



VILLAGE OF PELHAM BOARD OF TRUSTEES  
**REGULAR MEETING**  
TUESDAY, MAY 9, 2023, 8:00 PM  
VILLAGE HALL - 195 SPARKS AVENUE, PELHAM, NY 10803

**Join by Zoom Video:**

<https://zoom.us/j/98917409392?pwd=U09KN2MxTnJHWEU2Nm9ndWxQSEgwZz09>

Join by Telephone: (929) 205-6099

Meeting ID: 989 1740 9392

Passcode: 030699

**AGENDA ITEMS**

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Village Trustees' Reports
5. Village Administrator's Report
6. Mayor's Report
7. Public Comments

<b>Non-Recurring Items</b>	
8.	Resolution Authorizing the Appointment of a General Foreman in the Village of Pelham Department of Public Works
9.	Resolution Authorizing the Award of Insurance Coverage through FOA and Son Insurance Corp. for Property and Casualty Insurance Coverage (Property including Crime, General and Law Enforcement Liability, Public Officials and Employment Practices Liability, Automobile Liability and Physical Damage, and Excess Liability) for the Period of June 1, 2023 through May 31, 2024
10.	Resolution Approving a Modification to an Approved Site Plan for a Proposed "Ann and Jack's Treehouse" Playground at 629 Fifth Avenue (Sanborn Map Building at 629 Fifth Avenue)
11.	Resolution Authorizing Contribution to the American Legion, Pelham Post 50 for the 2023 Memorial Day Parade
12.	Resolution Authorizing Pedestrian Signal Modification Services Agreement with DTS Provident Design Engineering LLP
13.	Other Business
<b>Recurring Items</b>	
14.	Authorizing Accounts Payable
15.	Authorizing Minutes of: April 25, 2023 Work Session and Regular Meeting
16.	Adjournment

Next Regularly Scheduled BOT Meetings:

**Tuesday, May 23, 2023**  
**Tuesday, June 13, 2023**

**Item # 1 - Meeting Called to Order:**

**Item # 2 - Pledge of Allegiance:**

**Item # 3 - Roll Call:**

<b>Attendee Name</b>	<b>Present</b>	<b>Absent</b>	<b>Late</b>
Mayor Mullen	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Deputy Mayor Carpenter	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Village Trustee Hill-Ries	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Village Trustee Eldahry	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Village Trustee McGreal	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Village Trustee Otondi	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Village Trustee Solomon	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Village Administrator Scelza	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Asst. to the Village Administrator Zia	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Item # 4 - Village Trustees' Report:**

Village Trustee Hill-Ries

Village Trustee Kamal Eldahry

Village Trustee McGreal

Village Trustee Otondi

Village Trustee Solomon

Deputy Mayor Carpenter

**Item # 5 - Village Administrator's Report:**

**Item # 6 - Mayor's Report**

**Item # 7 - Public Comments**

**Non-Recurring Items**

**Item # 8 – Resolution Authorizing the Appointment of a General Foreman in the Village of Pelham Department of Public Works**

**Be it resolved,** that the Board of Trustees of the Village of Pelham hereby confirms the Mayor’s promotional appointment of Robert Giustino of Poughkeepsie, NY to the position of General Foreman, effective Monday, June 5, 2023, at an annual salary of \$120,000.00 subject to the requirements of Westchester County Civil Service and for a probationary period of one (1) year; and

**Be it further resolved,** that the Board of Trustees of the Village of Pelham herein authorizes the Employment Agreement (attached hereto and made part hereof); and

**Be it further resolved,** that the Mayor is herein authorized to execute said Employment Agreement between the Village of Pelham and Robert Giusitno; and

**Be it further resolved,** that the Village Administrator is authorized to take the necessary and appropriate actions to affect this promotional appointment.

<b>Vote Record - Item # 8 – Resolution Authorizing the Appointment of a General Foreman in the Village of Pelham Department of Public Works</b>						
<b>Village of Pelham Board of Trustees Regular Meeting</b>				<b>Tuesday, May 9, 2023</b>		
			<b>Yes/Aye</b>	<b>No/Nay</b>	<b>Abstain</b>	<b>Absent</b>
<input type="checkbox"/> Approved	Mayor Mullen		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Approved as Amended	Deputy Mayor Carpenter		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Tabled	Village Trustee Hill-Ries		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Withdrawn	Village Trustee Eldahry		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Discussed	Village Trustee McGreal		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Village Trustee Otondi		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Village Trustee Solomon		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Item # 9 – Resolution Authorizing the Award of Insurance Coverage through FOA and Son Insurance Corp. for Property and Casualty Insurance Coverage (Property including Crime, General and Law Enforcement Liability, Public Officials and Employment Practices Liability, Automobile Liability and Physical Damage, and Excess Liability) for the Period of June 1, 2023 through May 31, 2024**

**Whereas**, the Village of Pelham is renewing Property and Casualty Insurance to provide coverage for the Village of Pelham. Property and Casualty Insurance covers: Property Including Crime; General and Law Enforcement Liability; Public Officials and Employment Practices Liability; Automobile Liability and Physical Damage; and Excess Liability; and

**Whereas**, the Village Administrator recommends renewing the Property and Casualty insurance package to Travelers Insurance Company.

**Now, therefore, be it resolved**, that the Village authorizes retention of Insurance through FOA and Son Insurance Corp., with Property and Casualty through Travelers Insurance Company, Accident Fund Insurance, and American Alternative Insurance Company, to provide umbrella liability coverage, at a total cost of Three Hundred Ninety-Three Thousand Six Hundred Five dollars (\$393,605.00), not including applicable taxes, as detailed in the proposal received May 5, 2023; and

**Be it further resolved**, that the Mayor and Village Administrator are authorized to take the necessary and appropriate actions to retain coverage for the Property and Casualty Insurance to be effective June 1, 2023 through May 31, 2024.

<b>Vote Record - Item # 9 – Resolution Authorizing the Award of Insurance Coverage through FOA and Son Insurance Corp. for Property and Casualty Insurance Coverage (Property including Crime, General and Law Enforcement Liability, Public Officials and Employment Practices Liability, Automobile Liability and Physical Damage, and Excess Liability) for the Period of June 1, 2023 through May 31, 2024</b>						
<b>Village of Pelham Board of Trustees Regular Meeting</b>				<b>Tuesday, May 9, 2023</b>		
			<b>Yes/Aye</b>	<b>No/Nay</b>	<b>Abstain</b>	<b>Absent</b>
<input type="checkbox"/> Approved	Mayor Mullen		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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	Village Trustee Solomon		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Item # 10 – Resolution Approving a Modification to an Approved Site Plan for a Proposed “Ann and Jack’s Treehouse” Playground at 629 Fifth Avenue (Sanborn Map Building at 629 Fifth Avenue)**

**Tax Designation: Section 1: Block 125: Lot 2**

**Whereas**, in accordance with Chapter 79 of the Code of the Village of Pelham, the Board of Trustees has found and determines it to be desirable to encourage property owners to improve property with accessory uses that take into consideration the public health, safety and general welfare and the comfort and convenience of the public and the immediate neighborhood and prescribe appropriate conditions and safeguards to preserve, complement and be compatible with the character, massing, and scale of adjacent land uses; and

**Whereas**, Village Code § 98-4 authorizes the Village Board of Trustees to permit and grant site plan approval for proposed improvements that comply with Village Code; and

**Whereas**, *629 Fifth Avenue Realty LLC* (or the “applicant”) submitted the required site plan approval documents and requested approval of a modification to an approved site plan to install an approximately 60’ x 60’ (3,600 sf) playground on the lawn area to the north (rear) of the n/f Sanborn building at 629 Fifth Avenue; and

**Whereas**, the proposed playground will consist of a Swing Set, Cedar Tree Fort Climber, and a Racetrack all located on permeable chips and/or poured-in-place permeable rubber play surface; and

**Whereas**, the applicant has represented to the Village Board of Trustees that it is the lawful owner or contract vendee of the 629 Fifth Avenue property; and

**Whereas**, *629 Fifth Avenue LLC* has further submitted a formal and complete proposed site plan prepared by Gallen Beeler Design Studio, P.C., dated 04-05-2023 and last revised 04-19-2023 satisfying the requirements of Village Code Chapter 79, showing a proposed playground for the 629 Fifth Avenue property; and

**Whereas**, *629 Fifth Avenue LLC* proposes to create an approximately 3,600 sf (60’ x 60’) area to be improved with a permeable surface for the placement of a swing set, cedar tree fort climber, and a racetrack; and

**Whereas**, *629 Fifth Avenue LLC* consists of one tax parcels located in the Office-2 zoning district; and

**Whereas**, Gallen Beeler Design Studio, P.C. has submitted the following documents and plans in support of the application:

Site Plan Application and Intent to Develop Form;

Existing Site Plan, A10, prepared by Gallen Beeler Design Studio, P.C, dated 4-05-2023 and last revised 4-19-2023;

New Grading Plan, A11 prepared by Gallen Beeler Design Studio, P.C, dated 4-05-2023 and last revised 4-19-2023;

New Site Plan, A12, prepared by Gallen Beeler Design Studio, P.C, dated 4-05-2023 and last revised 4-19-2023;

Illustration of proposed permeable "Pour in Place" playground surface.

**Whereas**, the Village Board of Trustees determined the Code of the Village of Pelham requires the proposed action be referred to the Planning Board; and

**Whereas**, the applicant submitted the application to the Planning Board for the purpose of obtaining their recommendations with respect to the application in accordance with Village Code; and

**Whereas**, the Planning Board reviewed the proposed playground on 4-18-2023 and recommended approval subject to the following:

1. Clarify on the site plan that the proposed 'racetrack' will also be fully permeable;
2. Note on the plans that the slope in the northeast corner will be graded into the existing contours and will not require a retaining wall;
3. Two clusters of trees are being removed and shall be noted on the site plan.

**Whereas**, *629 Fifth Avenue LLC* submitted the fees required in accordance with the schedule of fees for the Village of Pelham; and

**Whereas**, pursuant to the New York State Environmental Quality Review Act (SEQRA), the proposed action is less than 4,000 sf and is considered a Type 2 Action, thus exempt from SEQRA review; and

**Now, therefore be it resolved**, that after considering the documents submitted by the applicant, as recited above, and the recommendation from the Planning Board the Board of Trustees of the Village of Pelham finds and determines as follows:

- A. The proposed playground satisfies the requirements for consideration under the Village Code; and
- B. Site plan approval is granted pursuant to this resolution and shall be conditioned on the proposed project being installed/constructed in accordance with the drawings listed above.
- C. Site plan approval is granted subject to the following conditions:
  1. The area to be improved shall be staked off by survey and noted on the plans;
  2. This modification to an approved site plan is binding upon the applicant, the property owner and any subsequent owner of the property and may not be changed without the approval of the Board of Trustees of the Village of Pelham. If any term of this site plan approval is violated, the Building Inspector may stop work, revoke a building permit or deny a certificate of occupancy.

**Be it further resolved**, that in accordance with Village Code § 79-7, this modification to an approved site plan shall be null and void if the applicant fails to obtain a building permit within 120 days of this resolution unless the Village Board of Trustees extends, by resolution, the time within which to do so; and

**Be it further resolved** that this modification to an approved site plan shall be null and void if the applicant does not commence construction within six months of the date of the issuance of a building permit, unless the Village Board of Trustees extends, by resolution, the time within which to do so.

<b>Vote Record - Item # 10 – Resolution Approving a Modification to an Approved Site Plan for a Proposed “Ann and Jack’s Treehouse” Playground at 629 Fifth Avenue (Sanborn Map Building at 629 Fifth Avenue)</b>						
<b>Village of Pelham Board of Trustees Regular Meeting</b>				<b>Tuesday, May 9, 2023</b>		
			<b>Yes/Aye</b>	<b>No/Nay</b>	<b>Abstain</b>	<b>Absent</b>
<input type="checkbox"/> Approved	Mayor Mullen		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Approved as Amended	Deputy Mayor Carpenter		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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	Village Trustee Otondi		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Village Trustee Solomon		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



**Item # 11 – Resolution Authorizing Contribution to the American Legion, Pelham Post 50, for the 2023 Memorial Day Parade**

**Whereas**, the American Legion Pelham Post 50 has requested permission to hold and funding for ceremonies and a parade in celebration of Memorial Day 2023; and

**Whereas**, the Village Board of Trustees is desirous of granting this request including funding in the amount of \$2,000.00; and

**Whereas**, in order to properly fund the municipal contribution for the 2023 Memorial Day ceremonies and parade a budgetary transfer is required.

**Now, therefore, be it resolved**, that the Board of Trustees of the Village of Pelham herein authorizes the Village Administrator/Treasurer to make the following Budget Transfer:

<u>From: General Fund Expense</u>		
<u>Account No.</u>	<u>Account Description</u>	<u>Amount</u>
A.1420.400	Village Attorney - Contractual Services	\$2,000.00
<u>To: General Fund Expense</u>		
<u>Account No.</u>	<u>Account Description</u>	<u>Amount</u>
A.1010.415	Board of Trustees – Materials & Supplies	\$2,000.00

**Be it further resolved**, that the Board of Trustees of the Village of Pelham authorize the appropriate Village officials and staff to take the necessary and appropriate actions to allow this event to take place.

<b>Vote Record - Item # 11 – Resolution Authorizing Contribution to the American Legion, Pelham Post 50, for the 2023 Memorial Day Parade</b>						
<b>Village of Pelham Board of Trustees Regular Meeting</b>						
<b>Tuesday, May 9, 2023</b>						
			<b>Yes/Aye</b>	<b>No/Nay</b>	<b>Abstain</b>	<b>Absent</b>
<input type="checkbox"/> Approved	Mayor Mullen		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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	Village Trustee Otondi		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Village Trustee Solomon		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Item # 12 – Resolution Authorizing Pedestrian Signal Modification Services Agreement with DTS Provident Design Engineering LLP**

**Whereas**, on October 12, 2022, the Village of Pelham applied for the Multi-Modal #4 grant administered by the New York State Department of Transportation in the amount of \$150,000.00 for the reconstruction of the intersection of Wolfs Lane and Sparks Avenue; and

**Whereas**, on October 18, 2022, the Village was approved funding for the Multi-Modal #4 Program; and

**Whereas**, on October 18, 2022, a State-Local Agreement (“SLA”) between the Village and the New York State Department of Transportation was signed; and

**Whereas**, on March 13, 2023, DTS Provident Design Engineering, LLP (“DTS Provident”) submitted a proposal to the Village for the design and construction of pedestrian signal heads and poles, and ADA ramps; and

**Whereas**, the Village agrees to the tasks outlined in the fee summary table for plans, pedestrian ramp designs and construction phase of the intersection of Wolfs Lane and Sparks Avenue for an amount not to exceed \$33,750.00; and

**Whereas**, all services provided by DTS Provident not included in the tasks outlined in the fee summary table shall be billed to the Village on an hourly basis in accordance with the attached Schedule of Professional Fees and Reimbursables, and Schedule of Terms and Conditions.

**Now, therefore, be it resolved**, that the Board of Trustees of the Village of Pelham hereby authorizes the Village Administrator to sign an agreement with DTS Provident Design Engineering, LLP for Pedestrian Signal Modification Services at Wolfs Lane and Sparks Avenue.

<b>Vote Record - Item # 12 – Resolution Authorizing Pedestrian Signal Modification Services Agreement with DTS Provident Design Engineering LLP</b>						
<b>Village of Pelham Board of Trustees Regular Meeting</b>				<b>Tuesday, May 9, 2023</b>		
			<b>Yes/Aye</b>	<b>No/Nay</b>	<b>Abstain</b>	<b>Absent</b>
<input type="checkbox"/> Approved	Mayor Mullen		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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	Village Trustee Solomon		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Item # 13 – Other Business**

**Recurring Items**

**Item # 14 - Authorizing Accounts Payable**

*Trustee Eldahry is auditing the Accounts Payable.*

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

**Now, therefore, be it resolved**, that the Board of Trustees of the Village of Pelham after audit of the following vouchers, 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 and Deputy Village Treasurer:

<u>Fund Name:</u>	<u>Amount</u>
General Fund (A)	\$180,669.28
Capital Projects Fund (H)	\$ 61,620.00
Trust & Agency (T)	\$ 650.00
<b>Grand Total</b>	<b>\$242,939.28</b>

**Be it further resolved**, that the Village Board of Trustees hereby approves payment of the above-mentioned claims and authorizes payment thereof.

<b>Vote Record - Item # 14 - Resolution Authorizing the Accounts Payable</b>						
<b>Village of Pelham Board of Trustees Regular Meeting</b>				<b>Tuesday, May 9, 2023</b>		
			<b>Yes/Aye</b>	<b>No/Nay</b>	<b>Abstain</b>	<b>Absent</b>
<input type="checkbox"/> Approved	Mayor Mullen		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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	Village Trustee Solomon		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Item # 15 - Authorizing Minutes of: April 25, 2023 Work Session and Regular Meeting**

<b>Vote Record - Item # 15 – April 25, 2023 Work Session and Regular Meeting</b>						
<b>Village of Pelham Board of Trustees Regular Meeting</b>				<b>Tuesday, May 9, 2023</b>		
			<b>Yes/Aye</b>	<b>No/Nay</b>	<b>Abstain</b>	<b>Absent</b>
<input type="checkbox"/> Approved	Mayor Mullen		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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	Village Trustee Solomon		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Item # 16 - Adjournment**