

VILLAGE OF PELHAM BOARD OF TRUSTEES REGULAR MEETING
TUESDAY, AUGUST 11, 2009– 7:30 PM
VILLAGE HALL – 195 SPARKS AVENUE, PELHAM, NY

Minutes*

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

# Agenda Items:		Approximate Starting Time of Discussion
	Non-Recurring Items	7:35 p.m.
7.	Resolution authorizing the completion of probation for Omar Sanchez as Laborer in the Department of Public Works.	Approved
8.	Resolution adopting an Amendment of Appendix A to the Investment Policy for the Village of Pelham in compliance with New York State Law, originally approved May 18, 2002.	Approved
9.	Discussion on possible code changes for Architectural Review Board	Discussed
	Grants, Projects & Other Business	8:15 p.m.
10.	Grants- Status Report	Discussed
11.	Projects- Status Report	Tabled
12.	Building Department- Summary Report	Tabled
13.	Other Business	Tabled
	Recurring Items	8:45 p.m.
14.	Authorizing the Accounts Payable	Approved
15.	Authorizing Minutes of: June 9, 2009, June 23, 2009, July 14, 2009	Approved
16.	Adjournment to Executive Session	10:25 p.m.

Next Regular Board of Trustee Meetings are:
Tuesday, September 8, 2009
Tuesday, September 22, 2009
All meetings start at 7:30 p.m. unless otherwise noted.
*Agenda is subject to change.

Reports

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

The following members of the Board of Trustees were present:

Mayor Edward Hotchkiss, Trustees Breskin, Lewis, and Homan

Village staff in attendance:

Administrator/Treasurer Robert Yamuder, Terri Rouke Village Clerk.

Item #2 – Pledge of Allegiance:

The Pledge of Allegiance was led by Mayor Hotchkiss

Item #3 – Mayors Report

Mayor Hotchkiss reported on the water main break that occurred on July 29, 2009. The break happened at approximately 4:00am on Nyac Avenue. The DPW, Police Department, and Fire Department. responded by setting up road blocks and assessing the damage. The Mayor wished to thank the departments for their quick response. The Mayor then proceeded to read a letter addressed to Chief Taylor (F/D) by Karen Bertalocci concerning her husband Bobby's recent heart attack. She wished to convey her thanks for the members of the Fire Department and the EMT's whose speedy reaction saved the life of her husband. The Mayor and Administrator met with Pelham Manor Mayor, Jay Hays, Town Supervisor Joe Solimine, and Pelham Manor Manager, John Pierpont, concerning inter-municipal cooperation on joint purchasing powers. Ideally this will lead to saving money for both villages. The Mayor recognized a new staff member, Mr. Peter Bonington, as hired administrative intern and stressed his responsibilities of following up on grants that the Village has been pursuing.

Item #4 – Trustees Reports

Trustee Breskin- none

Trustee Homan- Trustee Homan reported on the Farmers Market vendor sale that occurred on August 2, 2009. She stated that the event was a success and wanted to thank those who attended but reminded the Board that for the market's vendors to function more successfully, there needs to be a larger crowd.

Trustee Lewis- Trustee Geoff Lewis reported on the work of the citizen's committee that was organized to review and update the village's commercial zoning code. Trustee Lewis chaired a committee that included Trustee Breskin, Building Inspector Len Russo and ZBA attorney Bob Wise, as well as residents Barbara Bartlett, Gwen Miller-Topagna, Joseph Marti, Tobey Epstein, and Adam Kagan. Mr. Lewis, described the current code as a "mess" that resulted from the merger of Pelham and North Pelham villages in the 1970s. The code has three separate business zones and anomalies such as two different building height restrictions on

opposite sides of Fifth Ave. The objective of the committee's work has been to simplify and clarify the code while protecting the character of the Village of Pelham and encouraging development. The proposed changes include creating two commercial zones (C1 and C2). C1 runs from Boulevard to just north of Lincoln Avenue and C2 runs north from Lincoln Avenue to 7th Street. In keeping with the recommendations of the Comprehensive Plan, zone 1 is intended to be the primary retail area, with shops and restaurants. Zone 2 will be geared toward service businesses. Trustee Lewis emphasized that current uses for buildings in the commercial districts will be "grandfathered" until the current use is discontinued. Mr. Marty presented details of the committee's recommendations, noting that the group started with a list of possible commercial uses enshrined in the New York City code and relied on recommendations of the National Trust for Historic Preservation. The full list of recommended permitted uses was distributed to the board and will be posted on the village website. Trustee Homan suggested that the board discuss several points of the conditions for this new zoning code. The discussion touched on proposed restrictions such as limiting professional offices to upper floors in C-1, to encourage more first-floor retail generate foot traffic along Wolf's Lane and Fifth Ave. The board also discussed proposed restrictions on the concentration of certain types of businesses, such as banks, which would require that these businesses be locate a minimum distance from one another. Trustee Lewis noted that drive-through businesses would not be permitted in either zone. In answer to a question by Mayor Hotchkiss, Trustee Lewis noted that, in addition to the two commercial zones, the code would still contain two office zones (O-1 and O-2), which apply to sites of the Sanborn Map building and the Prisco CK property, which abuts the Hutchinson River Parkway. Ms. Miller, a member of the planning board, possible amendments to the M1 zone, a special zone that was created to accommodate the assisted living project that was proposed for the site in the 1990s. The revisions are aimed at eliminating from the code features such as small apartment size that would be appropriate to an assisted living facility, but would not be welcome in another type of multi-family development, Trustee Lewis said. He also said he believed that this would not restrict a developer from erecting an assisted living facility in future. Trustee Breskin disagreed, voicing his opinion that the code should retain the rules created for the earlier developer to make it easy for a new senior housing developer to choose Pelham. Trustees Lewis and Breskin discussed the definitions and relative merits of senior housing vs. assisted living. Mayor Hotchkiss thanked Trustee's Lewis and Breskin for taking on this review.

Trustee Morris- absent
Trustee Potocki-absent
Trustee Bullock- absent

Item #5 – Village Administrator's Report

Administrator Yamuder- Robert Yamuder commented on the upcoming tree removal bid which is currently available for bids until August 19 and added that if any companies are interested they can pick a copy up at the Village Hall. He also added his thanks to the DPW, Police and Fire Departments. for their quick response on the water main break and successful completion of the work later that same day. He commented that the Fire House

floor has been inspected and that it was found to be structurally sound and that bids will be going out for water proofing of the floor since it has not be done for 13 to 14 years. Mr. Yamuder also wanted to bring to light some articles in the Pelham Weekly and Pelham Post regarding Fire Chief Curtis Taylor and his safety tips for barbecuing. An incident occurred on Sparks Avenue at the time the articles were released in which a resident was burned while barbecuing and Mr. Yamuder wanted to thank the members of the Fire Department for their professional responsiveness.

Item #6– Public Comment- No public comment.

Item #7 – Resolution authorizing the completion of probation for Omar Sanchez as Laborer in the Department of Public Works.

A motion was made by Trustee Homan, with a second by Trustee Breskin to adopt the resolution. The motion was approved by vote of four in favor, none opposed. Trustees Morris, Potocki and Bullock were absent.

RESOLUTION

AUTHORIZING THE SUCCESSFUL COMPLETION OF PROBATION
FOR OMAR SANCHEZ AS LABORER

BE IT RESOLVED, that the Mayor and Board of Trustees hereby authorize the successful completion of probation for Omar Sanchez as Laborer, which is approved based on the positive evaluation and recommendation of the Public Works General Foreman.

Item #8– Resolution adopting an Amendment of Appendix A to the Investment Policy for the Village of Pelham in compliance with New York State Law, originally approved May 18, 2002.

A motion was made by Trustee Breskin, with a second by Trustee Lewis to adopt the resolution. The motion was approved by vote of four in favor, none opposed, contingent upon clarification of the S/P rating or higher. Trustee Morris, Potocki and Bullock were absent.

RESOLUTION

AMENDMENT OF APPENDIX A TO THE INVESTMENT POLICY FOR THE
VILLAGE OF PELHAM
IN COMPLIANCE WITH NEW YORK STATE LAW

BE IT RESOLVED, that the Board of Trustees of the Village of Pelham hereby adopts an amendment of Appendix A to the investment policy circulated by the Village Administrator/Treasurer.

RE: INVESTMENT OF VILLAGE MONIES

APPROVED BY: Board of Trustees Resolution

REVISION DATE: August 11, 2009

1. Purpose

1.1 To outline the investment policy of the Village of Pelham which will apply to all monies available for investment in the various funds maintained by the Village, including the following:

General Fund
Water Fund
Capital Projects Fund
Fiduciary Funds

2. Policy

2.1 The primary objectives of this investment policy are:

- A. to conform with all applicable statutory requirements (legal);
- B. to adequately safeguard principal (safety);
- C. to provide sufficient liquidity to meet all operating requirements (liquidity);
- and
- D. to obtain a reasonable rate of return (yield).

INVESTMENT COMMITTEE

2.2 The Finance Committee of the Board of Trustees of the Village of Pelham shall act as the Investment Committee. The Investment Committee shall, at least annually, formulate an investment program which shall be submitted in writing to the Board of Trustees for approval. The Investment Committee may request advice concerning the Village's investment program from qualified professionals in the investment field.

DELEGATION OF AUTHORITY

2.3 The Village Board's responsibility for administration of the investment program is delegated to the Village Treasurer who shall establish written procedures for the operation of the investment program consistent with these investment guidelines and subject to the approval of the Investment Committee. Such procedures shall include an adequate internal control structure to provide a satisfactory level of accountability based on records incorporating description and amounts of investments, transaction dates, and other relevant

information. The operating procedures shall be reviewed, at least annually, by the Investment Committee and by the Village's independent auditors for appropriateness and compliance.

PRUDENCE

2.4 All participants in the investment process shall seek to act responsibly as custodians of the public trust and shall avoid any transaction that might impair public confidence in the Village of Pelham to govern effectively.

2.5 Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the safety of the principal as well as the probable income to be derived.

2.6 All participants involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program, or which could impair their ability to make impartial investment decisions.

DIVERSIFICATION

2.7 The Village of Pelham will diversify its deposits and investments by financial institution, unless fully collateralized as noted in Section 2.10, and by maturity scheduling.

INTERNAL CONTROLS

2.8 All moneys collected by any of the officers or employees of the Village shall be transferred to the Village Treasurer within three days of collection, or within the time period specified by law, whichever is shorter. The Village Treasurer is responsible for establishing and maintaining an internal control structure to provide reasonable, but not absolute, assurance that deposits and investments are safeguarded against loss from unauthorized use or disposition, that transactions are executed in accordance with management's authorization and recorded properly, and are managed in compliance with applicable laws and regulations.

DESIGNATION OF DEPOSITARIES

2.9 The banks and trust companies authorized herein for the deposit of monies are JP Morgan Chase, TD Bank and HSBC.

COLLATERALIZING OF DEPOSITS

2.10 In accordance with the provisions of General Municipal Law, Section 10, all deposits of the Village of Pelham, including certificates of deposit and special time deposits

(together with agreed-upon interest, if any, and any costs or expenses arising out of the collection of such deposits upon default), in excess of the amount insured under the provisions of the Federal Deposit Insurance Act shall be secured by a pledge of "eligible securities" as scheduled in Appendix A hereto with an aggregate "market value," as defined in said Section 10, at least equal to the aggregate amount of such excess. The Village Treasurer shall have the discretion to require that the amount of any such pledge shall have a market value of more than 100% of the amount of such excess if, in the Village Treasurer's judgment, such requirement would not have a significant adverse effect on yield.

SAFEKEEPING AND COLLATERALIZATION

2.11 Eligible securities used for collateralizing deposits shall be held by the depository bank or trust company or a designated custodial bank subject to security and custodial agreements.

The security agreement shall provide that eligible securities are being pledged to secure the deposits of the Village of Pelham together with agreed-upon interest, if any, and costs or expenses arising out of the collection of such deposits upon default. It shall also provide the conditions under which the securities may be sold, presented for payment, substituted or released and the events which will enable the Village of Pelham to exercise its rights against the pledged securities.

2.12 The custodial agreement shall provide that securities held by the custodial bank or trust company, as agent of and custodian for the Village of Pelham, will be kept separate and apart from the general assets of the custodial bank or trust company and will not, in any circumstances, be commingled with or become part of the backing for any other deposit or other liabilities. The agreement should also provide that the custodian shall confirm the receipt, substitution or release of the securities. The agreement shall provide for the frequency of revaluation of the eligible securities and for the substitution of securities when a change in the rating of a security may cause ineligibility.

2.13 The Village Treasurer shall enter into security and custodial agreements with the authorized depositories and custodians, subject to the approval of each agreement by the Village Attorney. Such agreements may be in the form of model agreements provided to local governments by the Comptroller of the State of New York.

PERMITTED INVESTMENTS

2.14 As authorized by Section 11 of the General Municipal Law, the Village of Pelham authorizes the Village Treasurer to invest monies not required for immediate expenditure for terms not to exceed its projected cash flow needs in the following types of investments:

- A. Special time deposit accounts in designated depositories, subject to the collateral requirements outlined in Sections 2.10 through 2.13;

B. Certificates of deposit issued by designated depositories, subject to the collateral requirements outlined in Sections 2.10 through 2.13;

C. Obligations of the United States of America;

D. Obligations issued or fully guaranteed by agencies of the United States of America where the payment of principal and interest are guaranteed by the United States of America;

E. Obligations of the State of New York.

REPURCHASE AGREEMENTS

2.15 Repurchase agreements are authorized subject to the following restrictions:

A. All repurchase agreements must be entered into subject to a Master Repurchase Agreement.

B. All repurchase agreements will be limited to a maximum maturity of 15 days.

C. Trading partners are limited to banks or trust companies authorized pursuant to this Policy.

D. Pledged securities shall be limited to obligations of the United States of America and obligations issued or fully guaranteed by agencies of the United States of America where payment of principal and interest is fully guaranteed by the United States of America.

E. No substitution of securities will be allowed.

PURCHASE OF INVESTMENTS

2.16 The Village Treasurer is authorized to contract for the purchase of investments:

A. Directly, including through a repurchase agreement, from an authorized trading partner.

B. By participation in a cooperative investment program with another authorized governmental entity pursuant to Article 5G of the General Municipal Law where such program meets all the requirements set forth in State Comptroller Opinion No. 88-46, and the specific program has been authorized by the Village Board of Trustees.

AUTHORIZED FINANCIAL INSTITUTIONS AND DEALERS

2.17 The Village of Pelham shall maintain a list of financial institutions and dealers approved for investment purposes. All financial institutions with which the Village conducts business must have a senior debt rating of at least A by at least two of the leading rating agencies. Security dealers not affiliated with a bank shall be required to be classified as

reporting dealers affiliated with the New York Federal Reserve Bank, as primary dealers. The list of financial institutions and dealers shall be evaluated annually.

REPORTING

2.18 The Village Treasurer shall submit a monthly investment report to the Investment Committee which discloses investment activity during the month, including descriptions, amounts, rates of interest and maturity dates.

2.19 The Village Treasurer shall prepare an annual report within 60 days of the end of the fiscal year. This report shall include the amount of interest earned, the effective annual yield, and a schedule of investments held by the Village at fiscal year-end.

3. Procedures

3.1 Investments will be limited to those authorized in the Investment Policy.

3.2 The investment selection process for certificates of deposit will utilize competitive quotations from at least three authorized depositories, where practicable.

3.3 Each investment transaction will be made by written authorization. If the authorization is initially given verbally, a written authorization will be sent the same day by the Village Treasurer to the appropriate financial institution or dealer.

3.4 All investment authorizations and confirmations will be promptly checked against the Village Treasurer's investment records by another Village employee.

3.5 The Village Treasurer will maintain a file of written investment authorizations and confirmations.

3.6 The Village Treasurer will maintain a record of all investment transactions including descriptions, amounts, rates of interest, maturity dates and earnings.

3.7 The Village Treasurer will determine on a regular basis that obligations have been pledged by the depositories in accordance with the agreements in place.

3.8 The Village Treasurer will maintain a list of financial institutions and dealers approved for investment purposes and will ensure that dealers are rated at least A by both at least two of the leading rating agencies. As of August 11, 2009, the list includes JP Morgan Chase, HSBC Bank, and TD Bank.

3.9 The Village Treasurer will report investment activity in accordance with the provisions contained in the Investment Policy.

APPENDIX A

SCHEDULE OF ELIGIBLE SECURITIES

(i) Obligations issued, or fully insured or guaranteed as to the payment of principal and interest, by the United States of America, an agency thereof or a United States government sponsored corporation.

(ii) Obligations partially insured or guaranteed by any agency of the United States of America, at a proportion of the market value of the obligation that represents the amount of the insurance or guaranty.

(iii) Obligations issued or fully insured or guaranteed by the State of New York, obligations issued by a municipal corporation, school district or district corporation of such State or obligations of any public benefit corporation which under a specific State statute may be accepted as security for deposit of public monies.

(iv) "Eligible letters of credit" shall mean an irrevocable letter of credit issued in favor of the local government for a term not to exceed ninety days by a bank (other than the bank with which the money is being deposited or invested) whose commercial paper and other unsecured short-term debt obligations (or, in the case of a bank which is the principal subsidiary of a holding company, whose holding company's commercial paper and other unsecured short-term debt obligations) are rated in one of the three highest rating categories (based on the credit of such bank or holding company) by at least one nationally recognized statistical rating organization or by a bank (other than the bank with which the money is being deposited or invested) that is in compliance with applicable federal minimum risk-based capital requirements.

Item #9 – Discussion on possible code changes for Architectural Review Board

The discussion about possible alterations to the code of the Architectural Review Board (ARB) involving talks between members of the Board of Trustees (BOT), registered applicants, as well as members of the ARB and Planning Board took place on August 11. This debate was brought about through a series of discussions over time between; Mayor Edward Hotchkiss, Village Administrator Robert Yamuder, Building Inspector Leonard Russo, and Village Attorney Martha Conforti. The Board of Trustees elaborated at length about the apparent tension between applicants and the twin boards, the ARB and the Planning board, over the issue of architectural purity and practicality as well as the alleged lack of “actionable feedback” for applicants to apply to their specifications. The BOT heard from several resident applicants and architects who expressed their dissatisfaction with the current powers and workings of the ARB and Planning Board. A local resident, Mr. Cahill, cited the lack of attendance by board members as a critical setback in his process. He stated that because of the lack of attendance by board members, new stipulations were being continually added to their architect’s specifications. He suggested it would be more efficient for the members to all be present as it would be better for the process. Len Russo corroborated that indeed attendance at ARB meetings was the “end all and be all.” Local resident and architect Jim Vassalotti explained the issue of discerning standards with both the ARB and Planning boards and the difficulty between determining village standards and the individual standards of board members. With lengthily time frames between meetings and the absence of board members who can add new comments at concurrent meetings, Mr. Vassalotti expressed a similar dissatisfaction with the process. Mayor Hotchkiss agreed that there was an importance to codifying big items vs. little items. Paul Osmolskeis, also a local architect, concurred with Mr. Vassalotti and added that the ARB should not be in a position of being “design police” for residential housing but rather focus on “big picture items” such as new construction and how they affect property values. By way of a rebuttal, Richard Vieth, of the planning board, commented that the role of the planning board is to asses aspects of architecture within the community that has a bearing on the cost of the houses and the overall impact on the community. He did however agree that the intermittent attendance of board members is an issue that needs to be addressed. The Mayor concluded this segment by stating that the parameters between the planning board and the architectural review board need to be more clearly defined and stressed the importance of guidelines for each board.

Items #10—Grants-Status Report- Presented by administrative intern Peter Bonington were the updates for grants since last Board of Trustees meeting 7/14/09. Highlights included:

Item #7 on the agenda: the CDBG streetscape grant for upgrading the entire block of 5th Avenue sidewalks and curbs, between 6th and 7th Streets (awarded in 2006 for construction in 2007)- Project sidewalks installed on schedule and on budget. On 8/11/09, the final reimbursement check for \$80,000 of the total grant for 160,000 has been received by the Village of Pelham, representing the Village’s matching share. The project is 100% complete.

Item #8 on the agenda: Senator Klein's Legislative Member Item Grant (ID# TM06842) - Grant was for \$25,000. All items purchased and received to date. Project 100% complete.

Item #9 on the agenda: Congresswoman Nita Lowey's second LPDM Flooding and Stormwater Remediation grant (First notified Dec. 2008) - Grant for \$50,000 with a village match of \$16,667 (25% match). The grant has been approved and appropriated by Congresswoman Lowey. Currently, the Village Administrator is in contact with Ben Craig of the Congresswoman's office over the status of the grant. To date, House approved, awaiting Senate approval in September/October.

Item #11 on the agenda, the Comprehensive Master Plan/ Quality Communities Grant from NYSDOS (ID# C059932)- Grant was for \$75,000 with a \$22,947 Village of Pelham match. Final payment received on 7/20/09, the project is 100% complete.

Item #12 on the agenda, the FEMA Pre-Disaster Mitigation Plan (awarded in 2004)- Grant was for \$25,000. All work has been completed and the final reimbursement from NYS received 3/27/09. The project is 100% complete.

Item #11– Projects- Status Report - Tabled

Item #12—Building Department Summary Report- Tabled

Item #13– Other Business-Tabled

Item #14– Authorizing the Accounts Payable

A motion was made by Trustee Lewis with a second by Trustee Homan to adopt the resolution. The motion was approved by vote of four in favor, none opposed. Trustee's Potocki, Morris, Bullock were absent.

Trustee Lewis is auditing the Accounts Payable.

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	\$ 181,966.99
Water Fund	\$ 17,266.00
Capital Projects Fund	\$59,449.97
Trust and Agency Fund	\$ 0.00
H3 Fund	<u>\$ 0.00</u>
Grand Total	\$ 258,682.96

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

Item # 15- Authorizing Minutes of: June 9, June 23, and July 14, 2009

A motion was made by Trustee Breskin, with a second by Trustee Lewis to adopt the minutes of June 9 and 23 and July 14. The motion was approved by vote of four in favor, none opposed. Trustee's Potocki, Bullock, and Morris were absent.

Item # 16- Adjournment to Executive Session

A motion was made by Trustee Breskin, with a second by Trustee Lewis to adjourn the public portion of the board meeting at 10:25 p.m., and go into Executive Session to discuss matters of matters of litigation and personnel, after which the Board would adjourn for the evening. The motion was approved by vote of four in favor, none opposed. Trustee's Potocki, Morris, Bullock were absent.

Respectfully Submitted
Peter Bonington, Administrative Intern