

VILLAGE OF PELHAM BOARD OF TRUSTEES REGULAR MEETING  
TUESDAY, DECEMBER 5, 2006, 7:30 PM  
VILLAGE HALL – 195 SPARKS AVENUE, PELHAM, NY

MINUTES

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

#	Agenda Items:	Approximate Time of Discussion
	<b>Budget and Finance</b>	<b>8:00 PM</b>
7.	Audit Presentation by the Village's Auditors O'Connor Davies Munns and Dobbins.	
	<b>Public Hearings</b>	<b>8:30 PM</b>
8.	Public Hearing on various proposed changes to the Residential Zoning Code in the Village of Pelham	<b>Tabled to Jan. 2<sup>nd</sup> meeting</b>
9.	Public hearing on a Proposed Amendment to the Village Zoning Code regarding Parking Requirements for Residential Zones (Not including "M" Zones).	<b>Tabled to Dec. 19<sup>th</sup> meeting</b>
10.	Public Hearing regarding an increase to the Village of Pelham's Water System Rates.	<b>Adopted</b>
11.	Public hearing on a proposed amendment to the Village Code regarding Littering.	<b>Adopted</b>
	<b>Housekeeping</b>	<b>9:30 PM</b>
12	Authorizing the accounts payable.	<b>Approved pending cell phone bill review</b>
13	Old Business/New Business:	
14	Minutes: November 21, 2006	<b>Tabled</b>
15	Adjournment.	<b>Adjourned</b>

Next Regular Board Meetings are Tuesdays December 19, 2006 and January 2, 2007

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

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

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VILLAGE OF PELHAM BOARD OF TRUSTEES REGULAR MEETING MINUTES  
TUESDAY, DECEMBER 5, 2006, 7:30 PM  
VILLAGE HALL – 195 SPARKS AVENUE, PELHAM, NY

Item #1 – Meeting called to order: The meeting of the Board of Trustees was called to order by Mayor Michael J. Clain at 7:35 p.m.

The following members of the Board of Trustees were present:

Mayor Michael Clain, Trustees Homan, Hotchkiss, Merrick, and Potocki. Trustees Greco and Mohan were absent.

Village staff in attendance:

Administrator/Treasurer Richard Slingerland, Administrative Aide Devron Wilson, Building Inspector Len Russo and Financial Consultant Shirley Brown.

Item #2 – Pledge of Allegiance:

The Pledge of Allegiance was led by Mayor Michael J. Clain.

Item #3 – Mayor’s Report:

Mayor Clain had nothing to report.

Item #4 – Trustees Reports:

Trustee Potocki reported that a “Safe Routes to School” workshop will be held at the Pelham Middle School Library on Thursday January 4, 2006 at 7pm. The workshop is open to all Pelham residents. He also reported that parking meter keys are still available at Pelham Village Hall as last-minute gifts for the holidays.

Trustee Merrick mentioned that he would like the Village Board of Trustees to review Hank White’s proposal to render his services for the Wolfs Lane Park Project. Mayor Clain advised him it would be included in the December 19<sup>th</sup> meeting agenda.

Trustees Homan and Hotchkiss had nothing to report.

Item #5 – Village Administrator’s Report:

Village Administrator Slingerland reported that the village had its garbage contract bid opening on December 4, 2006 at 11 a.m. There were 3 bids opened at that time. Village Administrator Richard Slingerland and Administrative Aide Devron Wilson will check the (3) bidders references and perform the due diligence, then respond to the Board with a report at the scheduled meeting on Tuesday December 19, 2006.

Item #6 – Public Comment: None.

Item #7 – Audit Presentation by the Village’s Auditors O’Connor Davies Munns and Dobbins:

Thomas Kennedy and Catherine Rapfogel of O’Connor Davies Munns and Dobbins/Bennett Kielson Storch and Kremer (ODMD/BKSK) performed a brief summary of this year’s Village Audit Report. They spoke about particular topics within the report

such as GASB 34 and Management Analyses. They also went through management comments, and reported to the Board that there were no negative findings, and that they had issued the Village an unqualified opinion.

The Board of Trustees was very pleased with the outcome of the audit. It was agreed that it was a good team effort by the Board, the staff and the Department Heads to keep the budget under control and within the financial parameters of what had been adopted. They thanked Administrator Slingerland, Financial Consultant Shirley Brown and Mr. Kennedy and Ms. Rapfogel on a job well done.

Item #8 – Public Hearing on various proposed changes to the Residential Zoning Code in the Village of Pelham:

**ANNOTATED VERSION OF PROPOSED LOCAL LAW  
TO AMEND CHAPTER 79**

LOCAL LAW NUMBER      OF 2006

A local law that amends various sections of the Code including 79 – the Site Plan Code, replacing references to Building Committee with Building Inspector, and various sections of Chapter 79 regarding limits of construction requiring a site plan, enlargement of a building, amendment of an approved site plan and notification.

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

SECTION 1.

The following changes are made in Chapter 79 Site Plan Approval of the Code of the Village of Pelham:

**IN THE FIRST SUBSECTION OF SECTION 1 OF THE NEW LOCAL LAW  
ADDRESSED RECOMMENDATIONS #1 AND #2:**

**RECOMMENDATION #1:** the Board of Trustees must approve the site plan for the erection of any building, other than a permitted accessory building with an area of less than 275 square feet

**REASON FOR THE RECOMMENDATION:** Large accessory buildings usually have a significant effect on neighbors.

**CHANGE IN THE CODE –** repeal of subsection A of Section 79-4 that sets forth the types of development or use that require the approval of a site plan by the

Board of Trustees and adoption of new section that adds a size limitation on accessory buildings that can be built without site plan approval by the Board of Trustees.

**CURRENT SECTION 79-4A THAT IS TO BE REPEALED:**

A. The erection of any building, other than a permitted accessory building, in any district.

**NEW LANGUAGE TO BE ADOPTED in Subsection 1 of SECTION 1:**

A. The erection of any building in any district, other than a permitted accessory building in a residential zone with a building area of less than two hundred and seventy-five square feet (275 s.f.).

**RECOMMENDATION #2:** the Board of Trustees must approve the site plan for the enlargement of a building 1) by adding a ½ story or more, 2) by increasing living space (defined by NYS Code) by more than 40% or 1,000 square feet, and 3) when the combined footprint of the principal building and accessory structures is expanded by remodeling and when finished over 30% of the lot space is covered by the principal building and accessory structures

**REASON FOR THE RECOMMENDATION:** This section requires Board of Trustee approvals of site plans for large additions whether or not requiring zoning variances are necessary.

**CHANGE IN THE CODE – REPEAL OF SUBSECTION B OF SECTION 79-4 THAT SETS FORTH THE TYPES OF DEVELOPMENT OR USE THAT REQUIRE APPROVAL OF A SITE PLAN BY THE BOARD OF TRUSTEES**

**N.B. The third part of the recommendation is not incorporated in the proposed local law**

**CURRENT SECTION 79-4B THAT IS TO BE REPEALED:**

B. The enlargement of any building other than a single one- or two-family residence or any existing building that is accessory thereto.

**NEW LANGUAGE TO BE ADOPTED in Subsection 1 of SECTION 1:**

B. The enlargement of any residential building that

- 1) Increases the height of the existing building by one half story or more; and/or;

2) The expansion the living space (as defined by the NYS Building Code) by more than forty percent (40%) or one thousand square feet (1,000 s.f.).

**IN THE SECOND SUBSECTION OF SECTION 1 OF THE NEW LOCAL LAW  
THE CHANGES ADDRESS RECOMMENDATION #3**

**RECOMMENDATION #3:** the Board of Trustees must approve any amendment to any previously approved site plan.

**REASON FOR THE RECOMMENDATION:** This is a standard provision in most codes.

**CHANGE IN THE CODE – the following new language, as Subsection (F) is added to Code Section 79-4 that sets forth what development and use require approval of the Board of Trustees.**

F. The amendment of any previously approved site plan.

**IN THE THIRD SUBSECTION OF SECTION 1 THE CHANGES ADDRESS  
RECOMMENDATIONS #4 AND #5**

**RECOMMENDATION #4:** add language that requires neighbors who are contiguous to the applicant's property be notified of site plan action.

**REASON FOR THE RECOMMENDATION:** The change would be consistent with the notice requirements for applications for zoning variances. In addition, it is reasonable to inform the neighbors of the site plan review.

**RECOMMENDATION #5:** Replace references to the "Building Committee" with "Building Inspector."

**CHANGE IN THE CODE –** In Section 79-6 which sets forth the procedure for plan approval the current Sections 79-6A(3), 79-6(B) through 79-6(H) and 79-6(J) are repealed and then the same sections are adopted with the term "building inspector" substituted for "building committee" except in two cases. In Section 79-6B the reference to Chairman of the Building Committee Chair is changed to "Village Administrator." Then in 79-6F "chairman of building committee" is changed to Village Clerk. Also, additional changes are made in Section 79-6 to include the requirement for notice to neighbors. (In the repealed sections the

language to be changed is crossed out. In the sections to be adopted the changed language is in bold.)

**CURRENT SECTION 79-6A(3) THAT IS TO BE IS REPEALED:**

- (3) The Planning Board, subject to the approval of the Board of trustees may revise or waive the provisions of any of the required information listed in § 79-8 hereof, but only where it finds such requirement to be inappropriate or unnecessary due to the limited nature of the proposed development or special conditions particular to the site or upon a determination that strict compliance with such requirement will cause such unnecessary work, expense or hardship. The Planning Board shall ensure that the granting of such revisions or waiver will not interfere with the accomplishment of the purposes and intent of this chapter nor have detrimental effect on the public health, safety or general welfare. The Planning Board or the Building ~~Committee~~ may require the applicant to submit a preliminary design to the Architectural Review Board prior to submission of the primary site plan.

**NEW LANGUAGE TO BE ADOPTED in Subsection 3 of SECTION 1:**

- (3) The Planning Board, subject to the approval of the Board of Trustees may revise or waive the provisions of any of the required information listed in § 79-8 hereof, but only where it finds such requirement to be inappropriate or unnecessary due to the limited nature of the proposed development or special conditions particular to the site or upon a determination that strict compliance with such requirement will cause such unnecessary work, expense or hardship. The Planning Board shall ensure that the granting of such revisions or waiver will not interfere with the accomplishment of the purposes and intent of this chapter nor have detrimental effect on the public health, safety or general welfare. The Planning Board or the Building **Inspector** may require the applicant to submit a preliminary design to the Architectural Review Board prior to submission of the primary site plan.

**CURRENT SECTION 79-6B THAT IS TO BE IS REPEALED:**

- B. Submission. Following the presubmission conference, the applicant shall submit 15 copies of the site plan and any related information to the ~~Chairman of the Building Committee~~. The site plan shall be accompanied by a fee in accordance with the schedule of fees of the Village of Pelham. If the site plan is not submitted within six months following the presubmission conference, another such conference may be required, at the discretion of the Board of Trustees.

**NEW LANGUAGE TO BE ADOPTED in Subsection 4 OF SECTION 1:**

B. Submission. Following the presubmission conference, the applicant shall submit 15 copies of the site plan and any related information to the **Village Administrator**. The site plan shall be accompanied by a fee in accordance with the schedule of fees of the Village of Pelham. If the site plan is not submitted within six months following the presubmission conference, another such conference may be required, at the discretion of the Board of Trustees.

**CURRENT SECTION 79-6C THAT IS TO BE REPEALED:**

C. The ~~Building Committee~~ shall review and certify on each original or amended site plan that the application complies with all applicable local laws and ordinances and with all requirements of all other village commissions, boards, departments and agencies. The ~~Building Committee~~ shall certify further that the application contains all the elements required in § 79-8 hereof which were not specifically waived by the Planning Board. If the ~~Building Committee~~ finds that the application is not complete or that it fails to comply with all applicable requirements, it shall, within 15 working days of its receipt, return the same to the applicant pointing out the specific deficiencies to be remedied.

**NEW LANGUAGE TO BE ADOPTED IN Subsection 4 of Section 1:**

C. The Building **Inspector** shall review and certify on each original or amended site plan that the application complies with all applicable local laws and ordinances and with all requirements of all other village commissions, boards, departments and agencies. The Building **Inspector** shall certify further that the application contains all the elements required in § 79-8 hereof which were not specifically waived by the Planning Board. **Upon certification that the application is complete and compliant with all applicable laws and requirements of all other village land-use boards, the applicant shall provide notice by Certified Mail, return receipt requested, to all property-owners contiguous to the applicant's property, including those separated by a street, mailed out at least ten (10) days prior to the date of the scheduled consideration by the Board of Trustees. Such proof of receipt of mailing shall be presented to the Village prior to the scheduled consideration by the Board of Trustees.** If the Building **Inspector** finds that the application is not complete or that it fails to comply with all applicable requirements, it shall, within fifteen (15) working days of its receipt, return the same to the applicant pointing out the specific deficiencies to be remedied.

**CURRENT SECTION 79-6D THAT IS TO BE REPEALED:**

D. Following certification, the Building ~~Committee~~ shall forward the application to the Board of Trustees within five working days. The date of submission to the Board shall be considered the official submission date.

**NEW LANGUAGE TO BE ADOPTED IN Subsection 4 of Section 1:**

D. Following certification, the Building **Inspector** shall forward the application to the Board of Trustees within five working days. The date of submission to the Board shall be considered the official submission date.

**CURRENT SECTION 79-6E THAT IS TO BE REPEALED:**

E. Simultaneously with its submission to the Board of Trustees, the certified application shall be forwarded to the Planning Board and any other agency that the Building ~~Committee~~ deems appropriate with a request that the Planning Board or other agency submit its written recommendations and findings, taking into consideration the standard set forth in § 79-5 hereof, to the Board of Trustees not later than 15 working days prior to any public hearing thereon or 60 working days following referral of the application if no public hearing shall be held thereon.

**NEW LANGUAGE TO BE ADOPTED IN Subsection 4 of Section 1:**

E. Simultaneously with its submission to the Board of Trustees, the certified application shall be forwarded to the Planning Board and any other agency that the Building **Inspector** deems appropriate with a request that the Planning Board or other agency submit its written recommendations and findings, taking into consideration the standard set forth in § 79-5 hereof, to the Board of Trustees not later than 15 working days prior to any public hearing thereon or 60 working days following referral of the application if no public hearing shall be held thereon.

**CURRENT SECTION 79-6F THAT IS TO BE REPEALED:**

F. The Board of Trustees and/or Planning Board may hold a public hearing on the site plan if it determines that the matter is of wide public interest. If held, such a hearing shall be held within 60 days of the official submission date. Notice of such hearing shall be given by the applicant to the owners of the adjacent or surrounding properties within 200 feet and proof of such notice shall be filed with both Boards. Notice of such hearing shall also be published at

least five days prior to the date of such hearing in the official newspaper of the village by the ~~Chairman of the Building Committee~~, and the cost of such application shall be paid by the applicant prior to the hearing.

**NEW LANGUAGE TO BE ADOPTED IN Subsection 4 of Section 1:**

F. The Board of Trustees and/or Planning Board may hold a public hearing on the site plan if it determines that the matter is of wide public interest. If held, such a hearing shall be held within 60 days of the official submission date. Notice of such hearing shall be given by the applicant to the owners of the adjacent or surrounding properties within 200 feet and proof of such notice shall be filed with both Boards. Notice of such hearing shall also be published at least five days prior to the date of such hearing in the official newspaper of the village by the **Village Clerk**, and the cost of such application shall be paid by the applicant prior to the hearing.

**CURRENT SECTION 79-6G THAT IS TO BE REPEALED:**

G. The Building ~~Committee~~ shall make its own separate report on the to the date of the public hearing thereon or 10 working days following receipt by the Board of Trustees of the recommendations and findings of the Planning Board or other agency.

**NEW LANGUAGE TO BE ADOPTED IN Subsection 4 of Section 1:**

G. The Building **Inspector** shall make his own separate report on the application to the Board of Trustees not later than five working days prior to the date of the public hearing thereon or 10 working days following receipt by the Board of Trustees of the recommendations and findings of the Planning Board or other agency.

**CURRENT SECTION 79-6H THAT IS TO BE REPEALED:**

H. The Board of Trustees shall act to approve, approve with conditions or disapprove any such site plan within 30 days following the public hearing or if no hearing is held, within 60 days of the official submission date, unless this period is extended with the consent of the applicant. In reviewing the application, the Board shall request that the applicant make any revisions which the Board may deem to be required to assure that the proposed development will conform to the intent and requirements of this chapter. In the event that the Board disapproves the application, it shall communicate its reasons for such disapproval, in writing, to the applicant within 10 working days following the date of the decision, with a copy to the Building ~~Committee~~ for the permanent building file and an additional copy to the Planning Board. If, after its review, the Planning Board

unanimously disapproves the submitted plan, the Board of Trustees must vote a majority, plus one, to approve.

**NEW LANGUAGE TO BE ADOPTED IN Subsection 4 of Section 1:**

H. The Board of Trustees shall act to approve, approve with conditions or disapprove any such site plan within 30 days following the public hearing or if no hearing is held, within 60 days of the official submission date, unless this period is extended with the consent of the applicant. In reviewing the application, the Board shall request that the applicant make any revisions which the Board may deem to be required to assure that the proposed development will conform to the intent and requirements of this chapter. In the event that the Board disapproves the application, it shall communicate its reasons for such disapproval, in writing, to the applicant within 10 working days following the date of the decision, with a copy to the Building **Inspector** for the permanent building file and an additional copy to the Planning Board. If, after its review, the Planning Board unanimously disapproves the submitted plan, the Board of Trustees must vote a majority, plus one, to approve.

**CURRENT SECTION 79-6J THAT IS TO BE REPEALED:**

J. Performance bond.

(1) Following approval of the site plan by the Board of Trustees, in addition to any other fees required by the Village of Pelham, the applicant shall file with the Village Clerk a performance bond in which the village is named as obligee in an amount set by the Building ~~Committee~~ sufficient to cover the full cost of all required work planting and improvements. If the value of the required work, planting and improvements, the general nature of which is described in the following subsection, required in the final site plan approved by the Board of Trustees, is less than \$10,000, the Building ~~Committee~~, with the concurrence of the Board of Trustees, may waive the bonding requirements.

(2) A performance bond shall be in a form satisfactory to the Village Attorney and may be in the form of surety company bonds. The performance bond may cover any of the following, among others: proposed screening and landscaping, including planting and maintenance thereof for a minimum of one year and a maximum of three years, at the discretion of the Board of Trustees; stormwater drainage systems; streets and lighting; off-street parking and loading areas; means of vehicular access and egress to and from

the site onto public streets; recreation areas, including playgrounds; garbage collection stations; and fire alarm systems (if any). Said bonds shall be conditioned upon completion by the property owner or developer of all the applicable work, as set forth on the approved site plan, in a matter satisfactory to the Building Committee and upon the proper functioning of said system for a period of one year following their completion.

(3) In case of default, the performance bond shall be forfeited to the village and the proceeds shall be used by the village to complete any incomplete portions of the required work, planting and improvements or to make such repairs or corrections as may be necessary to assure proper functioning of the work and improvements and maintenance of the required planting; provided, however, that any moneys in excess of that necessary for correcting, completing and maintaining said work, planting and improvements will be returned to the surety. Said surety bond may be reduced by resolution of the Building Committee upon certification to the Board of Trustees that one or more of the particular items required by the Board has been satisfactorily completed, is functioning properly and the bond, in its reduced amount, is sufficient to cover the full cost of the remainder of the required planting, work and improvements.

(4) The installation of all required improvements shall be under the direct supervision of a registered architect or licensed engineer, unless this requirement is waived in writing by the Building Committee.

#### **NEW LANGUAGE TO BE ADOPTED IN Subsection 5 of Section 1:**

J. Performance bond.

(1) Following approval of the site plan by the Board of Trustees, in addition to any other fees required by the Village of Pelham, the applicant shall file with the Village Clerk a performance bond in which the village is named as obligee in an amount set by the Building **Inspector** sufficient to cover the full cost of all required work planting and improvements. If the value of the required work, planting and improvements, the general nature of which is described in the following subsection, required in the final site plan approved by the Board of Trustees, is less than \$10,000, the Building **Inspector**, with the concurrence of the Board of Trustees, may waive the bonding requirements.

(2) A performance bond shall be in a form satisfactory to the Village Attorney and may be in the form of surety company bonds. The performance bond may cover any of the following, among others: proposed screening and landscaping, including planting and maintenance thereof for a minimum of one year and a maximum of three years, at the discretion of the Board of Trustees; storm water drainage systems; streets and lighting; off-street parking and loading areas; means of vehicular access and egress to and from the site onto public streets; recreation areas, including playgrounds; garbage collection stations; and fire alarm systems (if any). Said bonds shall be conditioned upon completion by the property owner or developer of all the applicable work, as set forth on the approved site plan, in a matter satisfactory to the Building **Inspector** and upon the proper functioning of said system for a period of one year following its completion.

(3) In case of default, the performance bond shall be forfeited to the village and the proceeds shall be used by the village to complete any incomplete portions of the required work, planting and improvements or to make such repairs or corrections as may be necessary to assure proper functioning of the work and improvements and maintenance of the required planting; provided, however, that any moneys in excess of that necessary for correcting, completing and maintaining said work, planting and improvements will be returned to the surety. Said surety bond may be reduced by resolution of the Building Inspector upon certification to the Board of Trustees that one or more of the particular items required by the Board has been satisfactorily completed, is functioning properly and the bond, in its reduced amount, is sufficient to cover the full cost of the remainder of the required planting, work and improvements.

(4) The installation of all required improvements shall be under the direct supervision of a registered architect or licensed engineer, unless this requirement is waived in writing by the Building **Inspector**.

## SECTION 5.

The following changes are made in Chapter 98 Zoning of the Code of the Village of Pelham:

**IN THE SIXTH SUBSECTION OF SECTION 5 OF THE NEW LOCAL LAW ADDRESS RECOMMENDATIONS #10:**

**RECOMMENDATION #10:** In any residential district accessory buildings may occupy in the aggregate not more than 10% of the area of the lot or not more than 35% of the area of the rear yard, whichever is the more restrictive. In any case, the total lot area of the sum of all the accessory buildings shall not be larger than 550 square feet.

**REASON FOR THE RECOMMENDATION:** The provision restricts the size of accessory buildings on larger lots.

**CHANGE IN THE CODE –** repeal of Subsection E of Section 98-101 that sets forth zoning laws regarding accessory buildings. The new Subsection E adopts the same language as the current law and adds the last sentence, which limits the total lot area of the sum of all the accessory buildings to no more than 550 square feet.

**CURRENT SECTION 98-101E THAT IS TO BE REPEALED:**

- E. In any residence district, accessory buildings may occupy, in the aggregate, not more than 10% of the area of the lot or not more than 35% of the area of the rear yard, whichever is the more restrictive.

**NEW LANGUAGE TO BE ADOPTED in Subsection 1 of SECTION 1:**

- E. In any residence district, accessory buildings may occupy, in the aggregate, not more than 10% of the area of the lot or not more than 35% of the area of the rear yard, whichever is the more restrictive. In any case, the total lot area of the sum of all accessory buildings shall not be larger than five hundred and fifty square feet (550 s.f.).

Item #9 -- Public hearing on a Proposed Amendment to the Village Zoning Code regarding Parking Requirements for Residential Zones (Not including "M" Zones). Matter was tabled until the December 19, 2006 Board of Trustees Meeting.

**Item #10 – Public Hearing to increase the Village of Pelham's Water System Rates:**

A motion was made by Trustee Merrick, with a second by Trustee Potocki to adopt the new water rates. The motion passed unanimously by vote of five in favor, none opposed.

The Mayor explained the need for the change in the water rates.

\* Note: The Village's last water rate change was enacted May 2, 2006, to mirror United Water's rates. Prior to that, the last increase was in 2003. Subsequent to the May 2, 2006 Rate Adoption, revenue from the Village's water bills to our customers did not

match expenses for the water bills paid to United Water by the Water System. This resulted in a substantial loss of revenue. A 12.98% increase at this time would address a 10% rate disparity last Fiscal Year, and an additional 2.98% increase by United Water made effective August, 2006. It does not attempt to re-coup the amount of the revenue lost this Fiscal Year.

A Local Law to increase the Village of  
Pelham's Water System Rates

Section 1.

BE IT ENACTED BY the Board of Trustees of the Village of Pelham as follows:

	Rate at time of last proposal	Meter size	Proposed rate of incr. of 10% 4/18	Addl. % to cover United Water Incr.	Proposed Rates to be adopted 12/5/2006
Base Rate	36.01	1/2" and 5/8"	\$39.61	2.98%	\$40.79
<b>New Base Rates for Quarterly Usage of Larger Meters</b>					
New	commercial	3/4"	\$45	New rate	\$45
New	commercial	1" - 1 1/4"	\$80	New rate	\$80
New	commercial	1 1/2"	\$150	New rate	\$150
New	commercial	2"	\$245	New rate	\$245
New	commercial	3"	\$467	New rate	\$467
<b>Consumption Rates -- cost per 100 cubic feet)</b>					
First 1200 CCF	2.9964		3.296	2.98%	\$ 3.39
next 36000 CCF	2.8204		3.1024		\$ 3.19
next 60000 CCF	2.3048		2.5353		\$ 2.61
above 97,200 CCF	1.4876		Abolish rate		Abolish rate

Section 2. This local law shall take effect upon its adoption and filing with the Secretary of State.

Item #11 – Public Hearing on a proposed amendment to the Village Code regarding Littering:

A motion was made by Trustee Homan, with a second by Trustee Hotchkiss to adopt the amendment to the Village Code regarding littering. The motion passed unanimously by vote of five in favor, none opposed.

LOCAL LAW NUMBER    OF 2006

A local law that amends Chapter 82 to improve the cleanliness of streets, sidewalks and other property in the Village of Pelham.

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

## SECTION 1.

The following changes are made in Chapter 82 of the Code of the Village of Pelham:

- 1) Section 82-3 is repealed, and the following new Section 82-3 is enacted:

**§ 82-3. Littering.**

No person shall throw or deposit or shall direct or allow any agent or employee to throw or deposit any refuse, recyclables or other waste upon the sidewalks, streets, storm sewers, catch basins, parks or any other public or private property in the Village of Pelham.

- 2) Section 82-4 is repealed, and the following new Section 82-4 is adopted:

**§ 82-4. Litter on vacant premises; responsibility of owners.**

Every owner of any vacant lot or parcel of land shall keep said property clean and free of all refuse, recyclables and other waste.

- 3) Section 82-6 is repealed, and the following new Section 82-6 is adopted:

**Section § 82-6. Duty to keep sidewalks clean and clear of litter and obstacles.**

- A. Every owner or occupant of real property shall keep the sidewalks and walkways adjacent to such property clean and free of all refuse, recyclables and other waste.
- B. In the business and office districts every owner or occupant of a building shall keep not only the sidewalk and walkways, but also the driveways, parking areas and other areas adjacent to their premises free of litter when the building is open for business.
- C. In the business and office districts no boxes, goods, wares or merchandise shall be left on any sidewalk or walkway, except for the purpose of loading or unloading the same, in which event such boxes, goods, wares or merchandise shall not remain on any sidewalk or walkway for more than 15 minutes.

## SECTION 2.

This Local Law shall take effect upon adoption and filing in the office of the Secretary State of the State of New York.

Item #12 – Authorizing the accounts payable:

A motion was made by Trustee Homan, with a second by Trustee Merrick to adopt the resolution. The motion passed unanimously by vote of five in favor, none opposed pending Mr. Slingerland's review.

**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:

Fund Name:	Amount
General Fund	\$838,347.10
Water Fund	\$20,042.92
Capital Projects Fund	\$53.00
Trust and Agency Fund	\$0.00
H3 Fund	\$ 0.00
Grand Total	\$858,443.02

Item #13 – Old Business/New Business:

The Village will contact Pete Russillo for recommendations to reduce speeding along Boulevard near Colonial School.

Administrative Aide Devron Wilson mentioned that the village received a grant notice from the Hudson River Valley Greenway that will allow the village to enhance the trailways in Wolfs Lane Park. A motion was made by Trustee Potocki, with a second by Trustee Homan to authorize an application to The New York State Hudson River Valley Greenway Conservancy. The motion passed unanimously by vote of five in favor, none opposed.

**RESOLUTION**

AUTHORIZING AN APPLICATION TO THE NYS HUDSON RIVER VALLEY GREENWAY CONSERVANCY FOR THE ANNUAL GRANT PROGRAM FOR THE WOLFS LANE PARK PROJECT FOR A TRAILWAYS GRANT

WHEREAS, the Village of Pelham is applying to the Hudson River Valley Greenway for a grant under the 2006 Greenway Conservancy for the

Hudson River Valley Annual Grant Program for a project entitled “Wolfs Lane Park” to be located along First Street & Wolfs Lane in Pelham, NY,

WHEREAS, the grant application requires the applicant municipality or not-for-profit to obtain the “approval/ endorsement of the governing body of the municipality or municipalities in which the project will be located”;

NOW, THEREFORE, be it resolved that the governing board of Village of Pelham hereby does approve and endorse the application for a grant under the 2006 Greenway Conservancy for the Hudson River Valley Annual Grant Program, for a project known as “Wolfs Lane Park” and located within this community.

Item #14 – Minutes: November 21, 2006:

\* This topic has been tabled until the next Board of Trustees meeting on Tuesday December 19, 2006.

Item #15 – Adjournment – Executive Session to discuss personnel matters:

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

On the motion of Trustee Merrick, seconded by Trustee Homan, the Board voted to adjourn the public portion of the board meeting and go into Executive Session at 10:25 p.m. The motion passed unanimously by vote of five in favor, none opposed.

Respectfully submitted,

Devron Wilson, Administrative Aide

Richard Slingerland, Administrator/Deputy Clerk