

VILLAGE OF PELHAM BOARD OF TRUSTEES REGULAR MEETING
TUESDAY, SEPTEMBER 9, 2008 – 7:30 PM
VILLAGE HALL – 195 SPARKS AVENUE, PELHAM, NY – MINUTES

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|----|--------------------------------|---------------|
| 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 |

	Committee Reports	7:40 p.m.
7.	Open Spaces (Purchase of trash /recycling cans, benches, picnic tables & bike racks; business Façade improvements; Hank White).	Discussed
8.	Website / Telecommunications (Verizon Fios, Website upgrades, E-mail notification list, Village Hall Phone Prompts).	Discussed
9.	Flooding (Westchester County Flood Action Task Force, Engineer Project Bid, DPW catch-basins mapping, etc.).	Discussed
10.	Environmental – (LED light status report).	Discussed
11.	Development (Site Plan Review Revision, Pelham Medical Group/Lordae, Commercial Zoning Review Committee).	Discussed
12.	Human Resources & Administration (incl. Dept. Risk Assessment).	Discussed
	Public Hearing – Cable Franchise	8:15 p.m.
13.	Public Hearing on a proposed draft Franchise Agreement between the Village and Verizon for FIOS TV.	Approved to Continue Hearing
	Public Hearing – Code Changes	8:45 p.m.
14.	Public Hearing on a Proposed Local Law amending the Site Plan Code Ch. 79 and 98 of the Pelham Village Code to delegate the Planning Board authority to approve certain Site Plan applications.	Approved
15.	Public Hearing on a proposed amendment to the Village Code Chapter 90-16 B. regarding overnight parking for drivers who have handicapped parking permits.	Approved
	Business	9:15 p.m.
16.	Resolution authorizing the Children's Center Fun Run on October 18, 2008	Approved
17.	Tax Certiorari Settlement and Payment authorizations for 33 3 rd Avenue, 38 2 nd Avenue, and 40 2 nd Avenue.	Authorized
18.	Environmental Review Resolution required in relation to the Bond Resolution	Approved
19.	Bond Resolution combining 3 purposes – \$127,500 – New 2008 Loader; \$52,450 – Used 10-Wheel Dump Truck, and \$80,000 CDBG match 5 th Ave. Streetscape (6 th to 7 th)	Approved
20.	Interim Budget amendments.	Approved
	Streets and Traffic	9:45 p.m.
21.	Resolution to change Chapter 90-42.1 to formalize No Turn on Red at Boulevard & Wolfs	Approved
22.	Resolution to change Chapters 90-50 and 52 to enact "No Parking and No Standing in the School Drop Off Zone on 5 th Street, 7 a.m. to 4 p.m., School Days."	Approved
	Housekeeping	10:00 p.m.
23.	Authorizing the Accounts Payable – Interim of August 20, 2008, and scheduled of September 9, 2008	Approved with one exception
24.	Other Business	Approved
25.	Minutes: June 3, June 17, July 15 and August 5, 2008	Tabled
26.	Adjournment	Adjourned

Note Schedule: Next Board Meetings are September 23 and October 7, 2008.

* All meetings start at 7:30 p.m. unless otherwise noted. The Agenda is subject to change.

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TUESDAY, SEPTEMBER 9, 2008 – 7:30 PM
VILLAGE HALL – 195 SPARKS AVENUE, PELHAM, NY – MINUTES

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

The following members of the Board of Trustees were present:

Trustee Homan acting as Deputy Mayor, presided over the meeting. Trustee Potocki was present at the start of the meeting. Trustees Lewis and Morris arrived at 7:45 pm. Trustee Weinstein arrived at 8:05pm. Mayor Hotchkiss and Trustee Breskin were absent.

Village staff in attendance:

Administrator/Treasurer Richard Slingerland, Administrative Aide Devron Wilson, and Village Attorney Edward Bullock.

Item #2 – Pledge of Allegiance:

The Pledge of Allegiance was led by Deputy Mayor Homan.

Item #3 – Mayor's Report

Deputy Mayor Homan had nothing to report that was not included on the agenda.

Item #5 – Village Administrator's Report:

(THIS TOPIC WAS MOVED UP FROM LATER IN THE AGENDA)

Village Administrator Richard Slingerland reported on the Farmer's Market, and reminded everyone it is held every Sunday in Pelham from 9 a.m. to 2 p.m. on Harmon Avenue.

Administrator Slingerland reported that the Main Street Façade Improvement Grant Program for Pelham is moving along. Fifteen businesses have signed up for the program, and will be going before the Architectural Review Board soon. A request has been made by a merchant to reduce the fees for signs and awnings in relation to the Main Street grant Program, which was discussed by the Board, and held over to later in the meeting for consideration and a motion by a quorum (at least 4 members) of the board.

Item #7 – Open Spaces (Purchase of trash /recycling cans, benches, picnic tables & bike racks; business Façade improvements; Hank White):

(THIS TOPIC WAS MOVED UP FROM LATER IN THE AGENDA)

Administrator Slingerland reported that Hank White has been on vacation recently, but that the Village has been trying to arrange a meeting with him. Mr. White plans to start working on a plan for Wolfs Lane Park soon. In the meantime, Mr. White would like to obtain the survey information for Wolfs Lane Park, north of Second Street East. However, the village had contacted Westchester County to see if the County could provide adequate information off of its GIS maps. Mr. White had stated that the data the county can provide is not sufficient for Mr. White to use as a basis for his plans, so the village will have to obtain a topo survey.

Item #8 – Website / Telecommunications (Verizon Fios, Website upgrades, E-mail notification list, Village Hall Phone Prompts):

Administrative Aide Devron Wilson reported the village now has a new and improved website, with updated services that provide more functions for residents. New website features include the following:

- a scrolling “News Section”, which lists the latest news in and around the village
- a “Quick Links” section, which provides links to the most commonly used resources

Mr. Wilson mentioned that the site redesign was conducted over the summer by intern Danielle Cardinal, a senior at Pelham Memorial High School, with guidance from Mayor Hotchkiss, Trustee Lewis and himself. Residents are encouraged to visit the website at www.pelhamgov.com to obtain general information and to request services, report problems like potholes, report a missed garbage pick-up, and to download forms.

Item #9 – Flooding (Westchester County Flood Action Task Force, Engineer Project Bid, DPW catch-basins mapping, etc.):

Administrator Slingerland reported that the village coordinated with the City of New Rochelle to lower the level of Glenwood Lake in preparation for Tropical Storm Hanna, which passed through the New York Metropolitan area on September 6, 2008. A list of advance actions taken include the following:

- E-mail warning sent Wednesday, September 3 to advise about storm’s approach;
- Warning letter sent out Wednesday and Thursday notifying residents to prepare, and notifying about suspended parking regulations during the storm;
- Coordinated with the County Office of Emergency Management in advance;
- Sent out Reverse 911 telephone message to warn residents about the storm;
- Coordinated with the City of New Rochelle starting Tuesday, September 2nd, to lower Glenwood Lake in advance, which brought the lake level down about 7 ½ inches, increasing stormwater storage before the storm by an estimated 750,000 gallons.

Mr. Slingerland thanked the City of New Rochelle, the Village Dept. of Public Works, the Fire Dept., and the Police Dept. for their hard work and good preparation, as well as the help from the Board of Education which allowed residents to park their cars out of the Flood Zone in the Hutchinson Elementary School parking lot over the weekend. Mr. Slingerland reported that overall, due to all of the advance preparations and the lowering of Glenwood Lake, flooding was minimal, despite precipitation during the storm being recorded at about 4 ½ inches.

Trustee Potocki reported that there was little to no flooding in the village during the storm, and that lowering Glenwood Lake before the heavy rain fall continues to work as an excellent preparation to minimize flooding in Pelham. He mentioned that residents in the flood zones had made requests for more sandbags to be distributed before storms. Trustee Potocki asked people not to move the barriers in the road during a storm, as they are placed there for safety to prevent cars from being flooded and stranded in the street.

John Cassone of 312 7th Avenue asked the board how people can get the sandbags if they need them. Administrator Slingerland stated that the sandbags would be left at drop-off zones, at key intersections in the flood zone areas of the village. Residents can also call Village Hall to arrange for sandbags to be dropped off, if needed.

Administrator Slingerland stated that the village has a request for proposals out to several engineers for storm water design services, and that the Village is also working with the County Department of Public Works to gain their assistance with re-drafting the RFP.

Item #10 – Environmental – (LED light status report):

(THIS TOPIC WAS MOVED UP FROM LATER IN THE AGENDA)

Mr. Slingerland stated that he, General Foreman Michael Shriman, and Administrative Aide Devron Wilson had met with a few L.E.D. light manufacturers regarding L.E.D. street luminary lights for the village. The village has scheduled to meet with more suppliers, and the NY Power Authority over the next few weeks.

Item #11 – Development (Site Plan Review Revision, Pelham Medical Group/Lordae, Commercial Zoning Review Committee):

Administrator Slingerland mentioned that the site plan review code revision will be discussed during topic #17 of the agenda. Mr. Slingerland further mentioned that Trustee Breskin will report on the progress of the commercial zoning review committee.

Item #12 – Human Resources & Administration (incl. Dept. Risk Assessment):

Administrator Slingerland mentioned that he and Trustee Homan are putting together a Human Resources Manual for general employee policies of the Village, and to establish a formal policy manual for all non-union employees not covered by a collective bargaining unit.

Item #4 – Trustees' Reports:

(This item was returned to, upon arrival of a quorum of the Board Members.)

Trustee Potocki reported the village is going to add pedestrian crossing signs at Boulevard and Corlies Avenue, and Boulevard and Nyac Avenue. Trustee Potocki thanked the parents who are using the drop off zones to drop off students near the middle school, commenting that the more people utilize the drop-off zones, the more successful the drop-off program will become. He mentioned that Pelham Manor residents have started dropping students off at Iden Place and Steller Avenue near Colonial Avenue, to use the crossing guard who controls the traffic very well at the intersection of Colonial Avenue and Corlies Avenue.

Trustee Homan reminded residents to have their children cross the street at a crosswalk, and she reminded drivers to be careful while driving around the Village, now that schools are back in session.

Administrator Slingerland informed everyone that United Water is repairing a broken and leaking valve at the intersection of Wolfs Lane and Boulevard, and that the repair work should be done in the next few days.

Trustee Lewis had nothing to report that was not already on the agenda.

Trustee Morris reported that Fire Chief Taylor is doing a good job, coordinating the department and improving planning and training within the department. She thanked the fire department for their work during the storm on September 5 and 6, 2008. She mentioned that there will be an observance at the 911 memorial on Harmon Avenue on September 11, 2008

at 8:30 a.m. Trustee Morris further mentioned that former Pelham Fire Chief Rich Carfora was named Deputy Chief by the Pelham Volunteer Firefighters.

Item #6 – Public Comment:

There was no public comment.

Item #13 – Public Hearing on a proposed draft Franchise Agreement between the Village and Verizon for FIOS TV:

The Hearing was opened by Mayor Hotchkiss. There were no speakers, and on the motion by Trustee Lewis, seconded by Trustee Morris, the Board voted unanimously by vote of four in favor, none opposed to continue the hearing. Mayor Hotchkiss and Trustees Breskin and Weinstein were absent.

CONTINUED HEARING ON A PROPOSED
DRAFT FRANCHISE AGREEMENT BETWEEN
THE VILLAGE AND VERIZON FOR FIOS TV

RESOLVED, by the Mayor and Board of Trustees of the Village of Pelham, based on the completion of negotiations between the Village of Pelham and Verizon for a Franchise agreement to allow Verizon to offer its Verizon FIOS Cable TV service to homes and businesses in the Village of Pelham, that a public hearing is scheduled on the terms of that negotiated agreement, to be held as follows:

Cable Television Franchise Public Hearing to be held before the Mayor and Board of Trustees of the Village of Pelham as follows:

Subject: Draft Franchise Agreement between Pelham Village and Verizon for FIOS TV

Date: Tuesday, August 12, 2008

Time: 7:30 p.m.

Location: Village Hall, 195 Sparks Avenue, Pelham

A copy of the draft proposed Franchise agreement will be made available for public review at least ten (10) days before the date of the hearing, no later than Friday, August 1, 2008. Hard copies will be available at Village Hall, 195 Sparks Avenue, Pelham, NY, 10803.

Electronic copies can be downloaded at www.pelhamgov.com, and requests made by e-mail to the Village Administrator by e-mail at Richard.slingerland@pelhamgov.com.

Item #14 – Public Hearing on a Proposed Local Law amending the Site Plan Code Ch. 79 and 98 of the Pelham Village Code to delegate the Planning Board authority to approve certain Site Plan applications:

A motion was made by Trustee Potocki, with a second by Trustee Morris to open the public hearing and continue the public hearing. The motion was approved unanimously by vote of five in favor, none opposed. Mayor Hotchkiss and Trustee Breskin were absent.

PUBLIC HEARING

FOR THE CONSIDERATION OF AN AMENDMENT TO
THE VILLAGE CODE CHAPTER 79 THE SITE PLAN CODE
AND GRANTING THE PLANNING BOARD THE AUTHORITY TO
APPROVE CERTAIN SITE PLAN APPLICATIONS

RESOLVED, The Board of Trustees of the Village of Pelham hereby schedules a public hearing to be held at 7:30 p.m. on Tuesday, September 9, 2008, 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 that amends Chapter 79 of the Code of the Village of Pelham to amend the Site Plan Review Process, including a provision to authorize the Planning Board to review and authorize certain Site Plan applications.

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.

By Order of the Mayor and Board of Trustees
Terri Rouke, Village Clerk
Richard Slingerland, Village Administrator/Deputy Clerk
Publication date: August 8, 2008

Note: The text of the draft proposed local law follows on the next page.

LOCAL LAW NUMBER OF 2008

A local law to repeal Chapter 79, to adopt a new Chapter 79 Site Plan and to amend Chapter 98 to make it consistent with the new Chapter 79

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

SECTION 1

Chapter 79 of the Code of the Village of Pelham is repealed, and the following new Chapter 79 Site Plan is adopted:

Chapter 79, SITE PLAN APPROVAL

§ 79-1. Title.

The chapter shall be known as "Chapter 79 Site Plan Approval of the Code of the Village of Pelham."

§ 79-2. Purpose.

This chapter is enacted pursuant to the provisions of § 7-725a of the Village Law of the State of New York to ensure that proposed development and land use within the Village of Pelham will be harmonious with the existing or permitted use of contiguous land and of adjacent neighborhoods and that proposed development takes into consideration public health, safety, welfare, comfort and convenience.

§ 79-3. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

APPROVAL AUTHORITY – The board with the authority to give final approval of a site plan.

SITE PLAN -- A plan which shows a proposed development and/or use of land within the Village of Pelham. Such plan shall consist of a map or maps and supporting documentation as set forth in § 79-9 herein.

§ 79-4. Applicability.

The types of development or use set forth below shall require site plan approval by the Village of Pelham as specified in §79-5:

- A. The erection of any building in any district except a permitted accessory building which is located in a residential district and has a building area of less than 275 square feet.
- B. The enlargement of any residential building that results in the expansion of living space, as defined by the NYS Building Code, by more than 35% or 750 square feet.
- C. The substantial alteration or modification of land from its natural state, whether by regrading or the addition of structures other than buildings.
- D. Any change in the use or intensity of the use of premises which will require a substantial modification of existing means of ingress or egress, parking or loading facilities, drainage, utilities, landscaping, screening or outdoor lighting unless the work performed is pursuant to a previously approved site plan. If the outdoor lighting, however, is lighting that the Architectural Board has approved pursuant to Chapter 77, the lighting will not require site plan approval, but will require the permit and license issued pursuant to Chapter 77.
- E. The substantial alteration or modification of a building in any non-residential district unless the work performed is pursuant to a previously approved site plan.
- F. Creation of a driveway.
- G. Installation of an in-ground pool

§ 79-5. Designation of the approval authority for site plans.

- A. The Planning Board shall be the approval authority for site plans for the types of development described in § 79-4B, C, F and G.
- B. The Board of Trustees shall be the approval authority for site plans for the types of development described in § 79-4A, D and E.

§ 79-6. Standards for review; objectives.

- A. The Board of Trustees, Planning Board, all other Village Boards and agents, whether considering and approving applications or preparing recommendations and findings, shall take into consideration:
 - (1) Public health, safety and general welfare; and
 - (2) The comfort and convenience of the general public, of the residents or users of the proposed development, and of the immediate neighborhood.
- B. The Board of Trustees, Planning Board, all other Village Boards and agents shall also prescribe appropriate conditions and safeguards consistent with the general purpose and intent of this

chapter and Chapter 98 of the Code of the Village of Pelham, and all other applicable law to achieve the following objectives:

- (1) That all proposed traffic access ways
 - (a) Have sufficient, but not excessive, capacity;
 - (b) Are adequate in width, grade, alignment and visibility;
 - (c) Are not located too near street corners or places of public assembly;
 - (d) Are designed with due regard to other similar safety considerations; and
 - (e) Are provided with all traffic safety devices needed for the protection of motorists, cyclists and pedestrians.
- (2). That the interior circulation system is adequate to provide safe access to all required off-street parking spaces, loading bays and building services.
- (3) That the locations of areas for play and other active use take into consideration the users' safety and welfare.
- (4) That at all seasons of the year all playground, parking and service areas are reasonably screened from the view of adjacent residential lots and streets where such screening is necessary for the protection of such lots and streets and is practical;
- (5) That the general landscaping of the site is consistent with or superior to that of the neighborhood and will enhance the aesthetics of the abutting street or streets;
- (6) That all existing trees over eight inches in diameter, measured three feet above the base of the trunk, are retained to the maximum extent possible.
- (7) That all plazas and other paved areas use decorative pavements and/or plant materials so as to avoid the creation of vast expanses of pavement.
- (8) That all outdoor lighting is designed and placed to:
 - (a). Harmonize with the character of the neighborhood; and
 - (b) Limit, to the extent reasonable, the diffusion of glare onto adjoining properties and streets.
- (9) That the drainage and sewerage systems comply with all applicable law. Such compliance includes, but is not limited to, drainage and sewer systems that are adequate to accommodate any expected loads which include all runoff from the tributary watershed at full development under the existing zoning. This includes, when practical,

on-site retention for rains up to 2 inches within a 24 hour period for all the increased impervious surfaces caused by the improvements.

- (10) That the planned development will include no illegal discharges or illicit connections to the village separate storm sewer system and complies with Chapter 57 of the Village of Pelham Code and all other applicable laws.
- (11) That all proposed structures, equipment or materials will be readily accessible for fire protection and will not constitute a fire hazard to adjacent structures.
- (12) That the site plan and building design consider energy conservation.
- (13) That the site layout and overall appearance of buildings on the site will have no reasonably avoidable adverse impact on the established character, desirability, or value of the adjacent properties.
- (14) That the building designed is responsive to the design characteristics of the adjoining lots, other structures within 200 feet of the site or the Village as a whole, whichever is more appropriate.

§ 79-7. Procedure.

All applications for site plan approval shall follow the following procedure:

- A. Presubmission conference to determine zoning compliance and contents of site plan and supporting information,
 - (1) Prior to submitting a formal site plan, the applicant shall meet in a presubmission conference with the Building Inspector so that the Building Inspector can determine whether the proposed development complies with Chapter 98 of the Code of the Village of Pelham or whether the applicant must apply for a variance from the Zoning Board of Appeals.
 - (2) After the Building Inspector determines that proposed development does not require a variance from the Zoning Board of Appeals or after the required variance from the Zoning Board of Appeals has been obtained, the Building Inspector will determine what information listed in § 79-9 must be included in the site plan application
 - (a) If the applicant agrees with the Building Inspector's determination of what information must be supplied to the Planning Board, then the applicant shall prepare the site plan and required supporting information.
 - (b) If the applicant disagrees with the Building Inspector's determination of what information must be provided with the site plan, then the applicant may apply to the Planning Board to review solely what information must be submitted with the site plan.

(c) The Building Inspector or Planning Board may revise or waive the provisions of any of the required information listed in § 79-09. Such revisions or waivers may be granted only after a finding that:

[1] Such requirement is inappropriate or unnecessary due to the limited nature of the proposed development, special conditions particular to the site or the fact that strict compliance with such requirement will cause such unnecessary work, expense or hardship.

[2] The granting of such revisions or waiver does not interfere with the accomplishment of the purposes and intent of this chapter nor have a detrimental effect on the public health, safety or general welfare.

B. Submission. After the scope of the information required for submission of the site plan is determined, the applicant shall submit to the Building Inspector

- (1) A completed declaration of intent to develop form that is provided by the Village;
- (2) One copy of the site plan with related and supporting information;
- (3) The fee set by resolution of the Board of Trustees; and
- (4) Proof of notice to all property owners contiguous to the applicant's property, including those separated by a street. These notices must be hand-delivered or mailed by the applicant at least 10 days prior to the date of the scheduled consideration by the Planning Board. Proof of the notice will be an affidavit, or other proof of delivery, or proof of mailing, which must be provided by the applicant to the Village Clerk prior to the Planning Board meeting.

C. Then the Building Inspector shall review the original or amended site plan to determine whether the architect has designed a structure that complies with all applicable laws. The Building Inspector shall also confirm that the application contains all the required elements set forth in § 79-9 which were not specifically waived by the Building Inspector or Planning Board. If the Building Inspector finds that the application is incomplete or fails to comply with all applicable requirements, within 15 working days of its receipt, he shall return the application to the applicant and indicate the specific deficiencies to be remedied.

D. Once the Building Inspector determines that the application is complete and complies with all applicable laws, an applicant will supply additional copies of the site plan and its supporting documentation. Applicants submitting a site plan for a type of development described in § 79-4B, C, F or G must supply the Building Inspector with seven (7) complete copies of the site plan and its supporting documentation. Applicants submitting a site plan for a type of development described in § 79-4A, D or E will supply the Building Inspector with fifteen (15) complete copies of the site plan and its supporting documentation.

- E. Delivery of completed site plans to the approval authority. In cases of site plans for development of the type described in § 79-4B, C, F or G, the Building Inspector will forward the copies of the site plan and its supporting documentation to the Planning Board within five (5) working days from the time the Building Inspector receives the required number of completed plans. In cases of site plans for development described in § 79-4A, D or E, the Building Inspector will forward the copies of the completed site plan and its supporting documentation to the Planning Board and the Board of Trustees within five (5) working days from the time the Building Inspector receives the required number of completed plans. The date of submission of the site plan to the Board with approval authority shall be considered the official submission date.
- F. Upon receipt of the copies of the site plan, the Planning Board will forward the application to those Village Boards that it deems appropriate. The Building Inspector and any board to which the site plan is forwarded shall submit its written recommendations and findings to the Planning Board. Such recommendations and findings must consider the standards set forth in § 79-6, and be submitted to the Planning Board no later than 15 working days prior to any public hearing thereon or 60 working days following referral of the application if no public hearing shall be held thereon.
- G. Planning Board Review of Site Plans.
- (1) In cases of site plans for the types of development described in § 79-4B, C, F or G, the Planning Board shall approve, approve with conditions or disapprove any such site plan within 30 days following the close of the public hearing or if no hearing is held, within 60 days of the official submission date. These time periods may be extended with the consent of the applicant. In reviewing the application, the Planning Board shall request that the applicant make revisions which the Planning Board deems necessary to ensure that the proposed development will conform to the intent and requirements of this chapter. If the Planning Board disapproves the application, within 10 days of its decision it shall give the applicant a written decision setting forth the reasons for the disapproval and deliver a copy of the decision to the Building Inspector for the permanent building file.
- (2) In cases of site plans for the types of development described in § 79-4A, D or E, the Planning Board shall submit its written recommendations and findings as well as the written recommendations and findings of the Building Inspector and any other village boards, to the Board of Trustees. Such recommendations and finding must consider the standards set forth in § 79-6, and be submitted to the Board of Trustees no later than 15 working days prior to any public hearing thereon or 60 working days following referral of the application if no public hearing shall be held thereon.
- H. The Board of Trustees and/or Planning Board may hold a public hearing on the site plan if it determines that the matter is of wide public interest. If held, such a hearing shall be held within 60 days of the official submission date. Notice of such hearing shall be given by the applicant to the owners of the adjacent or surrounding properties within 200 feet and proof of such notice shall be filed with the Board holding the public hearing. Notice of such hearing shall also be published at least five days prior to the date of such hearing in the official newspaper of the

Village by the Village Clerk, and the cost of such application shall be paid by the applicant prior to the hearing.

- I. The Board of Trustees shall approve, approve with conditions or disapprove any such site plan within 30 days following the close of the public hearing or if no hearing is held, within 60 days of the official submission date. These time periods may be extended with the consent of the applicant. In reviewing the application, the Board of Trustees shall request that the applicant make revisions which the Board of Trustees deems necessary to ensure that the proposed development will conform to the intent and requirements of this chapter. If the Board of Trustees disapproves the application, within 10 working days of its decision, it shall give the applicant a written decision setting forth the reasons for the disapproval and deliver a copy of the decision to the Building Inspector for the permanent building file and an additional copy to the Planning Board. If, after its review, the Planning Board unanimously recommended disapproval of the submitted plan, to approve the site plan the Board of Trustees must vote by at least a majority plus one to approve the plan.
- J. An application for an amendment to a previously approved site plan shall be acted upon in the same manner as the application for approval of the original site plan.
- K. Performance bond.
 - (1) Following approval of the site plan by the approval authority, in addition to any other fees required by the Village of Pelham, the applicant shall file with the Village Clerk a performance bond in which the Village is named as obligee in an amount set by the Building Inspector sufficient to cover the full cost of all required work, planting, and improvements. If the value of the work, planting, and improvements required in the final site plan approved by the Board of Trustees is less than \$10,000, the Building Inspector, with the concurrence of approval authority, may waive the bonding requirements.
 - (2) A performance bond shall be in a form satisfactory to the Village Attorney and may be in the form of surety company bonds. The performance bond may be required to cover any work specified in the site plan, including but not limited to, stormwater drainage systems; streets and lighting; off-street parking and loading areas; means of vehicular access and egress to and from the site onto public streets; recreation areas, including playgrounds; garbage collection stations; fire alarm systems; proposed screening and landscaping; and at the discretion of the approval authority, the planting and maintenance of such screening and landscaping for a minimum of one year and a maximum of three years. Said bonds shall be conditioned upon the property owner or developer completing all the work set forth on the approved site plan in a matter satisfactory to the Building Inspector and upon the proper functioning of all work for a period of one year following its completion.
 - (3) In case of default, the performance bond shall be forfeited to the Village, and the Village shall use the proceeds to do any or all of the following: to complete any incomplete portions of the required work, planting and improvements, to make repairs

or corrections necessary to ensure the proper functioning of the work and improvements, and to maintain the required plantings. Any moneys in excess of that necessary for completing, repairing, and/or correcting such work and/or maintaining said plantings will be returned to the surety. Said surety bond may be reduced by the Building Inspector upon certification to the approval authority that one or more of the particular items required by the approval authority has been satisfactorily completed, and is functioning properly and that in its reduced amount the bond is sufficient to cover the full cost of the remainder of the required work, planting and improvements.

- (4) The installation of all required improvements shall be under the direct supervision of a registered architect or licensed engineer, unless this requirement is waived in writing by the Building Inspector.

§ 79-8. Time limit on validity of approval.

Unless a building permit is obtained within 120 days of the date of approval of the site plan, such approval shall become null and void. Upon application and for good reason shown, the approval authority may extend the validity of the approval by no more than two consecutive one-hundred-twenty-day periods from the date of original approval.

§ 79-9. Submission requirements.

The information to be submitted and which, in total, constitutes a site plan, is listed below. All maps must be at a scale of not less than 30 feet to the inch.

A. Legal data.

- (1) The lot, block, section number, street, street number of the property and the names of all owners of record of adjacent properties located within 200 feet of the extreme limits of the subject property, all as shown on the Village's official assessment maps.
- (2) A current survey of the boundaries of the property tied to at least two permanent monuments not less than 300 feet apart showing all lengths in feet and decimals of a foot and all angles given to the nearest minute or closer if deemed necessary by the surveyor so that the error of closure will not exceed 1:10,000.
- (3) The location of all required building or setback lines and lines of existing streets and lots as shown on the Village's official assessment maps. Any relevant existing deed restrictions or covenants, reservations, easements and areas dedicated to public use, if known, shall be noted.
- (4) A map showing the area within 500 feet from the perimeter of the site, at a scale of not more than 50 feet to the inch, showing:
 - (a) Existing zoning and special district boundaries; and

(b) Location of traffic safety devices and directional flow of traffic.

- (5) The location of all existing structures on the subject lot and on all lots having a common boundary therewith.
- (6) A copy of any proposed covenants or deed restrictions that are intended to cover all or any part of the tract.
- (7) Location of existing water mains, culverts and drains on or serving the property, with pipe sizes, grades and direction of flow.

B. Topographic data.

- (1) Existing contours and proposed grade elevations at intervals of two feet or less, referred to a datum satisfactory to the Board, showing retaining walls, if any, and methods to be used to retain, stabilize or replant regraded areas.
- (2) Location of existing watercourses, wetland areas, intermittent streams, wooded areas, rock outcrops, single trees with a diameter of eight inches or more, measured three feet above the base of the trunk, and other significant existing features.

C. Development data.

- (1) Title of development, date, North point, scale, name and address of record owner or owner or of the individuals holding the controlling interest if the owner is a corporation; and the name and address of the engineer, architect, land planner or surveyor preparing the site plan.
- (2) The proposed use or uses of land and buildings and location, height and design of all existing and proposed buildings. Any proposed subdivision of the property and any division of any building or structure into units of separate occupancy shall also be shown.
- (3) All means of vehicular ingress and egress to and from the site onto public streets and the location of all existing and proposed public and private roads, drives and walkways on the site.
- (4) The location and layout of all proposed off-street parking and loading areas.
- (5) The location and intended use of any proposed outdoor storage area.
- (6) The proposed method of storage and disposal of solid waste.
- (7) The size and location of all proposed waterlines, valves and hydrants and all sewer lines or of alternative means of water supply and sewage disposal and treatment.

- (8) The location, direction, intensity and time of operation of proposed outdoor lighting.
- (9) The location, dimensions and design of all existing and proposed signs.
- (10) A planting plan, prepared by a qualified landscape architect, showing all existing and proposed screening and landscaping, fences or dividers.
- (11) The proposed stormwater drainage system and associated calculations, prepared by a licensed professional engineer and furnished under his seal.
- (12) Any proposed easements and public areas.
- (13) Building materials to be used on all structures and landscaping.
- (14) Current photographs of the site showing adjacent properties.
- (15) Elevation of adjacent properties.
- (16) The construction schedule, staging information, mechanical equipment to be used, and screening for the construction site.

D. Financial data.

- (1) Current taxes on the site.
- (2) Proposed taxes after site improvement.
- (3) Current employment and/or occupancy on the improved site.
- (4) Projected employment and/or occupancy on the improved site.

§ 79-10. Conflict with other Village laws.

In the event that this chapter conflicts or is inconsistent with any other Village law, the more comprehensive or strict requirements shall apply.

§ 79-11. Severability.

If the provisions of any section, subsection, paragraph, subdivision or clause of this chapter shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision or clause of this chapter.

SECTION 2.

Section 98-4 of the Code of the Village of Pelham is repealed, and the following new Section 98-4 is adopted:

§ 98-4. Site plan approval required.

In addition to complying with all the provisions of this chapter, the types of development or use set forth below shall require site plan approval by the Village of Pelham in accordance with Chapter 79 of the Code of the Village of Pelham:

- A. The erection of any building in any district except a permitted accessory building which is located in a residential district and has a building area of less than 275 square feet.
- B. The enlargement of any residential building that results in the expansion of living space, as defined by the NYS Building Code, by more than 35% or 750 square feet..
- C. The substantial alteration or modification of land from its natural state, whether by regrading or the addition of structures other than buildings.
- D. Any change in the use or intensity of the use of premises which will require a substantial modification of existing means of ingress or egress, parking or loading facilities, drainage, utilities, landscaping, screening or outdoor lighting unless the work is performed pursuant to a previously approved site plan. If the outdoor lighting, however, is lighting that the Architectural Board has approved pursuant to Chapter 77, the lighting will not require site plan approval, but will require the permit and license issued pursuant to Chapter 77.
- E. The substantial alteration or modification of a building in any non-residential district unless the work is performed pursuant to a previously approved site plan.
- F. Creation of a driveway.
- G. Installation of an in-ground pool.

SECTION 3. 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.

Item #15 – Public Hearing on a proposed amendment to the Village Code Chapter 90-16 B. regarding overnight parking for drivers who have handicapped parking permits:

Police Chief Joseph Benefico gave a brief presentation about the overnight handicapped parking situation in the village.

Chief Benefico reported that the Police assigned to the overnight tour have noticed as many as 60 to 80 cars around the village on any given night, who park on the street with handicap

permits, whether they have a driveway to their home or not. The Police Department had received many complaints about the cars being left, sometimes for days at a time. There have been repeat complaints that the street sweeper has not been able to sweep several stretches of road because they are blocked regularly by parked cars with handicapped tags.

David Monahan of 312 6th Avenue reported that overnight parking on 6th Street has created a problem for the street sweeper and cleaning the street. He submitted that several cars park in violation of the parking regulations, due in part to the use of handicapped parking permits. He supports the proposed ordinance to amend the Village Code Chapter 90-16 B regarding overnight parking for drivers who have handicapped parking permits, to establish better controls for those who park on the street overnight using their handicapped tags.

Providence Lenhard of 69 6th Street spoke in favor of the proposed law, and suggested that the village consider having the handicap permit number match the car in some way, so that non-handicapped people do not use handicapped permits assigned to other persons. This approach would guard against people switching tags.

The Board mentioned that this matter had been submitted to the village's counsel to review the draft and make any necessary changes for the law to be acceptable for enactment.

A motion was made by Trustee Lewis, with a second by Trustee Potocki to open the public hearing. The motion was approved unanimously by vote of five in favor, none opposed. Mayor Hotchkiss and Trustee Breskin were absent.

**PUBLIC HEARING ON A PROPOSED AMENDMENT
TO THE VILLAGE CODE CHAPTER 90-16 B. REGARDING OVERNIGHT PARKING
FOR RESIDENTS WHO HAVE HANDICAPPED PARKING PERMITS.**

The Board of Trustees of the Village of Pelham hereby schedules a public hearing to be held at 7:30 p.m. on Tuesday, September 9, 2008, 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 that amends Section 90-16 of the Code of the Village of Pelham to amend the Code with regard to overnight parking for residents who have handicapped parking permits.

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.

First Proposed Draft

A LOCAL LAW that amends Section 90-16 of the Code of the Village of Pelham to amend the Code with regard to overnight parking for residents who have handicapped parking permits.

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

SECTION 1.

The following language is added to Section 90-1, Definitions:

PELHAM OVERNIGHT HANDICAPPED PARKING (POHP) PERMIT– A permit issued to allow person with a handicap to park overnight on the street in front of their residence.

PELHAM OVERNIGHT HANDICAPPED PARKING (POHP) PERMIT COMMITTEE – A Committee to review and approve applications for POHP Permit privileges shall be comprised of the Police Chief, the Village Clerk and the Village Administrator.

SECTION 2.

Section 90-16 of the Code of the Village of Pelham is repealed, and the following new Section 90-16 is adopted:

§ 90-16. All-night parking. [Amended 9-6-1988 by L.L. No. 4- 1988]

The parking of vehicles is hereby prohibited on all streets within the Village within the hours of 2:00 a.m. and 6:00 a.m., except:

A. In those locations where all-night parking of passenger vehicles only shall be permitted by specific authorization of the Village Board. Parking at long-term meters on First Street east of Wolf's Lane shall be permitted to begin at 5:00 a.m. [Amended 9-20-2005]

B. A passenger vehicle owned by a disabled person and registered pursuant to § 404-a of the Vehicle and Traffic Law of New York State or a passenger vehicle owned by or regularly used by a person holding a valid permanent or temporary parking permit for disabled persons, including a permit issued to a parent or parents of a disabled minor, issued pursuant to § 1203-a of the Vehicle and Traffic Law of New York State, provided that:

- (1) A POHP Permit is available only for a handicapped resident, whose home or Village of Pelham permit lot parking space do not allow him or her to walk from a passenger car to the home entrance.
- (2) The POHP permit holder must be a resident of the Village of Pelham.
- (3) The POHP permit allows a single passenger car registered at the permit holder's Village of Pelham address to be parked overnight on the street.
- (4) The POHP permit term is a calendar year, or the expiration of the handicap parking permit issued under NYS law, whichever expires first.
- (5) An application for a POHP permit must be submitted on an annual basis with updated information and include the following:
 - (a) NYS Motor Vehicle form 664.1 with the accompanying medical certification.
 - (b) A valid handicapped parking permit issued under NYS Law.

- (c) A written explanation why the applicant's residence parking space is inadequate and the medical need to park on the street overnight.
 - (d) A copy of either the property tax bill, rental lease payment receipt or current utility bill to prove the applicant's Village of Pelham residency.
 - (e) Passenger car registration(s) covered by the permit.
 - (f) Payment of annual processing fee to be established by resolution of the Board of Trustees.
- (6) The passenger vehicle can be parked with the POHP permit only in front of the permit holder's residence or as close as practicable.
- (7) The POHP Permit Committee, shall review each POHP permit application and determine eligibility. If the POHP Permit Committee denies the request, the applicant may appeal the decision to the Village of Pelham Board of Trustees.
- (8) An approved applicant will receive a POHP permit which must be placed in unobstructed view and be easily visible from the front windshield of the car when parking overnight on a Village of Pelham street.

SECTION 3.

This local law shall take effect immediately upon adoption and filing.

RESOLUTION

SETTING HANDICAPPED OVERNIGHT PARKING
PERMIT RATE AT \$25 PER CALENDAR YEAR

RESOLVED, by the Board of Trustees of the Village of Pelham, that the handicapped overnight parking permit rate is established at twenty-five dollars (\$25) per calendar year.

Item #16 – Resolution authorizing the Children's Center Fun Run on October 18, 2008:

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

RESOLUTION

Authorizing the annual Pelham Children's Center 5K and Fun Run
Saturday, October 18, 2008

BE IT RESOLVED, that the Board of Trustees of the Village of Pelham authorizes the Annual Pelham Children's Center Fun Run, to be held on Saturday October 18, 2008, from 7 a.m. to 10 a.m., as follows:

5K race starting at 8 a.m. starting at Colonial School and ending up at the Daronco Townhouse along the route, with minor changes, in Pelham, and the

Fun Run starting at 9 a.m. at Franklin Field, running ½ mile up Wolfs Lane and 5th Avenue, and finishing up at the Daronco Townhouse.

BE IT FURTHER RESOLVED, that the assistance of the Village, including the Police and Public Works Departments, is authorized to facilitate this event.

Item #17 – Tax Certiorari Settlement and Payment authorizations for 33 3rd Avenue, 38 2nd Avenue, and 40 2nd Avenue:

This matter was discussed briefly and it was mentioned that one of the residences is owned by the plaintiff, and that the rest are income-producing properties.

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

RESOLUTION

AUTHORIZING A TAX CERTIORARI JUDGMENT
FOR 33 3rd AVENUE
FOR 40 2nd AVENUE; and
FOR 38 2nd AVENUE
AS AUTHORIZED BY THE TOWN OF PELHAM
FOR ASSESSMENT YEARS 1998 THROUGH 2007
(CORRESPONDING TO FY 1999-200 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 D'Onofrio, Alex, 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>
33 3 rd AVENUE	163.43 – 1 – 32	1998-2007	\$1,800.92
40 2 nd AVENUE	163.35 – 1 – 53	1998-2007	\$3,145.91
38 2 nd AVENUE	163.35 – 1 – 54	1998-2007	\$3,510.52
		Total:	\$8,457.35

In the total amount of eight thousand four hundred fifty seven dollars and thirty five cents (\$8,457.35), 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 #18 – Environmental Review Resolution required in relation to the Bond Resolution:

Administrator Slingerland explained the required environmental findings resolution that had been provided by bond counsel.

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

ENVIRONMENTAL COMPLIANCE RESOLUTION
TO MAKE FINDINGS AND DETERMINATIONS

FOR THE BOND RESOLUTION COMBINING 3 PURPOSES – \$127,500 – NEW 2008
LOADER; \$52,450 – USED 10-WHEEL DUMP TRUCK, AND \$80,000 CDBG MATCH 5TH
AVE. STREETScape (6TH TO 7TH)

WHEREAS, the Village of Pelham (by itself with regard to the equipment and machinery, and in conjunction with the Westchester County Department of Planning and the CDBG Streetscape Project relative to 5th Avenue between 6th Street and 7th Street), has, at the instance of the Board of Trustees, prepared plans and studies and an estimate of the cost of (i) the acquisition of a machinery and apparatus for construction and maintenance and (ii) the construction and reconstruction of improvements to Village Streets (known as the Fifth Avenue Streetscape Project) authorized pursuant to a bond resolution, totaling \$259,950, including rights-in-land, original furnishings, equipment, machinery, apparatus required for such purpose, and preliminary and incidental costs related thereto (the “Project”) and said engineering and architectural plans and studies have been filed in the office of the Village Clerk and are on file for public inspection; and

WHEREAS, the Board of Trustees has determined that upon the examination of an environmental assessment form (“EAF”) prepared by the Architect and Engineer, each component of the Project is an “unlisted action”, as that term is defined in 6 NYCRR §617.2(ak), or a “Type II action”, as that term is defined in 6 NYCRR §617.2(aj), and therefore the Village has caused the EAF to be prepared and promptly filed with the Village Clerk; and

WHEREAS, it is proposed that the maximum amount estimated to be expended for the Project is \$259,950 and that the costs of the Project are to be financed by the issuance of serial bonds of the Village in the aggregate principal amount of \$259,950 pursuant to the Local Finance Law of New York (the “LFL”) and if deemed advisable by the issuance of bond anticipation notes in anticipation of the issuance of said bonds; and

WHEREAS, it is proposed that the costs of the Project are to be paid from a tax levied upon all the taxable property in the Village in annual installments determined by the Board of Trustees in amounts sufficient to pay the principal of and interest on said bonds to be authorized in a bond resolution to be adopted by the Board of Trustees; and

WHEREAS, the evidence contained in such engineering and architectural plans and studies and in the EAF with respect to the Project permits the Board of Trustees to make the determinations hereinafter in connection with actions to be made for the purpose of authorizing the financing of the Project;

NOW THEREFORE, pursuant to proceedings prescribed in 6 NYCRR at §617 of the State Environmental Quality Review Act ("SEQRA") regulations, BE IT RESOLVED, BY THE BOARD OF TRUSTEES OF THE VILLAGE OF PELHAM, NEW YORK, as follows:

Section 1. The Village, by and through its Board of Trustees, hereby declares and designates itself to be the "lead agency" as that term is defined in 6 NYCRR §617.2(u), with respect to the environmental review of the Project.

Section 1. Upon receipt and examination of the EAF it is hereby determined that the Project is an unlisted action or a Type II action, as those terms are defined in 6 NYCRR §617.2(ak) and §617.2(aj), respectively.

Section 3. No other agency other than the Village is involved in said environmental review and no coordinated review or segmentation of such review is necessary or required with respect to the Project.

Section 4. No hearing as set forth in 6 NYCRR §617.10(e) is required in making the determinations contained herein with respect to the Project.

Section 5. Taking into account the criteria set forth in 6 NYCRR §617.7 for determining significance of actions, upon review of all pertinent information, including taking a hard look at all the facts and circumstances, it is determined that the Project will not have a significant effect on the environment and no unidentified adverse effects are anticipated with respect thereto.

Section 7. The Village shall maintain a file, readily accessible to the public, in the office of the Village Clerk, containing this resolution, and the EAF.

Section 8. This resolution shall take effect immediately upon its adoption.

Item #19 – Bond Resolution combining 3 purposes – \$127,500 – New 2008 Loader; \$52,450 – Used 10-Wheel Dump Truck, and \$80,000 CDBG match 5th Ave. Streetscape (6th to 7th):

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

BOND RESOLUTION, DATED SEPTEMBER 9, 2008, AUTHORIZING THE ISSUANCE OF UP TO \$259,950 AGGREGATE PRINCIPAL AMOUNT SERIAL BONDS OF THE VILLAGE OF PELHAM, NEW YORK, PURSUANT TO THE LOCAL FINANCE LAW, TO FINANCE THE COSTS OF (i) THE ACQUISITION OF MACHINERY AND APPARATUS FOR CONSTRUCTION AND MAINTENANCE AND (ii) THE CONSTRUCTION AND RECONSTRUCTION OF IMPROVEMENTS TO VILLAGE STREETS (KNOWN AS THE FIFTH AVENUE STREETScape PROJECT).

WHEREAS, the Board of Trustees of the Village of Pelham (the “Village”), located in Westchester County, in the State of New York (the “State”), hereby determines that it is in the public interest of the Village to authorize the financing of the costs of (i) the acquisition of machinery and apparatus for construction and maintenance (\$179,950) and (ii) the construction and reconstruction of improvements to Village streets (known as the Fifth Avenue Streetscape Project) (\$80,000) at a total estimated cost of up to \$259,950, all in accordance with the Local Finance Law;

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the Village of Pelham, as follows:

Section 1. There is hereby authorized to be issued serial bonds of the Village in the aggregate principal amount of up to \$259,950 pursuant to the Local Finance Law, in order to finance the costs of the specific object or purpose hereinafter described.

Section 2. The specific objects or purposes, or classes of objects or purposes, to be financed pursuant to this bond resolution (collectively, the “Project”), the respective estimated maximum cost of such specific objects or purposes, the principal amount of serial bonds, and/or of bond anticipation notes issued in anticipation of the issuance of such serial bonds, authorized for such specific objects or purposes, and the period of probable usefulness of such specific objects or purposes, or classes of objects or purposes, pursuant to the applicable subdivision of paragraph a of Section 11.00 of the Local Finance law, are as follows:

(a) The acquisition of machinery and apparatus for construction and maintenance including the acquisition of any applicable equipment, machinery, apparatus, land and rights-in-land necessary therefor and any preliminary and incidental costs related thereto, at an estimated maximum cost of \$179,950 principal amount of serial bonds, and/or bond anticipation notes issued in anticipation of the issuance of such serial bonds, are authorized herein and appropriated therefore, having a period of probable usefulness of fifteen (15) years pursuant to subdivision 28 of paragraph a of Section 11.00 of the Local Finance Law. Such serial bonds shall have a maximum maturity of five (5) years computed from

the earlier of (a) the date of the first issue of such serial bonds or (b) the date of the first issue of bond anticipation notes issued in anticipation of the issuance of such serial bonds; and

(b) The construction and reconstruction of improvements to the Village Streets known as the Fifth Avenue Streetscape Project, including the acquisition of any applicable equipment, machinery, apparatus, land and rights-in-land necessary therefor and any preliminary and incidental costs related thereto, at an estimated maximum cost of \$80,000, for which \$80,000 principal amount of serial bonds, and/or bond anticipation notes issued in anticipation of the issuance of such serial bonds, are authorized herein and appropriated therefore, having a period of probable usefulness of fifteen (15) years pursuant to subdivision 20(c) of paragraph a of Section 11.00 of the Local Finance Law (such building being of "Class C" construction as that term is defined in Section 11.00 of the Local Finance Law). Such serial bonds shall have a maximum maturity of five (5) years computed from the earlier of (a) the date of the first issue of such serial bonds or (b) the date of the first issue of bond anticipation notes issued in anticipation of the issuance of such serial bonds; and

Section 3. The Board of Trustees of the Village has ascertained and hereby states that (a) the estimated maximum costs of the Project are not to exceed \$259,950; (b) no money has heretofore been authorized to be applied to the payment of the costs of the Project; (c) the Board of Trustees of the Village plans to finance the costs of the Project from the \$259,950 proceeds of the serial bonds or bond anticipation notes authorized herein; and (d) the maturity of the obligations authorized herein will not be in excess of five (5) years.

Section 4. Subject to the terms and conditions of this Resolution and the Local Finance Law, and pursuant to the provisions of Sections 21.00, 30.00, 50.00, 56.00 and 60.00, inclusive, of the Local Finance Law, the power to authorize bond anticipation notes in anticipation of the issuance of the serial bonds authorized by this Resolution and the renewal of such bond anticipation notes and the power to prescribe the terms, form and contents of such serial bonds and such bond anticipation notes authorized by this Resolution, and the power to issue, sell and deliver such serial bonds and bond anticipation notes are hereby delegated to the Village Treasurer, as the chief fiscal officer of the Village. The Village Treasurer is hereby authorized to execute on behalf of the Village all serial bonds issued pursuant to this Resolution and all bond anticipation notes issued in anticipation of the issuance of such serial bonds, and the Village Clerk is hereby authorized to affix the seal of the Village to all such serial bonds and all such bond anticipation notes and to attest such seal. Each interest coupon, if any, representing interest payable on such serial bonds shall be authenticated by the manual or facsimile signature of the Village Treasurer.

Section 5. The faith and credit of the Village is hereby and shall be irrevocably pledged for the punctual payment of the principal of and interest on all obligations authorized and issued pursuant to this Resolution as the same shall become due.

Section 6. When this Resolution takes effect, the Village Clerk shall cause the same to be published together with a notice in substantially the form prescribed by Section 81.00 of the Local Finance Law in The Pelham Weekly, a newspaper having a general circulation in the Village. The validity of the serial bonds authorized by this Resolution and of bond anticipation notes issued in anticipation of the sale of such serial bonds may be contested only if such obligations are authorized for an object or purpose for which the Village is not authorized to expend money, or the provisions of law which should be complied with as of the date of the publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication, or if such obligations are authorized in violation of the provisions of the Constitution of the State.

Section 7. Prior to the issuance of obligations authorized to be issued by this bond resolution, the Board of Trustees of the Village shall comply with all applicable provisions prescribed in Article 8 of the Environmental Conservation Law, all regulations promulgated thereunder by the New York State Department of Environmental Conservation, and all applicable Federal laws and regulations in connection with environmental quality review relating to the Project (collectively, the “environmental compliance proceedings”). In the event that any of the environmental compliance proceedings are not completed, or require amendment or modification subsequent to the date of adoption of this bond resolution, the Board of Trustees of the Village will re-adopt, amend or modify this bond resolution prior to the issuance of obligations authorized to be issued herein upon the advice of bond counsel. It is hereby determined by the Board of Trustees of the Village that the Project will not have a significant effect on the environment.

Section 8. The Village hereby declares its intention to issue the obligations authorized herein to finance the costs of the Project. The Village covenants for the benefit of the holders of the obligations authorized herein that it will not make any use of the proceeds of such obligations, any funds reasonably expected to be used to pay the principal of or interest on such obligations or any other funds of the Village, and will not make any use of the facilities financed with the proceeds of such obligations which would cause the interest on such obligations to become subject to Federal income taxation under the Internal Revenue Code of 1986, as amended (the “Code”), (except for the alternative minimum tax imposed on corporations by Section 55 of the Code) or subject the Village to any penalties under Section 148 of the Code, and that it will not take any action or omit to take any action with respect to such obligations, the proceeds thereof or any facilities financed thereby if such action or omission would cause the interest on such obligations to become subject to Federal income taxation under the Code (except for the alternative minimum tax imposed on corporations by Section 55 of the Code) or subject the Village to any penalties under Section 148 of the Code. The foregoing covenants shall remain in full force and effect notwithstanding the defeasance of the bonds or any other provisions hereof until the date which is 60 days after the final maturity date or earlier prior redemption date thereof. The proceeds of any obligations authorized herein may be applied to reimburse expenditures or commitments of the Village made for such purpose on or after a date which is not more than 60 days prior to the date of adoption of this Resolution by the Village.

Section 9. For the benefit of the holders and beneficial owners from time to time of the bonds and bond anticipation notes authorized pursuant to this resolution (the “obligations”), the Village agrees, in accordance with and as an obligated person with respect to the obligations, under Rule 15c2-12 promulgated by the Securities Exchange Commission pursuant to the Securities Exchange Act of

1934 (the "Rule"), to provide or cause to be provided such financial information and operating data, financial statements and notices, in such manner, as may be required for purposes of the Rule. In order to describe and specify certain terms of the Village's continuing disclosure agreement for that purpose, and thereby to implement that agreement, including provisions for enforcement, amendment and termination, the Village Treasurer is authorized and directed to sign and deliver, in the name and on behalf of the Village, the commitment authorized by subsection 6(c) of the Rule (the "Commitment") to be placed on file with the Village Clerk, which shall constitute the continuing disclosure agreement made by the Village for the benefit of holders and beneficial owners of the obligations in accordance with the Rule, with any changes or amendments that are not inconsistent with this resolution and not substantially adverse to the Village and that are approved by the Village Treasurer on behalf of the Village, all of which shall be conclusively evidenced by the signing of the Commitment or amendments thereto. The agreement formed, collectively, by this paragraph and the Commitment, shall be the Village's continuing disclosure agreement for purposes of the Rule, and its performance shall be subject to the availability of funds and their annual appropriation to meet costs the Village would be required to incur to perform thereunder. The Village Treasurer is further authorized and directed to establish procedures in order to ensure compliance by the Village with its continuing disclosure agreement, including the timely provision of information and notices. Prior to making any filing in accordance with the agreement or providing notice of the occurrence of any material event, the Village Treasurer shall consult with, as appropriate, the Village Attorney and bond counsel or other qualified independent special counsel to the Village. The Village Treasurer acting in the name and on behalf of the Village, shall be entitled to rely upon any legal advice provided by the Village Attorney or such bond counsel or other special counsel in determining whether a filing should be made.

Section 10. This Resolution shall be effective upon adoption by the Board of Trustees.

Item #20 – Interim Budget amendments:

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

These Mid-Year Budget Amendments were requested by Finance Director Shirley Brown.

RESOLUTION

Re: Mid-Year Budget Amendments 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, at the end of the fiscal year, it is necessary to make modifications to the areas in the budget that had 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 amendments and rollovers:

2008/09BUDGET AMENDMENTS					
CAPITAL FUND					
TO ROLLOVER BALANCES FROM 2007/08					
H1620.299	Village Hall Improve.	\$ 5,385			
H3120.204	Police Tactical Equipt	\$ 184			
H5110.400	Sidewalk And Curbs	\$ 5,000			
H5650.201	Parking Lot 2 Improv.	\$ 91,230			
H5650.202	Parking Lot 3 Improv.	\$ 91,230			
H8020.400	Comp Plan Update	\$ 15,885			
H8140.403	Storm & Sanit.Sewer Reling	\$ 105,102			
H8510.401	Wolfs Lane Park	\$ 25,841	H3502	STATE AID	\$ 19,708
H5900.400	Traffic Signal -Sanford Blvd	\$ 1,011	H4000	FUND BALANCE	\$ 321,160
TOTALS		\$ 340,868			\$ 340,868

Item #21 – Resolution to change Chapter 90-42.1 to formalize No Turn on Red at Boulevard & Wolfs:

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

Note: This resolution will formalize the conditions in the field.

If the Board would like, we can change the hours and days to coincide with the Safe Routes to School Plan and make it 7 a.m. to 4 p.m., School Days.

RESOLUTION

**AMENDING THE VILLAGE CODE CHAPTER 90-42.1,
TO MAKE THE INTERSECTION OF WOLFS LANE AND BOULEVARD WEST
IN ALL DIRECTIONS A “NO TURN ON RED” INTERSECTION
(PER SAFE ROUTES TO SCHOOLS GOALS)**

BE IT RESOLVED by the Board of Trustees of the Village of Pelham, that the Village Code Chapter 90-42.1 is hereby amended as follows:

Section 1 – That the reference to the Prohibited Right Turn on Red Traffic Control Signal for Boulevard West at Wolfs Lane is deleted.

Section 2 – That the reference to the Prohibited Right Turn on Red Traffic Control Signal for Wolfs Lane at Boulevard West is deleted.

Section 3 – That chapter 90-42.1 Prohibited Right Turn on Red Traffic Control Signal is amended for the references to Boulevard and Boulevard West, and Wolfs Lane, to read as follows:

§ 90-42.1. Schedule IIIB: Prohibited Right Turn on Red Traffic Control Signal.

Sign on	Direction of Travel	At intersection of
Boulevard	east/west	Wolfs Lane
Wolfs Lane	north/south	Boulevard

Item #22 – Resolution to change Chapters 90-50 and 52 to enact “No Parking and No Standing in the School Drop Off Zone on 5th Street, 7 a.m. to 4 p.m., School Days.”:

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

This is an amendment to the language from the February 5th Meeting, to make the drop-off zone drop-off only during school hours, but to allow parking there at other times, including evenings and weekends, to serve baseball games, and to allow residents to park there over the weekends.

(Keep the reference in Chapter: 90-54, Loading Zones, for the Drop-Off Zone.)

RESOLUTION
 AMENDING THE CODE
 TO EFFECT PARKING REGULATION CHANGES ON 5TH STREET
 NEAR HUTCHINSON ELEMENTARY SCHOOL
 FOR THE DROP-OFF ZONE

Delete the following references for 5th Street in the Village Code, enacted Feb. 5, 2008:

§ 90-49. Schedule X: No Parking Any Time.

§ 90-50. Schedule XI: Standing Prohibited.

§ 90-51. Schedule XII: Stopping Prohibited.

Delete for the following location from chapters 90-49, 90-50 and 90-51, as follows:

Name of Street	Side	Location
5 th Street	South	From the stop sign on 5 th Street at 2 nd Avenue, to the stop sign on 5 th Street at 3 rd Avenue

Enact the following references:
 § 90-52. Schedule XIII: No Parking Certain Hours.

For the following location for Chapter 90-52, as follows:

Name of Street	Side	Hours	Location
5 th Street	South	7 a.m. to 4 p.m. School Days	From the stop sign on 5 th Street at 2 nd Avenue, to the stop sign on 5 th Street at 3 rd Avenue

Item #23 – Authorizing the Accounts Payable – Interim of August 20, 2008, and scheduled of September 9, 2008:

A motion was made by Trustee Morris, with a second by Trustee Weinstein to adopt the resolution with the exception of the bill for Guardian Security Systems. The motion was approved unanimously by vote of five in favor, none opposed. Mayor Hotchkiss and Trustee Breskin were absent.

Part 1.

Accounts Payable – Interim A.P. of August 20, 2008 – Reviewed by Trustee Potocki.

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	\$ 233,196.89
Water Fund	\$ 970.00
Capital Projects Fund	\$ 24,306.16
Trust and Agency Fund	\$ 1,181.25
H3 Fund	\$ 0.00
Grand Total	\$ 259,654.30

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

Part 2.

Accounts Payable – scheduled A.P. for September 9, 2008 – Reviewed by Trustee Weinstein.

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	\$ 36,496.12
Water Fund	\$ 49,578.99
Capital Projects Fund	\$ 52,450.00
Trust and Agency Fund	\$ 0.00
H3 Fund	\$ 0.00
Grand Total	\$ 138,525.11

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

Item #24 – Other Business:

Administrator Slingerland reported that the 1978 Seagrave and 1925 American LaFrance Fire Trucks have been advertised several times and are out to bid for public sale as surplus.

Mr. Slingerland mentioned that participants of the Main Street Grant Program have requested that the board reduce permit fees for work done under the Main Street Grant Program.

A motion was made by Trustee Weinstein, with a second by Trustee Lewis to approve the requests of the participants of the Main Street Grant Program to drop permit fees by 50%, in effect as a half-off sale, for work done under the Main Street Grant Program. The motion was approved unanimously by vote of five in favor, none opposed. Mayor Hotchkiss and Trustee Breskin were absent.

Item #25 – Minutes: June 3, June 17, July 15 and August 5, 2008:

June 3, 2008

June 17, 2008

July 15, 2008 – not completed yet.

August 5, 2008 – not completed yet.

* The minutes from the board meetings on June 3rd and June 17th were held over until the next scheduled board of trustees meeting on September 23, 2008.

* The minutes from the board meetings on July 15th and August 5th were tabled until the next scheduled board of trustees meeting on September 23, 2008.

Administrator Slingerland reminded all of the Board Members that the Village of Pelham will be hosting the Westchester Municipal Officials Meeting on October 15, 2008 at 6 pm at the Daronco Townhouse.

Item #26 – Adjournment:

On the motion of Trustee Lewis, seconded by Trustee Morris, the Board voted to adjourn the public portion of the board meeting and go into Executive Session at 9:05 p.m. to discuss personnel matters and matters of potential litigation, after which it would fully adjourn the meeting.

The motion was approved unanimously by vote of five in favor, none opposed. Mayor Hotchkiss and Trustee Breskin were absent.

Respectfully submitted,

Devron Wilson, Administrative Aide

Richard Slingerland, Administrator/Deputy Clerk