

VILLAGE OF PELHAM BOARD OF TRUSTEES  
REGULAR MEETING  
TUESDAY, May 5, 2009– 7:30 PM  
VILLAGE HALL – 195 SPARKS AVENUE, PELHAM, NY

MINUTES

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

Approximate  
Starting Time  
of Discussion

# Agenda Items:

	<b>Park Improvements</b>	<b>7:45 p.m.</b>
7.	Approval of Wolfs Lane Park Master Plan, Hank White Architects	<b>Approved</b>
	<b>Business</b>	<b>8:00 p.m.</b>
8.	Fee Schedule Adoption	<b>Approved</b>
9.	Junior League Shop Pelham Night (Friday, May 8, 2009)	<b>Discussed</b>
10.	Authorizing the Amended Resolution Award of Contract #2009-02 for Delivery and Installation of a Firehouse Generator	<b>Approved</b>
11.	Committee/Liaison Updates <ul style="list-style-type: none"> <li>- B&amp;W Open Space</li> <li>- Commercial Zoning</li> <li>- Employee Benefits</li> <li>- Tree</li> <li>- Flood Remediation</li> <li>- Chamber of Commerce</li> <li>- Communications</li> <li>- Environment</li> <li>- Parks</li> </ul>	<b>Discussed</b>
12.	Annual Departmental Reports <ul style="list-style-type: none"> <li>- Police</li> <li>- Fire</li> <li>- DPW</li> <li>- Building</li> </ul>	<b>Tabled</b>
13.	Tax Certiorari Settlement and Payment authorizations for 103-109 Wolfs Lane and 163 Wolfs Lane	<b>Approved</b>
14.	Budget Amendment and Transfer resolution	<b>Approved</b>
	<b>Housekeeping</b>	<b>9:00 p.m.</b>
15.	Project Updates	<b>Discussed</b>
16.	Building Permit Update	<b>Discussed</b>
17.	Authorizing the Accounts Payable	<b>Approved</b>
18.	Other Business	<b>Discussed</b>

19.	Approval of Minutes	<b>Tabled</b>
		<b>9:30 p.m.</b>
20.	Executive Session	<b>Approved</b>
21.	Adjournment	<b>Approved</b>

Next Regular Board of Trustee Meetings:

Tuesday, May 19, 2009

Tuesday June 2, 2009

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

\* Agendas subject to change

Item #1 – Meeting called to order: The meeting of the Board of Trustees was called to order by Mayor Edward Hotchkiss at 7:30 p.m.

The following members of the Board of Trustees were present:

Mayor Edward Hotchkiss, Trustees Breskin, Bullock, Homan, Lewis, Morris, and Potocki.

Village staff in attendance:

Administrator/Treasurer Robert Yamuder, Terri Rouke Village Clerk.

Item #2 – Pledge of Allegiance:

The Pledge of Allegiance was led by Mayor Edward Hotchkiss.

Item #3 – Mayor's Report: Mayor Hotchkiss reported that the schedule for the night was light.

He said that the Benedict Fountain was up and that the contractor did an incredible job. He said that there was more work to do but that the work that was done was a great accomplishment. He thanked the Pelham Preservation for their efforts and the May 30<sup>th</sup> fundraiser that helped to fund the project. He reported that the Village had received a check for Sales Tax revenues for \$851,000.00 which was \$39,000.00 than the projected 890,000.00. He said that the mortgage tax and interest revenues had a shortfall this year from what was budgeted and that less was budgeted for next year hopefully to be re-budgeted or exceed what is now budgeted. He stated that the budget only has to increase 3.38% because it does not count on the revenue.

Item #4 – Trustees Reports

Trustee Breskin- Thanked Lester Kravitz for cleaning up the T & L site He said that it was a great thing for the village and that looking forward to the completion of the task. Mayor Hotchkiss said that the cleanup area looked amazing.

Trustee Bullock-Nothing to report.

Trustee Homan- said that she had new business to discuss on the agenda.

Trustee Lewis- said that the zoning update committee was making progress and they were meeting next week.

Trustee Morris- spoke about the Junior League Friday and Saturday night event on May 8<sup>th</sup> and 9<sup>th</sup>. She reminded everyone that it is a rain or shine event and that Friday night was the "Love Pelham" event geared to adults from 7pm to 9pm so that people will shop and dine in Pelham. The Saturday Cleanup event, scheduled for 9 am, was geared towards families to cleanup different locations in the village such as Julianne's, Weyman's and Wolfs Lane Parks, the schools, Fifth Avenue and the train station area. She said that Senator Klein is scheduled for 9:30 am Saturday morning. She thanked Michael Shriman, Matt Westall who would be donating their time and Garboliner for donating the trash bags. She said that at 11 am there would be a special showing of a family movie at the Pelham Picture House that families could receive a free movie ticket for if they handed in a full trash bag. Trustee Morris reported that the Fire Department has been attending ongoing EMT training both career and volunteers. She said that other trainings were for emergency evacuation and another one was for new ropes and harnesses. She said that the CPR training was to be scheduled, both for the volunteer and paid firemen.

Trustee Potocki-reported that the tentative date for the Police Award ceremony was scheduled for the 14<sup>th</sup> of May at 7pm here at Village Hall. He said that the date could be changed if it was a conflict for too many people. He reported that the new Post Office was open. He reminded people not to park on the North side of First Street between Fourth and Second where it is un-metered. He said that there are spots in the Post Office parking lot and that there are some spots right in front of the Post Office on First Street.

Item #5 Village Administrator's Report: said that Michael Shriman was going to have a table at the Friday night Junior League event that had educational information on Storm water management. He reported that we are required under the MS-4 Storm water permit to educate the public on storm water management. He stated that United Water was going to start hydrant flushing starting Wed. May 6<sup>th</sup> in Chester Park on Maple, Poplar and Walnut Avenues. Administrator Yamuder said that he would be attending the WMO meeting about the stimulus and climate issues in the region. He also said he would be attending a meeting sponsored by Westchester County to discuss shared services with other municipalities and possible ways to save money. He also mentioned that \$94,000.00 was received from CHIPS for repaving and that there is money left over from last year that is being rolled over. There is a list of streets to be included in the paving, in priority order, that will be posted. He said that this falls into a 3 to 5 year plan.

Item #6 Public Comment: There was no public comment

Item #7-Approval of Wolfs Lane Park Master Plan, Hank White Architects

Mayor Hotchkiss stated that this was a roadmap for the park that this was not a commitment. The village wants to get grant money so that the project can be started. He stated that the cost estimate for the entire project is 3 million but that the entire job did not have to be done all at once, that it is planned to be done in six phases. Trustee Homan said that she appreciates the plan but objects to the fact that nothing can be done for \$40,000.00. Mayor Hotchkiss said that Hank White had talked about developing a conservatory. Trustee Lewis said he would like to see that a public/private partnership is developed. Mayor Hotchkiss asked if the village received a grant what could be done for \$70,000.00. Trustee Homan said that the cheapest project was the \$275,000.00 for the screening. Trustee Lewis said that the project with the most visibility would be the job with the most payoff. Trustee Breskin shares Trustee Homan's concern that alternatives need to be developed also to put in additional parking. He stated that the lack of parking holds back the downtown. Trustee Potocki said that there was never a motion to reject diagonal parking. He said that there was no vote and no acceptance by the community because the parking survey that was done did not show enough need but when the Pelham Picture House is done there will be a need for more parking. Trustee Breskin said that if the village is successful in creating a vibrant downtown that the sales for the stores, just that demand alone, would overwhelm the parking. He said that the diagonal parking would double the parking and just 15 to 20 spots would be very valuable and would increase the demand for retail. He believes that doing this plan without the parking is shortsighted. He said that there is a lot to love about Hank White's project but his concern is the funding for this green space would not allow for funding in other green spaces in the village. Trustee Morris said that the Fireman's Park move needed to be seriously thought about and treated in a sensitive manner. Trustee Potocki stated that this is a road map to submit for grant requests.

A motion was made by Trustee Lewis, with a second by Trustee Potocki to adopt the resolution. The motion was approved by vote of six in favor, one opposed.

#### VILLAGE OF PELHAM BOARD OF TRUSTEE RESOLUTION

##### AUTHORIZING THE APPROVAL OF A WOLFS LANE AND FIRST STREET GREEN SPACE MASTER PLAN

Whereas: Wolfs Lane Park, on the eastern side of Wolfs Lane from Boulevard and First Street and First Street Green Space, on the southern side of First Street between Wolfs Lane and Highbrook Avenue are Village-owned green spaces;

Whereas: Wolfs Lane Park and First Street Green Space are available to all residents and visitors for recreation, walking, sitting, and other activities, and can offer community members opportunities to enjoy being outdoors and to interact with one another;

Whereas: Wolfs Lane's retail stores would benefit from the increased utilization and beautification of Wolfs Lane Park and First Street Green Space as it would increase

pedestrian traffic for the benefit of the retail district and provide a resting place while shopping;

Whereas: The Board of Trustees has studied alternatives in the past four years for these areas including commissioning a plan by Hank White Site Associates of New York, New York and another plan by Cherbuliez/Munz, PLLC of Mount Kisco, New York and has held public hearings on these proposals;

Therefore Be it Resolved, that the Board of Trustees of the Village of Pelham hereby approves the Wolfs Lane and First Street Master Plan by Hank White Site Architects, which sets forth various changes which would improve the usage and appearance of these areas. This Master Plan would represent a strategy for improving these areas, but does not set forth any obligations for the Village to implement it;

BE IT FURTHER RESOLVED, that nothing in the Master Plan would prevent widening Wolfs Lane for diagonal parking between Second Street and Boulevard, in accordance with the restriction in the deeds thereto;

BE IT FURTHER RESOLVED that the Board of Trustees must approve the funding of any phase of this Master Plan and may modify it in any way.

#### Item #8: Fee Schedule Adoption

A motion was made by Trustee Homan, with a second by Trustee Breskin to adopt the resolution. The motion was approved by vote of six in favor, one opposed.

**BUDGET RESOLUTION B  
ADOPTING FEE SCHEDULE  
INCLUDING ANNUAL PARKING PERMIT RATES**

BE IT RESOLVED, that the Board of Trustees of the Village of Pelham hereby adopts the Fee Schedule for the Village of Pelham as follows:

**Village of Pelham  
Fee and Fine Schedule, May 5, 2009**

<b>Item</b>	<b>Chapter</b>	<b>Fee amount</b>
Alarm System	§ 27	No annual fee
Alarms: False Alarm Fine	§ 27-7	No violation for 1 <sup>st</sup> thru 3 <sup>rd</sup> false. Violations issued for false alarms

		after 3 <sup>rd</sup> , up to \$250 per violation
Amusement Device	§ 28	\$250 per establishment and \$250 per device
Blasting Permit	§ 33, 34, 35, 68	\$2,500 per blast, plus pre-blast surveys of properties reqd. w/in 500 ft. of a property being blasted, plus \$50,000 bond or escrow for property damage; \$2 million min. hazard & liability insurance
Building Permit (Consolidates in Fences, Tanks, Fuel Tank Installation or Removal, HVAC, Demolition, etc.)	§ 34	\$200 per \$0-5000 value of work; \$10 per each additional \$1000 in value of work with the requirement to substantiate cost of work upon completion.
Building & Work w/o Permit	§ 34	\$1000
Certificate of Occupancy or Compliance	§ 34	\$250
Certification Letter (in Lieu of Certificate of Occ.)	§ 34	\$125
Christmas Tree Sales		\$100 (plus \$150 deposit)
Curb Cut Fee, New Sidewalk installation, Street Opening involving major construction	§ 33 and 76	\$250 per opening/installation up to 25 sq. ft., with \$25 per each additional 50 sq. ft. above 25 sq. ft. for new side-walks and driveways; \$25 per each addl. ft. for curbs, \$350 refundable depos.
Driveway Apron, Sidewalk Maintenance, minor curb repair	§ 33 and 76	\$100 curb and sidewalk minor repair and maintenance permit, and \$350 refundable deposit.
Dog License Fee	§ 41-2	\$12.50 if spayed or neutered, \$17.50 if not
Dumpster Permit		\$50 per day, plus \$5 per meter per day if it blocks a meter. (Public or Private Road.)
Electrical Permit	§ 34	\$100 plus \$10 per electrical item (switch, outlet, fixture, etc.)
Elevator Inspections		\$225 per inspection
Excavation and Digging w/o Permit	§ 33	\$1000 each separate violation, for work w/o a permit, or in violation of a permit,
Film Permit Fee	§ 44-3	\$600 per day 8 am-8 pm \$900 per day 7 am-9 pm \$1,200 per day, before 7 a.m. and/or after 9 p.m. Plus \$25 per parking space rental (overrides hourly parking limits), plus police

		costs (if assigned for traffic control)
<b>Item</b>	<b>Chapter</b>	<b>Fee amount</b>
Fire Inspection Fees (includes Haz. Chem., Flammable Stor., Dry Cleaning, Lumber Yards)	State Code and Village Code	\$100 per building or establishment, whichever is greater
Games of Chance (net proceeds fee)	§ 52-12 (B)	Not to exceed 5% of net proceeds
Hazardous Chemicals		* See Fire Inspection Fee.
Ice Cream Vendor (Truck)		\$100 per year
Motor Vehicle Service Garage <u>or</u> Motor Vehicle Repair and Spray Booth	§ 34; and Fire Inspection Fee	\$100
Motor Vehicle – Fuel Dispenser Permit (per nozzle, annual)	§ 34; and Fire Inspection Fee	\$25 per nozzle
Newsrack/box Permit	§ 59, Newsracks	\$35 annual fee
Parking Permit Fees	Resident Annual	\$650
	Resident Semi-annual	\$360
	Resident Quarterly	\$200
	Resident Monthly	\$75
	Non-Resident Annual	\$1,275
	Non-Res. Semi-annual	\$700
	Non-Resident Quarterly	\$385
	Non-Resident Monthly	\$140
	Merchant Annual	\$480
	Merchant Semi-annual	\$275
	Merchant Quarterly	\$160
	Merchant Monthly	\$60
Plumbing Permit	§ 34	\$100 plus \$10 for ea. addl. fixtr.
Sidewalk Café Permit	§ 75	\$200
Sign/Marquee Permit (Awning or Canopy – same)	§ 77-5	\$200 application fee
Site Plan Review	§ 79	\$500 per lot
Street Opening Permit	§ 33	\$300 per opening up to 25 sq. ft., \$100 per each addl. 100 s.f., \$350 refundable deposit.
Taxicab – Cab Lic Fee	§ 84	\$100 annual
Taxi – Driver Fee	§ 84	\$50 annual, plus fingerprinting costs
Taxi – Inspection Fee	§ 84	\$50 per inspection
Taxi Stand Parking Space	§ 90	\$900 per year
Taxi – parking Overnight	§ 90	Under review.

on Harmon		
Wireless Telecomm. Devices	§ 87	\$5,000; \$2,000 for co-location
Water Shut-Off/Turn-On		\$100 Fee
Zoning Board of Appeals Application or Appeal Fee	§98-128	Residential Application \$250 Commercial Application \$500

## Village of Pelham Non-moving violations and fines for Parking, as listed on each ticket:

Description	Code Section cited (VO = Village Code)	Current Fine
Illegal Parking at Expired Meter * Fine if paid by end of day	VO § 90-30 A. (2)	\$20 *\$15
Illegally parked beyond <u>time limit</u> of the <b>metered</b> parking	VO § 90-31, VO § 90-56	\$20 *\$15
Over time in a Limited-Time parking zone ( <b>unmetered</b> ); *Fine if paid BEOD	VO § 90-20, VO § 90-53	\$20 *\$15
Night Parking – 2 AM to 6 AM * Fine if paid by end of day	VO § 90-16	\$40 *\$20
Over 12 inches from the curb	VO § 90-14 B.	\$40
Parking Obstructing a driveway	VO § 90-14 D. (1)	\$40
Parking On/Obstructing a sidewalk	VO § 90-14 C. (2)	\$50
Parking in a NO PARKING area	VO § 90-15, VO § 90-49	\$40
Parking on the wrong side of the street	VO § 90-14 B.	\$50
Double Parked	VO § 90-14 C. (1)	\$75
Obstructing a Fire Hydrant	VO § 90-14 E.	\$100
Parked in a Prohibited Area near Firehouse	VO § 90-14 D. (2) & (3)	\$100
Illegally parked in a Handicapped Zone	VO § 90-14 F.	\$100
Parked in a Village Lot or Space without Permit	VO § 90-24, VO § 90-25	\$40
Parked in a Tow-Away Zone	VO § 90-22, VO § 90-58	\$100
Parked on a Crosswalk	VO § 90-14 C. (3)	\$50
Obstructing a Curb Cut	VO § 90-14 D. (4)	\$40
Parking in a Bus Stop space	VO § 90-22.1, § 90-55	<b>\$50</b>
Parking in a Taxi Stand space	<b>VO § 90-22.2, § 90-57</b>	<b>\$50</b>
<b>Other violations</b>	Misc.(Dog waste, snow) VO § 42-7 Dog – § 54-78; § 81 Snow –	\$40 \$40

## State Vehicle and Traffic law violations listed on tickets

Description	State Law cited	Current Fine
Invalid Inspection sticker displayed	VTL – § 306 B.	\$40
Invalid Registration	VTL – § 401 (1)	\$40

AND BE IT RESOLVED, that the Mayor, Village Administrator, Village Attorney, Treasurer, Building Inspector and Police Chief are authorized to take the necessary and appropriate actions to effect and apply these fee rates.

Item #9: Junior League Shop Pelham Night (Friday, May 8, 2009) & Earth Day Clean-up (Saturday, May 9, 2009) Previously discussed in Trustee Morris' report.

Item # 10: Authorizing the Amended Resolution Award of Contract #2009-02 for Delivery and Installation of a Firehouse Generator

The resolution is amended to authorize the installation of a diesel fuel emergency back-up generator in instead of the previously approved natural gas generator.

Trustee Morris explained that the diesel generator is preferred by the Fire Department because the natural gas generator would be a problem because of the low pressure for the natural gas. She also stated that the diesel fuel generator would last longer and would be less expensive than the alternative natural gas generator. Trustee Breskin said that the diesel engine would be more reliable over a longer period of time. Administrator Yamuder said that the money for the balance not covered by the grant is in the budget.

Authorizing amendment to the Resolution of the Award of Contract #2009-02 for Delivery and Installation of a Firehouse Emergency Back-Up Electrical Generator

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

#### **RESOLUTION**

**AUTHORIZING AN AMENDMENT TO THE AWARD OF CONTRACT NUMBER 2009-02  
Delivery and Installation of a Firehouse Emergency Back-up Electrical Generator**

WHEREAS, the Village Of Pelham issued a Notice to Bidders and Request For Bids for Contract #2009-02 – Delivery and Installation of a Firehouse Emergency Back-up Electrical Generator ; and

WHEREAS, a public notice was published on Monday, March 17, 2009, in the Gannett Westchester Newspaper, an official newspaper of the Village of Pelham; and

WHEREAS, during the notice period over eight (8) companies were contacted and sent copies of the contract documents, or picked up copies of the contract documents at Village Hall; and

WHEREAS, at 11 a.m. E.S.T., Monday, April 6, 2009, the Village of Pelham publicly opened and read eight (8) proposals; and

WHEREAS, on reviewing the proposals, the following is a list of the proposals for a diesel fuel generator, as follows:

<u>Company</u>	<u>Location</u>	<u>Total Base Bid</u>
Northeast Generator	Bridgeport Ct.	\$41,650.00
Lippolis	Pelham, NY	\$44,500.00
Lite-It Electric	Hawthorne, NY	\$44,625.00
Lanza Electric	Mamaroneck, NY	\$45,500.00 (disqualified)
Ardee Electric	New Rochelle, NY	\$50,629.00
RDC	White Plains, NY	\$51,600.00
A Perfect	New Rochelle, NY	\$62,500.00
Raw Power	Middletown, NY	\$86,500.00

AND WHEREAS, Administrator Robert Yamuder and Fire Chief Curtis Taylor have reviewed the bids and determined that the lowest responsible bid that meets requirements is Northeast Generator of Bridgeport, Ct.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of the Village of Pelham Village hereby award Contract 2009-02 for Contract #2009-02 – Delivery and Installation of Firehouse Emergency Back-up Electrical Generator to Northeast Generator of Bridgeport, Ct., at the total bid price for this unit price contract in the amount of forty-one thousand six hundred, fifty (\$41,650.00) as stated above, work to commence pending receipt of grant funds in the amount of thirty-eight thousand dollars (\$38,000.00) from the U. S Dept. of Homeland Security; and be it

FURTHER RESOLVED, that the Mayor and the Village Administrator are authorized to take the necessary and appropriate actions to sign, execute and award this unit price contract for these services.

#### Item #11: Committee/Liaison Updates

B&W Open Space- Trustee Breskin mentioned the Highbrook Bridge and the poor condition that it is in. There have been estimates given for restoration and demolition. The committee for the B & W Open space has been meeting and has been researching various costs and is making progress. Mayor Hotchkiss Said part of the equation could be tearing out the bridge

and creating a level area and build a house or two on both sides of the street. Trustee Breskin said that it is possible that the removal of all the concrete and steel would dwarf all value.

Commercial Zoning-Trustee Lewis reported that the committee is moving ahead and that they were meeting on Wednesday. He said that basically they were trying to simplify the code. He said that the goal was to bring the 3 B districts and I office district down to 2 types of business districts. North of Lincoln to encourage more service than retail. He said that the Heights in the B districts were different. He said that there are different heights on opposite sides of Fifth. He also said that there would be bonus heights for large lots.

Employee Benefits-Trustee Bullock said that he and Mayor Hotchkiss were putting together a committee to look at employee benefits. He offered places on the committee to residents that might have financial or health benefit background.

Tree- Trustee Bullock said that the tree committee is still being formed and that they are still inviting people who are interested to contact him. He said that Pelham Preservation is trying to contact Pelham Green and other people who have expressed interest.

Flood Remediation- Mayor Hotchkiss reported on the progress of the flood remediation. He stated that as soon as the funding was received the projects would begin. He said that they were working with the Glenwood Lake Association to resolve the issues with the lake. They are going before the New Rochelle City Council so that they can look for grant money for intermunicipal flooding. Trustee Potocki said that he had submitted a request for 2.6 million of stimulus money. He said that Amy Paulin had sent her endorsement to the people that were in charge of the disbursement.

Chamber of Commerce- Trustee Breskin said that he would be attending the next Chamber meeting on the 21<sup>st</sup> of May and that he would be meeting with the President, John DeCicco.

Communications- Trustee Lewis said that there would be a meeting in the near future with the people from Verizon regarding FIOS.

Environment- Nothing to report

Parks-Administrator Yamuder reported that grant money is available and that the big thing is the trash cans and benches for the parks. He said that there is \$9000.00 left and that there is also \$50,000 from Senator Klein and some from the Pelham Picture House grant. He said that he would be meeting with Shirley Brown to discuss them.

Item #12- Annual Departmental Reports Police, Fire, DPW, and Building-  
This item was tabled until a future meeting.

Item #13-Tax Certiorari Settlement and Payment authorizations for 299 Wolfs Lane

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

AUTHORIZING A TAX CERTIORARI JUDGMENT  
FOR 299 WOLFS LANE;  
AS AUTHORIZED BY THE TOWN OF PELHAM  
FOR ASSESSMENT YEARS 1995 THROUGH 2008  
(CORRESPONDING TO FY 1995-1996 thru FY 2008-2009)

BE IT RESOLVED, that the Board of Trustees of the Village of Pelham hereby authorize the court ordered settlement and payment for a refund of taxes and reduction in assessment to Joseph St. Onge. as attorney for Par Realty, pursuant to the Court Order and Judgment for the properties at the following addresses for the following amounts:

<u>Address:</u>	<u>Tax Lot ID Number:</u>	<u>Assessment Years:</u>	<u>Amount:</u>
299 Wolfs Lane	163.59-1-11	1995-2008	\$14,253.62
		Total:	\$14,253.62

In the total amount of fourteen thousand two hundred fifty-three dollars and sixty-two cents (\$14,253.62), and authorizes the Mayor, the Village Attorney and the Village Administrator/Treasurer to sign this agreement take the necessary and appropriate actions to effect this Court Order and refund these taxes.

Item #14- Budget Amendment and Transfer resolution

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

**RESOLUTION**

**Re: Budget Transfers for Fiscal Year 2008-09**

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

**Whereas,** during the course of the fiscal year, it is necessary from time to time to make modifications to the areas in the budget that have insufficient appropriations based on actual results of operations, and

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

**Resolved,** that pursuant to Village Law Section 5-520, the Board of Trustees hereby authorizes and directs the proper Village officers to modify the 2008-09 Budget by making the following transfers:

Item # 15-Approving A Flood Remediation Master Plan for the Pelham Storm water System  
by Leonard Jackson Associates

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

VILLAGE OF PELHAM BOARD OF TRUSTEE RESOLUTION  
APPROVING A FLOOD REMEDIATION MASTER PLAN  
FOR THE PELHAM STORMWATER SYSTEM  
BY LEONARD JACKSON ASSOCIATES

RESOLVED, that the Mayor and Board of Trustees of the Village of Pelham approve the Flood Remediation Master Plan for the Pelham Stormwater System designed by Leonard Jackson Associates, of Pomona, NY, based on its hydrological analysis of the Pelham stormwater system, in particular in relation to the North Pelham Drainage System, and on how it can be improved, to best remediate continued flooding issues that occur in the system; and

BE IT FURTHER RESOLVED, that the Board of Trustees must approve the funding of any phase of this Master Plan and may modify it in any way. Once a phase is approved, the Board of Trustees will authorize the Mayor and the Village Administrator to take the necessary and appropriate actions to execute and effect the approval.

Item # 16- Project Updates- Administrator Yamuder discussed the list of projects. The first is the Site Plan Process he said that he had been meeting with Village Attorney Martha Conforti to work on this. The second project that he discussed was the Master Plan Project and that it was done. He reminded everyone that the parking deck project was to be rebid that the last bid was rejected because the bids were too high. He said that the funding is available and the money needed to be spent. He stated that he had discussed the condition of the structures with the engineer that did the spec and that the engineer said that the decks were structurally sound and just needed maintenance. Mayor Hotchkiss said that another project is the development of a Fire Inspection schedule.

Item # 16- Building Permit Update-

Administrator Yamuder submitted a written report from Len Russo Building inspector regarding the permit activity from June 2008 through May 1, 2009

Building Department Activity June 1-2008 to May 1, 2009

June 1, 2008 issued #1625

May 1, 2009 issued #1763

To date 138

Total fees collected \$65,190.00

Total estimated Value reported to Assessor \$5,800,910.00

Plumbing Permits

June 1-2008 #1133-p

April 30, 2009 #1187-p

To date 54

Total fees \$6250.00

Electrical Permits

June 2, 2008 #1471

April 23, 2009 #1573

To date 104

Fees collected \$15,110.00

Certification letters 14 X \$125.00 = \$1750.00

C of O Letters 23 X 250 = \$575.00

Total all fees \$88,875.00

Item #18- Authorizing the Accounts Payable

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

Trustee Bullock is auditing the Accounts Payable.

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	\$ 20,586.86
Water Fund	\$ 25,912.66
Capital Projects Fund	\$ 0.00
Trust and Agency Fund	\$ 0.00
H3 Fund	<u>\$ 0.00</u>
Grand Total	\$ 46,499.52

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

Item # 19-Other Business-Trustee Homan discussed the sidewalk café law and the restrictions on the dates for tables to be placed on the sidewalk. She stated that the current law allows sidewalk tables to be out from April 15<sup>th</sup> to November 15<sup>th</sup> each year. She said that there are days where the temperatures are warm enough outside of those dates where the merchants could put out tables for their customers. She asked if the Board would be willing to change the law to accommodate those who have sidewalk cafes and allow them to put tables out for a longer season. Mayor Hotchkiss told her to put together a proposal and to present it to the Board. She reported that she had spoken to the ACLU about neon signs in the village. She said that merchant Billy Shears had called Senator Kleins office and had complained that he felt that there is selective enforcement regarding leaving neon signs on in the village. She said that the current law reads that the neon lights in the window can only be left on while the business is open and that the only neon lights that cannot be touched with regard to the law are the lights for the lottery because they are handled by the state. Trustee Homan said that she went out to look at how many signs were on at night and the only ones that she saw were the signs in TD North Bank and those are a tube light that does not fall under the definition of neon. She said that she is raising the issue and that maybe the village possibly might want to amend the law.

Item # 20- Approval of Minutes Feb 24 and Mar. 10, 2009

The minutes of February 24, 2009 and March 10, 2009 were tabled until a future meeting.

Item #21 – Executive Session:

On the motion of Trustee Homan, seconded by Trustee Morris, the Board voted to go into Executive Session immediately after the board meeting is adjourned to discuss matters of personnel, contract, real estate and a litigation matter.

The motion was approved unanimously by vote of seven in favor, none opposed.

Item #22 – Adjournment:

A motion was made by Trustee Homan, with a second by Trustee Morris to adjourn the public portion of the board meeting at 9:30 p.m., and go into Executive Session, after which the Board would adjourn for the evening. The motion was approved by vote of seven in favor, none opposed.

Respectfully submitted,

Terri Rouke, Village Clerk