

VILLAGE OF PELHAM BOARD OF TRUSTEES REGULAR MEETING  
WEDNESDAY, NOVEMBER 4, 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>Non-Recurring Items</b>		<b>8:00 p.m.</b>
7.	Financial Audit of the Village of Pelham, by auditors from O’Connor Davies Munns & Dobbins/Bennett Kielson Storch Kremer & DeSantis (ODMD/BKSKD)	<b>Discussed</b>
8.	Resolution authorizing a one year contract renewal for auditors from O’Connor Davies Munns & Dobbins/Bennett Kielson Storch Kremer & DeSantis (ODMD/BKSKD)	<b>Tabled</b>
9.	Public Hearing on amending Chapter 96 to revise the procedures for setting the water rates schedule	<b>Approved</b>
10.	Resolution authorizing the exemption for the ZBA to use an escrow account for legal counsel for the Picture House project.	<b>Approved</b>
11.	Site Plan application by Sherbansky for Proposed Two Car Garage, 66 Harmon Avenue	<b>Approved</b>
12.	Site Plan application by 1 Pell Place Realty LLC for Proposed New House, 1 Pell Place	<b>Approved</b>
<b>Committee Reports</b>		<b>9:00 p.m.</b>
13.	Employee Benefits/HR Manual	<b>Discussed</b>
14.	Tree Committee	<b>Discussed</b>
15.	Park Improvements	<b>Discussed</b>
16.	Young Avenue Open Space	<b>Discussed</b>
17.	Verizon FIOS	<b>Discussed</b>
18.	Chamber of Commerce	<b>Tabled</b>
19.	Commercial Zoning Review	<b>Discussed</b>
20.	Site Plan Review	<b>Tabled</b>
21.	Other Business	<b>Discussed</b>
<b>Recurring Items</b>		<b>9:30 p.m.</b>
22.	Authorizing the Accounts Payable	<b>Approved</b>
23.	Authorizing Minutes of: October 6, 2009 and October 20, 2009	<b>Tabled</b>
24.	Adjournment to Executive Session	<b>9:45 p.m.</b>

Next Regular Board of Trustee Meetings are:  
Tuesday, November 17, 2009  
Tuesday, December 1, 2009

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

\*Agenda is 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 Bullock, Morris, Lewis, Homan, Potocki, and Breskin

Village staff in attendance:

Administrator/Treasurer Robert Yamuder, Administrative Intern Peter Bonington

Item #2 – Pledge of Allegiance:

The Pledge of Allegiance was led by Mayor Hotchkiss

### Reports

Mayor Hotchkiss Report

Mayor Hotchkiss began his report by mentioning that Greg Arnold of the DPW will be retiring after 28 years of service to the Village. The Mayor took the time to acknowledge the Department of Public Works as an effective department at keeping the Village in good order. He called for residents to recognize the achievements of Mr. Arnold, who has served the Village for almost 3 decades.

With regard to grants, the Mayor reported that the New York Main Street grant project designed to help renovate Fifth Avenue and Wolfs Lane businesses has had the first batch of 7 applications mailed into the New York State Preservation Office for approval. The Mayor stated that he hopes to hear back from this office within the next few weeks. He continued that to date 4 grants have been awarded to the Village for flooding remediation in and around the 7<sup>th</sup> and 4<sup>th</sup> Avenue flooding zones. He expressed that there has been some difficulty in obtaining the money from these grants however. To remedy this he has sent out a signed letter to Nita Lowey's office asking for her assistance in retrieving these funds. The Mayor also asked residents to write letters to her office urging her to assist in this process.

The Mayor next reported on two incidents occurring within Pelham. The first was a car fire within a two car garage. The fire spread to an adjacent garage creating a greater blaze. The Mayor added that both the Pelham Manor and New Rochelle Fire Departments were alerted through mutual aid and the departments responded to the incident promptly which as Mayor Hotchkiss commented, made a big difference in containing the fire. The second incident involved the collapse of a roof at the Colonial school. The Mayor commended the response of the Pelham Police and Fire Departments as well as the mutual aid afforded by Pelham

Manor and New Rochelle who brought along a special unit to help extracted the injured construction workers from the site. Mayor Hotchkiss again thanked Pelham Manor's Fire Department and Mayor Hayes who early on offered his help at the outset of the incident.

Trustees Reports:

Trustee Breskin-None

Trustee Homan

Trustee Homan added her congratulations to Greg Arnold of the DPW for his dedicated service to the Village of Pelham.

Trustee Lewis-None

Trustee Morris-None

Trustee Potocki

Trustee Potocki applauded the inter-municipal cooperation between Pelham and Pelham Manor in containing and resolving the recent fire and roof collapse incidents. He stated that the Village is indebted to both Departments for their service. He then went onto announce some changes with the crossing guards around the Village. He stated that they had shifted one towards the Middle School and had placed a patrol car by the Hutchison School. He also wished to express his hopes for a speedy recovery to the construction workers hurt at the Colonial School.

Trustee Bullock-None

Village Administrator's Report

Administrator Yamuder announced that the NYPA 50/50 matching grant for trees throughout the Village are due to arrive shortly and planting will begin soon after. Mr. Yamuder also stated that the Firehouse generator is in place now and is ready for use. The next step will

be collecting the money for that grant. Mr. Yamuder recommended that after meeting with the local Records and Archives representative Linda Bull, that the Board consider allowing the Village Hall office to close for a day to do an overview and evaluation of its records. He stated that this would be beneficial to the overall upkeep of the office as many records it still has are out of date and could be disposed off, clearing much needed space.

#### Item #6– Public Comment

Local resident, Eric Weber spoke about the mailings of sidewalk letters requiring residents to repair broken and uneven tiles. Mr. Weber recapped his argument against this requirement from a prior Board of Trustee's meeting on October 20, 2009 on whether this sidewalk repair was a cosmetic or safety issue and what was the standard used to determine the state of the sidewalks. Since that time, Mr. Weber reported that based on his correspondence with Administrator Yamuder that the Federal ADA standard which the Village is held to determines that a sidewalk that is elevated by a quarter of an inch or more is considered a tripping hazard. Mr. Weber maintained that the Village meriting out individual residents particularly on 1<sup>st</sup> street was unfair and thus proposed that a Village wide renovation should take place and be funded through increased tax dollars. He stated that it would be easier for the Village to do the work and further more in the Village Code there is a fee schedule that allows a resident to hiring a private contractor but reimburses the Village for any sidewalk renovation.

Administrator Yamuder explained that the fee schedule Mr. Weber referenced is just the fee for a sidewalk permit and does not pertain to the price of concrete and labor incurred for a project such as this. Mr. Yamuder stated that everyone in Pelham with defective sidewalks will be notified in due course; it just happens to be 1<sup>st</sup> Street's turn as part of a Village wide sidewalk upgrade project. He noted that there are also several other streets such as Highbrook that are involved in the process currently as well. He finished by saying that the Village is not in the business of fixing sidewalks and that it has always fallen to the resident to keep and maintain their own sidewalks in front of their homes.

Trustee Homan stated that she didn't know where in the Code it states that the Village must supply pricing for sidewalk repair but she was sure it existed at some point. She added that it was not feasible that they could raise an estimated million dollars to do a complete Village wide makeover of the sidewalks. Trustee Breskin concurred that it was not possible out of a fairness issue to the residents who do pay to have their sidewalks periodically fixed. He did however; state that it would probably be no more expensive to have the Village complete the work provided it gets reimbursed and it would be relatively simple to come up with some numbers for the residents who choose to wave a private contractor. Trustee Potocki disagreed saying that this project is not in the competitive bidding phase and that in order to get this done it would have to bid out this project. Furthermore he agreed with Mr. Yamuder that the Village is not in the sidewalk and concrete business.

Mayor Hotchkiss responded to Mr. Weber's question as to what the next step is in this process. He stated that the public comment section is not the forum for this discussion. As

of now, if Mr. Weber refuses to fix his sidewalks he will be issued a violation and will have to argue it in court.

Paul Sullen of 86 1<sup>st</sup> Street, a neighbor of Mr. Weber's, made the case that he wouldn't judge his sidewalk as in violation of the ADA standard. Mr. Albert Blank recounted his difficulties with obtaining appropriate bids for the work within the appointed 45 day time limit. He added that it would be of great assistance if some form of representation was put on the tiles that needed to be fixed.

Item #7- Financial Audit of the Village of Pelham, by auditors from O'Connor Davies Munns & Dobbins/Bennett Kielson Storch Kremer & DeSantis (ODMD/BKSKD).

This report was the product of an audit by the firm of O'Connor Davies Munns & Dobbins/Bennett Kielson Storch Kremer & DeSantis. It was an unqualified and independent opinion whose representatives; Tom Kennedy and Yuelia Felly reported that this was to be interpreted as a "clean opinion" in which their firm could find no evidence of any frauds or illegal acts as well as not superfluous spending on the part of the Village or the Board of Trustees. The representatives stated that much of their reports transparency was due to the help of Village Administrator Robert Yamuder and Financial Consultant Shirley Brown. The only recommendation that Mr. Kennedy and Mrs. Felly offered was that the Village adopt the Governmental Accounting Systems Board (G.A.S.B.) 54 which Mrs. Brown reported the Village had already begun this process. The Board thanked the firm for their efforts and added that they were exceedingly pleased with the news of this report.

Item #8- Resolution authorizing a one year contract renewal for auditors from O'Connor Davies Munns & Dobbins/Bennett Kielson Storch Kremer & DeSantis (ODMD/BKSKD)

After some discussion, Mayor Hotchkiss recommended that they table the decision to accept this report until all the Board members have had time to read and analyze it.

#### RESOLUTION

AUTHORIZING A ONE YEAR CONTRACT RENEWAL FOR AUDITORS FROM O'CONNOR DAVIES MUNNS & DOBBINS/BENNETT KIELSON STORCH KREMER & DESANTIS (ODMD/BKSKD)

BE IT RESOLVED, that the Mayor and Board of Trustees hereby authorize a one year contract renewal for the auditors from O'Connor Davies Munns & Dobbins/Bennett Kielson Storch Kremer & DeSantis (ODMD/BKSKD) for the year ending May 31, 2010;

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

Item #9 – Public Hearing on amending Chapter 96 to revise the procedures for setting the water rates schedule.

After some discussion, the members of the Board voted to close the public hearing. A motion was made by Trustee Bullock and seconded by Trustee Breskin. The motion was approved by a vote of seven in favor, none opposed.

A motion was made to adopt the resolution to amend the water rates schedule. The motion was made by Trustee Morris and seconded by Trustee Bullock to adopt the resolution. The vote was approved by a vote of seven in favor, none opposed.

PUBLIC HEARING ON A PROPOSED  
AMENDMENT  
TO THE VILLAGE CODE CHAPTER 96, TO REVISE THE PROCEDURES FOR SETTING  
THE WATER RATES SCHEDULE

A LOCAL LAW that amends Chapter 96, to revise the procedures for setting  
the water rates schedule

A copy of the draft proposed 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  
Robert Yamuder, Village Administrator/Deputy Clerk  
Publication date: Friday, October 23, 2009

Proposed Draft

A LOCAL LAW that amends Chapter 96, to revise the procedures for setting  
the water rates schedule.

**LOCAL LAW NUMBER      OF 2009**

**A local law amending Chapter 96 to  
revise the procedures for setting the  
water rates schedule**

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

**SECTION 1**

Section 96-20 of the Code of the Village of Pelham is amended by replacing its last sentence with the following sentence; "The Schedule of Water Rates shall be kept on file with the Clerk of the Village."

**SECTION 2**

Article IX of Chapter 96 of the Code of the Village of Pelham, containing Sections 96-39 through 96-41, is repealed.

**SECTION 3**

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

Item #10- Resolution authorizing the exemption for the ZBA to use an escrow account for legal counsel for the Picture House project.

After some discussion, the members of the Board voted to adopt the resolution. A motion was made by Trustee Breskin and seconded by Trustee Lewis. The motion was approved by a vote of six in favor, none opposed. Trustee Homan abstained.

**RESOLUTION  
TO EXEMPT THE ZONING BOARD OF APPEALS FROM THE SOLICITATION OF  
ALTERNATIVE PROPOSAL OR QUOTATION REQUIREMENTS OF THE PELHAM  
PROCUREMENT AND PURCHASING POLICY**

WHEREAS, in its October 20, 2009 meeting the Board of Trustees adopted a resolution authorizing the Zoning Board of Appeals to retain outside counsel to assist it in

consideration of the application for a special permit and variances of the Pelham Picture House and to an escrow account to reimburse the Village for the costs of such professional services, and

WHEREAS, Section 6. a. of the Pelham Procurement and Purchasing Policy provides the Board of Trustees can exempt certain professional services, specifically including legal services, from the competitive procurement procedures, and

WHEREAS, the Zoning Board of Appeals will establish an escrow account to reimburse the Village the cost of any such professional services,

BE IT RESOLVED, that the Zoning Board of Appeals is hereby exempted from the competitive procurement procedures of the Pelham Procurement and Purchasing Policy in its retention of legal counsel pursuant to this Board's resolution of October 20, 2009.

Item # 11- Site Plan application by Sherbansky for Proposed Two Car Garage, 66 Harmon Avenue.

After some discussion with Mr. Sherbansky about several conditions that need to be adhered to for his building to conform to the stipulations of the ARB and the Planning Board, a motion was made to approve the site plan application. The motion was made by Trustee Breskin and seconded by Trustee Potocki. The vote was approved by a vote of seven in favor, none opposed.

### **RESOLUTION**

### **AUTHORIZING THE SITE PLAN FOR PROPOSED TWO CAR GARAGE (SHERBANSKY) AT 66 HARMON AVENUE**

**RESOLVED**, that the application for a Site Plan to construct a two car garage is approved, based on the review and recommendations by the Planning Board and the Architectural Review Board; and

**BE IT FURTHER RESOLVED**, that conditions apply as follows:

1. That the garage must be built in accordance with the recommendations of the Planning Board and the Architectural Review Board in their respective advisory memo's attached hereto upon completion of their reviews of the plans submitted to the Village of Pelham;
2. That Grading and Drainage on the sites as shown on the plans approved by the Planning Board and
3. All construction activity must comply with the Village Noise Ordinance and all construction activity must only take place on the days and times as per Village Noise Ordinance;
4. Any other actions deemed necessary by the Mayor, Village Administrator, Building Inspector, and other officials of the Village of Pelham.

5. That the application and permit shall remain subject to the continued jurisdiction of the Board of Trustees and the Village of Pelham Building Department;
6. At no time may construction commence and not strictly adhere to the construction timeline this will be considered a violation of the Planning Board approval;
7. That there be no deviation from the approved plans without obtaining prior approvals from the applicable Boards and Agencies of the Village Of Pelham, and the State of New York;

**AND, BE IT FURTHER RESOLVED**, that this application for a site plan approval by Sherbansky for 66 Harmon Avenue, is subject to the procedures, regulations and requirements of the Pelham Village Code and Pelham Building Department; and

**BE IT FURTHER RESOLVED**, that the Mayor, Board of Trustees, Village Administrator and Building Inspector of the Village of Pelham are authorized to take the necessary and appropriate actions to effect this site plan approval.

## MEMO

Date: October 16, 2009

To: Village of Pelham Board of Trustees

From: Village of Pelham Planning Board

Re: 66 Harmon Avenue  
Application for new 2 car garage  
Applicant: Rudy O. Sherbansky

The Village of Pelham Planning Board (PB) recommends that the Village of Pelham Board of Trustees (BOT) approve the application for the construction of a new 2 car garage at 66 Harmon Avenue, subject to a) not more than two curb cuts each to not exceed 12 feet and together not to exceed 21 feet, b) not removing the existing utility pole in front of the proposed garage, c) the connection of both of the leaders on the front of the house to the new dry well shown on the plan (to the extent that does not require any increase in the proposed dry well - if it does, then the Applicant is to connect only the front leader on the north side of the house to the new dry well), d) planting of low plants to screen the exposed side of the garage and low ground cover by the retaining wall at the north corner of the Applicant's property and e) providing a cut sheet detail of the drainage holes on the proposed retaining wall on the south side of the property. The Planning Board unanimously (4-0) approved the application and the Applicant has provided the detail requested regarding the retaining wall. The Applicant was advised that the PB has not authorized the removal of the existing utility pole and the Applicant acknowledged that the utility pole is not being removed.

Work shall be performed as shown on Project Drawings Sheets V-100, V-101, V-102, V-103, V-104 and V-105 (dated February 2, 2009), prepared by Rudi O. Sherbansky, Consulting Engineer.

RV

# MEMO

Date: October 23, 2009

To: Village of Pelham Board of Trustees

From: Village of Pelham Architectural Review Board

Re: Application for a garage at 66 Harmon Avenue

The Architectural Review Board (ARB) recommends that the Village of Pelham Board of Trustees (BOT) approve the application submitted by Rudi O. Sherbansky, Consulting Engineer, for a garage in the front yard of 66 Harmon Avenue for Mr. & Mrs. Sherbansky .

Work shall be performed as shown on drawings V-100, V-101, V-102, V-103, V-104 and V-105 dated 8/1/09.

Item # 12- Site Plan application by 1 Pell Place Realty LLC for Proposed New House, 1 Pell Place.

After some discussion with Mr. Di Vitto about several conditions that need to be adhered to for his building to conform to the stipulations of the ARB and the Planning Board, a motion was made to approve the site plan application. The motion was made by Trustee Morris and seconded by Trustee Lewis. The vote was approved by a vote of seven in favor, none opposed.

**RESOLUTION**  
**AUTHORIZING THE SITE PLAN FOR PROPOSED SINGLE FAMILY HOUSE AND**  
**GARAGE**  
**(1 PELL PLACE REALTY LLC)**  
**AT 1 PELL PLACE**

**RESOLVED**, that the application for a Site Plan to construct a single family house and garage is approved, based on the review and recommendations by the Planning Board and the Architectural Review Board; and

**BE IT FURTHER RESOLVED**, that conditions apply as follows:

8. That the house and garage must be built in accordance with the recommendations of the Planning Board and the Architectural Review Board in their respective advisory memo's attached hereto upon completion of their reviews of the plans submitted to the Village of Pelham;
9. That Grading and Drainage on the sites as shown on the plans approved by the Planning Board and
10. All construction activity must comply with the Village Noise Ordinance and all construction activity must only take place on the days and times as per Village Noise Ordinance;
11. Any other actions deemed necessary by the Mayor, Village Administrator, Building Inspector, and other officials of the Village of Pelham.
12. That the application and permit shall remain subject to the continued jurisdiction of the Board of Trustees and the Village of Pelham Building Department;
13. At no time may construction commence and not strictly adhere to the construction timeline this will be considered a violation of the Planning Board approval;
14. That there be no deviation from the approved plans without obtaining prior approvals from the applicable Boards and Agencies of the Village Of Pelham, and the State of New York;

**AND, BE IT FURTHER RESOLVED**, that this application for a site plan approval by 1 Pell Place Realty LLC for 1 Pell Place, is subject to the procedures, regulations and requirements of the Pelham Village Code and Pelham Building Department; and

**BE IT FURTHER RESOLVED**, that the Mayor, Board of Trustees, Village Administrator and Building Inspector of the Village of Pelham are authorized to take the necessary and appropriate actions to effect this site plan approval.

# MEMO

Date: October 27, 2009

To: Village of Pelham Board of Trustees

From: Village of Pelham Planning Board

Re: 1 Pell Place  
Application for new single family residence with detached one car garage  
Applicant: Richard Wager/Pell place Realty LLC

The Village of Pelham Planning Board (PB) recommends that the Village of Pelham Board of Trustees (BOT) approve the application for the construction of a new single family residence with detached one car garage at 1 Pell Place.

The Planning Board unanimously (4-0) approved the application conditioned upon Applicant providing: a) inclusion of detached garage on drawings, b) detail for iron fence along Lincoln Avenue side of property, c) detail of front stairs to the point of the front sidewalk, d) elevation information for the property, e) detail for access to attic by pull down stairs, f) detail of driveway curb cut of 12 feet or less g) basement detail, h) lighting information and i) landscaping detail including screening for HVAC equipment outside.

The Applicant has provided the detail and information requested.

Work shall be performed as shown on Project Drawings Sheets A-1, A-2, A-3, A-4, A-5, A-6, A-7 A-8 and S-1 (dated October 13, 2009), prepared by Aldo Di Vitto Architect P.C.

RV

## MEMO

Date: October 26, 2009

To: Village of Pelham Board of Trustees

From: Village of Pelham Architectural Review Board

Re: Proposed New House

The Architectural Review Board (ARB) recommends that the Village of Pelham Board of Trustees (BOT) approve the application submitted by 1 Pell Place Realty LLC.

Work shall be performed as shown on Project Drawings A1, A2 , A3, A4, A5, A6, A7, A8, A9, GP1, S1 signed by the ARB on Oct 23, 2009.

### Committee Reports

#### Item 13- Employee Benefits/HR Manual

Trustee Bullock reported as head of the drafting committee for the Human Resources Manual stated that the project is still in the drafting phase but he hopes to have a first draft in the near future.

#### Item 14- Tree Committee

As head of the Tree Committee, Mr. Bullock reported that a meeting of the committee is scheduled to be held on Monday, November 9, 2009. Among the topics to be discussed is the on-going project to develop an inventory of the village's street trees. Work on this project is being done by Pelham high school students under the direction of PMHS science teacher Steven Beltecas. Following the Tree Committee meeting, Mr. Bullock will be able to report the current status of the project.

#### Item 15- Park Improvements

Trustee Morris reported that landscape architect Hank White has submitted his designs and specs for the new park benches and bike racks to be used for Wolfs Lane Park. The benches are teke wooden benches that can be fastened into the ground by cement footings. Mr. White's suggestion is that these wooden benches will fit in well with the park in that it is a woodland environment. Trustee Morris expressed that these benches are less expensive than the current benches in the park. To avoid crowding, Mrs. Morris stated that the relocation of these existing benches would not be difficult. Trustee Morris also had pictures of the bike racks that were suggested which Trustee Homan had some additional questions about. The Mayor asked if Trustee Morris could have the final park improvements prepared within the next two weeks.

#### Item 16- Young Avenue Open Space

Trustee's Morris and Breskin reported on a meeting that took place between residents in and around the Yong Avenue area regarding the Boston and Westchester property. The residents present reiterated their desire to have the area designated as a park, including presenting minutes that were interpreted by the residents as having previously dedicated the land for Park use. Trustee's Morris and Breskin conveyed that the minutes were being interpreted incorrectly and Village Counsel had advised that the land has had no permanent designation to date. Trustee Morris further reminded the residents that purpose of this committee is to gather information in order to ascertain all the options available with this property so that the Board can make an informed decision on a permanent disposition. With regard to a comment by one of the member's claim that certain minutes were "suspiciously

missing”, Trustee Breskin wanted to assure everyone that the allegation is unjustified and all the documents on this matter are public record and available for review. Trustee Morris stated that they are trying to get information out into the community through this task force.

Item 17- Verizon FIOS

Mayor Hotchkiss reported that he had asked Verizon FIOS for a specific offer to discuss with the Board. Trustee Lewis stated that the Village of Pelham is on a list that Verizon still considers as candidates for franchise negotiations but by next year they may not consider Pelham as a viable candidate. Resident Albert Blank inquired what residents could do to encourage Verizon to participate in negotiations with the Village. Trustee Lewis offered that residents who are concerned over this matter should write letters to Verizon to that effect.

Item 18- Chamber of Commerce

None

Item 19- Commercial Zoning Review

Trustee Lewis reported that he has sent out copies of recommendations for the zoning changes to all the Board members. He stated that he would entertain any questions that the Board may have on these clarifications of the Village Code. Mr. Lewis reiterated that this was an attempt to clarify the code not change it. He finished by saying that he hoped to get input from the Board.

Item 20- Site Plan Review

None

Item 20- Other Business

Mayor Hotchkiss reported that the Board had held an emergency meeting to appoint Lieutenant Julian Keiser as acting Fire Chief of the Department following Chief Curtis Taylor's retirement. Trustee Breskin explained that prior to Chief Taylor's retirement; he and Administrator Yamuder had begun interviewing possible replacements. He claimed that they have interviewed 4 people and are not ready to recommend anyone to the Board just yet. Mr. Breskin stated that he expected that they should have a finalized candidate within the next 30 to 45 days. He also stated that many of the issues that have confronted the Board with regard to the Fire Department will be addressed in the interviews such as the 24 hour shifts and the role of the Incident Commander. Mr. Breskin stated that in the interim, he and the Village attorney's had drafted a resolution outlining the duties and responsibilities of Lieutenant Keiser as part time chief. All this information would be reviewed by attorneys and that Mr. Yamuder has been in contact with Fire Union representative Robert DeStatsio throughout this process of defining this arrangement. Mr. Breskin stated that if in the future

there was a need to amend this resolution that could be done with relative ease. Mayor Hotchkiss stated that for the time being this resolution would suffice to outline the arrangement between Chief Keiser and the Village.

After some discussion, the members of the Board voted to adopt the resolution. A motion was made by Trustee Breskin and seconded by Trustee Homan. The motion was approved by a vote of seven in favor, none opposed.

Item # 22-Authorizing the Accounts Payable

Trustee Bullock is auditing 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.

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	\$ 50,199.03
Water Fund	\$ 50,904.20
Capital Projects Fund	\$429.63
Trust and Agency Fund	\$ 0.00
H3 Fund	<u>\$ 0.00</u>
Grand Total	\$ 101,532.86

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

Item # 23- Authorizing Minutes of: October 6, 2009 and October 20, 2009

The minutes from the October 6<sup>th</sup> and 20<sup>th</sup> meetings as well as those from the emergency meeting of October 31<sup>st</sup> were tabled pending some revisions.

Item # 24- Adjournment to Executive Session

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

Respectfully Submitted,  
Peter Bonington, Administrative Intern