

VILLAGE OF PELHAM BOARD OF TRUSTEES REGULAR MEETING  
TUESDAY, JANUARY 2, 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  
# Agenda Items: Time  
of Discussion

	<b>Public Hearings</b>	<b>7:45 PM</b>
7.	Continued Public Hearing on various proposed changes to the Residential Zoning Code in the Village of Pelham	<b>Discussed. Cont'd to Jan. 16th</b>
8.	Public Hearing on a local law that amends the Zoning Code, Section 98-112 Parking for residential uses, to require 1.5 parking spaces for every multi-family dwelling, (Note: this eliminates the exception for Business-2 zones.)	<b>Scheduled hearing for Jan.16th</b>
	<b>Human Resources</b>	<b>8:30 PM</b>
9.	Considering the completion of probation for Police Officer Paul Sousa.	<b>Approved</b>
10.	Considering appointment by the Mayor of candidates to the position of firefighter	<b>Approved</b>
11.	Considering appointment by the Mayor of candidates to the position of police officer	<b>Approved</b>
	<b>Business</b>	<b>9:00 PM</b>
12.	Considering the award of the Contract for Garbage Collection Services	
13.	Authorizing an Inter-Municipal Agreement (IMA) with the City of New Rochelle to dump Organic Waste at New Rochelle's site	<b>Approved</b>
14.	Authorizing an agreement with the State of New York for a Quality Communities Grant	<b>Approved</b>
	<b>Housekeeping</b>	<b>9:45 PM</b>
15.	Authorizing the accounts payable	<b>Approved</b>
16.	Old Business/New Business:	
17.	Minutes: December 19, 2006	<b>Approved</b>
18.	Adjournment	<b>Adjourned</b>

Next Regular Board Meetings are Tuesdays January 16, 2007 and February 6,  
2007

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

VILLAGE OF PELHAM BOARD OF TRUSTEES REGULAR MEETING  
MINUTES  
TUESDAY, JANUARY 2, 2007, 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 7:40 p.m.

The following members of the Board of Trustees were present:

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

Village staff in attendance:

Administrator/Treasurer Richard Slingerland, Administrative Aide Devron Wilson, and Building Inspector Len Russo

Item #2 – Pledge of Allegiance:

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

Item #3 – Mayor's Report:

Mayor Clain reported that the 1<sup>st</sup> Street Lot adjacent to the Ginsburg Lofts is now clear and available for village use. The Village would like to turn the lot into a parking lot however; there is some debate amongst the Board of Trustees whether it should be a public or private parking lot.

Option 1: Make the lot private thereby only allowing residents who have a valid parking permit to park in the lot.

Option 2: Make the lot public with meter parking thereby allowing residents and non-residents to feed meters to park in the lot.

Mayor Clain further reported that if the Village decides to make the lot a public parking lot, then the village will most likely be able to use some of the money from the FTA project to fund the rehabilitation of the parking lot. The Board discussed whether it would be cost effective to use a "muni-meter" system, but determined that based on the number of approximately 15 spaces that would be created, it might be more economical to use existing double-head parking meters. Village Administrator Richard Slingerland will prepare a budget to rehabilitate the vacant lot. The budget will be presented at the next Board of Trustees meeting on January 16, 2006.

Mayor Clain also mentioned that the Village needs to assemble a committee to review the Architectural Services/FTA Parking & DPW Garage project. The people who were chosen are General Foreman Harry Pallett, Village

Administrator Richard Slingerland, Administrative Aide Devron Wilson, Trustee Greco, and Trustee Hotchkiss.

The Mayor further mentioned that Barbara Bartlett from the Architectural Review Board received a new quote for the Pelham Train Station signs. The quote she received was \$1,750 per sign from the same company who created the Town of Pelham signs.

In addition, Mayor Clain would also like to move forward with ordering decorative garbage cans for the Village.

Item #4 – Trustees Reports:

Trustee Mohan mentioned that the Village extended (2) two offers of employment to firefighters. She also mentioned that the Village may have offers to replace Engine #5 (the 1978 Seagrave pumper) as it is in poor condition. There is an opportunity to purchase a demonstration model fire engine for approximately \$356,000 as opposed to purchasing a new model for approximately \$520,000. She mentioned that it would cost approximately \$61,000 per year at approximately 5% interest. The Board of Trustees would like to review the alternatives before purchasing the demonstration vehicle engine.

Trustees Greco, Hotchkiss, Merrick and Potocki had nothing to report.

Item #5 – Village Administrator's Report:

Village Administrator Richard Slingerland had nothing to report.

Item #6 – Public Comment:

Richard Altobelli, 105 5<sup>th</sup> Avenue, was concerned with a few items. He mentioned that Metro North should pay for the Train Station Signs because the sign is located on Metro North property. He also mentioned that the Village should not exchange the lot on the corner of 5<sup>th</sup> Avenue and 3<sup>rd</sup> Street with the Post Office until it receives a commercial assessment of the property. The Mayor assured him the Village would only swap properties if the Village gets the appraised value. He also mentioned that the Post Office is only allowed to do certain things within the law, and that they should not block traffic on First Street for half the day, only when they are loading and unloading mail.

John Cassone of 7<sup>th</sup> Avenue thanked the Village for leveling the road on 1<sup>st</sup> Street. He also mentioned that Metro North should pay for the Pelham Train Station signs because they put up an inferior sign, it was vandalized, it needs to be replaced, and it is located on Metro North property. He asked who was negligent in not insuring the Highbrook Gate structures that were damaged during the September 2<sup>nd</sup> storm. Administrator Slingerland replied that he thought that negligent was not the exact word to describe what had happened. The Village had insured all its real property, vehicles and assets, but found out later that the infrastructure is not insured, and that at this time all the

infrastructure like streetlights, traffic lights, the Harmon Clock Tower and the Highbrook Gates are insured under a \$250,000 miscellaneous umbrella. Mr. Cassone also asked the Village, "Is Con Edison going to mill Lincoln Avenue before they pave it"? Village Administrator Richard Slingerland will find out this information for the next Board of Trustees meeting. He also said that the sidewalks on Lincoln Avenue are atrocious, and that Lincoln Avenue is one of the heaviest trafficked streets in the Village. He said the Village should not take it over before it is fully repaired. Mayor Clain explained that the Village had made no agreement to take it over, just that we have expressed interest in the program. He also mentioned the Village's concern about the Legacy Program to improve ballfields, or build senior housing, and wanted to make sure that by taking over Lincoln Avenue, the Village would not be removed from these programs.

Item #7 – Continued Public Hearing on various proposed changes to the Residential Zoning Code in the Village of Pelham:

Trustee Hotchkiss reviewed what the Village had reviewed and adopted to date, and the recommendations on the agenda for review and discussion this evening:

Upon review and discussion by the Board, on the motion of Trustee Hotchkiss, seconded by Trustee Mohan, the following sections of the Local Law were adopted as amended by a vote of six in favor, none opposed, one absent (Trustee Homan):

January 2<sup>nd</sup>.

Building Inspector

5. Change Building Committee and Plumbing Inspector to Building Inspector. Also, there are housecleaning items such as referrals to proper NY State laws and deletion of enforcement procedures not allowed by NY Law. These were in the same chapters as Building Committee and Martha, Dave, and Len want to update the code.

Change of required permits, permissible structures in Residential B2, and change from conforming use to non-conforming use.

7. Delete D2 (2) Applicants shall further evidence a service contract annually of their choice in writing which shall require periodic testing of the pool water for bacteria count by a duly authorized private or public concern or agency approved by the State Commission of Health.

8. Delete annual permit for home professional office.

9. Delete section allowing general medical & surgical hospital in Residential B2.

13. Change from nonconforming use to conforming then back to non-conforming: Change 12 months to 6 months. Delete " 6 consecutive months if such use occupies land whereon there is no consequential structure devoted to such use."

THESE SECTIONS WERE NOT ANNOTATED FOR BUILDING INSPECTOR CHANGES, JUST SUMMARIZED.

The following changes are made in Chapter 79 SITE PLAN and 98 ZONING:

Building Inspector

RECOMMENDATION 5. Change Building Committee and Plumbing Inspector to Building Inspector. Also, there are housecleaning items such as referrals to proper NY State laws and deletion of enforcement procedures not allowed by NY Law. These were in the same chapters as Building Committee and Members of the Code Committee including Martha Conforti, Dave Daly and Len Russo recommended these be amended.

REASON FOR THE RECOMMENDATION: The Building Committee is not necessary, as the Village has a full-time Building Inspector who is certified as the authorized Code Official for the Village.

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STATUS: This matter was addressed substantially in the Local Law adopted by the Board on November 21, 2006, amending Chapter 34 – Building Construction, Chapter 75 – Sidewalk Cafés and Chapter 77 -- SIGNS, AWNINGS, CANOPIES, MARQUEES AND BARBER POLES of the Village Code, all making changes to the provisions authorizing, defining and delegating duties to the Building Committee.

At this point of the review of the Code, there are references to the Building Committee in Chapters 79 and 98, which are addressed in the text of the proposed law. Specifically, the following sections of the draft proposed Local Law make reference to and eliminate the provisions for Building Committee, including but not limited to:

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SUMMARY OF CHANGES TO CHAPTER 79 REGARDING BUILDING COMMITTEE:

79-6 A (3) – Change references from Building Committee to Building Inspector

79-6 B – Change reference from Building Committee to Village Administrator for conveyance to the Mayor and Board of Trustees for consideration of final site plan approval.

79-6 C – Change references from Building Committee to Building Inspector

IMPORTANT NOTE: THE PROPOSED CHANGES TO SECTION 79-C OVERLAP WITH PROPOSED CHANGES REGARDING NOTIFICATION OF ADJOINING NEIGHBORS. THESE ADDITIONAL CHANGES SHOULD BE CLARIFIED, ADJUSTED OR WITHDRAWN PRIOR TO FINAL ADOPTION.

79-6 D – Change reference from Building Committee to Village Administrator for forwarding the application to the Mayor and Board of Trustees for consideration of final site plan approval. THIS IS A CORRECTED RECOMMENDATION.

79-6 E – Change reference from Building Committee to Building Inspector, for forwarding the application to the Planning Board or other village agency for submission of written recommendations and findings to the Mayor and Board of trustees for consideration in the review for final site plan approval.

79-F – Change reference from Building Committee to Village Clerk, who is responsible under the law for publishing notices.

79-G – Change reference from Building Committee to Building Inspector, and add a provision for the Village Administrator to request comments from the Building Inspector, Fire Chief, Police Chief and Senior Public Works Official to assist the Mayor and Board in their review of the application for final site plan approval.

79-H – Change reference from Building Committee to Building Inspector to retain the permanent Building File.

79-J – Change references from Building Committee to Building Inspector regarding Performance Bonds required pursuant to building permits.

Text of law changes, not annotated, changing Building Committee to Building Inspector, and other related changes:

#### SECTION 4.

Part 3) Section 79-6A(3) is repealed and the following new Section 79-6A(3) is adopted:

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 the submission of the primary site plan.

Part 4) Sections 79-6B through 79-6H are repealed and the following new Sections 79-6B through 79-6H are adopted:

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.

FOR CHAPTER 79-6 C., REGARDING THE NOTICE REQUIREMENTS, ANNOTATION IS INCLUDED HERE:

CURRENT SECTION 79-6 C. 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. [Amended 3-20-1990 by L.L. No. 3-1990]

NEW LANGUAGE TO BE ADOPTED in SECTION 79-6 C. (Building Inspector changes only).

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.

D. Following certification, the Village Administrator 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.

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.

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.

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. In addition, the Village Administrator shall request comments, if they have any, from the Police Chief, Fire Chief and Public Works Supervisor. (this additional change recommended by Len)

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.

5) Section 79-6J is repealed and the following new Section 79-6J is adopted:

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.

\* Here ends the changes to Chapter 79 regarding Building Committee.

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SUMMARY OF CHANGES TO CHAPTER 98 REGARDING BUILDING COMMITTEE:

98-115K -- Change references from Building Committee to Building Inspector

98-133A – Change references from Building Committee to Building Inspector

98-133B – Change references from Building Committee to Building Inspector

98-133C – Change references from Building Committee to Building Inspector

98-135B and C – Change references from Building Committee to Building Inspector

98-136D and E – Change references from Building Committee to Building Inspector

98-137A - H – Change references from Building Committee to Building Inspector

98-138 – Change references from Building Committee to Building Inspector

98-139 – Change references from Building Committee to Building Inspector

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SECTION 5.

11) Section 98-115K is repealed and the following new Section 98-115K is enacted:

Required parking areas for all uses or buildings in a Residence A-1, A-2, A-3, B-1 or B-2 District and for all dwellings or multifamily houses in all districts shall be upon the same lot with the main building, except that off-street parking space required for structures and uses on two adjoining lots may be provided in a single common facility on one or both of such lots in accordance with an agreement between the owners of such adjoining lots, which agreement is to be filed with the Building Inspector. In all business districts, required parking areas for all uses other than dwellings or multifamily houses shall be either upon the same lot or, if on a nonadjoining lot, in the same or another business district or Residence M or M-1 District within 300 feet of the property to which they are accessory, measured in a straight line between the nearest point of the parking area and the nearest point of the property to be served. Any accessory parking area which is not upon the same lot as the main building or use, and its necessary accessways, shall be reserved for off-street parking use, under conditions and safeguards approved by the Village Board of Trustees and designed to assure the continuing availability of such parking area to serve the use to which it is accessory for as long as such use continues in existence, unless the Board of Trustees finds that adequate substitute public parking facilities have been provided.

19) Section 98-133A is repealed and the following new Section 98-133A is enacted:

Interpretation. Upon appeal from a decision by the Building Inspector, to hear and decide any matter wherein an appellant alleges or claims that the Building Inspector or any other administrative official, committee or board charged with the enforcement of this chapter was in error in issuing or refusing or failing to issue a building permit or certificate of occupancy or use or any other permit or license as a result of misinterpreting the meaning, intent or application of any Article or part of this chapter, including the exact location of a district boundary line on the Zoning Map.

20) Section 98-133B(1) is repealed and the following new 98-133B(1) is enacted:

To grant, upon an appeal from a denial of a permit by the Building Inspector, such variance from the terms of this

chapter as will not be contrary to the public interest where,  
owing to exceptional and extraordinary circumstances,  
there are practical difficulties or unnecessary hardships in the way  
of carrying out of the strict letter of this chapter; provided,  
however, that no such variance shall be granted unless the  
Board finds and documents fully in its findings:

(a) That there are special physical conditions, such as  
exceptional narrowness, shallowness, shape or  
topographic conditions, or other extraordinary or exceptional  
situation or condition, applying to the land or  
building for which the variance is sought, which  
circumstances or conditions are peculiar to such land or building  
and do not apply generally to land or buildings in the  
neighborhood and have not resulted from any act  
of the applicant or any predecessor in title  
whether in violation of the provisions hereof or not.

(b) That, for reasons fully set forth in the findings of the Board,  
the aforesaid circumstances or conditions are such that  
the strict application of the provisions of this chapter  
would deprive the applicant of the reasonable use of  
such land or building and that the granting of the  
variance is necessary for the reasonable use of the land  
or building and that the variance as granted by the Board  
is the minimum variance that will accomplish this  
purpose.

21) Section 98-133C(1)(d) is repealed and the following new Section  
98-133C(1)(d) is enacted:

The Board is authorized to revoke a special permit  
previously granted, following due public notice and  
hearing, upon a determination that one or  
more of the requirements for the special permit set  
forth in this chapter or any additional conditions  
prescribed by the Board in conjunction with the issuance of the  
special permit have not been or are no longer being  
complied with. In such cases, a period of 60 days  
shall be granted to the special permit  
holder for full compliance prior to the revocation of  
said permit. An application for the revocation of a special permit  
may be brought by the Building Inspector or any  
other Village authority charged with enforcing the Village  
Code.

22) Section 98-133C(2) is repealed and the following new Section 98-133C(2) is enacted:

Application. Every application for a special permit shall be submitted in 10 copies and shall contain all the data required in connection with an application for site plan approval unless, following a meeting in person with the Planning Board or a duly authorized representative thereof, some of the required information is deemed by the said Board to be superfluous. The Secretary of the Board of Appeals shall file three copies of the application with the Building Inspector, who shall provide to the Board, within 14 working days, a full report on any objections it may have with respect to the proposed development and any mitigating measures it may feel to be desirable for the protection of the public interest.

23) Section 98-135B is repealed and the following new Section 98-135B is enacted:

This chapter shall be administered and enforced by the Building Inspector, Police Department, code enforcement officers or any other agency or officer of the Village duly authorized by the Board of Trustees of the Village of Pelham. No building permit, change of use permit, certificate of occupancy, temporary certificate of occupancy or other authorization for any construction, reconstruction, alteration or enlargement of a building or structure or for the moving of a building or structure from one site to another or for the establishment of use of any land or for the moving of a use from one site to another shall be issued by the Building Inspector except in full compliance with the provisions of this chapter, including any conditions that may have been attached to the approval of a variance by the Board of Appeals or a site plan or special permit by the Board of Appeals, and with all other statutes, laws, ordinances, rules and regulations applicable to the affected property. The Building Inspector shall maintain a complete record of all applications for building permits and change of use permits, together with all plans submitted therewith, and for certificates of occupancy and certificates of conformity and all permits and certificates issued by it. In the performance of its duties, the Building Inspector or any duly authorized representative thereof shall have the right to perform any act necessary for the enforcement of this chapter, including the right, during daylight hours, to enter and inspect any building, structure or land within the Village with the consent of the owner or without such consent where an emergency exists or where the

**Building** **Inspector** has reason to believe that a violation exists.

24) Section 98-135C is repealed and the following new Section 98-135C is enacted:

If the **Building Inspector** shall find that any of the provisions of this chapter are being violated, or when any purported violation shall be brought to his attention, the **Building Inspector** must conduct an investigation. In the event that the **Building Inspector** determines that a violation of this chapter does in fact exist, the Building Inspector must serve written notice of said violation by registered mail or personal service upon the owner, indicating the nature of the violation and ordering the necessary corrective action, and copies of such notice shall be delivered to the Village Clerk. The **Building Inspector** shall order the discontinuance of any illegal use of land, buildings or structures; removal of illegal buildings or structures or additions, alterations or structural changes; or any illegal work in progress. In the event that the owner shall fail to abate said violation within 10 days of the service of such notice, the Building Inspector must report such fact in writing to the Village Clerk and furnish a copy of such report to the Village Board of Trustees.

25) Section 98-136 is repealed, and the following new Section 98-136 is enacted:

§ 98-136. Building permits.

A. No building in any district shall be erected, reconstructed or restored or structurally altered, used or moved in whole or in part another site without a building permit. A building permit shall be duly issued upon application to the **Building Inspector** and upon payment of the required fee in accordance with the Schedule of Fees of the Village of Pelham. A building permit shall be issued only if the proposed construction or use is in full conformity with all provisions of this chapter and all other applicable regulations of the Village of Pelham. Any such permit issued in violation of the provisions of this chapter shall be null and void and of no effect without the necessity for any proceedings for revocation or nullification thereof, and any work undertaken or use established pursuant to any such permit shall be unlawful.

B. Every application for a building permit shall contain the following information and be accompanied by a plot plan in duplicate drawn to scale and signed by the person responsible for such drawing. If no such plot plan is available, a survey, prepared by a licensed engineer or land surveyor, is required. In the case of accessory buildings, the Building Inspector may waive such of the requirements set forth in Subsection B(1) through (5) below as it may deem to be superfluous.

(1) The actual shape, dimensions, radii, angles and area of the lot on which the building is proposed to be erected or, if any existing building, of the lot on which it is situated.

(2) The exact size and locations on the lot of the building or buildings proposed to be erected or altered and of all other existing buildings on the same lot, if any.

(3) The dimensions of all yards in relation to the subject building and the distances between such building and any other existing buildings on the same lot.

(4) The existing and intended use of all buildings, existing or proposed, the use of land and the number of dwelling units, if any, the building is designed to accommodate.

(5) Such other information with regard to the building, the lot or neighboring lots as may be necessary to determine that the proposed construction will conform to the provisions of this chapter.

C. No building permit shall be issued for any building that is subject to site plan approval by the Board of Trustees pursuant to Local Law No. 2, 1983, or a special permit by the Board of Appeals, except in conformity with the requirements of the said boards. No permit shall be issued for a building that is permitted subject to a variance granted by the Board of Appeals except in accordance with all conditions which may have been prescribed by the said Board.

D. The Building Inspector shall, within 30 days after the filing of a complete and properly prepared application incorporating all required approvals, including site plan, special permit and/or variances, either issue or deny a building permit. If a permit is denied, the Building Inspector shall state the reason for such denial on two copies of the application and shall return one copy to the applicant. Failure on the part of the Building Inspector to act within the time specified shall not be deemed approval of the application.

E. If any construction, alteration, enlargement or other work authorized under a building permit is not begun within 120 days from the date of its issuance, such permit shall expire. The Building Inspector may authorize in writing not more than two consecutive one hundred-twenty-day extensions because of the occurrence of conditions unforeseen at the time of issuance of such permit.

26) Section 98-137 is repealed and the following new Section 98-137 is enacted:

§ 98-137. Certificate of occupancy.

A. The following shall be unlawful until a certificate of occupancy shall have been applied for and issued by the Building Inspector:

(1) Occupancy and use of all or any part of a building erected, reconstructed, restored, expanded, altered or moved or any change in use of an existing building.

(2) Occupancy, use or any change in use of vacant land.

(3) Any change in use of a nonconforming use.

B. A certificate of occupancy shall be deemed to authorize and is required for both initial occupancy and the continued occupancy and use of the building or land to which it applies. The certificate of occupancy shall become null and void if conditions are found to be in violation of any provision of this

chapter, and a new certificate of occupancy shall be required following correction of all violations.

C. A temporary certificate of occupancy for the use of all or a part of a building or the use of land for which approval has been granted may be issued if authorized by the Board of Appeals and only in full compliance with such conditions as the Board may prescribe.

D. It shall be the duty of the **Building Inspector** to issue a certificate of occupancy only when:

(1) The structure or part(s) thereof and the proposed use of the structure(s) and land conform to this chapter and all other applicable codes and ordinances of the Village of Pelham;

(2) Prior site plan, special permit and variance approvals, as may be necessary, have been granted by the Board of Trustees or the Board of Appeals, as the case may be, in accordance with the provisions of this chapter;

(3) All local taxes and assessments on the property have been paid; and

(4) A letter from each utility company has been received by the Village stating that the utility has been inspected, has been installed in accordance with the approved plan and is ready for use.

E. Application for a certificate of occupancy shall be made on forms furnished by the **Building Inspector** after erection of such building or part thereof has been completed in conformity with the provisions of this chapter and all other applicable regulations. Every application for a certificate of occupancy or a temporary certificate of occupancy shall be accompanied by the required fee, in accordance with the Schedule of Fees of the Village of Pelham. In the case of a new building, said application shall be accompanied by an

accurate plot plan or, if not available, by a  
survey prepared by a licensed land surveyor  
or engineer, drawn at the same scale as the site  
plan, showing the location of all buildings,  
structures, utilities, roads or other site features, as built.

F. A certificate of occupancy shall be granted or denied in  
writing within 20 days from the date that a written  
notification is filed with the Building Inspector that the  
action which is subject to such a certificate is  
completed, unless additional time is agreed  
upon by the applicant in writing. If the  
application is denied, the Building Inspector shall state the  
reason for such denial on two copies of the application and  
return one copy to the applicant. Failure on the  
part of the Building Inspector to act within  
the period specified shall not be deemed  
approval of the application.

G. A copy of the applicable certificate of occupancy shall be  
kept on file at the premises affected and  
shall be shown upon request to any  
member of the Building Inspector or his  
duly authorized representative.

H. The Building Inspector shall file a monthly report of the  
certificates of occupancy issued during the  
preceding month.

27) Section 98-138 is repealed and the following new Section 98-138  
is enacted:

§ 98-138. Certificate of legal nonconformity.

The owner or lessee of any building, structure or use that does  
not conform to the provisions of this chapter but that  
did conform with the applicable zoning regulations of  
the Village of Pelham, the Village of Pelham Heights  
or the Village of North Pelham at the time when it was  
first established or at any time thereafter may apply to  
the Building Inspector for a certificate of legal  
nonconformity. The application shall contain proof of prior  
compliance and shall state in detail the precise nature of the  
present nonconformity of all or any part of the  
building, structure or use, including the extent of the  
floor or land area, as the case may be, and the location

within the building or on the lot which is occupied by any nonconforming use.

28) Section 98-139 is repealed and the following new Section 98-139 is enacted:

§ 98-139. Penalties for offenses.

A. Any person or corporation, whether as owner, lessee, architect, contractor or builder, or the agent or employee of any of them, who violates or is accessory to the violation of any provision of this chapter or any rule or regulation made under the authority conferred by this chapter or who shall erect, construct, alter, enlarge, convert or move any building or structure or any part thereof without a building permit or in violation of any statement or plans submitted and approved under the provisions of this chapter or who shall use any building, structure or land in violation of this chapter or any rule or regulation made under the authority conferred by this Chapter without or in violation of the provisions of any building permit, change of use permit or certificate of occupancy, where such a permit is required by this chapter, or in violation of any conditions attached to the approval of a site plan by the Board of Trustees or special permit or a variance by the Board of Appeals and who fails to abate said violation within 30 days after written notice has been served upon him either by mail or personal service shall be liable to a penalty of \$250 and, in addition, shall pay all the costs and expenses incurred by the Village in determining such violation. Each day that a violation continues shall constitute a separate offense.

B. In case any building or structure is erected, constructed, reconditioned, altered, repaired, converted or maintained or any building, structure or land is used in violation of this chapter, the Trustees of the Village of Pelham or the Building Inspector or any other official of the Village, in addition to other remedies, may institute any appropriate action or proceeding through the Village Attorney in order to prevent

such unlawful erection, construction, reconstruction,  
alteration, repair, conversion,  
maintenance or use or to restrain, correct or  
abate such violation or to prevent the occupancy  
of said building, structure or land or to prevent  
any illegal act, conduct, business or use in  
or about such  
building, structure or land.

C. Any person may file a complaint whenever a  
violation of this chapter occurs. All such  
complaints must be in writing and shall be  
filed with the **Building Inspector**, who shall properly  
investigate and record each such complaint and immediately  
of the Village of report thereon to the Board of Trustees  
Pelham.

D. The **Building Inspector** shall maintain and make  
available for public inspection a cumulative file  
of each violation of this chapter, arranged by  
volume, sheet, block and lot numbers, so that  
the full case history of each such violation may be  
easily determined.

Change of required permits, permissible structures in Residential B2, and change  
from conforming use to non-conforming use.

#### RECOMMENDATION #7:

THE EIGHTH SUBSECTION OF SECTION 5 OF THE NEW LOCAL LAW  
ADDRESSES RECOMMENDATION #7 ABOUT POOL TESTING:

RECOMMENDATION #7: Delete 98-106 D (2) Applicants shall further evidence  
a service contract annually of their choice in writing which shall require periodic  
testing of the pool water for bacteria count by a duly authorized private or public  
concern or agency approved by the State Commission of Health.

REASON FOR THE RECOMMENDATION: It is not practical to monitor  
annual service contracts, and the oversight and enforcement of Health Laws  
regarding pools is under the jurisdiction of the Health Department.

CHANGE IN THE CODE – Delete 98-106 D (2).

CURRENT SECTION 98-106 D (2) THAT IS TO BE DELETED:

(2) Applicants shall further evidence a service contract annually of their choice in writing which shall require periodic testing of the pool water for bacteria count by a duly authorized private or public concern or agency approved by the State Commission of Health.

RECOMMENDATION #8:

THE THIRD SUBSECTION OF SECTION 5 OF THE NEW LOCAL LAW ADDRESSES RECOMMENDATION #8 ABOUT HOME PROFESSIONAL OFFICES:

RECOMMENDATION #8: Delete 98-11 A (2) which is the requirement for annual renewal of permits for home professional offices.

REASON FOR THE RECOMMENDATION: It is impractical to require the annual permitting of home professional offices.

CHANGE IN THE CODE – Delete 98-11 A (2).

CURRENT SECTION 98-11 A (2) THAT IS TO BE DELETED:

(2) A home professional office, subject to the requirement that the special permit be renewed annually in conformity with § 98-133C(3). The term "home professional office" shall be deemed to specifically exclude the office of a medical doctor, surgeon or dentist.

RECOMMENDATION #9:

THE FIFTH SUBSECTION OF SECTION 5 OF THE NEW LOCAL LAW ADDRESSES RECOMMENDATION #9 ABOUT ALLOWING GENERAL MEDICAL OR SURGICAL HOSPITALS IN RESIDENTIAL B-2 DISTRICTS:

RECOMMENDATION #9: Delete 98-39 A (2) which allows general medical or surgical hospitals to exist in Residential B-2 districts.

REASON FOR THE RECOMMENDATION: Hospitals are not appropriate uses to be allowed in residential districts.

CHANGE IN THE CODE – Delete 98-39 A (2), and renumber 98-39 A (3) to become the new number 2.

CURRENT SECTION 98-39 THAT IS TO BE DELETED:

§ 98-39. Uses requiring special permit.

A. The following uses require a special permit by the Board of Appeals:

- (1) Any special permit use allowed in a Residence B-1 District, as listed in § 98-32.
- (2) General medical or surgical hospital.
- (3) Parochial or other religious school.

NEW LANGUAGE TO BE ADOPTED IN SECTION 98-39:

§ 98-39. Uses requiring special permit.

A. The following uses require a special permit by the Board of Appeals:

- (1) Any special permit use allowed in a Residence B-1 District, as listed in § 98-32.
- (2) Parochial or other religious school.

RECOMMENDATION #13:

THE EIGHTEENTH SUBSECTION OF SECTION 5 OF THE NEW LOCAL LAW ADDRESSES RECOMMENDATION #13 ABOUT DISCONTINUING NON-CONFORMING USES AFTER THEY HAVE BEEN DISCONTINUED, OR INACTIVE, FOR 6 MONTHS, RATHER THAN THE CURRENT CODE-ALLOWED 12 MONTHS:

RECOMMENDATION #13: Amend 98-122 to require Discontinuation of Non-Conforming Uses after such use has been discontinued for six (6) months, rather than the current twelve (12) months.

REASON FOR THE RECOMMENDATION: Ending non-conforming uses after they have been abandoned for 6 months (a shorter time period) rather than 12 months (current code) is more restrictive, and is a more common standard in municipalities in Westchester.

CHANGE IN THE CODE – Amend language in 98-122 to discontinue Non-Conforming Uses after such use has been discontinued for six (6) months. Delete " 6 consecutive months if such use occupies land whereon there is no consequential structure devoted to such use."

CURRENT SECTION 98-122 THAT IS TO BE AMENDED:

A nonconforming use, if changed to a conforming use, shall not thereafter be changed back to a nonconforming use. Whenever a nonconforming use has been discontinued for a period of one year, such nonconforming use shall not thereafter be resumed. A nonconforming use shall be deemed to have been discontinued after it ceases operations for 12 consecutive months if such use occupies a structure or six consecutive months if such use occupies land whereon there is no consequential structure devoted to such use. For purposes of this chapter, it shall make no difference whether cessation of operations is voluntary or involuntary.

NEW LANGUAGE TO BE ADOPTED IN SECTION 98-122:

A nonconforming use, if changed to a conforming use, shall not thereafter be changed back to a nonconforming use. Whenever a nonconforming use has been discontinued for a period of six (6) months, such nonconforming use shall Not thereafter be resumed. A nonconforming use shall be deemed to have been discontinued after it ceases operations for six (6) consecutive months if such use occupies a structure or six (6) consecutive months if such use occupies land whereon there is no consequential structure devoted to such use. For purposes of this chapter, it shall make no difference whether cessation of operations is voluntary or involuntary.

Upon review and discussion by the Board, the preceding changes to the Code were adopted by vote of six in favor, none opposed.

Item #8 – Public Hearing on a local law that amends the Zoning Code, Section 98-112 Parking for residential uses, to require 1.5 parking spaces for every multi-family dwelling. (Note: this eliminates the exception for Business-2 zones.):

\* Note: This matter was touched on, but tabled at the December 5<sup>th</sup> Board Meeting.

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

RESOLUTION  
SCHEDULING A PUBLIC HEARING ON A PROPOSED  
AMENDMENT TO 98-112 OF THE VILLAGE ZONING CODE  
TO REQUIRE 1.5 PARKING SPACES FOR EVERY MULTI-FAMILY DWELLING  
ELIMINATING THE EXCEPTION FOR B-2 ZONES  
TO BE HELD ON JANUARY 16, 2007

RESOLVED, that the Board of Trustees of the Village of Pelham hereby schedule a public hearing to be held at 7:30 p.m. on January 16, 2007 in Village Hall at 195 Sparks Avenue, Pelham, NY, on a draft proposed Local Law that would amend the Code of the Village of Pelham, to accomplish the following:

A local law that amends the Zoning Code, Section 98-112 Parking for residential uses, to require 1.5 parking spaces for every multi-family dwelling (Note: this eliminates the exception for B-2 zones.)

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

By Order of the Mayor and Board of Trustees  
Terri Rouke, Village Clerk

A local law that amends the Zoning Code, Section 98-112 Parking for residential uses, to require 1.5 parking spaces for every multi-family dwelling (Note: this eliminates the exception for B-2 zones.)

SECTION 1. Section 98-112 Part B is repealed and the following new Section 98-112 Part B is enacted:

(Old Language)

- B. Multifamily house: three parking spaces for each two dwelling units, except in a Business-2 District, where one parking space for each dwelling unit shall be required.

(New Language)

- B. Multifamily dwelling: one and a half (1.5) parking spaces for each dwelling unit.

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 #9 – Considering the completion of probation for Police Officer Paul Sousa:

Trustee Potocki reported that Police Officer Paul Sousa has done a fine job.

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

RESOLUTION  
AUTHORIZING THE PERMANENT APPOINTMENT OF  
PAUL SOUSA AS A POLICE OFFICER, BASED ON  
THE SUCCESSFUL COMPLETION OF HIS PROBATION

BE IT RESOLVED, that the Board of Trustees of the Village of Pelham hereby notes the successful completion of probation of Police Officer Paul Sousa, based on his appointment date of January 2, 2006, and the end date of his one (1) year probationary period on January 2, 2007, as a Police Officer, and authorizes the Mayor, Village Administrator and Police Chief to take the necessary and appropriate actions to effect the completion of his probationary status under Civil Service.

Item #10 – Considering appointment by the Mayor of candidates to the position of firefighter:

Trustee Mohan discussed the concern by the transferee Mr. Marciano, and comments of other firefighters that Mr. Marciano should be granted a shorter probationary period than one year, in light of his fourteen years as a firefighter. Upon reconsideration, the Board agreed to allow Mr. Marciano a shorter probationary period of six (6) months.

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

RESOLUTION  
AUTHORIZING THE APPOINTMENT BY THE MAYOR OF ANTHONY  
MARCIANO TO THE POSITION OF FIREFIGHTER IN THE PELHAM FIRE  
DEPT.

BE IT RESOLVED, that the Board of Trustees of the Village of Pelham authorize the appointment by the Mayor of Anthony Marciano of Pelham, New York, to the position of firefighter, at an annual salary of that for Firefighter First Grade and effective date of employment to be determined by the requirements of Civil Service, for a probationary period of six (6) months, conditioned upon the satisfactory completion of a pre-employment medical examination, subject to the requirements of Civil Service, and authorizes the Mayor, the Village Administrator and the Fire Chief to take the necessary and appropriate actions to effect this appointment.

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

## RESOLUTION

AUTHORIZING THE EXTENSION OF AN OFFER OF EMPLOYMENT TO A CANDIDATE TO THE POSITION OF FIREFIGHTER IN THE PELHAM FIRE DEPT.

BE IT RESOLVED, that the Board of Trustees of the Village of Pelham authorize the appointment by the Mayor of Vito Sciavillo of Port Chester, New York, to the position of firefighter, at an annual salary of that for Firefighter Second Grade and effective date of employment to be determined by the requirements of Civil Service, for a probationary period of one year, conditioned upon the satisfactory completion of a pre-employment medical examination, subject to the requirements of Civil Service, and authorizes the Mayor, the Village Administrator and the Fire Chief to take the necessary and appropriate actions to effect this appointment.

Item #11 – Considering appointment by the Mayor of candidates to the position of police officer:

Trustee Hotchkiss asked whether the Village had seen recently hired police leave the department. Trustee Potocki explained that the Village had seen four senior police officers retire within the past twelve months, two within the past four months, and that these two appointees were intended to replace the two most recent retirements.

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

RESOLUTION

AUTHORIZING THE APPOINTMENT BY THE MAYOR OF DANIEL REDDY TO  
THE POSITION OF POLICE OFFICER IN THE PELHAM POLICE  
DEPARTMENT

BE IT RESOLVED, that the Board of Trustees of the Village of Pelham authorize the appointment by the Mayor of Daniel Reddy, of Pelham, New York, to the position of Police Officer, Recruit Grade, with an effective date of employment to be the start of the Westchester Police Academy, scheduled for Monday, January 8, 2007, for a probationary period of eighteen months, conditioned upon the satisfactory completion of a pre-employment medical examination, subject to the requirements of Civil Service, and authorizes the Mayor, the Village Administrator and the Police Chief to take the necessary and appropriate actions to effect this appointment.

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

RESOLUTION

AUTHORIZING THE EXTENSION OF AN OFFER OF AND APPOINTMENT BY  
THE MAYOR OF A CANDIDATE TO THE POSITION OF POLICE OFFICER IN  
THE PELHAM POLICE DEPARTMENT

BE IT RESOLVED, that the Board of Trustees of the Village of Pelham authorize the extension of an offer of employment and appointment as a transfer by the Mayor of Orlando Baerga of the Bronx, New York, to the position of Police Officer, with an effective date of employment to be determined based on the requirements of Civil Service, at an annual salary of Police Officer Grade 4, for a probationary period of one year, conditioned upon the satisfactory completion of

a pre-employment medical examination, subject to the requirements of Civil Service, and authorizes the Mayor, the Village Administrator and the Police Chief to take the necessary and appropriate actions to effect this appointment.

Item #12 – Considering the award of the Contract for Garbage Collection Services:

The Administrator reviewed the administration's report and recommendation, based on the investigation of qualifications and site visits of all three bidding companies. He mentioned that the Village had checked into references for all three companies, but that the lowest numerical bid by Sanitation Salvage was unqualified because their company had never done this type of work before.

The Administrator performed a rough calculation, and advised the Board and those attending the meeting that the monthly cost per household or property was increasing from about \$25 per month to about \$29 per month. Trustee Merrick explained that no other factors being considered, this contract alone would cause a 1.75% increase in taxes. The Board discussed the economy of the contract, and mentioned that the Village had been operating under contractually limited numbers over the past two years.

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

RESOLUTION

AUTHORIZING THE AWARD OF CONTRACT NUMBER 2006-08  
REAR-YARD GARBAGE COLLECTION, AND CURBSIDE TRASH, RECYCLING  
AND ORGANIC WASTE COLLECTION, ADVERTISED AND BID AS A  
QUALIFICATIONS BASED BID AND CONTRACT

WHEREAS, the Village Of Pelham Issued A Notice to Bidders and Request For Bids for Contract 2006-08 for Rear-Yard Garbage Collection, And Curbside Trash, Recycling And Organic Waste Collection, advertised and bid as a qualifications based bid and contract in the Village Of Pelham; and

WHEREAS, a public notice was duly published on Friday, November 3, 2006 and again on Monday, November 6, 2006, in the Gannett Westchester Newspaper, an official newspaper of the Village of Pelham, and a notice was published on the website of the Westchester County Solid Waste Commission for thirty (30) days announcing the Village of Pelham's interest in seeking solid waste, garbage and recycling services; and

WHEREAS, during the notice period fourteen (14) companies were contacted and sent copies, or stopped in to Village Hall to pick up copies of the contract documents; and

WHEREAS, at 11 a.m. E.S.T., on Monday, December 4, 2006, the Village of Pelham publicly opened and read three (3) proposals; and

WHEREAS, on reviewing the proposals, the base bids and provisions for two one-year extensions (total 4 years) were as follows:

	Total Bid
1. CRP Sanitation Services of Cortlandt Manor, NY	\$3,528,050
2. Sanipro (formerly Suburban) of Briarcliff Manor, NY	\$3,597,792

And one bid from an unqualified bidder, with deficiencies in bid submissions from:

Sanitation Salvage Corp. of the Bronx, NY	\$2,887,318.44
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And the reasons for determining that Sanitation Salvage's bid was deficient are as follows:

1. No experience as a company, or as individuals, in providing residential rear-yard or curbside garbage and recycling service. Their only experience is in the provision of garbage services by container, a much lower grade of service. The contract specifically allows for and invites the submission of appropriate resumes and references to substantiate adequate experience, and none was provided.
2. No experience by their staff providing residential rear-yard or curbside garbage and recycling; only experience in commercial-grade container accounts.
3. No vehicles and equipment dedicated for use in Pelham as required by the contract (page 20 of 54), but would be run essentially around the clock, through the evening, returning to the shop in the early morning, and then continuing in Pelham.
4. Insufficient Bid Bond. As stated several times in the contract, a Bid Bond is required in the amount of five percent (5%) of the total amount of the bid price. Sanitation Salvage submitted a bid bond in the amount of 5% of half the contract, not the total amount of the bid price.

WHEREAS, Administrator Richard Slingerland has determined that the lowest respon-sible bid that meets requirements is CRP Sanitation Services of Cortlandt Manor, NY.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of the Village of Pelham hereby reject the bid by Sanitation Salvage Corp. as unqualified; and

BE IT FURTHER RESOLVED, that the Board of Trustees of the Village of Pelham hereby award Contract 2006-08 for Rear-Yard Garbage Collection, and Curbside Trash, Recycling and Organic Waste Collection, advertised and bid as

a qualifications based bid and contract in the Village Of Pelham to CRP Sanitation Services of Cortlandt Manor, NY, at the base total approximate base two-year bid cost of one million seven hundred eleven thousand eight hundred and ninety nine dollars (\$1,711,899), plus containers for DPW waste as provided in the bid and contract; and

BE IT FURTHER RESOLVED, that the Board of Trustees of the Village of Pelham hereby acknowledge the provisions in the bid for two (2) one year extensions at stated prices in the bid and contract documents, which are hereby declared to be reserved for future consideration at the sole discretion and determination at a future date by the Mayor and Board of Trustees upon the recommendation of the appropriate village staff; and be it

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

Item #13 – Authorizing an Inter-Municipal Agreement (IMA) with the City of New Rochelle to dump Organic Waste at New Rochelle’s site:

This matter was discussed briefly, and the Administrator explained that this was a renewal of the current contract with the City of New Rochelle, to dump organic waste at a cheaper rate per ton than at the County’s garbage transfer station.

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

RESOLUTION

AUTHORIZING RENEWAL OF AN AGREEMENT  
BETWEEN THE CITY OF NEW ROCHELLE AND THE VILLAGE OF PELHAM  
FOR THE DISPOSAL OF ORGANIC WASTE  
INCLUDING YARD WASTE AND FALL LEAVES  
AT THE CITY OF NEW ROCHELLE’S WASTE TRANSFER STATION

BE IT RESOLVED, that the Board of Trustees of the Village of Pelham hereby authorizes the renewal of an agreement between the Village of Pelham and the City of New Rochelle for the Disposal of Organic Waste, including Yard Waste, Leaves, Brush and other organic waste at the City of New Rochelle Waste Transfer Station, per the agreement provided for by the City of New Rochelle (attached hereto and made a part hereof); and

BE IT FURTHER RESOLVED, that the Mayor and the Village Administrator are authorized to sign this agreement and to take the necessary and appropriate actions to effect this agreement.

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

Item #14 – Authorizing an agreement with the State of New York for a Quality Communities Grant:

Mayor Clain directed Village Administrator Richard Slingerland to contact Westchester County to have them send us a standard RFP for a Master Plan. He mentioned the Village could cover a number of things by updating our Master Plan, including a focus on the Retail and Commercial area and a Review of the Zoning Code. He mentioned the Administrator should contact the Secretary of State’s Office to find out more.

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

RESOLUTION

AUTHORIZING A GRANT AGREEMENT  
FOR A QUALITY COMMUNITIES GRANT  
WITH THE NEW YORK STATE DEPT. OF STATE IN THE AMOUNT OF  
\$75,000  
FOR PREPARING AND UPDATING THE VILLAGE OF PELHAM'S MASTER  
PLAN

BE IT RESOLVED, that the Board of Trustees of the Village of Pelham hereby authorizes an agreement with the State of New York for a Quality Communities Grant in the amount of \$75,000, with a commitment of matching staff time, materials and resources in the amount of \$18,750; and

BE IT FURTHER RESOLVED, that the Board of Trustees of the Village of Pelham hereby authorizes the acceptance of the grant funds and the Village's match, and authorizes the Mayor, the Administrator and appropriate Village Officials to take the necessary and appropriate actions to effect this grant agreement and to accept these funds.

Item #15 – Authorizing the accounts payable:

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

RESOLUTION

WHEREAS, pursuant to Section 5-524 of the New York State Village Law, the Board of Trustees shall audit all claims against the Village.

NOW, THEREFORE, BE IT HEREBY RESOLVED, that the Board of Trustees after audit of the following claims, authorizes payment for services rendered and materials received, for the following items that have been submitted to the Treasurer's Office for payment and authorized by the Village Administrator:

<u>Fund Name:</u>	<u>Amount</u>
General Fund	\$15,246.08
Water Fund	\$24,338.32
Capital Projects Fund	\$0.00
Trust and Agency Fund	\$0.00

H3 Fund		\$0.00
	Grand Total	\$39,584.40

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

Item #16 – Old Business/New Business:

Metro North Station Sign – Pelham Train Station:

Trustee Merrick mentioned that we appreciate Barbara's input, and the value of the design, but asked if we have to have such expensive signs. Administrator Slingerland said that the Village did not have to have any particular signs, that Metro North could put up their standard blue and white block signs with black lettering, and that Metro North had agreed to put up the sign as requested by the Village. The Board discussed that, unfortunately, that sign was vandalized and now it has to be replaced. The Board discussed the matter further, and Trustee Potocki was delegated to contact Metro North to find out whether they will pay to replace the train station signs.

Item #17 – Minutes: December 19, 2006:

The Mayor submitted changes to the minutes to the Administrator.

On the motion of Trustee Greco, with a second by Trustee Merrick, the Board voted to approve the December 19, 2006 minutes by vote of six in favor, none opposed.

Item #18 – Adjournment:

The Mayor asked for a motion to go into Executive Session to discuss the recent arbitration award. On the motion of Trustee Mohan, seconded by Trustee Merrick, the Board voted to go into Executive Session. The motion passed unanimously by vote of six in favor, none opposed.

On the motion of Trustee Mohan, seconded by Trustee Greco, the Board voted to adjourn the public portion of the board meeting and go into Executive Session at 9:20 p.m., after which the meeting would be adjourned. The motion passed unanimously by vote of six in favor, none opposed.

Respectfully submitted,

Devron Wilson, Administrative Aide

Richard Slingerland, Administrator/Deputy Clerk