

VILLAGE OF PELHAM BOARD OF TRUSTEES REGULAR MEETING  
TUESDAY, OCTOBER 2, 2007 – 7:30 P.M.  
VILLAGE HALL – 195 SPARKS AVENUE, PELHAM, NY

AGENDA

- |    |                                |  |               |
|----|--------------------------------|--|---------------|
| 1. | Call To Order                  |  |               |
| 2. | Pledge of Allegiance           |  |               |
| 3. | Mayor’s Report                 |  |               |
| 4. | Trustees’ Reports              |  |               |
| 5. | Village Administrator’s Report |  | Approximate   |
| 6. | Public Comment                 |  | Starting Time |
| #  | Agenda Items:                  |  | of Discussion |

	<b>Committee Reports</b>		<b>7:45 p.m.</b>
7.	Pelham Post Office.		<b>Discussed</b>
8.	Flooding initiatives.		<b>Discussed</b>
9.	Streetscape Clean-up & Improvements.		<b>Discussed</b>
10.	Cliff Remediation for Pelham Medical Group		<b>Discussed</b>
11.	Comprehensive Plan update.		<b>Discussed</b>
12.	Website and Telecommunications initiatives.		<b>Discussed</b>
	<b>General Business</b>		<b>8:15 p.m.</b>
13.	Declaring the Mayor and Trustees Lead Agency under SEQRA, and scheduling a Public Hearing November 20 <sup>th</sup> , 2007, on a Local Law for the Village of Pelham to be a Greenway Compact Community.		<b>Approved</b>
14.	Resolution changing the fees regarding film permits, charging additional amounts for work taking place outside of regularly scheduled hours.		<b>Approved as amended</b>
15.	Authorizing a budget amendment and transfer, appropriating monies for the Water Fund Balance to fund the replacement of three (3) broken fire hydrants in the Village’s Water System.		<b>Withdrawn; not needed at this time</b>
16.	Authorizing a lease agreement with MetroPCS to install an antennae array on the firehouse.		<b>Approved</b>
17.	Public Hearing on an amendment to the Code Chapter 81 on Snow and Ice, regarding traction-improving materials.		<b>Approved</b>
	<b>Housekeeping</b>		<b>8:45 p.m.</b>
18.	Authorizing the Accounts Payable		<b>Approved</b>
19.	Old Business/New Business		
20.	Minutes – September 4, 2007		<b>Approved</b>
21.	Executive Session		
22.	Adjournment		<b>Adjourned</b>

Next Regular Board Meetings are Tuesdays October 16<sup>th</sup> and October 30<sup>th</sup>.  
The November 6<sup>th</sup> is cancelled, and rescheduled to October 30<sup>th</sup>.

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

Agenda is subject to change.

VILLAGE OF PELHAM BOARD OF TRUSTEES REGULAR MEETING  
TUESDAY, OCTOBER 2, 2007 – 7:30 P.M.  
VILLAGE HALL – 195 SPARKS AVENUE, PELHAM, NY

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

The following members of the Board of Trustees were present:

Mayor Edward Hotchkiss, Trustees Greco, Homan, Morris, and Potocki. Trustee Lewis and Trustee Weinstein were absent.

Village staff in attendance:

Administrator/Treasurer Richard Slingerland and Administrative Aide Devron Wilson

Item #2 – Pledge of Allegiance:

The Pledge of Allegiance was led by Mayor Edward Hotchkiss.

Item #3 – Mayor’s Report:

Mayor Hotchkiss reported that a funeral service was held yesterday for Pelham Police Officer Shamus Sliney. Police Officer Sliney had a fatal car accident last week. Mayor Hotchkiss mentioned that Police Officer Sliney was a wonderful human being and an excellent police officer. The Mayor expressed his condolences for the Sliney family.

Item #4 – Trustees’ Report:

Trustee Greco also expressed his condolences for the Sliney family. Trustee Greco reported that Engine 5 is back in the village and has passed the pump test. He mentioned that the Pelham Fire Dept. received a grant from FEMA for \$261,000, to help purchase a fire truck. As part of receiving the grant, the village must match 5% of the grant amount. Fire Chief Carfora is in the process of reviewing potential fire pumper trucks. Chief Carfora and other village of Pelham firefighters reviewed a 2006 Seagrave pumper yesterday. The project will ultimately go out to public bid.

Trustee Potocki also expressed his condolences for the Sliney family. He thanked the Town of Pelham constables and Pelham Manor policemen for helping with traffic control. He also reported that four (4) way stop pedestrian crossway signs have been installed at Colonial Avenue and Wolfs Lane, and Boulevard and Wolfs Lane. The village has extended the walk sign by five (5) seconds, at each of the four (4) way stop pedestrian crossways. Trustee Potocki reminded residents that they can press a button on these four-way stop pedestrian crossway signs in order to stop traffic in all four directions and cross the street safely. He further reported that the village is considering implementing “stop for pedestrian” crosswalk signs on Highbrook Avenue near the Metro North train station.

Trustee Homan reported that a village-wide Safe Routes to School Day will take place on October 24, 2007. The Village of Pelham and the Village of Pelham Manor plan to submit an article to the Pelham Weekly, with a map of both villages illustrating the

location of crosswalks and crossing guards. Trustee Homan also reminded residents to slow down when driving near Pelham schools. She asked the board to consider painting crosswalks at the streets that run perpendicular to Blvd. such as Elderwood Avenue, Corona Avenue, Monterey Avenue, Loring Avenue, etc. The Village will discuss this idea with Police Chief Joseph Benefico.

Trustee Morris had nothing to report on that was not included in the agenda.

Item #5 – Village Administrator’s Report:

Village Administrator Richard Slingerland also expressed his condolences for the Sliney family. He thanked the police officers and neighboring jurisdictions that helped out with traffic control during the funeral services yesterday. Administrator Slingerland informed everyone that a fund has been created for Police Officer Sliney’s daughter. If anyone would like to make donations to the fund, they can do so by mailing their contributions to the Pelham Police Department (Attention: Adriana Sliney Fund).

Administrator Slingerland also reported on the Safe Routes to School Program for the village. The village has implemented several initiatives to make traveling to school more safe for students.

1. The Village has moved the flashing caution light on Blvd approximately 70 ft. east of its original location, thereby making it more visible to cars traveling along Blvd.
2. Hand-held stop signs were given to all village crossing guards.

Mr. Slingerland also reported that the village will be participating all week in a Hurricane Preparedness Exercise with the County. He further mentioned that he is awaiting property ownership documents from New Rochelle proving that the hill west of Glenwood Lake is owned by Westchester County.

Item #6 – Public Comment: None.

Item #7 – Update on Pelham Post Office:

Mayor Hotchkiss reported that the village Architectural Review Board met with the Post Office last night to discuss the plans for the proposed post office building. The village believes that the post office is being as accommodating as possible, and is willing to work with the Architectural Review Board (ARB) on its suggestions.

Item #8 – Flooding initiatives:

Administrator Slingerland reported that the City of New Rochelle sent tax records to the village indicating that the area west of the Glenwood Lake is owned by Westchester County. The Village will contact Westchester County to get a definitive answer. An RFP to video the villages’ storm drains and Highbrook culvert will go out soon.

Administrator Slingerland and Administrative Aide Devron Wilson are working on a flood remediation grant application from the State Emergency Management Office (SEMO).

Item #9 – Streetscape Clean-up & Improvements:

Trustee Morris encourages residents and community groups to volunteer for “Fall Clean-up”. Trustee Morris will contact the girl scouts, boy scouts, fire department, and other groups to find out if they would like to join the fall clean-up initiative.

Item #10 – Cliff Remediation for Pelham Medical Group:

Administrator Slingerland reported that the Village met with representatives from Pelham Medical Group and Lordae Realty last week to discuss the status of the cliff remediation. Representatives from Pelham Medical Group (PMG) informed the village that there will be some changes to Phase 1 due to foliation in the rock. The village expects to see plans for Phase 2 shortly.

Item #11 – Comprehensive Plan update:

Mayor Hotchkiss reported that the village met with Saratoga Associates and the Comprehensive Plan Committee on Sept 25, 2007 to discuss the village comprehensive plan. Saratoga Associates prepared a draft plan that they will now amend using suggestions from the September 25<sup>th</sup> meeting.

Item #12 – Website and Telecommunications initiatives:

Administrative Aide Devron Wilson reported that the Call Management System is up and working on the village website. Residents are encouraged to visit the village website and submit any complaints or concerns they may have. Administrative Aide Devron Wilson also reported that the village is set-up on Westchester County’s Reverse 911 System. Administrator Slingerland mentioned that the email notification system should be complete in the next couple of weeks.

Mayor Hotchkiss suggested that the village submit a press release to the Pelham Weekly regarding the call management system. He also suggested that the village educate residents about the system by making reference to it on the village voicemail.

Item #13 – Declaring the intent of the Mayor and Trustees to act as Lead Agency under SEQRA, authorizing circulation of the draft EAF and Law, and scheduling a Public Hearing November 13, 2007, on a Local Law for Pelham Village to become a Greenway Compact Community:

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

Information about the Greenway adoption process is as follows:

### Summary of Greenway Compact Plan Adoption Process

Prepared by the Westchester County Department of Planning  
July 2004/Revised September 2005

1. Municipal Board prepares Local Law providing for municipal adoption of the Greenway Compact Plan. The same Local Law also amends the municipal zoning ordinance and the municipal subdivision regulations so as to add a brief reference to the Compact Plan in those laws and language that directs reviewing agencies to consider the Compact Plan's policies in discretionary actions under those laws, as appropriate. *The attached model version is available as a Word document from the Westchester County Department of Planning.*
2. Municipal Board prepares a Full Environmental Assessment Form (EAF) Parts 1 and 2 pursuant to NYS environmental quality review law (SEQR) on the proposed action. *The attached model version is available as a Word document from WCDP.*
3. At first Municipal Board meeting:
  - The Municipal Board declares intent to serve as Lead Agency for Type 1 SEQR action and authorizes circulation of Full EAF to interested parties (i.e., neighboring municipalities, NYS Department of Environmental Conservation, Hudson Valley Greenway Communities Council and Westchester County Planning Board).
  - The Municipal Board sets a date for public hearing on the Local Law providing for adoption of the Greenway Compact Plan at a Board Meeting no less than 30 days in the future.

*[Please note: We use the word "interested parties" above because there is no other agency that can be considered "involved" as defined by SEQR - "an agency that has jurisdiction by law to fund, approve or directly undertake an action." The "action" in this case is the adoption of a local planning policy and zoning amendments. Only the town board/city council/village board can take that action for their municipality. Therefore, it may be argued that there is no need to go through the Lead Agency designation process and wait a minimum of 30 days for "involved agencies" to object to lead agency designation. SEQR also states that an agency is an involved agency if it "will ultimately make a discretionary decision to fund, approve or undertake and action, then it is an 'involved agency'." But the "action" here is the adoption of a local*

*comprehensive plan and zoning amendments, not subsequent projects that may come out of the plan's recommendations.*

*We recommend the 30 day period so that other interested agencies will have notice and to avoid a potential challenge through Article 78. In controversial situations, this is a wise course, especially when the law mandates a referral to the County Planning Board. The County Planning Board will always expedite a response to a Lead Agency designation if requested. In any event, the recommendation for timeframes should be addressed by the municipal attorney.]*

- The Municipal Board directs the town/city/village clerk to publish notice of the public hearing in accordance with municipal procedures.
- The Municipal Board directs the town/city/village clerk to make referrals of the proposed law as required by local laws (i.e. local planning board, county planning board).
- The Westchester County Greenway Compact Plan and proposed Local Law are made available for public review with copies located at the municipal building and local library.

4. At second Municipal Board meeting:

- A public hearing is conducted on the Local Law providing for adoption of the Greenway Compact Plan and amendment of zoning ordinance and subdivision regulations.
- After close of hearing, a Determination of Significance pursuant to SEQR concerning the EAF (Parts 2 and 3) is adopted.
- If Determination is that a Negative Declaration is appropriate, then the Local Law may be adopted.

5. The town/city/village clerk files the Local Law with the Secretary of State.

WCDDP 9/7/05

RESOLUTION

DECLARING THE INTENT OF THE MAYOR AND BOARD OF TRUSTEES  
TO ACT AS LEAD AGENCY UNDER SEQRA,  
FOR A TYPE 1 ACTION AND  
AUTHORIZING THE CIRCULATION OF A LONG-FORM EAF,  
AND SCHEDULING A PUBLIC HEARING  
ON A DRAFT PROPOSED LOCAL LAW  
FOR THE VILLAGE OF PELHAM  
TO BECOME A GREENWAY COMPACT COMMUNITY

BE IT RESOLVED, that the Mayor and Board of Trustees hereby declare the intent of the Mayor and Board of Trustees to act as Lead Agency under SEQRA for the Type 1 Action of Adopting Zoning and Site Plan Code Changes in order for the Village to become a Greenway Compact Community, authorize the circulation of a Long-Form Environmental Assessment Form (EAF) as detailed in the Greenway Compact Community process and the NY SEQRA, to all involved and interested agencies; and

BE IT FURTHER RESOLVED, that the Mayor and Board of Trustees of the Village of Pelham hereby schedule a public hearing to be held at 7:30 p.m. on Tuesday, November 13, 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, as follows:

A local law to adopt Westchester County Greenway Compact Plan, The Greenprint for a Sustainable Future ...the Westchester Way, and amending the Village Code by adopting a new Chapter 53, and amending Chapters 79 and 98 with regard to the Greenway Compact.

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

Richard Slingerland, Village Administrator/Deputy Clerk

Dated: Friday, October 5, 2007

Summary of Greenway Compact Plan:

**Westchester County Greenway Compact Plan**

Westchester County is one of 13 counties that make up the Hudson River Valley Greenway (Greenway). The Greenway was established by the State of New York by the Hudson River Valley Greenway Act of 1991. The Greenway is a voluntary regional cooperation among 242 communities within 13 counties bordering the Hudson River.

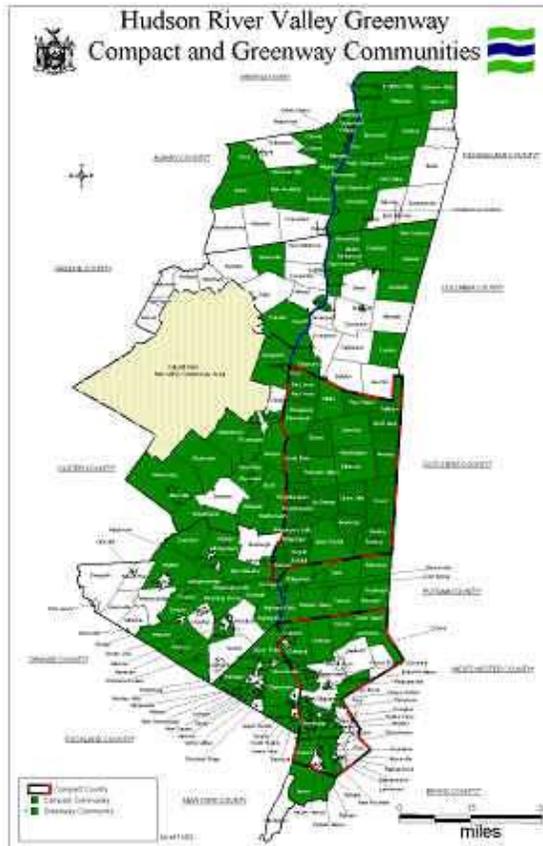
The Greenway was created to facilitate the development of a voluntary regional strategy for preserving scenic, natural, historic, cultural and recreational resources while encouraging compatible economic development and maintaining the tradition of home rule for land use decision-making. The 1991 Act established the Greenway Council, a New York State Agency to:

- Work with local government to enhance local land use planning
- Create a voluntary regional planning compact for the Hudson River Valley\
- Provide community planning grants, compact grants and technical assistance to help communities develop a vision for their future

The Hudson River Valley Greenway Act describes the “Greenway criteria” as “the basis for attaining the goal of a Hudson River Valley Greenway”.

The Greenway Criteria is:

- **Regional Planning**
- **Natural & Cultural Resource Protection**
- **Economic Development**
- **Public Access**



- **Heritage & Environmental Education**

The Greenway planning approach is to *think regionally ~ plan locally*. The Greenway Compact program takes community planning one step further by providing a process for voluntary regional cooperation to further the Greenway criteria of natural and cultural resource protection, regional planning, economic development, public access, and heritage and environmental education. The Greenway has designated the counties as the basic planning areas for the development of the Greenway Compact. Westchester County is preparing to produce a Compact Plan that will be presented to municipalities for adoption consideration

### **The Greenprint for a Sustainable Future**

In June 2005, the Hudson River Valley Greenway approved the Westchester County Greenway Compact Plan, *The Greenprint for a Sustainable Future*. The plan was prepared by the Westchester County Department of Planning as part of the Hudson River Valley Greenway initiatives and was adopted by the Westchester County Planning Board on June 2, 2004. [Click here to view a PDF of the document \(10.6 megs\)](#). In addition, the plan may be viewed at the Westchester County Department of Planning, 432 Michaelian Office Building, White Plains, New York.

Westchester County is one of only two counties in the 13-county Greenway region that has an approved Compact Plan. As of March 17, 2005, seven Westchester municipalities - Village of Tarrytown, Village of Croton-on-Hudson, Town of Ossining, Town of Cortlandt, City of Peekskill, Village of Buchanan and Village of Briarcliff Manor - have taken action to become a Compact Community. Participation is important. The County Planning Department encourages all Westchester communities to participate in this voluntary program. Participation will qualify them and assist other communities for a number of important compact benefits including technical and funding assistance from Greenway and possible scoring preference over non-compact communities in the evaluation of applications for other State Grants. The Greenway grant application process is simple and can result in the awarding of significant funds to assist your community with projects such as updating a comprehensive plan and zoning ordinance or the undertaking of special land use studies.

Becoming a Compact Community requires that a municipality adopt a local law amending the local zoning ordinance to state that consideration will be given to *Greenprint* policies when certain land use decisions are made. The adoption of such a local law does not limit home rule nor does it enable Westchester County or the State to impose any regulations upon the municipality.

Planning Department staff is available to come to local meetings to present *Greenprint* and discuss the potential benefits of becoming a Greenway Compact Community. Please contact [Elizabeth Cavorti](#), Planner at (914)-995-6252

The benefits of becoming a Greenway Compact Community are:

- State agencies must, "to the fullest extent practicable", coordinate their activities with Compact communities and conduct their activities in a manner consistent with the Greenway Compact
- The provisions of the Greenway Compact must be made part of State Environmental Quality Review Act and Historic Preservation Act reviews.
- Compact communities may regulate the location and construction of boathouses, moorings and docks within fifteen hundred feet of their shorelines.
- Compact communities receive technical and financial assistance for community planning efforts. This includes up to 50% matching grants for basic community planning and for any changes to local planning and zoning needed to enter the Compact.
- Compact communities have a potential 5% rating advantage over non-compact communities for receiving competitive state funding for Greenway projects.
- Compact communities have the opportunity to offer a streamlined environmental review process for activities, which are consistent with regional Greenway plans.
- Compact communities are provided protection from lawsuits brought against communities because of the acquisition of land or the adoption of local land use regulations consistent with a regional Greenway Plan.

**LOCAL LAW NUMBER    OF 2007**

**A local law to adopt  
Westchester County  
Greenway Compact  
Plan, *The Greenprint  
for a Sustainable  
Future     ...the  
Westchester Way***

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

**SECTION 1**

A new Chapter 53 Westchester Greenway Compact Plan is adopted as follows:

**CHAPTER 53**

**WESTCHESTER GREENWAY COMPACT PLAN**

**§53-1. Adoption of Westchester County Greenway Compact Plan**

Pursuant to the provisions of Section 44-0119 of the Environmental Conservation Law of the State of New York, the Village of Pelham hereby adopts the statement of policies, principles and guides detailed in *The Greenprint for a Sustainable Future...the Westchester Way*, the Westchester County Greenway Compact Plan, by which the Village of Pelham becomes a participating community in the Greenway Compact.

**§53-2. Amendments to the Compact Plan**

Proposals to amend the Compact Plan may from time to time be made by the Hudson River Valley Greenway Communities Council, hereinafter referred to as "Greenway Council," in response to requests from participating communities. Within 90 days of

receipt of any such proposal from the Greenway Council, the Board of Trustees of the Village of Pelham shall determine by resolution whether to accept or to reject such proposed amendment. Any proposed amendment so accepted shall be considered an amendment of the Compact Plan as adopted by the Village of Pelham. Any proposed amendment rejected by the Village of Pelham will not be considered to be an amendment of the Greenway Plan for the Village of Pelham, and notice of such rejection shall promptly be provided to the Greenway Council.

### **§53-3. New and Amended Village Land Use Laws and Regulations**

It is stated policy of the Village of Pelham that, to the extent the Village amends its current land use laws and regulations or enacts new ones, such new or amended laws and regulations, where appropriate, should be designed to be consistent with the Compact Plan.

### **§53-4. Home Rule of Authority**

Nothing in this Chapter adopting the Compact Plan, or in becoming a participating community in the Compact Plan is intended, or shall be construed (a) to limit the home rule authority of the Village of Pelham under State Law to make local land use and zoning decisions, (b) to authorize any other entity to supersede the Village's land use laws and regulations or to impose any requirements on the Village of Pelham, or (c) to prevent the Village of Pelham in its sole discretion from adopting a local law at a later date for the purpose of withdrawing from the Greenway Compact or Westchester County Greenway Compact Plan.

### **§53-5. Severability**

If any part or provision of this Chapter or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part of provision or application directly involved in the controversy in which judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Chapter or the application thereof to other persons or circumstances, and the Village of Pelham hereby declares that it would have passed this Chapter or the remainder thereof had such invalid application or invalid provision been apparent.

## **SECTION 2.**

To implement the Compact Plan in the Village of Pelham, Section 98-133 of the Code of the Village of Pelham is hereby amended as follows:

- 1) The following new Section 98-133A is adopted:

**§98-133A. Westchester County Greenway Compact Plan.** The Village of Pelham has adopted the Compact Plan, as amended from time to time, as a statement of policies, principles, and guides to supplement other established land use policies in the Village. In its discretionary actions under this chapter, the Zoning Board of Appeals should take into consideration said statement of policies, principles and guides, as appropriate.

- 2) Sections 98-133A, 98-133B, 98-133C and 98-133D are renumbered respectively Sections 98-133B, 98-133C, 98-133D and 98-133E.

### **SECTION 3.**

To implement the Compact Plan in the Village of Pelham, Section §79-5 of the Code of the Village of Pelham is hereby amended by the addition of the following subsection:

- §79-5L. The Village of Pelham has adopted the Westchester County Greenway Compact Plan, as amended from time to time, as a statement of policies, principles, and guides to supplement other established land use policies in the Village. In its discretionary actions under this Chapter, the Planning Board should take into consideration said statement of policies, principles and guides, as appropriate.

### **SECTION 4. Effective Date**

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

9/24/07

Item #14 – Resolution changing the fees regarding film permits, charging additional amounts for work taking place outside of regularly scheduled hours:

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

RESOLUTION

AMENDING THE FEES CHARGED FOR FILMING PERMITS  
IN THE VILLAGE OF PELHAM, TO INCLUDE ADDITIONAL AMOUNTS  
FOR FILMING AND FILM-RELATED ACTIVITIES TAKING PLACE  
OUTSIDE OF REGULARLY SCHEDULED HOURS

BE IT RESOLVED, that the Board of Trustees of the Village of Pelham hereby amends the Village's Fee Schedule adopted on April 24, 2007, with regard to fees charged for filming permits, as follows:

Film Permit Fee	§ 44-3	<p>\$600 per day, 8 a.m. to 6 p.m.            \$900 per day, 7 a.m. to 9 p.m.            \$1,200 per day, if before 7 a.m. and/or after 9 p.m.</p> <p>In addition, there shall be a daily charge to filmers of \$25 per day parking space rental, plus police costs (if assigned to duty for traffic control or other work). All film permits and hours must be authorized, and are at the discretion of the Mayor and Board of Trustees.</p>
-----------------	--------	---

Item #15 – Authorizing a budget amendment and transfer, appropriating monies for the Water Fund Balance to fund the replacement of three (3) broken fire hydrants in the Village’s Water System:

\* This topic was withdrawn from the agenda.

Note: Upon review of the Village of Pelham’s Water System #5911901 Budget for Contractual Services relative to Transmission and Distribution, it was found that the system has \$15,000 budgeted for system-related repairs.

While this budget did not contemplate the approximate amount of \$12,500 for the replacement of three fire hydrants, there are adequate funds in the account right now, and the appropriation of fund balance is not necessary at this time.

Item #16 – Authorizing a lease agreement with MetroPCS to install an antennae array on the firehouse:

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

RESOLUTION

AUTHORIZING A CONTRACT  
BETWEEN THE VILLAGE OF PELHAM AND METRO PCS  
TO CO-LOCATE A NEW ARRAY OF CELLULAR ANTENNAE  
ON THE PELHAM FIREHOUSE AT 219 5<sup>TH</sup> AVENUE

RESOLVED, that the proposal to install and co-locate a new array of Cellular Antennae on the Pelham Firehouse at 219 5<sup>th</sup> Avenue is hereby accepted and the agreement is authorized by the Board of Trustees of the Village of Pelham; and

BE IT FURTHER RESOLVED, that the term of this agreement is for five (5) years, with four (4) renewal options at the end of each five year period; and

BE IT FURTHER RESOLVED, that the Mayor, Village Administrator and Village Attorney are authorized to take the necessary and appropriate actions to effect this agreement, which must be in a form and content to the satisfaction of the Mayor and Village Attorney prior to execution.

Item #17 – Public Hearing on an amendment to the Code Chapter 81 on Snow and Ice, regarding traction-improving materials:

A motion was made by Trustee Homan, with a second by Trustee Potocki to adopt the local law that amends Chapter 81-4 Regarding Traction Improving Materials. The motion was approved unanimously by vote of five in favor, none opposed. Trustee Lewis and Trustee Weinstein were absent.

**LOCAL LAW NUMBER OF 2007**  
**A local law that amends Chapter 81-4**  
**Regarding Traction Improving Materials.**

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

**SECTION 1**

Chapter 81.4 entitled, "Regulations to apply in cases of severe icing." is repealed, and the new Section 81.4 is adopted in the Code of the Village of Pelham, as follows:

**Delete the following:**

§ 81-4. Regulations to apply in cases of severe icing.

In case snow and ice on any sidewalk shall be frozen so hard that it cannot be removed without injury to the sidewalk, it shall, within the time specified in § 81-3, be strewn and kept strewn with ashes, sand, sawdust or other suitable material so as to be no longer dangerous to life and limb. As soon as practicable thereafter, the sidewalk shall be completely cleared of snow, ice and other materials strewn thereon, as provided in this chapter.

**Replace with the following (Martha Conforti requested we exchange the original proposal with the amended/corrected one at the bottom of the page):**

~~§ 81-4. Regulations to apply in cases of severe icing.~~

~~In case snow and ice on any sidewalk shall be frozen so hard that it cannot be removed without injury to the sidewalk, it shall, within the time specified in § 81-3, be strewn and kept strewn with ashes, sand, sawdust or other suitable material to provide traction so that pedestrians can walk safely on the sidewalks so as to be no longer dangerous to life and limb. As soon as practicable thereafter, the sidewalk shall be completely cleared of snow, ice and other materials strewn thereon, as provided in this chapter.~~

**§ 81- 4. Regulations to apply in the cases of severe icing.**

When the snow and ice on any sidewalk is frozen so hard that it cannot be removed within the time specified in §81-3 without damaging the sidewalk, then within the time specified in §81-3 sand, sawdust or other material suitable to provide traction must be spread on the sidewalk in amounts adequate to ensure that pedestrians can walk safely on the sidewalk. As soon as practicable thereafter, the sidewalk must be cleared completely of snow, ice and all materials spread on the sidewalk.

## **SECTION 2**

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

BE IT FURTHER RESOLVED, that the Mayor, Village Administrator and Village Attorney are authorized to take the necessary and appropriate actions to effect this agreement, which must be in a form and content to the satisfaction of the Mayor and Village Attorney prior to execution.

### Item #18 – Authorizing the Accounts Payable:

A motion was made by Trustee Potocki, with a second by Trustee Greco to adopt the resolution. The resolution was approved unanimously by vote of five in favor, none opposed. Trustee Lewis and Trustee Weinstein were absent.

## RESOLUTION

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

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

<u>Fund Name:</u>	<u>Amount</u>
General Fund	\$173,290.81
Water Fund	\$3,013.51
Capital Projects Fund	\$14,543.65
Trust and Agency Fund	\$0.00
H3 Fund	\$0.00
Expendable Trust Fund	\$0.00
Grand Total	\$190,847.97

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

Item #19 – Old Business/New Business:

Tabassam Qureshi of 111 6<sup>th</sup> Avenue asked the board if anyone has been monitoring the cliff remediation activity. Administrator Slingerland responded by letting everyone know that Village Building Inspector Len Russo has been monitoring the cliff remediation work regularly.

Trustee Potocki mentioned that Police Chief Joseph Benefico has requested to keep one of the police cars as surplus. A motion was made by Trustee Homan, with a second by Trustee Potocki to allow the police department to retain a police car as surplus. The motion was approved unanimously by vote of five in favor, none opposed. Trustee Lewis and Trustee Weinstein were absent.

Item #20 – Minutes – September 4, 2007, and September 18, 2007:

A motion was made by Trustee Homan, with a second by Trustee Potocki to only adopt the minutes from September 4, 2007. The motion passed unanimously by vote of five in favor, none opposed. Trustee Lewis and Trustee Weinstein were absent.

\* The minutes from September 18, 2007 were tabled.

Item #21 – Executive Session:

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

Item #21 – Adjournment:

On the motion of Trustee Homan, seconded by Trustee Greco, the Board voted to adjourn the public portion of the board meeting and go into Executive Session at 9:10p.m., to discuss personnel matters. The motion was passed unanimously by vote of five in favor, none opposed. Trustee Lewis and Trustee Weinstein were absent.

Respectfully submitted,

Devron Wilson, Administrative Aide

Richard Slingerland, Administrator/Deputy Clerk