

VILLAGE OF PELHAM BOARD OF TRUSTEES REGULAR MEETING
TUESDAY, OCTOBER 3, 2006, 7:30 PM
VILLAGE HALL – 195 SPARKS AVENUE, PELHAM, NY

MINUTES

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

#	Agenda Items:	Approximate Time of Discussion
	Public Discussion and Hearings	7:50 p.m.
7	Public Discussion of the Parameters of the Village of Pelham Master Plan	Rescheduled
8	Discussion of Proposed Village Code updates.	Discussed and Changed
	Grants	9:00 p.m.
9	Authorizing an application to the NYS Recreation and Trails Program for the Wolfs Lane and First Street Park for a Linear Trails Grant.	Approved
10	Authorizing an application to NYS Rec. and Trails for Village property a.k.a. the former Boston-Westchester ROW for a Linear Trails Grant.	Tabled
	Projects	9:15 p.m.
11	Authorizing a Request for Proposals for Developing Parking Facilities at the Pelham "Village Yard" behind 195 Sparks Ave.	Authorized
	Taxes and Assessments	9:20 p.m.
12	Adopting the 2006 Adjusted Base Proportions for Tax Assessments.	Approved
	Human Resources and Appointments	9:30 p.m.
13	Appointment of: 1 Parking Enforcement Officer/School Cr. Gd.	Approved
	Housekeeping	9:40 p.m.
14	Authorizing the accounts payable.	Approved
15	Old Business/New Business: Discussion of Suggested Zoning and Site Plan Code Changes	Discussed.On for 10-17-06
16	Minutes: September 5, 2006 and September 19, 2006	Approved
17	Adjournment.	Adjourned

Next Regular Board Meetings are Tuesdays October 17 and November 7, 2006

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

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

VILLAGE OF PELHAM BOARD OF TRUSTEES REGULAR MEETING MINUTES
TUESDAY, OCTOBER 3, 2006, 7:30 PM
VILLAGE HALL – 195 SPARKS AVENUE, PELHAM, NY

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

The following members of the Board of Trustees were present:

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

Village staff in attendance:

Administrator Richard Slingerland and Administrative Aide Devron Wilson.

Item #2 – Pledge of Allegiance:

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

Item #3 – Mayor’s Report:

Mayor Clain mentioned that he was sorry that neither he nor any members of the trustees were able to attend the Joseph Trotta Memorial over the weekend. He heard it was a lovely event. He reported that the Main Street Grant money is now available. \$65,000 is available for facade improvements and \$25,000 is available for Downtown Streetscape improvements. Mayor Clain suggested that the Village use some of the \$25,000 to purchase decorative garbage cans for the Downtown, and asked the Board to give the Village Clerk locations where they would like to see new garbage cans.

Item #4 – Trustees Reports:

Trustees Greco, Homan, Hotchkiss, and Mohan had nothing to report.

Trustee Potocki reported that by the end of the week Police Officer Eugene Sisto will be the second “active-shooter” tactically trained officer from Pelham.

Item #5 – Village Administrator’s Report:

Village Administrator Rich Slingerland reported that the county would like to renew the contract for “Tipping” (dumping household garbage; there is no fee to “tip” recyclables) with the village. He also reported that he has been working with Village Financial Consultant Shirley Brown on the audit, which should be completed shortly.

Item #6 – Public Comment:

Maggie Klein from the Pelham Weekly asked, “what is the status of the village garbage contract?” Mr. Slingerland informed everyone that the village is still in contract with Suburban Carting. The contract expires February 2007 and the village is looking to re-bid the garbage contract within the next sixty days. The new contract would take effect March 1, 2007.

John Cassone of 7th Avenue asked, what village residents should do with their organic waste that is left over past October 11th. Mr. Slingerland will look into this.

Item #7 – Public Discussion of the Parameters of the Village of Pelham Master Plan:

The Mayor would like to make the Master Plan responsive to the community.

* Mike Zisser was scheduled to make a presentation on this topic, with discussion, but due to scheduling the matter had to be rescheduled until the October 17th meeting.

Item #8 – Part 1: Discussion of Suggested Zoning and Site Plan Code Changes:

Trustee Hotchkiss made a presentation on the analysis and proposals to amend the Village Code as proposed by the Code Change Committee. Trustee Hotchkiss made several suggestions to amend the parameters of site plan approval, zoning, variances, and single/multi family housing vs. garage space through establishing Floor Area Ratios (FAR) and Gross Floor Area Ratios (GFAR).

Planning Board Chair Gwen Tapogna confirmed that the suggestions made by Trustee Hotchkiss are endorsed by the members of the Planning Board and are optimal to keep the density of the village the same.

*This topic will be kept on the agenda for the October 17, 2006 Board Meeting, and it is planned that a hearing will be scheduled on the proposed law on November 7, 2006.

Item #8 – Part 2: Discussion of Proposed Village Code updates:

Next, the Board continued on to discuss various changes to the Village Code regarding licensing, references to the Building Inspector, and penalties.

The Board recommended deleting B1 thru B4 in Section 2 of the draft law. They also recommended making changes to Section 8 regarding on street vendors. The changes would read as follows: All on street vending of food aside from ice cream trucks, food sold at fairs, and food sold by charitable organizations is prohibited. Christmas trees are allowed to be sold on the street but the seller must first obtain a permit to do so from Village Hall. Mayor Clain recommended deleting Section 5 in its entirety.

This was continued to the Board of Trustees Meeting on October 17, 2006, as amended.

August 8, 2006 – the penalty portions of the local law were severed and adopted separately.

Upon review with the Building Inspector after the last Board Meeting, and based on the comments of the Mayor and Board at prior meetings, additional explanations and amendments were proposed as follows:

§ 35-7. Permits; fees.

- B. Before a permit may be issued, the Chief of the Fire Department, or his assistants, shall make or cause to be made such inspections or tests as are necessary to assure that the provisions of this code are complied with.

C. The Chief of the Fire Department may revoke a permit or approval issued if any violation of this code is found upon inspection or in case there has been any false statement or misrepresentation as to a material fact in the application or plans on which the permit or approval was based.

* The duly authorized Code Official with permit-granting authority is the Building Inspector.

The Board amended the proposal for 35-20 from "Permits required." to "Prohibitions" in order to prohibit blasting or manufacture, transportation or possession of explosives or blasting agents, "Unless permitted by the Board of Trustees in conjunction with Final Site Plan Approval."

The Board amended the proposal for 35-20 B. to, "Should an applicant be authorized to perform blasting by the Board of Trustees, the owner or representative of the property where the blasting is to occur must submit an application for a permit to the Building Inspector. That application shall include: (continued)

The rest was all recommended to the Board as it last existed on August 8, 2006.

Draft 5/25/06; revised 8/8/2006; revised 10/3/2006

LOCAL LAW NUMBER OF 2006

A local law that amends Chapter 35, repeals licensing laws preempted by Westchester County law, adopts new sections to require vendor licenses, and adopts new sections and amends others to set higher minimum fines for certain violations of Village law.

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

SECTION 1

The following changes are made in Section 35-7 of the Code of the Village of Pelham:

- 1) In Section 35-7B the words "Chief of the Fire Department" are replaced by "Building Inspector."
- 2) In Section 35-7C the words "Chief of the Fire Department" are replaced by "Building Inspector."

SECTION 2

Section 35-20 of the Code of the Village of Pelham is repealed and the following new Section 35-20 is adopted:

§ 35-20. Prohibitions.

A. It shall be prohibited, unless authorized by the Board of Trustees in conjunction with Final Site Plan Approval to:

1. Manufacture, possess, store, sell or otherwise dispose of explosives or blasting agents.
2. Transport explosives or blasting agents.
3. Use explosives or blasting agents. .
4. Operate a terminal for handling explosives or blasting agents.
5. Deliver to or receive explosives or blasting agents from a carrier a terminal between the hours of sunset and sunrise.
6. Transport blasting caps or electric blasting caps on the same vehicle with explosives.

SECTION 3

The following changes are made in Section 35-24 of the Code of the Village of Pelham:

1. In Section 35-24 (A) the words "Chief of the Fire Department" are changed to "Building Inspector."
2. Section 35-24(B) of the Code of the Village of Pelham is repealed and the following new Section 35-24(B) is adopted:

Wherever blasting is being conducted in the vicinity of gas, electric, water, fire alarm, telephone, telegraph or steam utilities, the blaster shall notify the appropriate representatives of such utilities at least twenty-four (24) hours in advance of blasting in compliance with the provisions of this Code and all applicable law and specify the location and intended time of such blasting. In an emergency this time limit may be waived by the Building Inspector.

SECTION 4

Article III Licenses for the Trades of Chapter 34 of the Code of the Village of Pelham, including Sections 34-31 through Section 34-40, is repealed.

SECTION 5

Sections 34-30 and 34-105 of the Code of the Village of Pelham are repealed and the following new Section 34-105 is adopted.

§ 34-105. Penalties for offenses.

- A. With the exception of the violations set forth in Subsection B of this section, for violations of the provisions of this chapter, the owner, general agent or contractor of a building or premises where such a violation has been committed or shall exist, the owner, general agent or contractor, lessee or tenant of any part of a building or premises in which such violation has been committed or shall exist and the general agent, architect, builder, contractor or any other person who commits, takes part or assists in such violation or maintains any building or premises in which such violation shall exist, for each and every day such violation shall exist, shall be subject to a fine of two hundred fifty dollars (\$250) and shall pay all costs and expenses incurred by the Village in determining such violation. Each and every day that such violation continues shall constitute a separate offense.
- B. It shall be the responsibility of the contractor and/or subcontractor to secure the necessary permits required by this chapter before beginning any work. Failure to obtain required permits will subject the contractor and/or subcontractor to a fine of \$1,000. Each and every day that such violation continues shall constitute a separate offense.
- C. Nothing in this chapter shall be construed as depriving the Village of Pelham or the Board of Trustees of any other available remedy.

SECTION 6

Article IV Regulation of Arborists of Chapter 93 of the Code of the Village of Pelham, consisting of only Section 93-16, is repealed.

SECTION 7

Section 98-98A (17) is amended by adding before the period at the end of the section "unless it is an ice cream truck with a permit issued pursuant to Section 68-32 of the Code of the Village of Pelham."

SECTION 8

A new Article VIII Vendor Licenses of Chapter 68 of the Code of the Village of Pelham is enacted as follows:

ARTICLE VIII
Vendor Licenses

§68-32. On-Street Food and Ice cream vendors

All on street vending of food aside from licensed ice cream trucks, food sold at fairs authorized by the Mayor and Board of Trustees, and food sold by charitable organizations is prohibited.

Within the Village of Pelham no one can sell ice cream from a truck without first obtaining a permit. To obtain the permit the applicant must:

- A. Complete an application for an ice cream vendor permit;
- B. Supply a copy of a valid New York State driver's license for every person driving the truck as well as proof of current registration and current inspection of the truck to be used. Ice Cream vendors shall be fingerprinted and shall submit to a criminal background check.
- C. Provide the Village with a certificate of insurance in the amount fixed by resolution of the Board of Trustees; and
- D. Pay the permit fee set by resolution of the Board of Trustees.

§68-22. Christmas tree vendor permit

Christmas trees cannot be sold within the Village of Pelham without first satisfactorily completing a Christmas tree vendor permit and paying the permit fee as set by resolution of the Board of Trustees. Not-for-profit charitable organizations are not required to obtain a permit under this section.

SECTION 9

Section 42-7 of the Code of the Village of Pelham is repealed and the following new Section 42-7 is adopted:

§42-7 Penalties for violations of this Chapter.

- A. Any neglect, failure or refusal to comply with any provision of this chapter shall be deemed a violation thereof.
- B. Anyone who commits or is an accessory to the commission of a violation of this chapter shall be subject to a fine of no less than \$40 and no more than \$250.

SECTION 10

A new Section 54-78 C of the Code of the Village of Pelham is adopted as follows:

§54-78 C Penalties for violations of this section

- (1) Any neglect, failure or refusal to comply with any provision of this section shall be deemed a violation thereof.
- (2) Anyone who commits or is an accessory to the commission of a violation of this chapter shall be subject to a fine of no less than \$40 and no more than \$250.

SECTION 11

A new Section 81-10 of the Code of the Village of Pelham is adopted as follows:

§81-10. Penalties for violations of Chapter 81

- A. Any neglect, failure or refusal to comply with any provision of this chapter shall be deemed a violation thereof.
- B. Anyone who commits or is an accessory to the commission of a violation of this chapter shall be subject to a fine of no less than \$40 and no more than \$250.
- C. Nothing in this chapter shall be construed as depriving the Village of Pelham or its Board of Trustees of any other available remedy.

SECTION 12

Section 90-14B of the Code of the Village of Pelham is repealed, and a new Section 90-14 B is adopted as follows:

Except where angle parking is authorized and approved by the Village Board, every vehicle stopped, standing or parked upon a roadway shall be stopped, standing or parked:

- (1) Parallel with the edge of the roadway,
- (2) Headed in the direction of lawful traffic, and
- (3) Within 12 inches of the edge of the roadway.

SECTION 13

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

Item #9 – Authorizing an application to the NYS Recreation and Trails Program for the Wolfs Lane and First Street Park for a Linear Trails Grant:

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

RESOLUTION

**AUTHORIZING AN APPLICATION TO THE
NYS OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION
FOR THE RECREATIONAL TRAILS PROGRAM FOR THE
WOLFS LANE AND FIRST STREET PARK FOR A LINEAR TRAILS GRANT**

RESOLVED, that the Board of Trustees of the Village of Pelham authorizes and directs the Village Administrator to take the necessary and appropriate actions and sign all necessary and appropriate documents to file an application for funds from the New York State Office of Parks, Recreation and Historic Preservation in accordance with the provisions of the Recreational Trails Program, in an amount not to exceed one hundred thousand dollars (\$100,000), to be matched by twenty percent (20%) of the grant amount, not to exceed twenty five thousand dollars (\$25,000) by the Village of Pelham, and upon approval of said request to enter into and execute a project agreement with the State for such financial assistance to the **Village of Pelham** for the Wolfs Lane and First Street Park for a Linear Trails Grant.

Item #10 – Authorizing an application to NYS Rec. and Trails for Village property a.k.a. the former Boston-Westchester ROW for a Linear Trails Grant:

Trustee Homan was concerned about security and open access to the area if the village decides to create trailways on the lot. Mayor Clain has concerns with the lot not being open to everyone.

*This topic was tabled to a future grant cycle, after a plan has been established.

RESOLUTION

**AUTHORIZING AN APPLICATION TO THE
NYS OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION
FOR THE RECREATIONAL TRAILS PROGRAM FOR THE
VILLAGE-OWNED LAND FORMERLY KNOWN AS THE BOSTON-WESTCHESTER
RAILWAY (RAIL-TO-TRAIL) FOR A LINEAR TRAILS GRANT**

Item #11 – Authorizing a Request for Proposals for Developing Parking Facilities at the Pelham “Village Yard” behind 195 Sparks Ave:

A motion was made by Trustee Homan, with a second by Trustee Mohan to authorize a request for proposals for developing parking facilities at the Pelham “Village Yard” behind 195 Sparks Avenue. The motion passed unanimously by vote of six in favor, none opposed, one absent (Trustee Merrick).

Item #12 – Adopting the 2006 Adjusted Base Proportions for Tax Assessments:

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

RESOLUTION

ADOPTING THE BASE ASSESSMENT PROPORTIONS
FOR THE VILLAGE OF PELHAM
FOR THE 2007 VILLAGE TAX YEAR

BE IT RESOLVED, that the Board of Trustees of the Village of Pelham hereby adopts the 2006 Adjusted Base Proportions using the 2005 Reference Roll for the Village of Pelham on the request and recommendation of the Assessor, at the rates of 84.782752 for Homestead, and 15.217248 for Non-Homestead; and

BE IT FURTHER RESOLVED the Mayor, Village Administrator/Treasurer and the Assessor are authorized to take the necessary and appropriate steps to effect this action.

Item #13 – Appointment of 1 Parking Enforcement Officer/School Crossing Guard:

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

RESOLUTION

AUTHORIZING THE APPOINTMENT BY THE MAYOR
OF ABRAHAM PULIALAKUNNEL AS A PARKING ENFORCEMENT OFFICER/
SCHOOL CROSSING GUARD (PEO/SCG)
WITH THE VILLAGE OF PELHAM POLICE DEPARTMENT

BE IT RESOLVED, that the Board of Trustees of the Village of Pelham hereby authorizes the Mayor to appoint Abraham Pulialakunnel of Mount Vernon, NY, to the position of Parking Enforcement Officer/School Crossing Guard, at a salary of \$30,000, with an official appointment date of Monday, October 16, 2006, subject to the requirements of Civil Service, for a one (1) year probationary period, and authorizes the Mayor, the Village Administrator and the Police Chief to take the necessary and appropriate actions to effect this appointment.

Item #14 – Authorizing the accounts payable:

Trustee Potocki had reviewed and okayed the accounts payable. On the motion was made by Trustee Homan, with a second by Trustee Greco to adopt the resolution. The motion passed unanimously by vote of six in favor, none opposed.

RESOLUTION

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

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

<u>Fund Name:</u>	<u>Amount</u>
General Fund	\$84,733.50
Water Fund	\$25,264.55
Capital Projects Fund	\$13,345.00
Trust and Agency Fund	\$0.00
H3 Fund	\$0.00
Grand Total	\$123,343.05

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

Item #15 – Old Business/New Business:

New Business: Renewal of Inter-municipal Agreement with Westchester County allowing the Village of Pelham to Dump, or "Tip", garbage at the County's Waste Transfer Station. On the motion of Trustee Potocki, seconded by Trustee Homan, the following resolution was approved unanimously by vote of six in favor, none opposed, one absent (Trustee Merrick).

RESOLUTION

AUTHORIZING RENEWAL OF INTER-MUNICIPAL AGREEMENT
WITH WESTCHESTER COUNTY
ALLOWING THE VILLAGE OF PELHAM TO DUMP GARBAGE AT
THE COUNTY'S WASTE TRANSFER STATION

BE IT RESOLVED, that the Board of Trustees of the Village of Pelham authorizes the renewal of the Inter-Municipal Agreement with Westchester County, for the Village of Pelham or its garbage collection contractor to continue to dump garbage at Westchester County's Waste Transfer Facilities, at a rate of \$25 per ton for the term of the agreement, and authorizes the Mayor, the Village Administrator and appropriate Village Officials to sign the agreement and take any other necessary and appropriate actions.

Old Business:

Trustee Homan asked about the Pelham Preservation gates that were damaged in front of Town Hall due to the storm. Mr. Slingerland informed the Board that the Village's insurer had denied the claim because the "gate" structure was not listed on the Village's list of assets. He advised he would contact the village's insurance company again to challenge their decision not to cover the cost of repair, and then report to the Board.

Trustee Greco mentioned that the village may need to hire some part time help to assist Building Inspector Len Russo with records management in the building department. Mayor Clain reminded everyone that Administrative Aide Devron Wilson would assist Mr. Russo, as planned when he was hired. Trustee Greco suggested that the village contact the Board of Education to see if they could donate filing cabinets to the building department.

Item #16 – Minutes: September 5, 2006 and September 19, 2006:

A motion was made by Trustee Potocki, with a second by Trustee Homan to approve the minutes from September 5, 2006 and September 19, 2006, with amendments to the September 19, 2006 minutes from Mayor Clain. The minutes were approved unanimously by vote of six in favor, none opposed.

Item #17 – Adjournment - Executive Session to discuss pending litigation and personnel promotion:

The Mayor asked for a motion to go into Executive Session to discuss pending litigation and personnel promotion issues. On the motion of Trustee Mohan, seconded by Trustee Potocki, the Board voted to adjourn the public portion of the Board Meeting and go into Executive Session to discuss the stated matters. The motion passed unanimously by vote of six in favor, none opposed.

On the motion of Trustee Homan, seconded by Trustee Mohan, the Board voted to adjourn the public portion of the board meeting at 9:40 p.m. The motion passed unanimously by vote of six in favor, none opposed.

Respectfully submitted,

Devron Wilson, Administrative Aide

Richard Slingerland, Administrator/Deputy Clerk