

VILLAGE OF PELHAM BOARD OF TRUSTEES REGULAR MEETING  
TUESDAY, JULY 17, 2007 – NOTE DIFFERENT START TIME 8 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 |  | Approximate   |
| 6. | Public Comment                 |  | Starting Time |
| #  | Agenda Items:                  |  | of Discussion |

	<b>Human Resources and General Business</b>		<b>8:15 p.m.</b>
7.	Authorizing the appointment of three (3) Lieutenants in the Fire Department and setting probationary periods for the appointees.		<b>Authorized</b>
8.	Update on Flooding initiatives.		<b>Discussed</b>
9.	Update on Website initiatives.		<b>Discussed</b>
10.	Update on Comprehensive Plan update (Trustee Weinstein)		<b>Discussed</b>
11.	Update on Streetscape Clean-up & Improvements (Tr. Morris)		<b>Discussed</b>
12.	Closing the 60-day comment period on Pelham's Pre-Disaster Hazard Mitigation Plan, declaring it final and ready for submission to FEMA, pursuant to SEMO's comments and recommendations.		<b>Extended</b>
13.	Year-end Budget Transfers for Fiscal Year 2006-2007.		<b>Approved</b>
14.	Reviewing a draft local law and scheduling a public hearing August 7 <sup>th</sup> on a Local Law enacting Newspaper Rack Regulations.		<b>Approved for PubHrg</b>
	<b>Streets, Traffic and Parking</b>		<b>9:00 p.m.</b>
15.	Report on Safe Routes to School reviews and initiatives.		<b>Discussed</b>
16.	Amending the Code to enact a Stop sign at Chestnut and Walnut, to make Chestnut and Walnut an "all-way" stop intersection.		<b>Approved</b>
17.	Amending the Code per the Police Chief to prohibit Parking on the south side of 3 <sup>rd</sup> Street, from 1 <sup>st</sup> to 7 <sup>th</sup> Avenues.		<b>Approved</b>
	<b>Contractual Items</b>		<b>9:15.m.</b>
18.	Public input on a draft Pelham Disadvantaged Business Enterprise program for FTA requirements.		<b>Authorized</b>
19.	Public input on a draft Pelham Environmental NEPA evaluation of the Village Yard and Parking FTA project.		<b>Authorized</b>
20.	Three Contract Awards: A. 2007-04 Milling, Paving, Curbs and Catch-basins B. 2007-05 Roofs and Windows C. 2007-06 Tree Removal and Trimming		<b>All 3 Authorized</b>
21.	Authorizing the purchase of three (3) vehicles for the Police Department off of NYS contract.		<b>Authorized</b>
22.	Authorizing an agreement with the Michigan and Virginia DMVs for the Village's collection agent to investigate Pelham's parking ticket scofflaws in those states.		<b>Authorized</b>
	<b>Housekeeping</b>		<b>10:00 p.m.</b>
23.	Authorizing the Accounts Payable.		<b>Approved</b>
24.	Old Business/New Business		
25.	Minutes – June 5, 2007 and June 19, 2007		<b>Approved</b>
26.	Adjournment		<b>Adjourned</b>

Next Regular Board Meetings are Tuesdays August 7<sup>th</sup> and September 4<sup>th</sup>

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

VILLAGE OF PELHAM BOARD OF TRUSTEES REGULAR MEETING  
TUESDAY, JULY 17, 2007 – NOTE DIFFERENT START TIME 8 PM  
VILLAGE HALL – 195 SPARKS AVENUE, PELHAM, NY

Item #1 – Meeting called to order: The meeting of the Board of Trustees was called to order by Mayor Edward Hotchkiss at 8:10 p.m.

The following members of the Board of Trustees were present:

Mayor Edward Hotchkiss, Trustees Greco, Homan, Lewis, Morris, and Potocki. Trustee Weinstein attended the meeting later.

Village staff in attendance:

Administrator/Treasurer Richard Slingerland and Administrative Aide Devron Wilson

Item #2 – Pledge of Allegiance:

The Pledge of Allegiance was led by Mayor Edward Hotchkiss.

Item #3 – Mayor's Report:

Mayor Hotchkiss had nothing to report.

Item #4 – Trustees' Report:

Trustee Greco reported that the repairs being done to Engine 5 should be completed by Friday July 20, 2007.

Trustee Potocki reported that the Pelham Police Department raised \$8,500 for the Pelham Police Department Tactical Unit Fund. The Village plans to send 1 or 2 more officers to Tactical Training this fall. Trustee Potocki thanked Sergeant James Mitrione and Police Officer Eugene Sisto for their efforts with regard to the Police Department Tactical Team.

Trustee Homan reported that she met with representatives from CSEA (Civil Service Employment Association). The results of that meeting were discussed in Executive Session.

Trustee Lewis had nothing to report.

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

Item #5 – Village Administrator's Report:

Administrator Slingerland had nothing to report on that was not included in the Agenda.

Item #6 – Public Comment: None.

Item #7 – Authorizing the appointment of three (3) Lieutenants in the Fire Department and setting probationary periods for the appointees:

Mayor Hotchkiss individually swore in and appointed Kevin Brennan, James DiNapoli, and Julian Keiser to the position of Fire Lieutenant in the Pelham Fire Department.

A motion was made by Trustee Greco, with a second by Trustee Potocki to adopt the resolution. The resolution was approved unanimously by vote of six in favor, none opposed. Trustee Weinstein wasn't present at the time of voting.

RESOLUTION

AUTHORIZING THE APPOINTMENT OF  
THREE (3) EMPLOYEES TO THE POSITION OF FIRE LIEUTENANT  
IN THE PELHAM FIRE DEPARTMENT

BE IT FURTHER RESOLVED, that the Board of Trustees of the Village of Pelham authorizes the appointment by the Mayor of the following:

Julian Keiser  
James DiNapoli  
Kevin Brennan

to the position of Fire Lieutenant from the approved civil service list for this position, for a probationary period that will expire December 1, 2007, subject to the requirements of Civil Service.

Item #8 – Update on Flooding initiatives:

Village Administrator Richard Slingerland gave a brief report about the villages' flood initiatives. The following initiatives were mentioned:

Administrator Slingerland and Trustee Morris attended the June 20<sup>th</sup> Flooding Summit hosted by Westchester County, explaining the breadth of the issue and the need for cooperation on the issue under County leadership. County Executive Spano announced the request of \$10 million a year for the next 5 years to fund studies and flooding remediation projects.

The Village submitted a "Notice of Intent" letter to FEMA under the 406 Program requesting additional funding for remediation.

The Village also submitted a request for the County to reconsider our Phase 2 Flooding Remediation Project this summer for the CDBG program on Wednesday, June 27, 2007. Met with them on July 17<sup>th</sup> for further explanation and detail about the project work we plan with the \$250,000 we have requested, primarily to upsize pipes along 7<sup>th</sup> Avenue and 6<sup>th</sup> Streets, with additional work considered.

The Village has been coordinating with our engineering consultant Dolph Rotfeld Engineers, and we've asked for a proposal to perform a phase of upgrades to the stormwater management system along the worst flooded areas of 7<sup>th</sup> Avenue, 6<sup>th</sup> Avenue, 4<sup>th</sup> Avenue and 6<sup>th</sup> Street.

**NOTE:**

Westchester County has reminded communities of the availability of funds through the NYS AHC to assist homeowners with vital repairs, including those needed as the result of floods. These programs include the Lead-Safe Westchester Property Improvement Program and Weatherization Rehabilitation Assistance Program. To qualify for the AHC funds, homeowners must earn less than 80 percent of the area's median income for their household size. For example, for this year a family of four could have a maximum income of \$77,200 to qualify.

Item #9 – Update on Website initiatives:

Administrative Aide Devron Wilson gave a brief report about the villages' website initiatives. Mr. Wilson said the village has decided to have the design team from our current hosting service, A-plus.net, perform the work of constructing and designing a work-order request database system. Mr. Wilson reported that the village calendar is up and running on the village website. Each month has been populated with meeting information. Mr. Wilson also spoke with Omar Small from City Manager Charles Strome's office regarding New Rochelle's city-to-resident Reverse-911 notification system. Mr. Small informed him to contact The NTI Group to see if they can help the village implement a Reverse 911 Emergency Notification System.

Administrator Slingerland reported that he had set up a draft email blast notification system in test format using a limited group of Village staff. There are a few issues with the system that need to be corrected before we make the notification system public.

Mayor Hotchkiss suggested that Mr. Slingerland contact Westchester County to see if they can help the village implement a Reverse 911 Emergency Notification System.

Background information:

Over the past few years, the Village put up an expanded website with more functionality than had in the past, with major assistance from a group of graduate computer science students from Baruch College in New York City.

Three recommendations of that group were to create a work-order management system, a village calendar of meetings and events, and an e-mail notification system to advise residents of potential emergencies and regular meetings.

Work-Order (a.k.a. Call Management System)

The work-order reporting system was designed to make it easier for residents to submit and for the Village to track work-orders to perform basic services to the community – fix a pothole, remove or plant a tree, fix a street-light, clean a catch-basin, etc. Originally, the Village was going to hire one of the graduate students on an hourly basis for \$2,500. The first student with whom the agreement was set up took full-time employment. The second student was unable to complete the process due to increased work obligations. We contacted another municipality for suggestions, reviewed the concept with our MIS consultants, and discussed with our website host's design team.

At this time, we've determined the best, most effective course of action is to proceed with the design team for our website hosting, A-plus.net, which will perform the work of designing the database for the work-order request system to track progress, and then setting up an automated e-mail response for receipt and closure of the work. Total cost will be \$3,100. A preliminary check for 75% of the work is included in tonight's accounts payables. The remaining 25% will be paid upon completion.

Village Calendar of Meetings and Pelham Village events:

The Village of Pelham calendar of events has been set up for several years in a list-format. As of the end of June, 2007, we've included a calendar-date style template for each month of meetings and submission deadlines for the Board of Trustees, ARB, Planning Board, and ZBA.

Item #10 – Update on Comprehensive Plan update (Trustee Weinstein):

Trustee Weinstein wasn't present at the meeting at this time; therefore Mayor Hotchkiss gave a brief update on the Villages' Comprehensive Plan.

The Master Plan Advisory Committee had its initial meeting from 6:30PM to 7:30PM on July 17 in Village Hall, 195 Sparks.

The Village received a grant from the Department of State's Quality Communities Program to perform an update of our Comprehensive Plan, along with other Code and Village regulation amendments to promote and support that vision for the future.

At this meeting we introduced to our Committee the representatives from Saratoga Associates, who are our consultants hired to update our Comprehensive Plan.

The members of the committee represent a cross-section of the community. Some have particular expertise in real estate and land use, and others have been involved in community organizations or are familiar with successful developments elsewhere. Trustee Adam Weinstein has been assigned to chair the committee and direct the master plan formulation. Members of the Committee appointed by the Mayor include the following (for the record):

Alyssa Talanker

Barbara Bartlett (Member of the Architectural Review Board)  
David Cohen  
Ed Petti (Member of the Planning Board)  
Ed Smith (Member of the Zoning Board of Appeals)  
Greg Breskin  
Gwen Tapogna (Chair of the Planning Board)  
Kevin Healy  
Mike Zisser, former member of numerous ad hoc Downtown and Redevelopment Committees  
Nancy Davis  
Patrick Shiels  
Steve Quintin  
Tom James  
Twig Hayes  
Mayor Ed Hotchkiss  
Trustee Adam Weinstein  
Staffing will be provided by the Village Administrator and other Village Administrative Staff as necessary including the Building Inspector, the Village Clerk and the Administrative Aide.

We plan to complete this in the next few months. The plan will concentrate on developing commercial and multifamily zones in the village and make recommendations on:

- code enforcement,
- zoning,
- traffic management,
- parking,
- desirable businesses, retailers, and high density housing, plus strategies to attract them,
- branding of the village.

This committee will review the preliminary findings and draft final report. I will believe it will meet about 4 times and the rest of communications will be done by emails.

Item #11 – Update on Streetscape Clean-up & Improvements (Tr. Morris):

\*Trustee Morris reported that she and Mayor Hotchkiss met with (5) five residents including former Trustee Merrick about cleaning up the litter in Pelham. Residents are being asked to inform the village of problem areas in the village which need to be cleaned. The Public Spaces Committee hopes to kick things off in the fall with a Public Awareness Campaign. The campaign will be geared towards cleaning up the Pelham downtown area and subsequently the entire village. Along with the Public Awareness Campaign, the Public Spaces Committee plans to survey the community to find out how often residents see and or pick up trash on village streets.

\*Trustee Homan suggested that the village make repairing sidewalks, an effort of the Public Spaces Campaign as well.

The Village of Pelham's Streetscape Clean-up Committee met on Wednesday, July 11, 2007. The committee is comprised Trustee Laura Morris, Mayor Ed Hotchkiss, and a number of concerned residents and residents with architectural and design experience who are interested in seeing the Village's Downtown become cleaner and more attractive.

Some initiatives that have already taken place include:

- Coordinating with Metro North to improve trash clean-up in problem areas that have a large amount of wind-blown garbage that accumulates in certain areas, especially beyond the station platforms, and around the stairways from the station to the surrounding streets
- A special effort has been made for cooperation between the Village, Metro North and the Pelham Preservation and Garden Society to share the cost for design (with assistance by the ARB) and production of a carved and painted sign at the train station to replace a vandalized sign. That new sign has been manufactured and installed on the First Street side of the station and it is very attractive.
- Emptying the Downtown trash cans 5 days a week, which started March 1, 2007 with our new Village-wide garbage and collection and removal contract
- Increasing the walk-through trash pick-ups in the parks and village owned areas from once to twice a week, to three times a week, particularly in Wolfs Lane Park
- Resuming the 3-day per week Downtown and rotated village-wide street-sweeping as of June 1<sup>st</sup>, which has been adjusted to include Saturdays in order to have the Downtown garbage cans emptied a 6<sup>th</sup> day each week
- Reminding the businesses that the Downtown trash cans are for shoppers and passers by, and not for businesses to dump their trash
- Main Street streetscape grants totaling \$50,000, Senator Jeff Klein grant for \$25,000, and a Village commitment of \$25,000 to buy more garbage cans, benches, lights and nicer fences to replace worn-out chain-link fences.

#### Clean-up Pelham Committee:

Committee efforts with the Village to improve the cleanliness of the Downtown and improve clean up has resulted, or will soon result, in the following:

- A change in the Village Code adopted last year requires that all property owners, including landlords and businesses, be responsible to clean up trash in front of their stores (and that does not mean sweeping it into the curbs)
- A concerted effort by the Police and the Administrative staff to send out warning notices to businesses, advising them of the laws against having signs taped to windows or blocking more than 20% of the window area
- Consideration for programs like "Adopt a tree well" to plant flowers, or an award for the cleanest sidewalk and storefront (Golden Broom Award).

Wolfs Lane Park:

Third, but not last, is an effort to continue the improvements to the Wolfs Lane Park, including the following:

- Implemented Phase 1 improvements to Wolfs Lane Park, as detailed by Cherbuliez Munz Architects and the Wolfs Lane Park Committee, with tree planting details provided by architects Hank White and Emilie Freidberg
- Implemented repairs to the broken curbs running from Boulevard to Sparks Avenue, (funded by the Village with monies provided for curb and wall repairs)
- Work with landscape architect Hank White, his associates, and the current and former members of the Wolfs Lane Park Committee to establish a formal vision and Concept Plan for the Wolfs Lane Park, which the Village can implement in future phases
- Coordinate with the Pelham Picture House Regional Film Center for future grants and funding to add lighting on the paths through Wolfs Lane Park between the Pelham Train Station and the Picture House.

Item #12 – Closing the 60-day comment period on Pelham’s Pre-Disaster Hazard Mitigation Plan, declaring it final and ready for submission to FEMA, pursuant to SEMO’s comments and recommendations:

A motion was made by Trustee Greco, with a second by Trustee Morris to extend the public notice and comment period for another 30 days to allow the additional agencies contacted to have the time to review the report and submit comments, if they have any. The motion was approved unanimously by vote of seven in favor, none opposed.

Report by Administrative Aide Devron Wilson:

We had a meeting July 12, 2007 with Ed Lips and Nadine Macura from SEMO. They determined the plan needs more detail in some areas and suggested our consultant change the plan to include:

1. Summary: A summary list of all existing plans and reports and websites referenced by the Plan;
2. Detail: More detailed break-down for the Top 10 potential hazards, specifically to include a Definition of the hazard, potential location and extent of impact, previous instances of such hazards, potential for future events, an overall summary and an impact explanation.
3. Listing of all hazards: Copy the all-hazard listing performed in the HAZNY chart from the end of the report, and include it in the hazard analysis section of the report as well.
4. Expanded Mitigation Goals: Add more to the plan. (Section 6-1). Typically FEMA requires that a plan should have between 10 and 12 mitigation goals.
5. Future Updates: Add a plan maintenance to the section which states that the Village will update and re-submit its plan to SEMO and FEMA as required by FEMA.
6. Circulation: Include names of communities, agencies, and businesses that either received the plan or took part in the planning process of the plan. We circulated the original draft of the plan to involved and interested agencies, but just expanded that list to include the Chamber of Commerce, Pelham Manor, New

Rochelle, the Town of Pelham and the Pelham Schools. We will also send it out to Eastchester and Mt. Vernon for them to have the opportunity to review and comment on it. And:

7. Adoption: The last section of the plan must reference that the Board will adopt the plan once it has been approved by FEMA.

Based on the additional circulation requirements, and the changes that must be made to the report, we recommend that the Board extend the public notice and comment period for another 30 days to allow the additional agencies contacted to have the time to review the report and submit comments, if they have any.

New Deadline for public comment: Friday, August 17, 2007.

Item #13 – Year-end Budget Transfers for Fiscal Year 2006-2007:

A motion was made by Trustee Lewis, with a second by Trustee Weinstein to adopt the resolution. The resolution was approved unanimously by vote of seven in favor, none opposed.

### RESOLUTION

#### Re: Year-end Budget Transfers for Fiscal Year 2006-07

**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 2006-07 Budget by making the following transfers:

2006/07 BUDGET AMENDMENTS as of May 31, 2007

GENERAL FUND				DECREASE EXPENSE		
INCREASE EXPENSE						
a9550.000	trans to cap. fund	\$ 10,000		a1620.424	vill.bldg. maint	\$ 10,000
a5989.415	traff. supp. & materials	\$ 2,550		a2705	gifts & donations	\$ 2,550
a3120.120	police overtime	\$ 106,520		a2772	refunds for pers. svc	\$ 106,520
a6030.499	sect, 8 fees	\$ 2,095		a4411	sect. 8 fees	\$ 2,095

water fund					
f8320.422	water-source of supply	\$ 100,000	f4000	appropriated fd bal	\$ 100,000
CAPITAL FUND					
H1620.299	vill bldg. improve.	\$ 10,000	H2831.1	intrfd trnsfr (gf)	\$ 10,000
H3120.204	police -hand guns	\$ 2,800	H2075	gifts & donations	\$ 2,800
H8140.400	1st st sewer/flood remed	\$ 940	H2401	interest earnings	\$ 4,390
H4000	approp. fund balance	\$ 3,450			
H5900.400	traffic imp(sanfordblvd)	\$ 5,000	H2690	settlement sanford blvd	\$ 5,000

budget transfers					
A1010.440	trustees misc.	\$ 173	A1010.415	trustees supp & mat	\$ 102
A1010.499	trustees,videographer	\$ 729	A1010.490	trustees-newsletter	\$ 800
A1210.440	mayor - mis.	\$ 2,187	A1325.415	treasurer - supp	\$ 480
A1230.404	adm.dues	\$ 163	A1355.401	assessor cmpr svcs	\$ 1,807
A1230.470	adm. travel	\$ 112	A1230.440	adm.mis.	\$ 275
A1410.408	records manage.	\$ 4,126	A1410.440	elections	\$ 4,126
A1420.400	law-contractual	\$ 24,183	A1930.930	judgements & claims	\$ 19,183
A1620.401	computer servcices	\$ 40	A1620.201	equipment	\$ 1,813
A1620.406	postage	\$ 465	A1640.451	vehicle repair	\$ 276
A1620.415	supplies & materials	\$ 302	A9060.960	health ins	\$ 5,000
A1620.421	telephone	\$ 1,006			
A1620.424	village hall maint	\$ 10,000	A9049.949	workers comp ins	\$ 10,000
A1640.411	vehicle fuel	\$ 24,515	A1640.101	salaries	\$ 5,393
A1640.415	vehicle supply & mat.	\$ 10,582	A1640421	telephone	\$ 504
A1640.422	utilities	\$ 276	A1440.100	eng. salary	\$ 5,800
			A1990.990	contingency	\$ 23,400
A1910.910	unallocated insurance	\$ 340	A1900.1920	municipal dues	\$ 340
A3120.101	police salariees	\$ 91,253	A1990.990	contingency	\$ 88,992
A3120.105	sal. crossing guards	\$ 698	A3120.106	sal. code enforc	\$ 2,224
A3120.120	police overtime	\$ 17,971	A3120.130	police holiday pay	\$ 2,107
A3120.153	response team training	\$ 496	A3120.135	police super holiday	\$ 1,582
A3120.201	police equipt.	\$ 1,923	A3120.150	police educatiuon	\$ 2,855
A3120.202	police.equipt-furniture	\$ 545	A3120.151	police educ-non-union	\$ 3,000
A3120.207	vehicle lease	\$ 68	A3120.406	police medical	\$ 2,543
A3120.415	supply & misc.	\$ 997	A3120.440	police misc./matron	\$ 1,272
A3120.421	police telephone	\$ 330	A3120.449	police canine unit	\$ 1,333
A3120.453	maint. of equipt	\$ 1,817	A1930.930	judgements & claims	\$ 7,684
A3120.461	uniform allowance	\$ 3,744	A1950.1952	website design	\$ 2,500
			A1950.950	taxes	\$ 1,750
			A1950.1953	bus.district planning	\$ 2,000
A3320.401	on st.pkg computer	\$ 11,828	A3320.201	equiptment	\$ 2,076
			A3320.421	telephone	\$ 500
			A3510.400	animal control	\$ 5,038
			A9060.960	hospitalization	\$ 4,114
A3410.120	fire - overtime	\$ 48,418	A3410.101	fire salaries	\$ 54,506
A3410.201	fire equipment	\$ 844			
A3410.415	fire -supplies & mis	\$ 62			
A3410.422	fire utilities	\$ 307			
A3410.424	fire maintenance	\$ 17			
A3410.451	fire vehicle repair	\$ 1,761			

A3410.453	fire mt of equipt	\$	1,129				
A3410.455	fire hydrant rental	\$	1				
A3410.461	fire uniform allowance	\$	1,967				
A5110.120	publice works overtime	\$	4,730	A5110.101	public works salaries	\$	5,596
A5110.415	supply & materials	\$	763	A5110.107	salaries - seasonal	\$	2,510
A5142.415	snow-supp & materials	\$	1,031	A5110.201	public works equipt	\$	2,901
A5182.415	st.light supp & mat.	\$	2,599	A5989.453	traf equpt. mt. of equip	\$	3,271
A5182.422	st light utilities	\$	592				
A5989.415	traf.equipt supp & mat	\$	4,563				
A8010.400	zoning-contractual	\$	50	A8020.404	planning dues	\$	50
A8140.400	storm swrs contractual	\$	1,664	A8560.415	comm.envir.supp & mat	\$	420
A8160.409	refuse - cont.collection	\$	8,889	A8140.415	storm swrs supp & mat	\$	2,762
A8160.410	refuse - cont.dumping	\$	1,891	A8020.415	planning supp & mat	\$	2,000
A8560.400	comm.env.contracturl	\$	11,715	A8140.120	storm sewers overtime	\$	5,870
A8560.479	comm.env.beautification	\$	1,752	A8560.480	comm.envir.tree plcmt	\$	3,800
				A8160.491	refuse - recycling	\$	1,392
				A9060.960	health ins.	\$	9,667
A9010.920	ers retirement	\$	319	A9015.915	police retirement	\$	13,015
A9030.935	social security	\$	12,696				
A9050.955	unemployment	\$	3,952	A9060.960	health ins.	\$	10,767
A9070.970	compensated absences	\$	6,815				
			\$ 118,527				\$ 118,527

WATER FUND							
F8310.484	labs	\$	530	F8310.415	supplies & materials	\$	530
F8320.422	source of supplies	\$	14,860	F8340.400	Contractual	\$	10,360
				F8340.415	supplies & materials	\$	3,000
				F8340.453	maint of equipt	\$	1,500

TOTALS	\$ 706,668	TOTALS	\$ 706,668
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**ADD-ON ITEM:** This will fund approximately  $\frac{3}{4}$  of the amount necessary to repair Engine 5 to return it to deployment for firefighting. The remainder of the cost will be from the operating budget for 2007-2008.

**RESOLUTION**  
**AUTHORIZING AN AMENDMENT TO THE 2007-2008 BUDGET**  
**TO APPROPRIATE FUNDS FOR THE REPAIR OF ENGINE 5**

**Resolved,** that pursuant to Village Law Section 5-520, the Board of Trustees hereby authorizes and directs the proper Village officers to modify the 2007-08 Budget by making the following transfers

Transfer From	Amount	Transfer To	Amount
A.1990.990 Contingency	\$15,000	A.3410.451 Fire vehicle repair	\$15,000

Item #14 – Reviewing a draft local law and scheduling a public hearing August 7<sup>th</sup> on a Local Law enacting Newspaper Rack Regulations:

On the advice of Counsel, Brian Sokoloff, our attorney from Miranda and Sokoloff representing the Village of Pelham as Counsel appointed by NYMIR in the case of the Westchester Guardian vs. the Village of Pelham, the Village Administrator recommended we consider the following legislation to amend the Village Code to adopt a new section Chapter 59 entitled, “Newsracks”, to legislate the placement, etc. of newsracks on sidewalks in commercial districts in the Village.

This draft is substantially based on New Castle’s Law, which our Counsel found to be a well researched and drafted local law, with appropriate provisions to address most municipal concerns about newsracks.

A specific difference is that New Castle’s local law references the Town Engineer. I changed all references to “Town Engineer” to the “Building Inspector”. All references to a “Permit to be obtained from the Town Engineer” and similar permit references were changed to reference the “Building Inspector”. All references to “Town Administrator” were changed to “Village Administrator” for appeal purposes.

A reference was also added to cite the Americans with Disabilities Act (ADA) to ensure proper compliance with unobstructed sidewalks and walkways, to better protect the rights of citizens with disabilities.

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

## RESOLUTION

### SCHEDULING A PUBLIC HEARING ON A LOCAL LAW THAT ENACTS CHAPTER 59 TO REGULATE NEWSRACKS IN THE VILLAGE OF PELHAM

The Board of Trustees of the Village of Pelham hereby schedules a public hearing to be held at 7:30 p.m. on Tuesday, August 7, 2007, in Village Hall at 195 Sparks Avenue, Pelham, NY, on a draft proposed Local Law that would amend the Code of the Village of Pelham, as follows:

A LOCAL LAW to enact a new Chapter 59 of the Code of the Village of Pelham entitled, “Newsracks” to regulate the placement of newsracks placed in public places around the Village.

A copy of the Local Law is on file in the offices of the Village Clerk and may be viewed during normal business hours of 8 a.m. to 5 p.m., or an electronic copy may be obtained from the opening page of the Village's website [www.pelhamgov.com](http://www.pelhamgov.com).

By Order of the Mayor and Board of Trustees

Terri Rouke, Village Clerk  
Richard Slingerland, Village Administrator/Deputy Clerk

Draft proposed Local Law

A LOCAL LAW to enact a new Chapter 59 of the Code of the Village of Pelham entitled, "Newsracks" to regulate the placement of newsracks placed in public places around the Village.

Section 1. Chapter 59 of the Code of the Village of Pelham, NY, entitled, "Newsracks", is hereby adopted as follows:

§ 59-1. Intent.

A. Findings. The Board of the Village of Pelham, NY, hereby finds that:

- (1) The uncontrolled placement and lack of maintenance of newsracks in public rights-of-way present an inconvenience and danger to the safety and welfare of persons using such rights-of-way, including pedestrians, persons entering and leaving vehicles and buildings, and persons performing essential utility, traffic control and emergency services.
- (2) Without proper regulation, unsightly newsracks may be placed in locations where they obstruct walkways, or crosswalks, and endanger persons using public rights-of-way, and such placements constitute public nuisances.
- (3) The existence of these factors constitutes an unreasonable interference with and obstruction of the use of public rights-of-way; a potentially dangerous condition; an offense to the senses; and an obstruction of the free use of property as to interfere with the comfortable enjoyment of life and property by the entire community.
- (4) The Village of Pelham recognizes, however, that the use of such rights-of-way is historically associated with the sale and distribution of newspapers and publications and that access to those areas for such purposes should not be absolutely denied. The Village of Pelham further finds that these strong and competing interests require a reasonable accommodation which can best be achieved through means defined in this chapter, which is designed to accommodate such interests regulating the place and manner of using such newsracks.

B. Purpose. The provisions and prohibitions of this chapter have the purpose of securing and promoting the public health, safety and general welfare of persons in the Village in their use of public rights-of-way through the regulation of placement, appearance, number, size and servicing of newsracks on the public rights-of-way so as to:

- (1) Provide for pedestrian and driving safety and convenience.
- (2) Ensure no unreasonable interference with the flow of pedestrian or vehicular traffic, including ingress to, or egress from, any place of business or from the street to the sidewalk, or access to drop curb cuts.
- (3) Provide reasonable access for the use and maintenance of sidewalks, poles, posts, traffic signs, hydrants and similar appurtenances.
- (4) Reduce visual blight on the public rights-of-way; protect the aesthetics and value of surrounding properties.
- (5) Reduce exposure of the Village to personal injury or property damage claims and litigation.
- (6) Protect the right to distribute information protected by the United States and New York State Constitutions through use of newsracks.
- (7) Protect the rights of disabled citizens to use public rights-of-way as detailed in the Americans with Disabilities Act (ADA).

C. Preservation of constitutional rights. It is not the intent of this chapter to, in any way, discriminate against, regulate or interfere with the publication, circulation, distribution or dissemination of any printed material that is constitutionally protected.

§ 59-2. Definitions.

VILLAGE ADMINISTRATOR – Refers to the Village Administrator of the Village of Pelham or his or her designee.

BUILDING INSPECTOR – Refers to the Building Inspector of the Village of Pelham.

DISTRIBUTOR -- The person responsible for placing and maintaining a newsrack in a public right-of-way.

NEWSRACK -- Any self-service or coin-operated box, container, storage unit or other dispenser installed, used or maintained for the display, sale or distribution of newspapers, advertising materials or other written materials.

PERSON -- Any person or persons or entity, including, but not limited to, a corporation,

limited-liability company, partnership, unincorporated association or joint venture.

**RIGHT-OF-WAY** -- The area between property lines which may be unimproved or surfaced and which may include public highways, streets, roadways and sidewalks.

**ROADWAY** -- That portion of a street improved, designed or ordinarily used for vehicular travel.

**SIDEWALK** -- Any surface provided for the exclusive use of pedestrians.

**STREET** -- All the area dedicated to public use for public street purposes and shall include, but not be limited to, roadways, highways, alleys, sidewalks and unimproved areas.

§ 59-3. Permit required.

It shall be unlawful for any person, firm or corporation to install, place, maintain or operate on any public street or sidewalk, or in any other public way or place in the Village, any newsrack, without first having obtained a permit from the Building Inspector specifying the exact location of such newsrack. One permit may be issued to include any number of newsracks, provided that all newsrack locations are indicated on the permit.

§ 59-4. Application for permit; fee.

A. Application for such permit shall be made, in writing, to the Building Inspector upon such form as shall be provided by him or her and shall contain the name and address of the applicant, the contact person's name, title, telephone and facsimile number and e-mail address, and the proposed specific location of each newsrack and shall be signed by the applicant.

B. From the above application information, the Building Inspector shall approve or disapprove the locations in accordance with the standards and criteria set forth in this chapter within 15 days of filing the application for such permit. In any case where the Building Inspector disapproves of a particular location, such disapproval shall be without prejudice to the applicant designating a different location.

C. The Building Inspector shall grant a permit if the location and installation of the newsrack comply with all of the standards and criteria set forth in this chapter and if all other requirements of this chapter are met.

D. An annual permit fee shall be set forth in the Village's fee schedule for each application, at such rates as may be set by resolution of the Board of Trustees for such placement in the Village of Pelham.

§ 59-5. Conditions and duration of permit.

- A. Permits may be issued for the installation of a newsrack or newsracks without prior inspection of the location, but such newsrack or newsracks and their installation, use or maintenance shall be conditioned upon continued observance of the provisions of this chapter.
- B. Such permits shall be valid for one (1) calendar year and shall be renewable pursuant to the criteria and standards for original applications and upon payment of the permit fee.
- C. Newsrack permits shall not be assignable.
- D. The Village Administrator and the Building Inspector must be notified in writing of a proposed newsrack replacement with a new or different newsrack or the relocation of a newsrack to a different location, which location shall be specified in such notice. The Building Inspector shall approve or disapprove such replacement or relocation, in accordance with the criteria and standards set forth in this chapter, for a permit within 15 days of receipt of such written notification. If the replacement is approved by the Building Inspector, the existing permit shall be amended to reflect the change approved.

#### § 59-6. Indemnification.

As a condition of approval of any newsrack permit, the distributor shall file a written statement with the Building Inspector, in a form satisfactory to the Village Attorney, by which the newsrack owner agrees to indemnify, hold harmless and defend the Village, its officers and employees against any loss, liability or damage, including expenses and costs, for bodily or personal injury and for property damage sustained by any person as a result of the installation, use and/or maintenance of a newsrack within the Village.

#### § 59-7. Insurance.

As a condition of approval of any newsrack permit, the distributor shall file with the Building Inspector a certificate of insurance from an AM Best A-rated insurance company authorized to conduct business in New York, demonstrating that the distributor has general liability insurance with limits of at least \$1 million each occurrence and \$2 million general aggregate. The insurance policy must name the Village of Pelham as an additional insured. The insurance shall be maintained during the permit period of any newsrack and provide for not less than 30 days' notice of cancellation to the Village Administrator and the Building Inspector.

#### § 59-8. Location, placement and number of newsracks.

Any newsrack that rests, in whole or in part, on any portion of a public right-of-way or which projects onto, into or over any part of a public right-of-way shall be located in accordance with the following provisions:

A. No newsrack shall project onto, into or over any part of the roadway of any public street, nor shall it rest, wholly or in part, upon, along or over any portion of the roadway of any public street.

B. Newsracks may be placed next to each other, provided that no more than three newsracks may be grouped, which group of newsracks shall not extend for a distance of more than eight feet. All newsracks in a group of newsracks shall abut the adjacent newsrack in such group unless safety considerations require otherwise. There shall be a space of not less than three feet between each group of newsracks.

C. No newsrack shall be placed, installed or maintained:

- (1) Within five feet of a marked crosswalk.
- (2) Within 10 feet of a street corner without a marked crosswalk.
- (3) Within 15 feet of a fire hydrant.
- (4) Within five feet of a fire call box or police call box.
- (5) Within five feet of a driveway or alley.
- (6) In a place that reduces the clear space for the passageway of pedestrians to less than four feet.
- (7) On any access ramp for disabled persons.
- (8) Where such newsrack unreasonably interferes with or impedes the flow of pedestrian or vehicular traffic, including parked or stopped vehicles, or the ingress to or egress from any residence or place of business.
- (9) Where such installation, use or maintenance endangers the safety of persons or property.
- (10) Within three feet of or on any public area improved with lawn, flowers, shrubs, trees or other landscaping, or within three feet of any display window of any building abutting the sidewalk or parkway or in such a manner as to impede or interfere with the reasonable use of such window for display purposes.
- (11) Within 250 feet of any other newsrack on the same side of the street in the same block containing the same issue or edition of the same publication.

D. Except as provided for in § 59-8 B of this chapter, no more than one newsrack shall be located on any public right-of-way within a space of 100 feet in any direction within the same block of the same street; provided, however, that no more than eight newsracks shall be allowed on any one block except the area adjacent to the Metro North railroad station. In determining which newsracks shall be permitted to be located or to remain if already in place, the Building Inspector shall be guided solely by the following criteria:

- (1) First priority shall be daily publications (published five or more days per week).
- (2) Second priority shall be publications published two to four days per week.
- (3) Third priority shall be publications published one day per week.
- (4) No more than one newsrack for the same publication may be placed on any one block.

§ 59-9. Standards for maintenance and installation.

Any newsrack that, in whole or in part, rests upon, in or over any public sidewalk or parkway shall comply with the following standards:

- A. No newsrack shall exceed five feet in height, 30 inches in width, or two feet in thickness.
- B. Newsracks must be secured in a safe manner. No newsrack, however, shall be chained, bolted or otherwise attached to any municipal fixture, such as a parking meter, stop sign, or other traffic sign or control device, located in the public right-of-way, or to any tree or tree support.
- C. No newsrack shall be used for advertising signs or publicity purposes other than those dealing with the display, sale, purchase or distribution of the newspaper or periodical sold or distributed in the newsrack.
- D. Each coin-operated newsrack shall be equipped with a coin-return mechanism to permit a person using the machine to secure an immediate refund in the event that the person is unable to receive the paid-for publication. The coin-return mechanism shall be maintained in good working order.
- E. Each newsrack shall have affixed to it, in a readily visible place so as to be seen by anyone using the newsrack, the permit number, together with a notice setting forth the name and address of the distributor and the telephone number of a working telephone service to call to report a malfunction, or to secure a refund in the event of a malfunction of the coin-return mechanism or to give any notice provided for in this chapter.
- F. Each newsrack shall be maintained in a neat and clean condition and in good repair at all times. Specifically, but without limiting the generality of the foregoing, each newsrack shall be serviced and maintained so that:
  - (1) It shall not be permitted to remain empty for a period exceeding 30 consecutive days.
  - (2) It is reasonably free of dirt and grease.
  - (3) It is reasonably free of chipped, peeling and cracked paint in the visible painted areas.
  - (4) It is reasonably free of rust and corrosion in the visible unpainted metal areas.
  - (5) The clear plastic or glass parts, if any, through which the publications are viewed are unbroken and reasonably free of cracks and dents.
  - (6) The paper or cardboard parts or inserts are reasonably free of tears and are legible.
  - (7) The structural parts are not dented or broken.
  - (8) It is free of graffiti.

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§ 59-10. Violations; removal; inspection fees.

Upon determination by the Building Inspector that a newsrack has been installed, used or maintained in violation of this chapter, the Building Inspector shall issue an order to the distributor of the newsrack to correct the violation. Such order shall be telephoned or sent by facsimile to the distributor and confirmed by mailing a copy of the order by certified mail, return receipt requested, or by registered mail or delivery service, signature required. The order shall specifically describe the violation, suggest actions necessary to correct the condition, and inform the distributor of the right to appeal. Failure to properly correct the offending condition within 10 days (excluding Saturday, Sunday and legal holidays) after the mailing date of the order or to appeal the order as provided in § 59-11 within five days after its receipt shall result in the offending newsrack being summarily removed and possessed as unclaimed property. If the offending newsrack is not properly identified as to owner under the provisions of this chapter, it shall be removed immediately and processed as unclaimed property. An impound fee, which shall be measured by the Village's cost and expense of impounding, shall be assessed against each newsrack summarily removed. The Building Inspector shall cause inspection to be made of the corrected condition or of a newsrack reinstalled after removal under this section. The distributor of said newsrack shall be charged an inspection fee for each newsrack so inspected in an amount established by resolution of the Board of Trustees. This fee shall be in addition to all other fees and charges required under this chapter.

§ 59-11. Appeals.

Any person aggrieved by a finding, determination, notice, order or action taken under this chapter may appeal to the Village Administrator or the Village Administrator's designee. An appeal must be perfected within ten (10) days after receipt of notice of any protested decision or action, by filing with the Village Administrator a letter of appeal briefly stating the basis for the appeal. A hearing shall be held on a date not more than fifteen (15) days after receipt by the Village Administrator of the letter of appeal. The appellant shall be given at least five (5) days' notice of the time and place of the hearing. The Village Administrator or the Village Administrator's designee shall give the appellant, and any other interested party, a reasonable opportunity to be heard in order to show cause why the determination of the Building Inspector should not be upheld. At the conclusion of the hearing, the Village Administrator shall make a final decision. The decision shall be immediately subject to appeal through a court of competent jurisdiction.

§ 59-12. Existing newsracks.

Any newsrack in existence prior to the effective date of this chapter and which does not have a newsrack permit shall be removed or brought into conformance with the provisions of this chapter, including the issuance of a permit for such newsrack, within forty-five (45) days after the effective date of this chapter. If the distributor fails to comply with this

provision, the Building Inspector shall issue an order to the distributor of the newsrack to correct such violation in accordance with § 59-10 of this chapter, and shall enforce such order in accordance with those provisions.

#### § 59-13. Emergencies.

Nothing contained in this chapter shall be interpreted to limit or impair the exercise by the Village of its police power, in the event of an emergency, as determined by the Building Inspector, to remove any newsrack that presents a danger of imminent personal injury or property damage to users of the Village rights-of-way or would otherwise hamper or impair the fulfillment by the Village of its governmental obligations, including, but not limited to, snow removal and street cleaning.

Section 2. This Local Law shall take effect immediately upon adoption and filing with the Secretary of State of the State of New York.

#### Item #15 – Report on Safe Routes to School reviews and initiatives:

\*Trustee Homan reported that she attended a Safe Routes to School meeting on June 8, 2007. Trustee Homan further reported that the Safe Routes to School Program is essentially going to be a public relations campaign that will encourage students and parents to walk to school. She mentioned that the village plans to inform the Police Dept. to enforce regulations around the schools thereby reducing traffic and speeding and ultimately making it safer for students to walk to school. The village plans to have another Safe Routes to School meeting this fall.

Discussing the Town-wide Safe Routes to School program, the Village hosted a meeting on June 8, 2007 of parents representing the Hutchinson and Colonial Elementary Schools, and the Pelham Middle School. Attending the meeting were Jane Cook, Lynne Dintrone, Claire Persanis, Marie Tracy and Trustee Mia Homan. Staffing the meeting were Administrative Aide Devron Wilson and Village Administrator Rich Slingerland.

Upon discussing the issues of concern, the parents made a few specific requests:

1. Occasionally station a police officer to assist the crossing guards by the worst traffic spots near each school – At Colonial School on Boulevard at Highbrook; and At the Hutch School on Lincoln Avenue at 3<sup>rd</sup> Avenue,
2. Paint lines and adopt Code Amendments to establish a “No Parking -- school loading and unloading zone” on Highbrook Avenue in front of Colonial School
3. Paint a crosswalk across Highbrook Avenue on the north side of First Street, on both sides of the dividing island
4. Enact a “No Left Turn, 7 a.m. to 9 a.m., School Days” from Wolfs Lane into Marquand Place;
5. Improve signage on 6<sup>th</sup> Street and 3<sup>rd</sup> Avenue by Julianne’s Playground, to reinforce there is “No Thru Traffic, School Days” on 3<sup>rd</sup> Avenue.

6. Consider making 3<sup>rd</sup> Avenue south of 5<sup>th</sup> Street one-way southbound at all times, which would allow the creation of a painted or constructed drop-off lane on the west side of 3<sup>rd</sup> Avenue leading to the entry of Hutchinson School
7. Perhaps most important of all, urging the parents to use caution and obey the traffic laws, as the best way to improve safety for children walking to and from school.

Item #16 – Amending the Code to enact a Stop sign at Chestnut and Walnut, to make Chestnut and Walnut an “all-way” stop intersection:

A motion was made by Trustee Homan, with a second by Trustee Weinstein to adopt the resolution. The resolution was approved unanimously by vote of seven in favor, none opposed.

RESOLUTION

AMENDING THE CODE TO ENACT A STOP SIGN AT CHESTNUT AND WALNUT  
TO MAKE CHESTNUT AND WALNUT AN “ALL-WAY” STOP INTERSECTION

BE IT RESOLVED, that the Board of Trustees of the Village of Pelham amends the Code of the Village of Pelham as follows:

§ 90-44. Schedule V: Stop Intersections and Crosswalks is hereby amended to add the following stop signs:

Stop Sign on	Direction of Travel	At Intersection of
Chestnut Avenue	North/south	Walnut Avenue

Item #17 – Amending the Code per the Police Chief to prohibit Parking on the south side of 3<sup>rd</sup> Street, from 1<sup>st</sup> to 7<sup>th</sup> Avenues:

Trustee Greco suggested to the board that the village consider amending the code to prohibit parking on the south side of 2<sup>nd</sup> Street as well.

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

RESOLUTION  
AMENDING THE CODE  
TO EFFECT THIRD STREET PARKING REGULATION CHANGES  
FROM FIRST AVENUE TO SEVENTH AVENUE

Amending Chapters: 90-49, No Parking Any Time, 90-50, Standing Prohibited; 90-51, Stopping Prohibited, as follows:

Delete all existing provisions in Chapter: 90-49, No Parking Any Time, for Third Street South Side; and

Adding references to Chapters: 90-49, No Parking Any Time, 90-50, Standing Prohibited; 90-51, Stopping Prohibited, as follows:

Street	Side	Location
Third Street	South	From First Avenue to Seventh Avenue, entire Length

Item #18 – Public input on a draft Pelham Disadvantaged Business Enterprise program for FTA requirements:

A motion was made by Trustee Weinstein, with a second by Trustee Morris to authorize a draft report of Pelham's Disadvantaged Business Enterprise program to be circulated for public comment for 30 days. The motion was approved unanimously by vote of seven in favor, none opposed.

VILLAGE OF PELHAM  
DBE PROGRAM OVERALL GOAL FFY 2007 AND 2008  
FOR THE PELHAM PUBLIC WORKS/INTERMODAL PARKING FACILITY PROJECT

Overall Goal

The Village of Pelham's overall goal for Federal Fiscal Year (FFY) 2007 and 2008 is four and half percent (4.5%), in the aggregate, of the Federal assistance that the Village of Pelham will expend in DOT-assisted contracts for the Pelham Intermodal Parking/Public Works Facility Project .

The funding amount of FTA-assisted contracts that the Village of Pelham (hereinafter the "Pelham") expects to let during these two fiscal years is approximately seven hundred and forty two thousand dollars (\$742,000) of FTA funds. Based on past bidding experience, the Village of Pelham has set a goal of expending four and a half percent of these funds, or approximately thirty three thousand three hundred and ninety dollars (\$33,390) in FTA funds with certified Disadvantaged Business Enterprise (DBE) businesses during FFY 2007 and FFY 2008.

The Village will be obtaining names for DBE businesses for the work to be performed from all available resources – the MTA DBE certification program, the Unified Certification Program, and other available resources such as the Westchester County DOT.

METHOD AND INTENT

Based on the work to be performed, the Village has calculated that restrictions apply to this construction project that affect the DBE program, including the Wicks Law (NYS Gen. Mun. Law Section 101) as noted above, and the requirement by Westchester County that contractors be licensed to do work in Westchester County.

The work to be performed by Pelham primarily includes the following:

1. Demolition of existing structures to make way for the expanded intermodal parking facility area
2. Construction of a new consolidated Public Works Facility, and
3. Construction of the expanded intermodal parking facility area.

Types of contracts that will be utilized for this work includes primarily the following:

1. General Contracting
2. Plumbing
3. Heating/HVAC
4. Electrical
5. Metal Working/Sheet Metal

Pelham's additional, basic requirements are that the businesses must be ready, willing, able and qualified. To perform work requiring a licensed professional, such as plumbing and electrical work, Pelham requires that any business submitting the bid must have the required license(s) to operate as that business.

#### USE OF UNIFIED CERTIFICATION PROGRAM (UCP) AND ALL OTHER AVAILABLE RESOURCES

The Village does not have the availability of trained staff to research, formulate and perform analyses to create its own DBE Certification program. In light of that fact, Pelham must rely on the work of other organizations that have already performed such analyses and certified such businesses as DBE businesses. The Village will accept DBE businesses as such if they have received a DBE certification from another department, agency or other program such as the NYS DOT UCP or other similar program in the New York Metropolitan area. From a practical standpoint, the Village would prefer, but will not require, that a business have its operating base within thirty (30) miles of the Village of Pelham, NY. Prior to the start of work, if awarded, that business must also obtain all applicable and required licenses to do business in New York State and Westchester County, NY.

#### PAST EFFORTS FOR DBE PARTICIPATION:

Starting off, for the design phase and Request For Proposals (RFP) the Village of Pelham issued to obtain Architectural/Engineering services for the Pelham Intermodal Parking/Public Works Facility, the Village publicly advertised the announcement seeking proposals for Architectural/Engineering Services, and sent RFP packages to eighty (80) architectural/engineering firms. More than half the businesses contacted were DBE businesses – forty four (44) were DBE businesses, 36 were non-DBE businesses. Of those 80 businesses contacted, eight (8) submitted bids as ready, willing and able to do the work stated in the RFP. Of those 8, two (2), or 25% of the bidders were certified DBE businesses. That translates into a response figure from DBE businesses of 4.5%. Based on qualifications and experience, the Village awarded the contract for these services to the lowest responsible and qualified bidder, which was not a DBE business (but is a MBE business).

#### FUTURE EFFORTS FOR DBE PARTICIPATION:

The Village of Pelham will continue its best, good faith effort to reach out to include DBE businesses in its bidding process with the goal of awarding at least four point five percent (4.5%), or a larger portion, of the work to be performed as funded by the FTA grant for the Village of Pelham. Therefore, based on the Westchester County DOT's goal of 4.29% for DBE business participation, and the Village's past experience with receiving bids from 4.5% of contacted DBE firms, 4.5% is Pelham's goal for ready, willing, able and qualified DBE businesses, based on the Village's calculations.

Item #19 – Public input on a draft Pelham Environmental NEPA evaluation of the Village Yard and Parking FTA project:

A motion was made by Trustee Greco, with a second by Trustee Lewis to authorize a draft report of Pelham's Environmental NEPA evaluation to be circulated for public comment for 30 days. The motion was approved unanimously by vote of seven in favor, none opposed.

Date July 17, 2007

Grant Applicant The Village of Pelham, NY

Name of Project Pelham Public Works and Intermodal Parking Facility

## INFORMATION REQUIRED FOR DOCUMENTED

### CATEGORICAL EXCLUSION

(23 CFR 771.117(d))

**Provide a response for each lettered paragraph. If you feel an item does not apply to your project, explain why. Provide letters and any other information to substantiate responses (such as zoning, traffic impacts, SHPO letter).**

#### **A. DETAILED PROJECT DESCRIPTION:**

The Village of Pelham at 195 Sparks Avenue (rear), Pelham, NY, 10803, is altering current village-owned and operated property that exists in the uses as a Parking/Intermodal Commuter Parking for 62 spaces, and Public Works (DPW) facility, with a fueling station for Village Police, Fire and Public Works Vehicles, and salt-storage for village-wide snow and ice control. The total acreage of this site is 1.543 acres. Currently this entire area is paved and used for DPW facility and public parking facility at the areas of .95 of an acre for DPW, and .59 of an acre for the Parking Facility. The Village plans to expand intermodal parking at this location as part of its intermodal

parking plan, which will allow for additional parking for approximately 45-50 cars, an increase at this location of approximately 70%-80%.

Also, 64 First Street, Pelham, NY, 10803, is open and unused land totaling approximately .14 acre next to an existing public parking area of 15 parking spaces for parking permit holders. The Village plans to expand intermodal parking at this location as part of its intermodal parking plan, which will allow for additional parking for approximately 14-15 cars, an increase at this location of approximately 100%.

FTA funding will be used to demolish the Village's DPW Garage and relocate the garage, fueling station, salt storage and vehicle storage into a consolidated DPW area. The reduction in DPW area by approximately ten to twelve-thousand square feet (10-12,000 s.f.).

**New allocations of parking:****195 Sparks Avenue**

Reduction of the DPW area will allow for an increase in the parking area and the parking capacity by 45-50 spaces to a new total of 107-112 new parking spaces created, an increase in parking capacity of between 70%-80% at this location.

**64 First Street**

Expansion of intermodal parking at this location as part of its intermodal parking plan, will allow the Village to provide additional parking for approximately 14-15 cars, an increase of approximately 100%.at this location.

**Overall increase in Village-provided intermodal parking at both locations:**

	Current	Proposed	Net Gain	% Increase
Parking Spaces:	77	137-142	60-65	78%-84%

**195 Sparks Avenue Uses:** Current and proposed will be 100% Paved, with Parking and DPW facility, including fueling location and salt storage. Current allocations at 195 Sparks Avenue are 38.4% parking, and 61.6% DPW. Proposed allocations at 195 Sparks Avenue will be 56-60% parking, and 44-40% DPW.

**64 First Street Uses:** 50% Paved, with Parking facility, and 50% unpaved with gravel and rubble, formerly used for parking and equipment storage. Proposed use will be 100% paved.

**Proximity to intermodal transportation:**

**195 Sparks Avenue** – Linear distance from Lot 7 parking area to the Metro North Train Station – approximately 300 linear feet. Walking distance (current) from the parking area is 858 linear feet, or approximately .16 of a mile, to the station.

**B. LOCATION (INCLUDING ADDRESS):**

Land Uses:

First Street, to the North – Commercial and Residential

Pelhamwood, to the Northeast – Pelham Train Station

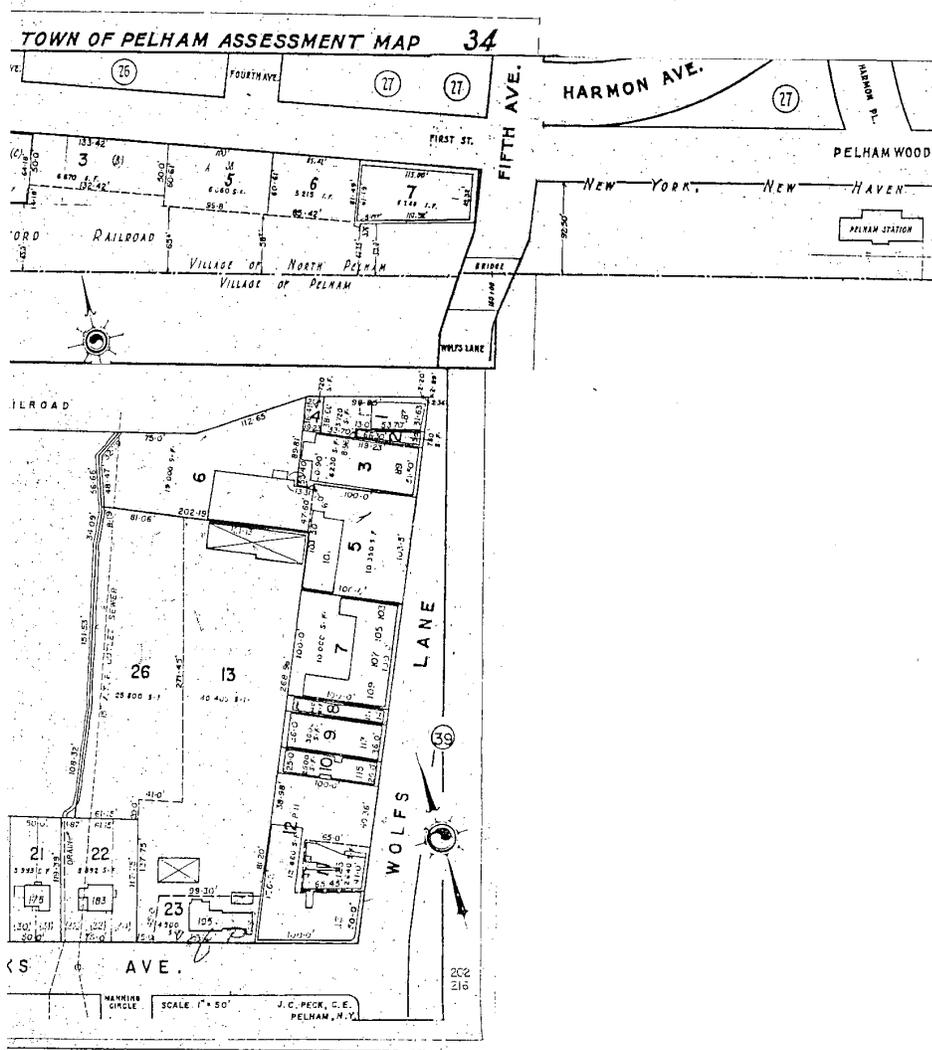
Wolfs Lane, to the East – Mixed Uses – Commercial and Residential

Sparks Avenue, to the South – Residential/Single Family Homes

Hutchinson River/Hutchinson Parkway, to the west – River and Parkway

Pico Electric (143 Sparks Avenue, contiguous to 195 Sparks Ave.) –  
Commercial/Industrial, with parking for approximately 300 cars.

**Map:**



**C. METROPOLITAN PLANNING AND AIR QUALITY CONFORMITY:**

The project is currently included in the \_\_\_\_\_; NYS TIP. This project conforms with the goals of the TIP, to increase use of mass transit and decrease use of individual-ride vehicles.

**D. ZONING:**

Current zoning on the properties:

195 Sparks Avenue (rear) – Residential M-1 Multi-Family District. Approved and authorized uses include facilities operated by the Village of Pelham, and parking facilities operated by the Village of Pelham. (§98-57 of the Pelham Zoning Code).

64 First Street – Commercial Business 2. Approved and authorized uses include any permitted use in a Residence M District, which includes facilities operated by the Village of Pelham, and parking facilities operated by the Village of Pelham. (§98-72 and §98-81 of the Pelham Zoning Code).

\* Certification made by Village Administrator Richard Slingerland, Land-Use Board Coordinator.

**E. TRAFFIC IMPACTS:**

Existing roadways have adequate capacity to accommodate approximately 120 to 130 additional vehicle trips each day (60-65 cars).

**F. CO HOT SPOTS:**

No CO hotspots exist or occur currently. None will occur due to the construction of this project.

**G. HISTORIC RESOURCES:**

No cultural or historic resources exist next to or will be affected by this project.

**H. NOISE:**

No noise will be created by the construction of this project. Parking exists at both locations, DPW facilities with trucks exists at the 195 Sparks Avenue location. All existing uses will remain, with the addition of 60-65 new parking spaces.

**I. VIBRATION:**

Not applicable

**J. ACQUISITIONS & RELOCATIONS REQUIRED:**

Not applicable

**K. HAZARDOUS MATERIALS:**

Both sites currently accommodate parking and DPW facilities. There are no known issues regarding hazardous materials at either site.

**L. COMMUNITY DISRUPTION AND ENVIRONMENTAL JUSTICE:**

No impacts will be created on the community, other than the creation of expanded parking to serve Pelham and the surrounding communities that utilize the Pelham Metro North Train Station, including portions of the neighboring communities of Eastchester, Mount Vernon, New Rochelle and Pelham Manor.

**M. USE OF PUBLIC PARKLAND AND RECREATION AREAS:**

No parklands are contiguous to site or will be affected by the project.

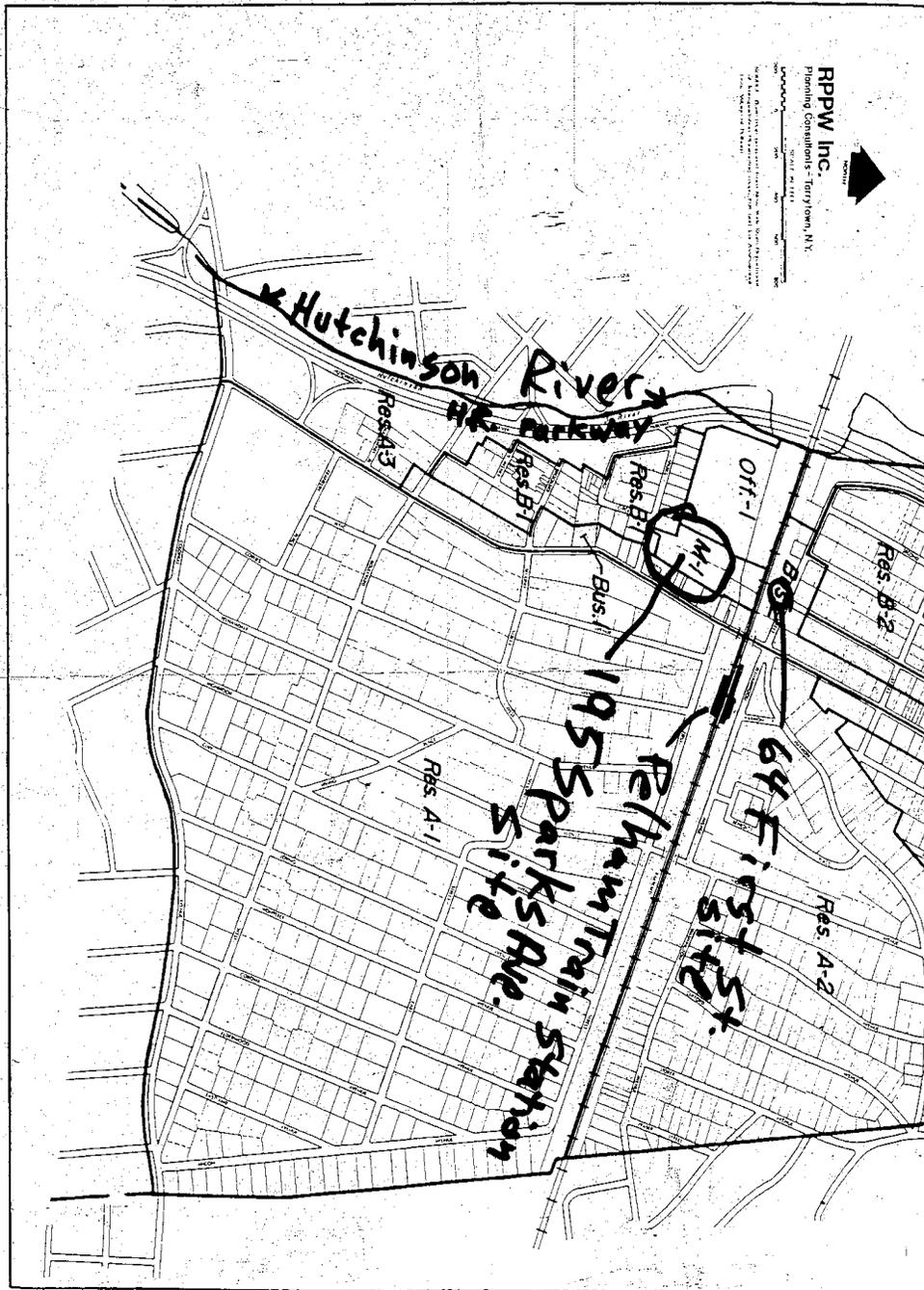
**N. IMPACTS ON WETLANDS:**

Currently the Pelham Public Works facility and public parking exist at both sites. The Hutchinson River is to the west, beyond privately owned property.

This project will benefit wetlands including the Hutchinson River and the Long Island Sound, by having the DPW salt storage put into an enclosed structure, and installing an oil-water separator system that collects and provides for the disposal of vehicle fluids through a waste disposal program, rather than having these fluids wash over land into storm-water collection systems, which lead ultimately to these waterways. This project will help improve the water quality in these systems.

**O. FLOODPLAIN IMPACTS:**

None will result from this project. This project is not within a 100-year flood plain.



RPPW Inc.  
Planning Consultants - Tarrytown, N.Y.  
Scale: 1" = 100' (200' x 100' sheet)  
Date: 07/17/07

**P. IMPACTS ON WATER QUALITY, NAVIGABLE WATERWAYS, & COASTAL ZONES:**

None will result from this project.

**Q. IMPACTS ON ECOLOGICALLY-SENSITIVE AREAS AND ENDANGERED SPECIES:**

No impacts on ecologically sensitive areas or endangered species will result from this project.

**R. IMPACTS ON SAFETY AND SECURITY:**

No impacts on safety and security will be caused by this project

**S. IMPACTS CAUSED BY CONSTRUCTION:**

The construction plan will be to construct the new, consolidated Public Works Facility and storage area(s) first. Once complete, demolition of the old Public Works Facility will commence, allowing for the re-grading of the property and construction of the new on-grade parking spaces. Noise will occur during construction as is to be expected, but will only take place during construction. There will be no utility disruption. Debris and soil disposal will comply with applicable laws. Best-practices management methods will be utilized, including the absorption and control of stormwater with hay-bales and silt fences. There will be some disruptions of traffic in and out of the site, and some existing parking for commuters and long-term parking will have to be accommodated at other locations until construction is complete.

**The applicant proposes that the action described above meets the criteria for a NEPA categorical exclusion (CE) in accordance with 23 CFR Part 771.117(d)**

**Applicant's Environmental Reviewer**

**(\* signed by the Village Administrator on this date.)**

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**Signature**

**Richard Slingerland, Village Administrator/Treasurer/Grants Administrator**

**Date July 17, 2007**

Item #20 – Three Contract Awards:**RESOLUTION A: MILLING, PAVING, CURBS AND CATCH-BASINS**

A motion was made by Trustee Homan, with a second by Trustee Morris to adopt the resolution. The resolution was approved unanimously by vote of seven in favor, none opposed.

**RESOLUTION**

**AUTHORIZING THE AWARD OF CONTRACT NUMBER 2007-04  
FOR MILLING, PAVING, CURBS AND CATCH-BASINS**

WHEREAS, The Village Of Pelham Issued A Notice to Bidders and Request For Bids for Contract 2007-04 for Milling, Paving, Curbs and Catch-basins in the Village Of Pelham; and

WHEREAS, a public notice was published on Tuesday, June 26, 2007, in the Gannett Westchester Newspaper, an official newspaper of the Village of Pelham; and

WHEREAS, during the notice period twelve (12) companies were contacted and sent copies of the contract documents, or picked up copies of the contract documents; and

WHEREAS, at 11 a.m. E.S.T., Monday, July 16, 2007, the Village of Pelham publicly opened and read five (5) proposals; and

WHEREAS, on reviewing the proposals, the total approximate bids based on unit prices were as follows:

	Base Bid
1. ELQ Contracting of New Rochelle, NY	\$244,114.95
2. WJL Equities of Eastchester, NY	\$296,970.75
3. Core Contracting of Mt. Vernon, NY	\$315,000
4. Peckham Contracting of Carmel, NY	\$332,636.25
5. Morano Brothers Inc. of Croton-on-Hudson, NY	\$338,227.75

WHEREAS, Administrator Richard Slingerland has determined that the lowest responsible bid that meets requirements is ELQ Contracting of New Rochelle, NY.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of the Village of Pelham Village hereby award Contract 2007-04 for Milling, Paving, Curbs and Catch-basins in the Village Of Pelham to ELQ Contracting of New Rochelle, NY, at the total approximate bid cost of Two Hundred Forty-Four Thousand One Hundred Fourteen dollars and ninety five cents (\$244,114.95), as a unit-price contract; and be it

FURTHER RESOLVED, that the Mayor and Village Administrator are authorized to take the necessary and appropriate actions to effect and execute this contract for these services.

BE IT FURTHER RESOLVED, that the funding for this project will not exceed the amount of funding of \$190,000 the village has available, without further approval from the Mayor and Board.

**RESOLUTION B: Roofs and Windows**

A motion was made by Trustee Homan, with a second by Trustee Weinstein to adopt the resolution. The resolution was approved unanimously by vote of seven in favor, none opposed.

**RESOLUTION**

**AUTHORIZING THE AWARD OF CONTRACT NUMBER 2007-05  
FOR REPAIR OF THE ROOFS ON VILLAGE HALL AND THE Highbrook Gate  
AND REPLACEMENT OF WINDOWS IN VILLAGE HALL**

WHEREAS, The Village Of Pelham Issued A Notice to Bidders and Request For Bids for Contract 2007-05 for Repair Of The Roofs On Village Hall And The Highbrook Gate And Replacement Of Windows In Village Hall In The Village Of Pelham; and

WHEREAS, a public notice was published on Tuesday, June 26, 2007, in the Gannett Westchester Newspaper, an official newspaper of the Village of Pelham; and

WHEREAS, during the notice period twenty-one (21) companies were contacted and sent copies of the contract documents, or picked up copies of the contract documents; and

WHEREAS, at 11 a.m. E.S.T., Monday, July 16, 2007, the Village of Pelham publicly opened and read five (5) proposals; and

WHEREAS, on reviewing the proposals, the bids were as follows:

	Base Bid
1. Ahern Brothers of New Rochelle, NY (Roofs and Windows) (windows at \$16,495)	\$34,615
2. All-Brand Windows of Brooklyn, NY (windows only)	\$17,856
3. Franzoso Contracting of Croton, NY (Partial, excludes gates)	\$41,815
4. J. Salvatore & Sons of Yonkers, NY	\$69,900
5. DME Construction of E. Setauket, NY	\$82,238

WHEREAS, Administrator Richard Slingerland has determined that the lowest responsible bid that meets requirements is Ahern Brothers of New Rochelle, NY for the full bid, including all roof repairs and window replacements, at a total approximate bid price of Thirty-Four Thousand Six Hundred and Fifteen dollars (\$34,615).

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of the Village of Pelham Village hereby award Contract 2007-05 for Repair Of The Roofs On Village Hall And The Highbrook Gate And Replacement Of Windows In Village Hall In The Village Of Pelham to Ahern Brothers of New Rochelle, NY for the full bid, including all roof repairs and window replacements, at a total approximate bid price of Thirty-Four Thousand Six Hundred and Fifteen dollars (\$34,615), as a unit-price contract; and be it

FURTHER RESOLVED, that the Mayor and Village Administrator are authorized to take the necessary and appropriate actions to effect and execute this contract for these services.

**RESOLUTION C: TREE REMOVAL AND TRIMMING**

A motion was made by Trustee Homan, with a second by Trustee Lewis to adopt the resolution. The resolution was approved unanimously by vote of seven in favor, none opposed.

**RESOLUTION**

**AUTHORIZING THE AWARD OF CONTRACT NUMBER 2007-06  
FOR TREE REMOVAL AND TRIMMING, AND STUMP REMOVAL**

WHEREAS, The Village Of Pelham Issued A Notice to Bidders and Request For Bids for Contract 2007-06 for Tree Removal and Trimming, and Stump Removal In The Village Of Pelham; and

WHEREAS, a public notice was published on Tuesday, June 26, 2007, in the Gannett Westchester Newspaper, an official newspaper of the Village of Pelham; and

WHEREAS, during the notice period eleven (11) companies were contacted and sent copies of the contract documents, or picked up copies of the contract documents; and

WHEREAS, at 11 a.m. E.S.T., Monday, July 16, 2007, the Village of Pelham publicly opened and read three (3) proposals; and

WHEREAS, on reviewing the proposals, the bids were as follows:

	Base Bid	Add Ons (in aggregate)	Total
1. Manor Tree Service of Pelham Manor, NY	\$14,950	\$ 5,250	\$20,200
2. Almstead Tree Service of New Rochelle, NY	\$12,869	\$14,317	\$27,196
3. Dom's Tree Service of Port Washington, NY	\$19,830	\$ 8,710	\$28,540

WHEREAS, Administrator Richard Slingerland and General Foreman Harry Pallett have determined that the lowest responsible bid that meets requirements is Manor Tree of Pelham Manor, NY.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of the Village of Pelham Village hereby award Contract 2007-06 for Tree Removal and Trimming, and Stump Removal In The Village Of Pelham to Manor Tree of Pelham Manor, NY, at the total approximate bid cost of Twenty Thousand Two Hundred dollars (\$20,200), as a unit-price contract; and be it

FURTHER RESOLVED, that the Mayor and Village Administrator are authorized to take the necessary and appropriate actions to effect and execute this contract for these services.

Item #21 – Authorizing the purchase of three (3) vehicles for the Police Department off of NYS contract:

A motion was made by Trustee Homan, with a second by Trustee Greco to authorize the purchase of three (3) vehicles for the Police Department off of NYS contract. The motion was approved unanimously by vote of seven in favor, none opposed.

## Motion of the Board

Authorizing the purchase of three (3) vehicles for the Police Department off of NYS contract

Vehicle	Dealer	Amount
2007 Chevrolet Equinox	Hoselton Chevrolet	\$20,090.44 incl. delivery
2007 Ford Expedition	Warnock Fleet	\$26,676 (incl. addl. equip.)
2007 Dodge Charger (hemi)	Warnock Fleet	\$21,469 (incl. addl. equip.)
Total purchase amount, all 3 vehicles		\$68,235.44

\* Note 1: This leaves about \$6,700 for the radios, cages and striping.

\*\* Note 2: Budget for purchase of all vehicles is approximately \$75,000 including striping and removal/reinstallation of radios

Item #22 – Authorizing an agreement with the Michigan and Virginia DMVs for the Village's collection agent to investigate Pelham's parking ticket scofflaws in those states:

A motion was made by Trustee Lewis, with a second by Trustee Weinstein to adopt both resolutions. The resolutions were approved unanimously by vote of seven in favor, none opposed.

## RESOLUTION

AUTHORIZING AN AGREEMENT WITH THE MICHIGAN DMV  
AUTHORIZING THE VILLAGE'S COLLECTION AGENT COMPLUS  
TO INVESTIGATE PELHAM'S PARKING TICKET SCOFFLAWS IN THOSE STATES

RESOLVED, that the Board of Trustees of the Village of Pelham authorizes an agreement and the issuance of letter by the Village Administrator authorizing the Michigan DMV to send data to Complus Innovations on behalf of the Village of Pelham to continue to obtain data and vehicle records for out-of-state ticketed and/or registered vehicles.

## RESOLUTION

AUTHORIZING AN AGREEMENT WITH THE VIRGINIA DMV  
AUTHORIZING THE VILLAGE'S COLLECTION AGENT COMPLUS  
TO INVESTIGATE PELHAM'S PARKING TICKET SCOFFLAWS IN THOSE STATES

RESOLVED, that the Board of Trustees of the Village of Pelham authorizes an agreement and the issuance of letter by the Village Administrator authorizing the Virginia DMV to send data to Complus Innovations on behalf of the Village of Pelham to continue to obtain data and vehicle records for out-of-state ticketed and/or registered vehicles.

Item #23 – Authorizing the Accounts Payable:

A motion was made by Trustee Homan, with a second by Trustee Weinstein to adopt the resolution. The resolution was approved unanimously by vote of seven in favor, none opposed.

## RESOLUTION

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

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

<u>Fund Name:</u>	<u>Amount</u>
General Fund	\$148,699.09
Water Fund	\$80.00
Capital Projects Fund	\$79,147.83
Trust and Agency Fund	\$25,517.74
H3 Fund	\$0.00
Grand Total	\$253,444.66

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

Item #24 – Old Business/New Business:

Administrator Slingerland reported that the Post Office will be using a truck with a lift to load and unload materials from now on. They will no longer park perpendicular to the road on 1<sup>st</sup> Street to load and unload materials. The Board was very pleased to hear

that the safety issue of Post Office vehicles parking perpendicular to First Street, creating a hazard for drivers and pedestrians, had been resolved.

Mr. Slingerland also mentioned that Commerce Bank and Pelham Medical Group should be resuming construction work soon.

Item #25 – Minutes – June 5, 2007 and June 19, 2007:

A motion was made by Trustee Weinstein, with a second by Trustee Homan to adopt the minutes from June 5, 2007. The motion passed unanimously by vote of seven in favor, none opposed.

A motion was made by Trustee Lewis, with a second by Trustee Weinstein to adopt the minutes from June 19, 2007. The motion passed by vote of six in favor, none opposed. Trustee Homan abstained.

Item #26 – Adjournment:

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

On the motion of Trustee Lewis, seconded by Trustee Greco, the Board adjourned the public portion of the board meeting to go into Executive Session at 10 p.m. to discuss personnel matters. The motion passed unanimously by vote of seven in favor, none opposed.

Respectfully submitted,

Devron Wilson, Administrative Aide

Richard Slingerland, Administrator/Deputy Clerk