator is also authorized to change and modify same. All such rules and regulations and any changes and modifications thereto must not conflict with the provisions herein, shall be approved by and adopted by resolution of the Village Board of Trustees and shall only be effective after a copy thereof has been filed with the Village Clerk.

‡ **27-8. Village liability.**

The Village, its officers, employees or agents shall have no responsibility for equipment costs, installation charges or damages resulting from the failure of the alarm system to operate or the failure of the Village to respond to an alarm or for losses incurred as a result of damages to the alarm system in the event that it becomes necessary for the Village to disconnect the alarm pursuant to this chapter.

▸ **27-9. Intentional false alarms.**

Intentionally causing a false alarm is a violation of this chapter, and the violator shall be subject to the penalty provisions of ' 1-12 of Chapter 1 of the Code of the Village of Pelham.

▸ **27-10. Repeated false alarms.**

Alarm users shall be responsible for the maintenance , service, and proper use of their alarm systems. When an alarm user=s alarm system causes more than three false alarms within one year, the alarm user is in violation of this section and subject to the penalty provisions of ' 1-12 of Chapter 1 of the Code of the Village of Pelham.

▸ **27-11. Disconnection.**

In the event that an alarm system emitting an audible or visual signal shall fail to be deactivated within the time limitation specified herein, the Village shall have the right to take such action as may be necessary to disconnect the alarm.

▸ **27-12. Severability.**

If any clause, sentence, paragraph, section or part of this chapter shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect or impair the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall be rendered.

**SECTION 2. Effective Date**

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

Item #11 – Public Hearing on a draft proposed Code Change regarding Storm Water Management and Control, including Detection and Elimination of Illegal Connections:

on a Proposed Local Law and Code change  
as required by Federal Law for the Village of Pelham as a regulated Phase 2 MS-4

A: to enact a new Chapter 83, with new references in Chapters 34 and 79  
in the Pelham Code regarding Storm Water Management and Control

and

B: to enact a new Chapter 57 in the Pelham Village Code,  
Regarding Detection and Elimination of Illegal Stormwater Connections.

The Board of Trustees of the Village of Pelham hereby schedules a public hearing to be held at 7:30 p.m. on Tuesday, December 4, 2007, in Village Hall at 195 Sparks Avenue, Pelham, NY, on draft proposed Local Laws that would amend the Code of the Village of Pelham, as follows:

- A. Enact A Draft Proposed Local Law to add a new Chapter 83, with new references in Chapters 34 and 79, regarding Storm Water Management and Control; and
- B. Enact a Draft Proposed Local Law to add a new Chapter 57, regarding Detection and Elimination of Illegal Stormwater Connections.

Mayor Hotchkiss opened the hearing. Administrator Slingerland mentioned that the genesis of this law originated with the Clean Water Act of the 1970s.

Mike Ritchie from Dolph Rotfeld Engineering gave a presentation about stormwater and illicit discharge management, and explained that he was trying to advise the Village of its need to enact this legislation, to comply with an unfunded mandate by the Federal and State governments. He explained that the Village is currently covered by a State permit to discharge its stormwater into the State's waterways. Mr. Ritchie informed everyone that illicit discharge management focuses on controlling the materials entering and exiting stormwater in your neighborhood. He also informed everyone that stormwater management and control focuses on storm drain connections to construction sites, etc.

The Board discussed the model stormwater law with Mr. Ritchie, and counsel Martha Conforti, Esq. It was mentioned that the current thresholds requiring a permit at 500 s.f. of impervious surface created, and 1,500 square feet of site disturbance might be too low. He mentioned that the State threshold in the model law is one acre, but that threshold would be too high to apply to any situation in Pelham because the Village is largely built out.

Mr. Ritchie mentioned that January 8<sup>th</sup> is the end of the first five-year permit period, and that although the board did not need to adopt it tonight, they should adopt it on or before January 8, 2008.

The Board continued the hearing until January 8, 2008, and asked the Administrator to review the law in light of these comments, and consider increasing the thresholds.

A. Stormwater Draft Proposed Local Law

**LOCAL LAW NUMBER    OF 2007**

**A local law to adopt a  
stormwater management  
and soil erosion and  
sediment control law**

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

**SECTION 1**

A new Chapter 83 Stormwater Management and Erosion and Sediment Control is adopted as follows:

**Chapter 83**

**STORMWATER MANAGEMENT AND EROSION AND SEDIMENT CONTROL**

**§ 83-1. Title**

This chapter shall be known and may be cited as the "Stormwater Management and Erosion and Sediment Control Local Law of the Village of Pelham."

**§ 83-2. Findings of fact.**

The Village of Pelham finds that:

- A. Land development activities and associated increases in site impervious cover often alter the hydrologic response of local watersheds and increase stormwater runoff rates and volumes, flooding, stream channel erosion or sediment transport and deposition;
- B. This stormwater runoff contributes to increased quantities of waterborne pollutants, including siltation of aquatic habitats for fish and other desirable species;
- C. Clearing and grading during construction tends to increase soil erosion and add to the loss of native vegetation necessary for terrestrial and aquatic habitats;

- D. Improper design and construction of stormwater management practices can increase the velocity of stormwater runoff and thus increase streambank erosion and sedimentation;
- E. Impervious surfaces allow less water to percolate into the soil and in that way decrease groundwater recharge and stream base flow;
- F. Substantial economic losses can result from these adverse impacts on the waters of the Village;
- G. Stormwater runoff, soil erosion and nonpoint-source pollution can be controlled and minimized through the regulation of stormwater runoff from land development activities;
- H. The regulation of stormwater runoff discharges from land development activities in order to control and minimize increases in stormwater runoff rates and volumes, soil erosion, stream channel erosion, and nonpoint-source pollution associated with stormwater runoff is in the public interest and will minimize threats to public health and safety; and
- I. Regulation of land development activities by means of performance standards governing stormwater management and site design will produce development compatible with the natural functions of a particular site or an entire watershed and thereby mitigate the adverse effects of erosion and sedimentation from development.

### **§ 83-3. Purpose.**

The purpose of this chapter is to establish minimum stormwater management requirements and controls to protect and safeguard the general health, safety, and welfare of the public residing within this jurisdiction and to address the findings of fact in § 83-2 hereof. This chapter seeks to meet those purposes by achieving the following objectives:

- A. Meet the requirements of minimum measures 4 and 5 of the State Pollutant Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Municipal Separate Stormwater Sewer Systems (MS4s), Permit No. GP-02-02, as amended or revised;
- B. Require land development activities to conform to the substantive requirements of the New York State Department of Environmental Conservation State Pollutant Discharge Elimination System (SPDES) General Permit for Construction Activities GP-02-01, or as amended or revised;
- C. Minimize increases in stormwater runoff from land development activities in order to reduce flooding, siltation, increases in stream temperature, and streambank erosion

and maintain the integrity of stream channels;

- D. Minimize increases in pollution caused by stormwater runoff from land development activities that would otherwise degrade local water quality;
- E. Minimize the total annual volume of stormwater runoff that flows from any specific site during and following development to the maximum extent practicable; and
- F. Reduce stormwater runoff rates and volumes, soil erosion and nonpoint source pollution wherever possible through stormwater management practices and to ensure that these management practices are properly maintained and eliminate threats to public safety.

#### **§ 83-4. Applicability.**

- A. All land development activities, including but not limited to land development activities subject to review and approval by the Planning Board, shall be reviewed subject to the standards contained in this chapter.
- B. It shall be unlawful for any person to engage in a land development activity other than an exempt activity as defined in §83-6 in the absence of a stormwater pollution prevention plan approved by the Stormwater Management Officer or other approving authority as specified in §83-4C.
- C. The Stormwater Management Officer shall be the approving authority for all stormwater pollution prevention plans except when the plan is for a property that is also the subject of a pending site plan. The Board of Trustees shall be the approving authority for any application for a property that pursuant to Chapter 79 is the subject of site plan review and approval.

#### **§ 83-5. Exemptions.**

For the purposes of this chapter, the following activities are exempt from review under this chapter:

- A. Routine maintenance activities to an existing stormwater management facility that disturb less than 500 square feet and are performed to maintain the original line and grade, hydraulic capacity or original purpose of a facility.
- B. Repairs to any stormwater management practice or facility deemed necessary by the Stormwater Management Officer.

- C. Any part of a subdivision if a plat for the subdivision was approved by the Village on or before the effective date of this chapter
- D. Land development activities for which a building permit was approved on or before the effective date of this chapter.
- E. Installation of fence, sign, telephone, and electric poles and other kinds of posts or poles.
- F. Emergency activity immediately necessary to protect life, property or natural resources, as determined by the Village Building Inspector.
- G. Activities of an individual engaging in home gardening, such as growing flowers, vegetables and other plants primarily for use by that person and his or her family.
- H. Landscaping and horticultural activities in connection with an existing structure.

#### **§ 83-6. Definitions.**

The terms used in this chapter or in documents prepared or reviewed under this chapter shall have the meanings set forth in this section.

**APPLICANT** — A property owner or agent of a property owner who has filed an application for a land development activity.

**BUILDING** — Any structure, either temporary or permanent, having walls and a roof, designed for the shelter of any person, animal, or property, and occupying more than 100 square feet.

**CHANNEL** — A natural or artificial watercourse with a definite bed and banks that conducts continuously or periodically flowing water.

**CLEARING** — Any activity that removes the vegetative surface cover.

**DEDICATION** — The deliberate appropriation of property by its owner for general public use.

**DEPARTMENT** — The New York State Department of Environmental Conservation.

**DESIGN MANUAL** — The New York State Stormwater Management Design Manual, most recent version including applicable updates, which serves as the official guide for stormwater management principles, methods and practices.

**DEVELOPER** — A person who undertakes land development activities.

**EROSION CONTROL MANUAL** — The most recent version of the New York Standards and Specifications for Erosion and Sediment Control Manual, commonly

known as the "Blue Book."

**GRADING** — Excavation or fill of material, including the resulting conditions thereof.

**IMPERVIOUS SURFACES** — Those surfaces, improvements and structures that cannot effectively infiltrate rainfall, snow melt and water (e.g., building rooftops, pavement, sidewalks, driveways, etc.).

**INDUSTRIAL STORMWATER PERMIT** — A State Pollutant Discharge Elimination System permit issued to a commercial industry or group of industries that regulates the pollutant levels associated with industrial stormwater discharges or specifies on-site pollution control strategies.

**INFILTRATION** — The process of percolating stormwater into the subsoil.

**LAND DEVELOPMENT ACTIVITY** — Construction activity including clearing, grading, excavating, soil disturbance or placement of fill that results in land disturbance of 1,500 square feet or more or that creates more than 500 square feet of new impervious area

**LANDOWNER** — The legal or beneficial owner of land, including those holding the right to purchase or lease the land, or any other person holding proprietary rights in the land.

**MAINTENANCE AGREEMENT** — A legally recorded document that acts as a property deed restriction and provides for long-term maintenance of stormwater management practices.

**NONPOINT SOURCE POLLUTION** — Pollution from any source other than from any discernible, confined and discrete conveyances, and shall include but not be limited to pollutants from agriculture, mining, construction, subsurface disposal and urban runoff sources.

**PHASING** — Clearing a parcel of land in distinct pieces or parts, with the stabilization of each piece completed before the clearing of the next.

**POLLUTANT OF CONCERN** — Sediment or a water quality measurement that addresses sediment (such as total suspended solids, turbidity or siltation) and any other pollutant that has been identified as a cause of impairment of any water body that will receive a discharge from the land development activity.

**PROJECT** — Land development activity.

**RECHARGE** — The replenishment of underground water reserves.

**SEDIMENT CONTROL** — Measures that prevent eroded sediment from leaving the site.

**SENSITIVE AREAS** — Cold-water fisheries, shellfish beds, swimming beaches, groundwater recharge areas, water supply reservoirs, and habitats for threatened, endangered or special concern species.

**SPDES GENERAL PERMIT FOR CONSTRUCTION ACTIVITIES GP-02-01** — A permit under the New York State Pollutant Discharge Elimination System (SPDES)

issued to developers of construction activities to regulate disturbance of one or more acres of land.

**SPDES GENERAL PERMIT FOR STORMWATER DISCHARGES FROM MUNICIPAL SEPARATE STORMWATER SEWER SYSTEMS GP-02-02** — A permit under the New York State Pollutant Discharge Elimination System (SPDES) issued to municipalities to regulate discharges from municipal separate storm sewers for compliance with EPA-established water quality standards and/or to specify stormwater control standards.

**STABILIZATION** — The use of practices that prevent exposed soil from eroding.

**STOP-WORK ORDER** — A order issued which requires that all construction activity on a site to be stopped.

**STORMWATER** — Rainwater, surface runoff, snowmelt and drainage.

**STORMWATER HOTSPOT** — A land use or activity that generates higher concentrations of hydrocarbons, trace metals or toxic materials than are found in typical stormwater runoff, based on monitoring studies.

**STORMWATER MANAGEMENT** — The use of structural or nonstructural practices that are designed to reduce stormwater runoff and mitigate its adverse impacts on property, natural resources and the environment.

**STORMWATER MANAGEMENT FACILITY** — One or a series of stormwater management practices installed, stabilized and operating in order to control stormwater runoff.

**STORMWATER MANAGEMENT OFFICER** — The Building Inspector or his representative as designated by the Mayor and the Village Board of Trustees to accept and review stormwater pollution prevention plans to determine whether the plans comply with all applicable law, to approve plans or forward the plans to the appropriate village boards, and conduct inspections to ensure that stormwater pollution prevention plans are followed.

**STORMWATER MANAGEMENT PRACTICES (SMPs)** — Measures, either structural or nonstructural, that are determined to be the most effective, practical means of preventing flood damage and preventing or reducing point source or nonpoint-source pollution inputs to stormwater runoff and water bodies.

**STORMWATER POLLUTION PREVENTION PLAN (SWPPP)** — A plan for controlling stormwater runoff and pollutants from a site during and after construction activities.

**STORMWATER RUNOFF** — Flow on the surface of the ground, resulting from precipitation.

**SURFACE WATERS OF THE STATE OF NEW YORK** — Lakes, bays, sounds, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Atlantic Ocean within the territorial seas of the State of New York and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, public or private (except those private waters that do not combine or

effect a junction with natural surface or underground waters), which are wholly or partially within or bordering the state or within its jurisdiction. Storm sewers and waste treatment systems, including treatment ponds or lagoons that also meet the criteria of this definition are not waters of the state. This exclusion applies only to man-made bodies of water which were neither originally created in waters of the state (such as a disposal area in wetlands) nor resulted from impoundment of waters of the state.

**WATERCOURSE** — A permanent or intermittent stream or other body of water, either natural or fabricated, which gathers or carries surface water.

**WATERWAY** — A channel that directs surface runoff to a watercourse or to the public storm drain.

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### **§ 83-7. Stormwater pollution prevention plan requirement.**

No application for approval of a land development activity shall be reviewed until the appropriate approving authority has received a Stormwater Pollution Prevention Plan (SWPPP) prepared in accordance with the specifications of this chapter.

### **§ 83-8. Contents of stormwater pollution prevention plans.**

- A.** All SWPPPs shall provide the following background information and erosion and sediment controls:
- (1) Background information about the scope of the project, including location, type and size of the project;
  - (2) Site map/construction drawing(s) for the project, including a general location map. At a minimum, the site map should show the total site area, all improvements, areas of disturbance, areas that will not be disturbed, existing vegetation, on-site and adjacent off-site surface water(s), wetlands and drainage patterns that could be affected by the construction activity, existing and final slopes, locations of off-site material, waste, borrow or equipment storage areas, and the location(s) of stormwater discharges(s). The site map should be at a scale no smaller than one inch equals 100 feet;
  - (3) Description of the soil(s) present at the site;
  - (4) Construction phasing plan describing the intended sequence of construction activities, including clearing and grubbing, excavation and grading, utility and infrastructure installation and any other activity at the site that results in soil disturbance .
  - (5) Description of the pollution prevention measures that will be used to control litter, construction chemicals and construction debris from becoming a pollutant source in stormwater runoff;

- (6) Description of construction and waste materials expected to be stored on site, with updates as appropriate, and a description of controls to reduce pollutants from these materials including storage practices to minimize exposure of the materials to stormwater and spill prevention and response;
- (7) Temporary and permanent structural and vegetative measures to be used for soil stabilization, runoff control and sediment control for each stage of the project from initial land clearing and grubbing to project closeout;
- (8) A site map/construction drawing(s) specifying the location(s), size(s) and length(s) of each erosion and sediment control measure;
- (9) Dimensions, material specifications and installation details for all erosion and sediment control practices, including the siting and sizing of any temporary sediment basins;
- (10)] Temporary measures that will be converted to permanent control measures;
- (11) Implementation schedule for staging temporary erosion and sediment control practices, including the timing of initial placement and duration that each practice should remain in place;
- (12) Maintenance schedule to ensure continuous and effective operation of the erosion and sediment control practice;
- (13) Name(s) of the receiving water(s);
- (14) Delineation of SWPPP implementation responsibilities for each part of the site;
- (15) Description of structural practices designed to divert flows from exposed soils, store flows, or otherwise limit runoff and the discharge of pollutants from exposed areas of the site to the degree attainable;
- (16) Any existing data that describes the stormwater runoff at the site; and
- (17) An acknowledgement by the landowner granting the Village of Pelham and other agencies having jurisdiction the right to enter the property at reasonable times and in a reasonable manner for the purpose of inspection.

B. In addition to the information requirements of § 83-8A, SWPPP's for land development activities that disturb 1,500 square feet or more or that create more

than 500 square feet of new impervious area,, whether or not those land developments activities involve discharging a pollutant of concern to either an impaired water identified on the Department's 303(d) list of impaired waters or to a total maximum daily load (TDML) designated watershed for which pollutants in stormwater have been identified as a source of the impairment, must provide the following quantity and/or quality controls (post-stormwater construction controls):

- (1) Description of each postconstruction stormwater management practice;
- (2) Site map/construction drawing(s) showing the specific location(s) and size(s) of each postconstruction stormwater management practice;
- (3) Hydrologic and hydraulic analysis for all structural components of the stormwater management system for the applicable design storms;
- (4) Comparison of postdevelopment stormwater runoff conditions with predevelopment conditions;
- (5) Dimensions, material specifications and installation details for each postconstruction stormwater management practice;
- (6) Maintenance schedule to ensure continuous and effective operation of each postconstruction stormwater management practice;
- (7) Maintenance easements to ensure access to all stormwater management practices at the site for the purpose of inspection and repair. Easements shall be recorded on the plan and shall run with the land, remaining in effect with transfer of title to the property.
- (8) Inspection and maintenance agreement binding on all subsequent landowners served by the on-site stormwater management measures in accordance with **§ 83-14** of this chapter.

#### **§ 83-9. Plan certification.**

The SWPPP shall be prepared by a licensed landscape architect or certified professional in erosion and sedimentation control or in stormwater quality or professional engineer or other professional deemed qualified by the Department and must be signed by the professional preparing the plan, who shall certify that the design of all stormwater management practices meet the requirements in this chapter.

#### **§ 83-10. Other environmental permits.**

The applicant shall assure that all other applicable environmental permits have been or will be acquired for the land development activity prior to approval of the final stormwater design plan.

**§ 83-11. Contractor certification.**

- A. Each contractor and subcontractor identified in the SWPPP and/or successor or substituted contractor or subcontractor who will be involved in soil disturbance and/or stormwater management practice installation shall sign and date a copy of the following certification statement before undertaking any land development activity: "I certify under penalty of law that I understand and agree to comply with the terms and conditions of the Stormwater Pollution Prevention Plan. I also understand that it is unlawful for any person to cause or contribute to a violation of water quality standards."
- B. The certification must include the name and title of the person providing the signature, the address and telephone number of the contracting firm, the address (or other identifying description) of the site and the date the certification is made.
- C. The certification statement(s) shall become part of the SWPPP for the land development activity.

**§ 83-12. Retention of the approved SWPPP.**

A copy of the approved SWPPP shall be retained at the site of the land development activity during construction, from the date of initiation of construction activities to the date of final stabilization.

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**§ 83-13. Performance and design criteria**

A. For the purpose of this chapter, the following documents shall serve as the official guides and specifications for stormwater management. Stormwater management practices that are designed and constructed in accordance with these technical documents shall be presumed to meet the standards imposed by this chapter:

- (1) The New York State Stormwater Management Design Manual (New York State Department of Environmental Conservation, most current version or its successor, hereafter referred to as the "Design Manual").
- (2) New York Standards and Specifications for Erosion and Sediment Control, (Empire State Chapter of the Soil and Water Conservation Society, 2004, or most current version or its successor, hereafter referred to as the "Erosion Control Manual").

B. Any land development activity shall not cause an increase in turbidity that will result in substantial visible contrast to natural conditions in surface waters of the state of New York.

**§ 83-14. Maintenance, inspection, and repair of stormwater facilities.**

- A. The applicant or developer of the land development activity shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the applicant or developer to achieve compliance with the conditions of this chapter. Sediment shall be removed from sediment traps or sediment ponds whenever their design capacity has been reduced by 50%, and placed in an acceptable location and properly stabilized.
- B. The applicant or developer or their representatives shall be on site at all times when construction or grading activity takes place and shall inspect and document the effectiveness of all erosion and sediment control practices. Inspections shall be conducted and reports of those inspections shall be completed by a professional engineer or certified professional in erosion and sediment control or in stormwater quality or other professional deemed qualified by the Department every seven days and within 24 hours of any storm event producing 0.5 inches of precipitation or more. The reports shall be delivered to the Stormwater Management Officer and copies shall be maintained in a site logbook.
- C. The owner or operator of permanent stormwater management practices installed in accordance with this chapter shall operate and maintain the practices to achieve the goals of this chapter. Proper operation and maintenance includes, at a minimum, the following:
- (1) A preventive/corrective maintenance program for all critical facilities and systems of treatment and control (or related appurtenances) that are installed or used by the owner or operator to achieve the goals of this chapter.
  - (2) Written procedures for operation and maintenance and training new maintenance personnel.
  - (3) Discharges from the SMPs shall not exceed design criteria, or cause or contribute to water quality standard violations in accordance with § 83-13.

**§ 83-15. Erosion and sediment control inspections.**

- A. The Stormwater Management Officer may require such inspections as necessary to determine compliance with this chapter and may either approve that portion of the work completed or notify the applicant wherein the work fails to comply with the requirements of this chapter and the stormwater pollution prevention plan (SWPPP) as approved. To obtain inspections, the applicant shall notify the Stormwater Management Officer at least 48 hours before any of the following, as required by the Stormwater Management Officer:

- (1) Start of construction;
  - (2) Installation of sediment and erosion control measures;
  - (3) Installation of constructed stormwater improvements;
  
  - (4) Completion of final grading;
  - (5) Interruption of construction for more than thirty consecutive days;
  - (6) Completion of final landscaping;
  - (7) Successful establishment of landscaping in public areas.
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If any violations are found, the applicant and developer shall be notified in writing of the nature of the violation and required corrective actions. No further work shall be conducted except for site stabilization until violations are corrected and all work previously completed has received approval by the Stormwater Management Officer.

- B. Stormwater management practice inspections. The Stormwater Management Officer is responsible for conducting inspections of stormwater management practices (SMPs). All applicants are required to submit as-built plans for any stormwater management practices located on site after final construction is completed. The plan must show the final design specifications for all stormwater management facilities and must be certified by a licensed professional engineer.
- C. Inspection of stormwater facilities after project completion. Inspection programs shall be established on any reasonable basis, including but not limited to routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; inspection of drainage basins or areas identified as higher than typical sources of sediment or other contaminants or pollutants; inspections of businesses or industries of a type associated with higher than usual discharges of contaminants or pollutants or with discharges of a type that are more likely than the typical discharge to cause violations of state or federal water or sediment quality standards or the SPDES stormwater permit; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to, reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in drainage control facilities; and evaluating the condition of drainage control facilities and other stormwater management practices.
- D. Submission of reports. The Stormwater Management Officer shall require monitoring and reporting from entities subject to this chapter as are necessary to determine compliance with this chapter.
- E. Right-of-entry for inspection. When any new stormwater management facility is

installed on private property or when any new connection is made between private property and the public stormwater system, the Stormwater Management Officer shall have the right to enter the property at reasonable times and in a reasonable manner for the purpose of inspection as specified in Subsection C above.

**§ 83-16. Performance guarantee and record keeping.**

- A. Construction completion guarantee. In order to ensure the full and faithful completion of all land development activities related to compliance with all conditions set forth by the Village of Pelham in its approval of a stormwater pollution prevention plan, the Village may require the applicant or developer to provide, prior to construction, a performance bond, cash escrow, or irrevocable letter of credit from an appropriate financial or surety institution which guarantees satisfactory completion of the project and names the Village of Pelham as the beneficiary. The security shall be in an amount to be determined by the Village based on submission of final design plans, with reference to actual construction and landscaping costs. The performance guarantee shall remain in force until the surety is released from liability by the Village, provided that such period shall not be less than one year from the date of final acceptance or such other certification that the facility or facilities have been constructed in accordance with the approved plans and specifications and that a one year inspection has been conducted and the facility or facilities have been found to be acceptable to the Village of Pelham. Per-annum interest, if any, on cash escrow deposits shall be reinvested in the account until the surety is released from liability.
- B. Maintenance guarantee. Where stormwater management and erosion and sediment control facilities are to be operated and maintained by the developer or by a corporation that owns or manages a commercial or industrial facility, the developer, prior to construction, may be required to provide the Village of Pelham with an irrevocable letter of credit from an approved financial institution or surety to ensure proper operation and maintenance of all stormwater management and erosion control facilities both during and after construction and until the facilities are removed from operation. If the developer or landowner fails to properly operate and maintain stormwater management and erosion and sediment control facilities, the Village, upon written notice to the developer or landowner, may draw upon the account to cover the costs of proper operation and maintenance, including engineering and inspection costs.
- C. Recordkeeping. Entities subject to this chapter shall maintain records demonstrating compliance with this chapter.

**§ 83-17. Enforcement and penalties.**

- A. Notice of violation. When the Village of Pelham determines that a land development activity is violating the requirements of this chapter, it may issue a written notice of violation to the landowner. The notice of violation shall contain:

- (1) The name and address of the landowner, developer or applicant;
  - (2) The address, when available, or a description of the building, structure or land upon which the violation is occurring;
  - (3) A statement specifying the nature of the violation;
  - (4) A description of the remedial measures necessary to bring the land development activity into compliance with this chapter and a deadline for their completion;
  - (5) A statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed;
  - (6) A statement that the determination of violation may be appealed to the Village Board of Trustees by filing a written notice of appeal within 15 days of service of notice of violation.
- B. Stop-work orders. The Village may issue a stop-work order for violations of this chapter. Persons receiving a stop-work order shall be required to halt all land development activities, except those activities that address the violations leading to the stop-work order. The stop-work order shall be in effect until the Stormwater Management Officer confirms that the land development activity is in compliance and the violation has been satisfactorily addressed. Failure to address a stop-work order in a timely manner may result in civil, criminal, or monetary penalties in accordance with the enforcement measures authorized in this chapter.
- C. Violations. Any land development activity that is commenced or is conducted contrary to this chapter may be restrained by injunction or otherwise abated in a manner provided by law.
- D. Penalties. In addition to or as an alternative to any penalty provided herein or by law, any person who violates the provisions of this chapter shall be guilty of a violation punishable by a fine not exceeding \$350 or imprisonment for a period not to exceed six months, or both for conviction for a first offense; for conviction for a second offense, both of which were committed within a period of five years, punishable by a fine of not less than \$350 nor more than \$700 or imprisonment for a period not to exceed six months, or both; and upon conviction for a third or subsequent offense all of which were committed within a period of five years, punishable by a fine not less than \$700 nor more than \$1,000 or imprisonment for a period not to exceed six months, or both. However, for the purposes of conferring jurisdiction upon courts and judicial officers generally, violations of this chapter shall be deemed misdemeanors and, for such purpose only, all provisions of law relating to misdemeanors shall apply to such violations. Each week's continued violation shall constitute a separate additional violation.
- E. Withholding a certificate of occupancy. If any building or land development activity is installed or conducted in violation of this chapter, the Stormwater Management Officer may prohibit the occupancy of said building or land.
- F. Restoration of lands. Any violator may be required to restore land to its undisturbed

condition. In the event that restoration is not undertaken within a reasonable time after notice, the Village of Pelham may take necessary corrective action, the cost of which shall become a lien upon the property until paid.

**§ 83- 18. Fees for services.**

In accordance with Chapter 70, the Village of Pelham may require any person undertaking land development activities regulated by this chapter to pay reasonable costs at prevailing rates for review of SWPPPs, inspections, or SMP maintenance performed by the Village or performed by a third party for the Village.

**§83-19. Severability.**

If the provisions of any article, section, subsection, paragraph, subdivision or clause of this chapter shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any article, section, subsection, paragraph, subdivision or clause of this chapter.

**SECTION 2.**

**Sections 34-80 and 34-81 of the Code of the Village of Pelham are repealed, and a new Section 34-80 is adopted as follows:**

**§ 34-80. Flow of water from leaders, basements and cellars.**

- A. In no case shall the water from any rain leader be allowed to flow upon the sidewalks, onto adjoining property or into the village sanitary sewer system. The water from said leaders shall be conducted by pipes laid below the surface of the sidewalk to the street gutter or to any dry well on the owner's property or to a village storm sewer drain.**
- B. Except in emergency situations, all water pumped from basements or cellars, including groundwater periodically pumped from sump pits located in such basements or cellars, shall be piped directly into any dry well on the owner's property or into a village storm sewer drain.**

**SECTION 3. A new Section 34-81 of the Code of the Village of Pelham is adopted as follows;**

**§ 34-81. Increases in impervious surfaces**

**On-site improvements expanding impervious surfaces by five hundred square feet (500 s.f.) or more must include provisions for retention of storm water runoff created by a two inch rainfall.**

#### **SECTION 4.**

**Section 79-5G of the Code of the Village of Pelham is repealed , and the following new Section 79-5G is adopted:**

**That the stormwater and sanitary sewage systems are adequate to accommodate any expected loads, including all runoff from the tributary watershed at full development under the existing zoning law, that all connections to Village systems are in accordance with all applicable laws, and that pursuant to § 34-81 provisions are made for retention of storm water runoff.**

#### **SECTION 5. 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.**

B. Illegal Discharge Detection and Elimination Draft Proposed Local Law

**LOCAL LAW NUMBER    OF 2007**

**A local law to prohibit  
illegal discharges and  
illicit connections to the  
municipal separate  
storm sewer system**

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

**SECTION 1**

A new Chapter 57 Illegal Discharges and Illicit Connections is adopted as follows:

**§ 57-1. Title.**

This chapter shall be known and may be cited as the "Illegal Discharges and Illicit Connections Law of the Village of Pelham."

**§ 57-2. Purpose; objectives.**

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A. The purpose of this chapter is to provide for the health, safety, and general welfare of the citizens of the Village of Pelham through the regulation of nonstormwater discharges to the municipal separate storm sewer system (MS4) to the maximum extent practicable as required by federal and state law. This chapter establishes methods for controlling the introduction of pollutants into the MS4 in order to comply with requirements of the SPDES General Permit for Municipal Separate Storm Sewer Systems.

B. The objectives of this chapter are:

(1) To regulate the contribution of pollutants to the MS4 since such systems are not designed to accept, process or discharge nonstormwater wastes;

- (2) To prohibit illegal discharges and illicit connections to the MS4;
- (3) To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this chapter.

### **§ 57-3. Definitions.**

Whenever used in this chapter, unless a different meaning is stated in a definition applicable to only a portion of this chapter, the following terms will have meanings set forth below:

**BEST MANAGEMENT PRACTICES (BMPs)** -- Schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

**CLEAN WATER ACT** -- The Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.) and any subsequent amendments thereto.

**CONSTRUCTION ACTIVITY** — Construction activity including clearing, grading, excavating, soil disturbance or placement of fill that results in land disturbance of 1,500 square feet or more.

**HAZARDOUS MATERIALS** -- Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics, may cause or significantly contribute to a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

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**ILLEGAL DISCHARGE** -- Any direct or indirect nonstormwater discharge to the MS4, except as exempted in § 57-6 of this chapter.

**ILLICIT CONNECTIONS** -- Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the MS4, including but not limited

to:

A. Any conveyances which allow any nonstormwater discharge, including but not limited to treated or untreated sewage, process wastewater, and wash water to enter the MS4 and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency; or

B. Any drain or conveyance connected from a commercial or industrial land use to the MS4 which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

**INDUSTRIAL ACTIVITY** -- Activities requiring the SPDES permit for discharges from industrial activities except construction, GP-98-03, as amended or revised.

**MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4)**– Facilities owned by the Village of Pelham through which stormwater is collected and/or conveyed, including but not limited to roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains:

**NONSTORMWATER DISCHARGE** -- Any discharge to the MS4 that is not composed entirely of stormwater.

**PERSON** -- Any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent or lessee.

**POLLUTANT** -- Dredged spoil, filter backwash, solid waste, incinerator residue, treated or untreated sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand and industrial, municipal, agricultural waste and ballast discharged into water; which may cause or might reasonably be expected to cause pollution of the waters of the state in contravention of the standards.



**POLLUTANT OF CONCERN** -- Sediment or a water quality measurement that addresses sediment (such as total suspended solids, turbidity or siltation) and any other pollutant that has been identified as a cause of impairment of any water body that will receive a discharge from the construction activity.

PREMISES -- Any building, lot, parcel of land, or portion of land, whether improved or unimproved, including adjacent sidewalks and parking strips.

STATE POLLUTANT DISCHARGE ELIMINATION SYSTEM (SPDES) STORMWATER DISCHARGE PERMIT -- A permit issued by the New York State Department of Environmental Conservation that authorizes the discharge of pollutants to waters of the state.

STORMWATER -- Rainwater, surface runoff, snowmelt and drainage.

STORMWATER MANAGEMENT OFFICER -- The Building Inspector or his representative as designated by the Mayor and the Village Board of Trustees

WASTEWATER -- Water that is not stormwater, is contaminated with pollutants and is or will be discarded.

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#### **§ 57-4. Applicability.**

This chapter shall apply to all water entering the MS4 generated on any developed and undeveloped lands unless explicitly exempted by an authorized enforcement agency.

#### **§ 57-5. Administration and enforcement.**

The Stormwater Management Officer shall administer, implement, and enforce the provisions of this law. The Stormwater Management Officer may delegate any powers granted or duties imposed herein.

#### **§ 57-6. Prohibition on illegal discharges and illicit connections.**

A. Prohibition of illegal discharges. No person shall discharge or cause to be discharged into the MS4 any materials other than stormwater except as provided in § 57-6A(1). The commencement, conduct or continuance of any illegal discharge to the MS4 is prohibited except as described as follows:

(1) The following discharges are exempt from discharge prohibitions established by this chapter: water line flushing or other potable water sources, landscape irrigation or lawn watering, existing diverted stream flows, rising ground water, uncontaminated ground water infiltration to storm drains, uncontaminated pumped ground water, foundation or footing drains, crawl space or basement sump pumps, air conditioning condensate, irrigation water, springs, water from individual residential car washing, natural riparian habitat or wetland flows, dechlorinated swimming pool discharges, water from fire-fighting activities, and any other water source not containing pollutants.

(2) Discharges approved in writing by the Stormwater Management Officer to protect public health and safety.

(3) Dye testing in compliance with applicable state and local laws is an allowable discharge, but requires a verbal notification to the Stormwater Management Officer prior to the time of the test.

(4) The prohibition shall not apply to any discharge permitted under an SPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the The New York State Department of Environmental Conservation, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the MS4.

B. Prohibition of illicit connections.

(1) The construction, use, maintenance or continued existence of illicit connections to the municipal separate storm sewer system is prohibited.

(2) The prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

(3) A person is considered to be in violation of this chapter if the person connects a line conveying sewage to the Village's municipal separate storm sewer system or allows such a connection to continue.



**§ 57-7. Suspension of access to MS4.**

A. The Stormwater Management Officer may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, to the health or welfare of persons, or to the MS4. The Stormwater Management Officer shall notify the person of such suspension within a reasonable time thereafter, in writing, of the reasons for the suspension. If the violator fails to comply with a suspension order issued in an emergency, the Stormwater Management Officer may take such steps as deemed necessary to prevent or minimize damage to the MS4 or to minimize danger to persons.

B. Suspension due to the detection of illegal discharge. Any person discharging to the Village's MS4 in violation of this chapter may have their MS4 access terminated if such termination would abate or reduce an illegal discharge. The SMO will notify a violator in writing of the proposed termination of its MS4 access and the reasons therefor. The violator may petition the SMO for a reconsideration and hearing. Access may be granted by the SMO if he/she finds that the illegal discharge has ceased and the discharger has taken steps to prevent its recurrence. Access may be denied if the SMO determines in writing that the illegal discharge has not ceased or is likely to recur. A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this section without the prior approval of the SMO.

**§ 57-8. Industrial or construction activity discharges.**

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Any person subject to an industrial or construction activity SPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the Village prior to the allowing of discharges to the MS4.

**§ 57-9. Access to property; inspection; monitoring of discharges.**

A. Applicability. This section applies to all facilities that the Stormwater Management Officer must inspect to enforce any provision of this chapter, or whenever he has cause to believe that there exists, or potentially exists, in or upon any premises any condition which constitutes a violation of this chapter.

B. Access to facilities.

(1) The Stormwater Management Officer shall be permitted to enter and inspect facilities subject to regulation under this chapter as often as may be necessary to determine compliance with this chapter. If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to the Stormwater Management Officer.

(2) Facility operators shall allow the Stormwater Management Officer ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records as may be required to implement this chapter.

(3) The Village shall have the right to set up on any facility subject to this chapter such devices as are necessary in the opinion of the Stormwater Management Officer to conduct monitoring and/or sampling of the facility's stormwater discharge.

(4) The Village has the right to require the facilities subject to this chapter to install monitoring equipment as is reasonably necessary to determine compliance with this chapter. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.

(5) Unreasonable delays in allowing the Village access to a facility subject to this chapter is a violation of this chapter. A person who is the operator of a facility subject to this chapter commits an offense if the person denies the Village reasonable access to the facility for the purpose of conducting any activity authorized or required by this chapter.

(6) If the Stormwater Management Officer has been refused access to any part of the premises from which stormwater is discharged, and he/she is able to demonstrate probable cause to believe that there may be a violation of this chapter, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this chapter or any order issued hereunder, then the SMO may seek issuance of a search warrant from any court of competent jurisdiction.

**§ 57-10. Notification of spills.**

Notwithstanding other requirements of this chapter, as soon as any person

responsible for a facility or operation, or responsible for emergency response for a facility or operation, has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into the MS4, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials, said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of nonhazardous materials, said person shall notify the Village in person or by telephone or facsimile no later than the next business day. Notifications in person or by telephone shall be confirmed by written notice addressed and mailed to the Village within three business days of the telephone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

**§ 57-11. Notice of violation; penalties for offenses.**

A. Notice of violation. When the Village's SMO finds that a person has violated a prohibition or failed to meet a requirement of this chapter, he/she may order compliance by written notice of violation to the responsible person. Such notice may require, without limitation:

- (1) The elimination of illicit connections or illegal discharges;
- (2) That violating discharges, practices, or operations shall cease and desist;
- (3) The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;
- (4) The performance of monitoring, analyses, and reporting;
- (5) Payment of a fine; and
- (6) The implementation of source control or treatment best management practices.

B. If abatement of a violation and/or restoration of affected property is required, the

notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by the Village or a contractor designated by the Village and the expense thereof shall be charged to the violator.

C. Penalties. In addition to or as an alternative to any penalty provided herein or by law, any person who violates the provisions of this chapter shall be guilty of a violation punishable by a fine not exceeding \$500 or imprisonment for a period not to exceed six months, or both for conviction of a first offense; for conviction of a second offense, both of which were committed within a period of five years, punishable by a fine not less than \$500 nor more than \$1,000 or imprisonment for a period not to exceed six months, or both; and upon conviction for a third or subsequent offense, all of which were committed within a period of five years, punishable by a fine not less than \$1,000 nor more than \$2,500 or imprisonment for a period not to exceed six months, or both. However, for the purposes of conferring jurisdiction upon courts and judicial officers generally, violations of this chapter shall be deemed misdemeanors, and for such purpose, only all provisions of law relating to misdemeanors shall apply to such violations. Each week's continued violation shall constitute a separate additional violation.

#### **§ 57-12. Appeal of notice of violation.**

Any person receiving a notice of violation may appeal the determination of the stormwater management officer to the Village Board of Trustees within 15 days of its issuance. The Village Board of Trustees shall hear the appeal within 30 days after its filing. Within five days of making its decision, the Village Board of Trustees shall file same in the office of the Village Clerk and mail a copy by certified mail to the charged party.

#### **57-13. Corrective measures after appeal.**

A. If the violation has not been corrected pursuant to the requirements set forth in the notice of violation, or, in the event of an appeal, within five business days of the decision of the Village Board of Trustees upholding the decision of the stormwater management officer (SMO), then the SMO shall request the owner's permission for access to the subject private property to take any and all measures reasonably necessary to abate the violation and/or restore the property.

B. If refused access to the subject private property, the SMO may seek a warrant in a court of competent jurisdiction to be authorized to enter upon the property to

determine whether a violation has occurred. Upon determination that a violation has occurred, the SMO may seek a court order to take any and all measures reasonably necessary to abate the violation and/or restore the property. The cost of implementing and maintaining such measures shall be the sole responsibility of the discharger.

C. Within 10 days after abatement of the violation by or under authorization of the SMO, the owner of the property will be notified of the cost of abatement, including administrative costs. The property owner may file a written protest with the Village Board of Trustees objecting to the amount of the charges within 10 days of receipt of said notice. If the amount due is not paid within 30 days after the disposition of any protest or the expiration of the time to file an appeal, whichever is earlier, the charges shall become a lien on the property to be collected in the same manner as real estate taxes.

#### **§ 57-14. Injunctive relief.**

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this chapter. If a person has violated or continues to violate the provisions of this chapter, the Stormwater Management Office may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.



#### **§ 57-15. Alternative remedies.**

A. In lieu of enforcement proceedings, penalties and remedies authorized by this chapter, when a person has violated a provision of this chapter, he/she may be eligible for alternative remedies, upon recommendation of the Village Counsel and concurrence of the Stormwater Management Officer, if

- (1) The violation was unintentional.
- (2) The violator has no history of previous violations of this chapter.
- (3) Environmental damage was minimal.
- (4) Violator acted quickly to remedy violation.

(5) Violator cooperated in investigation and resolution.

B. Alternative remedies may consist of one or more of the following:

(1) Attendance at compliance workshops.

(2) Storm drain stenciling or storm drain marking.

(3) River, stream or creek cleanup activities.

#### **§ 57-16. Violations deemed a public nuisance.**

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this chapter is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

#### **§ 57-17. Remedies not exclusive.**

The remedies listed in this chapter are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the authorized enforcement agency to seek cumulative remedies.

#### **§ 57-18. Severability.**

If the provisions of any section, subsection, paragraph, subdivision or clause of this chapter shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision or clause of this chapter.

#### **SECTION 2. 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 #19 – Flooding status report and update:

\* This topic was moved up from later in the agenda in consideration of the attendance of NYS Senator Jeff Klein, who was reporting on the flooding issue.

Senator Jeff Klein thanked the village and its trustees for allowing him to give a presentation. Senator Klein mentioned that the meeting he attended between the DEC and the village, attended by Willie Janeway DEC Regional Director, which was very productive. He mentioned that several flood remediation suggestions were raised such as porous pavement, enlarging storm drains, installing catch basins, and manually lowering the lake before rainfall. He understands that Pelham would need cooperation from the City of New Rochelle for flood remediation projects involving Glenwood Lake. Senator Klein recommended that the village develop a list of flood remediation concepts to present to the DEC for review and future possible funding.

Mayor Hotchkiss mentioned the Village's plans for next steps, including videotaping storm drain lines, working with our engineer, and performing continuing phases of improvements to the storm drain system.

Town Supervisor Joseph Solimine mentioned that Westchester County is taking a regional approach to stormwater management. Mr. Solimine has already presented the issue to the Executive Board of the Westchester Municipal Officials Association, and will try to get them involved.

At this point in the Board Meeting, the Village played video footage on a DVD taken by Trustee Potocki of the July 18, 2007 rainstorm and flooding on 7<sup>th</sup> Avenue, which flooded twice that day.

Item #12 – Public Hearing and consideration of the Annual Housing Agency Plan for Pelham's Section 8 program:

\*This hearing and topic was continued until the next scheduled Board of Trustees Meeting. The Board asked to revisit the priorities, to make sure the plan best serves the housing needs of the Pelham community.

Item #13 – Authorizing the Village to enter into an agreement with the CSEA for the time period of June 1, 2007 through May 31, 2010:

Administrator Slingerland thanked the DPW workers for all of their hard work. Mr. Slingerland also thanked Village Attorney Bob Tracy and Trustee Mia Homan for their work as well.

Note: Regarding the credit for allowance of unused sick leave credits, the Board had a letter from the state, and calculation of annual fiscal impact for providing this benefit to all ERS employees. It was mentioned that this would apply to about 20 employees, including about 10 CSEA employees. The total annual fiscal impact to the Village is \$1,441 at this time.

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

RESOLUTION

Authorizing the Village to enter into an agreement  
with the CSEA bargaining unit of the Village of Pelham DPW  
for the time period of June 1, 2007 through May 31, 2010  
and adoption of 41-j for ERS employees in the  
New York State Retirement System

RESOLVED, that the Mayor and the Board of Trustees authorize the Village to enter into a settlement agreement between the Village and the CSEA, and authorize the signature of the settlement agreement and replacement contract by all participating parties including the Mayor, Trustee Liaison and the Village Administrator, and authorizes the payment of the negotiated raises and other related payments as provided for in the agreement.

RESOLUTION

PROVIDING FOR THE ALLOWANCE OF UNUSED SICK LEAVE CREDITS  
UNDER SECTION 41(j)

BE IT RESOLVED, that the Board of Trustees of the Village of Pelham hereby elect to provide the additional pension benefits of Section 41 (j) of the New York State Retirement and Social Security Law, as presently or hereafter amended.

BE IT FURTHER RESOLVED, that the effective date of such shall be the date of this resolution, Tuesday, December 18, 2007.

Item #14 – Authorizing a stipulation agreement between the Village and a retired employee with regard to resolution of compensation and benefits:

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

RESOLUTION

AUTHORIZING A STIPULATION OF AGREEMENT  
BETWEEN THE VILLAGE OF PELHAM  
AND A RETIRED EMPLOYEE WITH REGARD TO  
THE RESOLUTION OF COMPENSATION AND BENEFITS

BE IT RESOLVED, that the Mayor and the Board of Trustees hereby authorize a stipulation of agreement as drafted by labor counsel for a retired employee, pursuant to New York State General Municipal Law Section 207, and authorizes the Village Administrator to execute the stipulation, and authorizes the appropriate Village officials to take the necessary and appropriate actions to effect the provisions of this stipulation.

Item #15 – Authorizing the Pelham Police Department to pursue accreditation of the Pelham Police Department:

Trustee Potocki mentioned that it was his understanding that the Department could pursue this, and that there were no additional costs associated with it.

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

RESOLUTION

AUTHORIZING THE PELHAM POLICE DEPARTMENT  
TO PURSUE ACCREDITATION OF THE PELHAM POLICE DEPARTMENT  
WITH THE NYS DEPT. OF CRIMINAL JUSTICE SERVICES

RESOLVED, that the Mayor and Board of Trustees of the Village of Pelham support and authorize the Pelham Police Department to investigate the programs, training, and other support requirements towards the goal of establishing the Pelham Police Department as an accredited police department, and for the Mayor to sign and the Department to file an application for same with the New York State Department of Criminal Justice Services (NYSDCJS); and

BE IT FURTHER RESOLVED, that the Police Department shall provide the Board with six-month reports on the progress of the accreditation of the Pelham Police Department.

Item #16 – Considering authorizing a reduction in the Pelham Medical Group Performance Bond from \$400,000 to \$200,000:

\*This topic was tabled until the next scheduled Board of Trustees meeting.

Item #17 – Authorizing the Village to choose to continue to participate in and utilize Westchester County's bidding and purchasing contracts:

A motion was made by Trustee Morris, with a second by Trustee Homan to adopt the resolution, as amended. The motion was approved by vote of five in favor, none opposed. Trustee Greco abstained, as he mentioned he often enters into contracts with Westchester County for goods and services related to his business. Trustee Weinstein was absent.

#### RESOLUTION

#### AUTHORIZING THE VILLAGE TO CHOOSE TO CONTINUE TO PARTICIPATE IN AND UTILIZE WESTCHESTER COUNTY'S BIDDING AND PURCHASING CONTRACTS

WHEREAS, by Act No. 8 – 1983, the County Board of Legislators authorized the County Purchasing Agent to act as Purchasing Agent for any city, town, village, school district or other unit of local government within Westchester County, provided that said unit of local government by act, ordinance or resolution authorizes the County Purchasing Agent to act as its Purchasing Agent for items purchase by the County, and empowering designated officers and employees to sign requisitions, and further directing the proper official of local government to audit and pay County bills for the cost of County services within thirty (30) days after the receipt of said bill by the local government to provide the County with such insurance coverage as may be required by the County's director of Risk Management.

AND WHEREAS, the Village of Pelham has participated in and utilized bids and purchases for goods and equipment from various levels of government, including cooperative bids with other municipalities, bids for purchases off of New York State contracts, and would like to participate in such contracts with Westchester County as well.

BE IT RESOLVED, that the Mayor and Board of Trustees authorize the Village of Pelham to participate in and utilize Westchester County's bids and purchases for all items publicly bid by the County of Westchester, so that the Village can access and utilize the most cost-effective purchases for the Village of Pelham community, with thanks to the County of Westchester for extending this opportunity to the Village of Pelham, and authorizes the Village Administrator and the Village Clerk to sign any necessary documents and to take the necessary and appropriate actions on behalf of the Village of Pelham; and

BE IT RESOLVED, that the County Purchasing Agent is authorized to act as Purchasing agent on behalf of the Village of Pelham on a continuing basis; and

BE IT RESOLVED, that the following officers and employees are authorized to sign appropriate requisitions –

- The Village Administrator
- The Village Clerk
- The Police Chief
- The Fire Chief; and
- The DPW General Foreman

AND BE IT FURTHER RESOLVED, that the following officials are authorized and directed to audit and pay bills for the cost of County services within thirty (30) days after receipt of said bills –

- The Village Administrator
- The Village Treasurer
- The Village Clerk
- The Deputy Treasurer

AND BE IT FURTHER RESOLVED, that the following official – the Village Administrator, or the Village Clerk, or the Deputy Treasurer – are hereby authorized to secure and provide to the County of Westchester any and all insurance required by the County's Director of Risk Management in accordance with County Act No. 8-1983.

Item #18 – Authorizing mid-Fiscal Year budget amendments and transfers:

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

**RESOLUTION**

**Re: Mid-Year Budget Transfers for Fiscal Year 2007-08**

**Whereas**, pursuant to the provisions of Section 5-520 of the New York State Village Law, the Board of Trustees, by resolution, may adjust 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**, during and at the end of a 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 proposed, 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 2007-08 Budget by making the following transfers:

## 2007/08 BUDGET AMENDMENTS

## GENERAL FUND

A1640.451	CEN.GAR.VEHICLE REPAIR	\$ 5,352	A2680	INSURANCE RECOVERIES	\$ 5,352
	POLICE OUTSIDE			REFUND FOR PERS.	
A3120.121	OVERTIME	\$36,000	A2772	SERVICES	\$36,000
A9010.920	NYS ERS RETIREMENT	\$ 622	A9015.915	NYS P & F RETIREMENT	\$ 622
	TRANSFER TOI				
A9550.000	CAPT.PROJ.	\$ 3,296	A8140.120	STORM SEWER OVERTIME	\$ 1,000
				STORM SEWER	
			A8140.400	CONTRACTUAL	\$ 1,000
			A8140.415	STORM SEWER SUPP&MAT	\$ 1,296
CAPITAL FUND					
H8140.403	STORM SEWER IMPROVE.	\$ 3,296	H2831.1	TRANSFER FROM GEN.FUND	\$ 3,296
H5110.400	SIDEWALK AND CURBS	\$ 5,448	H2831.1	TRANSFER FROM GEN.FUND	\$ 5,448
	(correction for 10/31/07 transfers				
H3120.204	TACTICAL EQUIPT.	\$ 6,235	H2075	GIFTS & DONATIONS	\$ 6,235
	CHIPS ROAD				
H5110.203	RESURFACING	\$ 1,025	H3501	ST. AID CHIPS	\$ 1,025
<hr/>					
TOTALS		\$61,274	TOTALS		\$61,274

Item #20 – Authorizing the Accounts Payable:

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

**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:

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<u>Fund Name:</u>	<u>Amount</u>
General Fund	\$213,013.60
Water Fund	\$ 1,283.72
Capital Projects Fund	\$ 30,655.03
Trust and Agency Fund	\$ 2,838.75
H3 Fund	\$0.00
Expendable Trust Fund	\$0.00
Grand Total	\$247,791.10

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

Item #21 – Old Business/New Business:

Trustee Potocki and Mayor Hotchkiss wished Happy Holidays to everyone.

Trustee Homan asked everyone to slow down and be more courteous when driving in the village.

Mayor Hotchkiss passed along a request from the Friends of the Library that the DPW install a sign at Colonial Avenue and Wolfs Lane directing cars to turn right for the shopping center.

Mayor Hotchkiss reported that Congresswoman Nita Lowey asked the village to create a list of village projects that we are seeking funding for. He mentioned that Flooding and deck parking were the Village's highest priorities, and he asked the Village Administrator to recirculate the old requests.

Mayor Hotchkiss reported that Leslie Allick of Lola's Tea House had sent the village a letter regarding her experience with the land use boards, with some recommendations to improve the situation. Mayor Hotchkiss would like to schedule a meeting with the Architectural Review Board and Planning Board to discuss the land use process. He mentioned that they might explore making code changes to have minor site plan approvals authorized by the Planning Board.

Mayor Hotchkiss thanked Harry Pallett for his forty (40) plus years of service to the village, and mentioned that a retirement party for him was being scheduled for late January or early February.

Item #22 – Minutes – November 13, 2007 and December 4, 2007:

\* This item has been tabled until the next scheduled Board of Trustees meeting.

Item #23 – 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 Morris, the Board voted

to go into Executive Session. The motion was passed unanimously by vote of six in favor, none opposed. Trustee Weinstein was absent.

Item #24 – Adjournment:

On the motion of Trustee Lewis, seconded by Trustee Morris, the Board voted to adjourn the public portion of the board meeting and go into Executive Session at 10:20 p.m., to discuss personnel matters. The motion was passed unanimously by vote of six in favor, none opposed. Trustee Weinstein was absent.

Respectfully submitted,

Devron Wilson, Administrative Aide

Richard Slingerland, Administrator/Deputy Clerk