

VILLAGE OF PELHAM BOARD OF TRUSTEES
REGULAR MEETING
TUESDAY, AUGUST 10, 2010, 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

Approximate
Starting Time
of Discussion

Agenda Items

# Agenda Items	Non-Recurring Items	7:45p.m.
7.	Resolution authorizing appointment by the Mayor of a New Firefighter	Approved
8.	Public Hearing on the Draft Village of Pelham 5-Year Public Housing Agency (PHA) Plan	Approved
9.	Authorizing the Award of Contract #2010-04 – New or Used Sterling Model SC5000 with Vac/All LV-13C Multipurpose Vacuum Catch Basin Cleaner (bid deadline and opening 8/5/10, 11 a.m.)	Approved
10.	Authorizing the Award of Contract #2010-05 – New Elgin Pelican NP Three Wheel Mechanical Broom Sweeper (bid deadline and opening 8/5/10, 11 a.m.)	Approved
11.	Bond Resolution for up to \$230,000 for Two DPW Vehicles- a New or Used Multipurpose Vacuum Catch Basin Cleaner and a New Mechanical Broom Sweeper	Approved
12.	Authorizing the Award of Contract #2010-02 E, G, H & P for the Reconfiguration of the Pelham Public Works Facility (bid deadline and opening 7/8/10, 11 a.m.)	Approved
13.	Resolution Authorizing the Village of Pelham to become Lead agency under the State Environmental Quality Review Act (“SEQRA”) for the Acquisition and construction of a Department of Public Works building for the Village	Approved
14.	Bond Resolution for up to \$2.75 Million for the Reconfiguration of the Pelham Public Works Facility	Approved
15.	Public Hearing Considering a Proposed Initial Franchise Agreement for Cable Television Service in the Village of Pelham with Verizon, NY, Inc.	Approved
16.	Public Hearing to Consider a Parking Waiver for the Pelham Picture House	Approved

17.	Resolution authorizing the Award and Sale of a 1986 International 6 Wheeler, a 1999 Dodge Pickup and a 1999 Chevy Blazer as Surplus	Approved
18.	Authorizing an Inter-Municipal Agreement between the Village of Pelham and the County of Westchester for the Village to Obtain Access to the County's Repository for Integrated Criminalistic Information (RICI) System	Approved
19.	Authorizing a Change Order for Additional Paving and Hydrant Replacement by ELQ Industries	Tabled
20.	Authorizing Request for the Pelham Chamber of Commerce to Close the Street for a Fall Craft Festival	Approved
21.	Resolution to appoint Robert Yamuder as Principal Coordinator of NIMS(National Incident Management System) For the Village Of Pelham	Approved
	Grants, Projects & Other Business	9:15p.m.
22.	Grants- Status Report	Discussed
23.	Monthly Budget Review	Tabled
24.	Other Business- Firehouse Reception	Approved
	Recurring Items	9:45p.m.
25.	Authorizing Accounts Payable	Approved
26.	Authorizing Minutes of: June 22, 2010	Approved
27.	Adjournment to Executive Session	10:15p.m.

Next Scheduled Board Meetings are:

Tuesday, September 7, 2010

Tuesday, September 21, 2010

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

The Agenda is subject to change.

Item #1 – Meeting called to order: The meeting of the Board of Trustees was called to order by Mayor Edward Hotchkiss at 7:30 p.m.

The following members of the Board of Trustees were present:

Mayor Edward Hotchkiss, Trustees Lewis via Skype Video, Morris, Marty, Breskin, and Mohan

The following member of the Board of Trustees were absent:

Trustee Bullock

Village staff in attendance:

Administrative Intern Peter Bonington, Village Clerk Terri Rouke, and via speaker phone Administrator Yamuder

Item #2 – Pledge of Allegiance:

The Pledge of Allegiance was led by Mayor Hotchkiss

Reports

Mayor Hotchkiss Report-

Mayor Hotchkiss reported on the collection of sales tax for the Village for the first quarter of fiscal year 2010-2011. He said the Village usually collects approximately \$203,000 for the first quarter but this quarter yielded approx. \$218,000 in sales tax. He added that this is the first time since the first quarter of November 2008 that the Village has exceeded its budgeted collection. The first quarter of the fiscal is rarely the quarter in which the majority of the sales tax for the year is collected.

The Mayor then reported that as part of Westchester County's Municipal Storm-Water Management Program the Village has received free items to be dispersed amongst the residents. He mentioned specifically the dog waste containers which were available several months ago at Village Hall as well as the sticker place mats, bookmarks, notepads, and posters. He encouraged residents to help themselves to these items in an effort to remind the public of the importance of keeping storm-water sewers and lines clear from pollution.

Trustees Reports:

Trustee Breskin-

Trustee Breskin reported that after a series of sidewalk repair notices were sent out to residents on 1st Street. He reported seeing a great improvement on the sidewalks along 1st Street as the residents had for the most part complied with the Village's notice. He thanked the residents who complied and requested that residents receiving notices in the future follow the example set by their neighbors.

Trustee Breskin also spoke on the fire that took place at Bistro Rollin on 5th Avenue on Friday, July 23rd. He said due to the professionalism of the Pelham Fire Department, the fire was contained and no one was injured. He thanked the Fire Department for their handling of the fire and said that without the professional response they gave as well as those from neighboring municipalities such as Mount Vernon, New Rochelle, and Pelham Manor, the fire could have done significantly more damage.

Trustee Bullock-

Absent

Trustee Lewis-

None

Trustee Marty-

None

Trustee Mohan-

None

Trustee Morris-

None

Village Administrator's Report-

Absent

Item #6–Public Comment-

None

Item #7–Resolution authorizing appointment by the Mayor of a New Firefighter

Mayor Hotchkiss stated the intention of the Board to hire another full time firefighter was a decision made back in the early days of the budget for fiscal year 2010-2011. After canvassing several applicants the Board, at the recommendation of Fire Chief Larry Cohen, stated they would hire Philip DeSimone to the Pelham Fire Department. Trustee Marty added he hoped with this new hire, some of the overtime would decrease over the next several months.

A motion was made by Trustee Breskin and seconded by Trustee Morris to adopt the resolution. The vote was approved by a vote of six in favor, none opposed. Trustee Bullock was absent.

**RESOLUTION
AUTHORIZING THE APPOINTMENT BY THE MAYOR
OF PHILIP DESIMONE TO THE POSITION OF FIRE FIGHTER
IN THE PELHAM FIRE DEPARTMENT**

BE IT RESOLVED, that the Board of Trustees of the Village of Pelham authorize the appointment by the Mayor of Philip DeSimone of Pelham, New York, to the position of Firefighter, attending the Fire Academy starting Monday, August 30, 2010, with salary and effective date of employment determined by collective bargaining agreement with the Pelham Police and subject to the requirements of Civil Service, for a probationary period of one year, conditioned upon the satisfactory completion of a pre-employment medical examination, and authorizes the Mayor, the Village Administrator and the Fire Chief to take the necessary and appropriate actions to effect this offer and for Mr. DeSimone to begin the Fire Academy on Monday, August 30, 2010.

Item #8– Public Hearing on the Draft Village of Pelham 5-Year Public Housing Agency (PHA) Plan.

Mayor Hotchkiss said this resolution pertains to the 45 day public hearing period prior to the adoption of the NDR Group's 5 Year Housing Plan. He said this is the group that handles the Section 8 Office in Village Hall. The Mayor called for any comments on the 5 Year Plan. No comments by the public were made.

A motion was made by Trustee Mohan and seconded by Trustee Breskin to close the public hearing. The vote was approved by a vote of six in favor, none opposed. Trustee Bullock was absent.

A motion was made by Trustee Marty and seconded by Trustee Mohan to adopt the resolution. The vote was approved by a vote of six in favor, none opposed. Trustee Bullock was absent.

**RESOLUTION TO ADOPT
THE VILLAGE OF PELHAM
5-YEAR PUBLIC HOUSING AGENCY PLAN
FOR FEDERAL FISCAL YEARS 2010-2015
DATES OF 4/1/2010 THROUGH 3/31/2015
5-YEAR PUBLIC HOUSING AGENCY PLAN**

WHEREAS, upon forty-five (45) days notice of public hearing, and upon holding the public hearing on the Village of Pelham Housing 5-YEAR Streamlined Fiscal Year 2010 through 2015, dates of 4/1/10 through 3/31/15 Public Housing Agency Plan; and

WHEREAS, there was no public comment to amend the plan as proposed.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of the Village of Pelham hereby adopts the Year 4/1/10 through 3/31/15 5-year Public Housing Agency Plan, as proposed; and

BE IT FURTHER RESOLVED, that the Mayor, the Village Administrator and the New Rochelle Neighborhood Revitalization Corporation (NRNRC) are authorized to take the necessary and appropriate actions to effect and administer this Annual Public Housing Agency Plan, including filing it with the United States Housing and Urban Development (HUD) Agency.

Item #9– Authorizing the Award of Contract #2010-04 – New or Used Sterling Model SC5000 with Vac/All LV-13C Multipurpose Vacuum Catch Basin Cleaner (bid deadline and opening 8/5/10, 11 a.m.)

Mayor Hotchkiss stated the following three resolutions are related to purchasing replacement vehicles for the Department of Public Works. He outlined the reasons for these resolutions by saying that DPW foreman Michael Shriman had requested to purchase a vehicle that can act as a vacuum catch basin cleaner as well as a common street sweeper. The current street sweeper the Village possesses has outlasted its normal years of usage and the intention was to purchase a replacement street sweeper and a catch basin cleaner for the following year at approximately \$230,000. Mr. Shriman had told the Mayor the catch basin cleaner would save many hours of time and manpower for the Village. However, the size of a combination vehicle proved too large for Pelham's streets and so the bid request stipulated two vehicles instead; one catch basin cleaner and one street sweeper. In addition, the cost of the two pieces of equipment would be less than the originally budgeted sum; the actual cost would be closer to \$217,000.

Trustee Mohan said she was not sure of the need for this equipment. Trustee Marty had asked if a shared service program had been pursued at this time with Pelham Manor. Mayor Hotchkiss did not recall the option being explored but Trustee Lewis said it been looked into. He related that the Village of Pelham requires more street sweeping services as a result of a more concentrated downtown area. Therefore it was not considered feasible since Pelham would require the sweeper more than half of the time it is in use.

Trustee Marty asked if this equipment would allow the Village to downsize one of the worker's of the Street Dept. Mayor Hotchkiss said the Dept. is already very small, only nine full time workers. He said he could not see how they could eliminate any of the

Street Dept. at this time. Administrator Yamuder, operating through the conference room speaker phone, said the catch basin cleaner will assist in other operations such as storm-water and sewer line breaks, saving the Village time and money by not having to hire an outside contractor.

The first resolution was for the catch basin cleaner. After a bidding process in which several firms participated, Empire Municipal Equipment was shown to be the lowest qualified bidder at the July 13 bid opening. The bid stipulated the aforementioned catch basin cleaner for \$62,000.

A motion was made by Trustee Breskin and seconded by Trustee Marty to adopt the resolution. The vote was approved by a vote of five in favor, Trustee Mohan was opposed. Trustee Bullock was absent.

RESOLUTION
AUTHORIZING THE AWARD OF CONTRACT NUMBER 2010-04
AUTHORIZING THE AWARD OF CONTRACT #2010-04 – NEW OR USED STERLING
MODEL SC5000 WITH VAC/ALL LV-13C MULTIPURPOSE VACUUM CATCH BASIN
CLEANER

WHEREAS, the Village Of Pelham issued a Notice to Bidders and Request For Bids for Contract #2010-04 – New or Used Sterling Model SC5000 with Vac/All LV-13C Multipurpose Vacuum Catch Basin Cleaner; and

WHEREAS, a public notice was published on Wednesday, July 28, 2010, in the Gannett Westchester Newspaper, an official newspaper of the Village of Pelham; and

WHEREAS, during the notice period three (3) companies were contacted and sent copies of the contract documents, or picked up copies of the contract documents at Village Hall; and

WHEREAS, at 11 a.m. E.S.T., Thursday, August 5, 2010, the Village of Pelham publicly opened and read three (3) proposals; and

WHEREAS, On Reviewing The Proposals, The Following Is A List Of The Proposals For A– New or Used Sterling Model SC5000 with Vac/All LV-13C Multipurpose Vacuum Catch Basin Cleaner, As Follows:

<u>Company</u>	<u>Location</u>	<u>Total Base Bid</u>
Empire Municipal Equipment	Bronx, NY	\$62,000.00
Bell Equipment Co.	Lake Orin, MI	\$65,000.00
KJT Equipment Rental CO.	Somers, NY	\$79,000.00

AND WHEREAS, Administrator Robert Yamuder has reviewed the bids and determined that the lowest responsible bid that meets requirements is Empire Municipal Equipment of Bronx, NY

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of the Village of Pelham Village hereby award Contract #2010-04 – New or Used Sterling Model SC5000 with Vac/All LV-13C Multipurpose Vacuum Catch Basin Cleaner to Empire Municipal Equipment of Bronx, NY., at the total bid price for this unit price contract in the amount of Sixty two thousand (\$62,000.00) as stated above; and be it

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

Item #10–Authorizing the Award of Contract #2010-05 – New Elgin Pelican NP Three Wheel Mechanical Broom Sweeper (bid deadline and opening 8/5/10, 11 a.m.)

The second resolution was for the street sweeper. After a bidding process in which several firms participated, Empire Municipal Equipment was shown to be the lowest qualified bidder at the July 13 bid opening. The bid stipulated the aforementioned street sweeper for \$155,000. He added that Empire Municipal Equipment was willing to buy the current street sweeper for between \$5,000 and \$10,000. This would generate additional savings for the Village.

A motion was made by Trustee Breskin and seconded by Trustee Marty to adopt the resolution. The vote was approved by a vote of five in favor, Trustee Mohan was opposed. Trustee Bullock was absent.

RESOLUTION

AUTHORIZING THE AWARD OF CONTRACT NUMBER 2010-05

Authorizing the Award of Contract #2010-05 – New Elgin Pelican NP Three Wheel Mechanical Broom Sweeper

WHEREAS, the Village Of Pelham issued a Notice to Bidders and Request For Bids for Contract #2010-05 – New Elgin Pelican NP Three Wheel Mechanical Broom Sweeper ; and

WHEREAS, a public notice was published on Wednesday, July 28, 2010, in the Gannett Westchester Newspaper, an official newspaper of the Village of Pelham; and

WHEREAS, during the notice period three (3) companies were contacted and sent copies of the contract documents, or picked up copies of the contract documents at Village Hall; and

WHEREAS, at 11 a.m. E.S.T., Thursday, August 5, 2010, the Village of Pelham publicly opened and read three (3) proposals; and

WHEREAS, On Reviewing The Proposals, The Following Is A List Of The Proposals For A New Elgin Pelican NP Three Wheel Mechanical Broom Sweeper, As Follows:

<u>Company</u>	<u>Location</u>	<u>Total Base Bid</u>
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Empire Municipal Equipment	Bronx, NY	\$155,000.00
Clark Municipal Equipment	Rensselaer, NY	\$159,000.00
Long Island Sanitation Equipment	Farmingdale, NY	\$161,205.00

AND WHEREAS, Administrator Robert Yamuder has reviewed the bids and determined that the lowest responsible bid that meets requirements is Empire Municipal Equipment of Bronx, NY

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of the Village of Pelham Village hereby award Contract #2010-05 – New Elgin Pelican NP Three Wheel Mechanical Broom Sweeper to Empire Municipal Equipment of Bronx, NY., at the total bid price for this unit price contract in the amount of one hundred fifty-five thousand (\$155,000.00) as stated above; and be it

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

Item #11—Bond Resolution for up to \$230,000 for Two DPW Vehicles- a New or Used Multipurpose Vacuum Catch Basin Cleaner and a New Mechanical Broom Sweeper

Mayor Hotchkiss stated the Board had anticipated spending up to \$230,000 in this year's budget to purchase these vehicles. Fortunately with the prices that came in from the bids the total cost of both vehicles is approx. \$217,000. Combined with a savings of Empire Municipal Equipment buying back the current street sweeper, the Village has managed to save almost \$20,000. This resolution will bond the money for the amount originally budgeted but the Mayor assured the public that it would be unlikely they would require the full sum.

A motion was made by Trustee Breskin and seconded by Trustee Marty to adopt the resolution. The vote was approved by a vote of five in favor, Trustee Mohan was opposed. Trustee Bullock was absent.

BOND RESOLUTION, DATED AUGUST 10, 2010, AUTHORIZING THE ISSUANCE OF UP TO \$230,000 AGGREGATE PRINCIPAL AMOUNT SERIAL BONDS OF THE VILLAGE OF PELHAM, COUNTY OF WESTCHESTER, STATE OF NEW YORK, PURSUANT TO THE LOCAL FINANCE LAW, TO FINANCE THE COSTS OF THE ACQUISITION OF MACHINERY AND APPARATUS FOR CONSTRUCTION AND MAINTENANCE.

WHEREAS, the Board of Trustees of the Village of Pelham (the “Village”), a municipal corporation of the State of New York, located in the County of Westchester, hereby determines that it is in the public interest of the Village to authorize the financing of the costs of the acquisition of machinery and apparatus for construction and maintenance, including a sweeper truck and sewer truck and including any preliminary and incidental costs related thereto, at a total estimated cost not to exceed \$230,000, all in accordance with the Local Finance Law;

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the Village of Pelham, County of Westchester, State of New York, as follows:

Section 1. There is hereby authorized to be issued serial bonds of the Village, and/or bond anticipation notes issued in anticipation of the issuance of such serial bonds, in the aggregate principal amount not to exceed \$230,000, pursuant to the Local Finance Law, in order to finance the costs of the specific objects or purposes, or classes of objects or purposes, hereinafter described.

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

(a) The acquisition of machinery and apparatus for construction and maintenance, including the acquisition of a sewer truck and sweeper truck, and any preliminary and incidental costs related thereto, at an estimated maximum cost of \$230,000 for which \$230,000 principal amount of serial bonds, and/or bond anticipation notes issued in anticipation of the

issuance of such serial bonds, are authorized herein and appropriated therefore, having a period of probable usefulness of fifteen (15) years pursuant to subdivision 28 of paragraph a of Section 11.00 of the Local Finance Law. Such serial bonds shall have a maximum maturity of five (5) years computed from the earlier of (a) the date of the first issue of such serial bonds or (b) the date of the first issue of bond anticipation notes issued in anticipation of the issuance of such serial bonds.;

Section 3. The Board of Trustees of the Village has ascertained and hereby states that (a) the estimated maximum costs of the Project are not to exceed \$230,000; (b) no money has heretofore been authorized to be applied to the payment of the costs of the Project; (c) the Board of Trustees of the Village plans to finance the costs of the Project from the proceeds of the serial bonds authorized herein, and/or bond anticipation notes issued in anticipation of the issuance of such serial bonds; (d) the maximum maturity of such serial bonds authorized herein shall not be in excess of five (5) years; and (e) on or before the expenditure of moneys to pay for any costs in connection with the Project for which the proceeds of the obligations authorized herein are to be applied to reimburse the Village, the Board of Trustees of the Village took "official action" for federal income tax purposes to authorize the capital financing of such expenditure.

Section 4. Subject to the terms and conditions of this bond resolution and the Local Finance Law, including the provisions of Sections 21.00, 30.00, 50.00 and 56.00 to 60.00, inclusive, the power to authorize serial bonds as authorized herein, and bond anticipation notes issued in anticipation of the issuance of such serial bonds, including renewals thereof, the power to prescribe the terms, form and contents of such serial bonds and such bond anticipation notes, and the power to issue, sell and deliver such serial bonds and such bond anticipation notes, are hereby delegated to the Village Treasurer, as the chief fiscal officer of the Village. The Village Treasurer is hereby authorized to execute on behalf of the Village all serial bonds issued

pursuant to this bond resolution, and all bond anticipation notes issued in anticipation of the issuance of such serial bonds, and the Village Clerk is hereby authorized to impress the seal of the Village (or to have imprinted a facsimile thereof) on all such serial bonds and all such bond anticipation notes and to attest such seal. Each interest coupon, if any, representing interest payable on such serial bonds shall be authenticated by the manual or facsimile signature of the Village Treasurer.

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

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

Section 7. Prior to the issuance of any obligations authorized herein, the Board of Trustees of the Village shall comply with all applicable provisions prescribed in Article 8 of the

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

Section 8. The Village hereby declares its intention to issue the serial bonds authorized herein, and/or bond anticipation notes issued in anticipation of the issuance of such serial bonds (the “obligations”), to finance the costs of the Project. The Village covenants for the benefit of the holders of such obligations that it will not make any use of the proceeds of such obligations, any funds reasonably expected to be used to pay the principal of or interest on such obligations or any other funds of the Village, and will not make any use of the Project which would cause the interest on such obligations to become subject to federal income taxation under the Internal Revenue Code of 1986, as amended (the “Code”) (except for the federal alternative minimum tax imposed on corporations by section 55 of the Code), or subject the Village to any penalties under section 148 of the Code, and that it will not take any action or omit to take any action with respect to such obligations, the proceeds thereof or the Project financed thereby, if such action or omission would cause the interest on such obligations to become subject to federal income taxation under the Code (except for the federal alternative minimum tax imposed on corporations by section 55 of the Code), or subject the Village to any penalties under section 148

of the Code. The foregoing covenants shall remain in full force and effect notwithstanding the defeasance of any serial bonds authorized and issued under this bond resolution, or any other provisions hereof, until the date which is sixty (60) days after the final maturity date or earlier prior redemption date thereof. The proceeds of any obligations authorized herein may be applied to reimburse expenditures or commitments of the Village made in connection with the Project on or after a date which is not more than sixty (60) days prior to the date of adoption of this bond resolution by the Board of Trustees of the Village.

Section 9. For the benefit of the holders and beneficial owners from time to time of the serial bonds authorized herein, and of bond anticipation notes issued in anticipation of the issuance of such serial bonds, the Village agrees, in accordance with and as an obligated person with respect to such obligations under, Rule 15c2-12 (the "Rule") promulgated by the Securities Exchange Commission pursuant to the Securities Exchange Act of 1934, to provide or cause to be provided such financial information and operating data, financial statements and notices, in such manner as may be required for purposes of the Rule. In order to describe and specify certain terms of the Village's continuing disclosure agreement for that purpose, and thereby to implement that agreement, including provisions for enforcement, amendment and termination, the Village Treasurer is authorized and directed to sign and deliver, in the name and on behalf of the Village, the commitment authorized by subsection 6(c) of the Rule (the "Commitment") to be placed on file with the Village Clerk, which shall constitute the continuing disclosure agreement made by the Village for the benefit of holders and beneficial owners of the obligations authorized herein in accordance with the Rule, with any changes or amendments that are not inconsistent with this bond resolution and not substantially adverse to the Village and that are approved by the Village Treasurer on behalf of the Village, all of which shall be conclusively

evidenced by the signing of the Commitment or amendments thereto. The agreement formed collectively by this paragraph and the Commitment shall be the Village's continuing disclosure agreement for purposes of the Rule, and its performance shall be subject to the availability of funds and their annual appropriation to meet costs the Village would be required to incur to perform thereunder. The Village Treasurer is further authorized and directed to establish procedures in order to ensure compliance by the Village with its continuing disclosure agreement, including the timely provision of information and notices. Prior to making any filing in accordance with the agreement or providing notice of the occurrence of any material event, the Village Treasurer shall consult with, as appropriate, the Village Attorney and bond counsel or other qualified independent special counsel to the Village and shall be entitled to rely upon any legal advice provided by the Village Attorney or such bond counsel or other qualified independent special counsel in determining whether a filing should be made.

Section 10. This resolution shall be effective immediately upon its due adoption by the Board of Trustees of the Village.

Item #12– Authorizing the Award of Contract #2010-02 E, G, H & P for the Reconfiguration of the Pelham Public Works Facility (bid deadline and opening 7/8/10, 11 a.m.)

Mayor Hotchkiss stated these next series of resolutions pertain to the DPW Yard project. He summarized the events leading to these resolutions by saying the DPW Yard was constructed in 1975 and consists of roughly 35,000 sq ft. The current proposal is to reduce to total area to 21,000 sq ft. by renovating the Yard and constructing a new DPW building closer to Village Hall. He said the Village has obtained a grant that, negating the local match of \$92,912, comes to approximately \$840,000 in awarded funds from both Federal Transportation Authorities (FTA) and the New York State Department of Transportation (NYSDOT) sources.

Based on the bids that were returned by various firms for Contract 2010-02, the total project cost is approximately 2.48 million dollars. Combined with a 2% bond issuing fee of \$50,000 brings the total to 2.6 million dollars for the total project. Trustee Marty added that the creation of 42 additional metered spaces will help to off-set some of the

parking cost

Bonding Attorney Jeff Storch explained to the Board the options available for bonding \$2,750,000 to complete the project. He said the Board can bond the amount in smaller increments through Bond Anticipation Notes (BAN) and spread the cost evenly over the 25 years of the bond. Trustee Lewis asked if the amount of the bond would affect the Village's bond rating of AA+. Mr. Storch stated the bond amount was not large enough to affect the Village's bond rating and that many other municipalities routinely bond for up to 5 million dollars.

Mayor Hotchkiss asked Village Clerk Terri Rouke to give the Board as sense of the amount of revenue that could be collected by these 42 additional spaces. Village Clerk Rouke had supplied the Mayor with a basic fact sheet about the financial possibilities of using meters as opposed to non-resident permit parking. Ms. Rouke said that a 12 hour meter for each of the 42 spaces could potentially yield up to \$138,000 a year. Trustee Mohan added the annual revenue would go beyond the life of the bond.

The Mayor said although the Village is bonding for the 2.75 million dollars to cover the cost of the project, the actual amount they are anticipating to spend is closer to 1.9 million dollars. The grant the Village has received will significantly lessen the overall cost of the project. Further, the Mayor stated that this capital outlay is for income producing property (parking spaces) which will pay for a majority of the debt service. Thus the way to evaluate the project is by measuring the cash flow consequences, rather than absolute debt.

Lester Kravitz asked if there was any intention on the part of the Board to make an access route through the site onto Wolfs Lane. Trustee Breskin said there is not any specification in the plans for an access route at this time. Gwen Topanga asked the Board if neighbors in the surrounding area had been allowed to look at the plans and voice any concerns they may have about the building and construction. She said the addition of 42 parking spaces will generate extra noise and traffic issues. She also cited security and maintenance concerns.

Mayor Hotchkiss said there has been a great deal of transparency with regard to the construction at the DPW Yard with the neighbors in the area. He said several meetings had taken place with the neighbors in the surrounding area who were allowed to view the plans and specifications. Ms. Topanga said the neighbors have not had the plans pushed on them or the extent of the construction explained to them. She also asserted the location of the new Village yard building was at the request of Harry Pallet so he could park his car closer to the Village Hall. Mayor Hotchkiss and Trustee Breskin both denied that statement. Administrator Yamuder speaking through the Board room speaker phone said the position of the Village yard building was determined to allow both buildings to share a common generator that would enable the buildings to operate in case of a blackout.

Trustee Lewis added that the plans have not changed since the meetings with the residents in the area and they always promote exchanges between residents and the Board in terms of significant alterations to the Village. Trustee Mohan also said the Board has a responsibility to balance the expectations of the residents in the area with residents throughout Pelham.

Trustee Breskin read off the lowest, qualified bidders for each of the contracts to be awarded:

A motion was made by Trustee Marty and seconded by Trustee Breskin to award the electrical contract for Village Contract 2010-02 to Anderson Electric Inc. for \$234,000. The vote was approved by a vote of six in favor, none opposed. Trustee Bullock was absent.

RESOLUTION

Authorizing the Award of Contract #2010-02 E-Electrical FTA Parking and Reconfiguration of the Pelham Public Works Facility

WHEREAS, the Village Of Pelham issued a Notice to Bidders and Request For Bids for Contract No. 2010-02-E -Electrical – FTA Parking and Reconfiguration of the Pelham Public Works Facility; and

WHEREAS, a public notice was published on Wednesday, May 19, 2010, in the Gannett Westchester Newspaper, an official newspaper of the Village of Pelham; and

WHEREAS, during the notice period over Six (6) companies were contacted and sent copies of the contract documents, or picked up copies of the contract documents at Village Hall; and

WHEREAS, at 11 a.m. E.S.T., Thursday, July 8, 2010, the Village of Pelham publicly opened and read Six (6) proposals; and

WHEREAS, on reviewing the proposals, the following is a list of the proposals, as follows:

<u>Company</u>	<u>Location</u>	<u>Total Base Bid</u>
Anderson Electric Inc	Greenwich, Ct.	\$234,000.00
Talt Electric	New Rochelle, NY	\$239,000.00
D&M Electrical Contract	Elmsford ,NY	\$273,424.00
RLJ Electric Corp	Peekskill, NY	\$295,000.00
Foremost Electrical Corp	Ossining, NY	\$329,860.00
Voltamp Electric Contract	Glendale, NY	\$733,000.00

AND WHEREAS, PCI Engineers have reviewed the bids and determined that the lowest responsible bid that meets requirements is Anderson Electric Inc, of Greenwich, Ct.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of the Village of Pelham Village hereby award Contract No. 2010-02-E to Anderson Electric Inc, of Greenwich, Ct, at the total bid price for this unit price contract in the amount of Two hundred thirty four thousand, (\$234,000.00) as stated above; and be it

FURTHER RESOLVED, that the Mayor and Village Administrator are authorized to take the necessary and appropriate actions to sign, execute and award this unit price contract for these services

A motion was made by Trustee Marty and seconded by Trustee Breskin to award the general construction contract for Village Contract 2010-02 to MVM Construction LLC. for \$1,913,000. The vote was approved by a vote of five in favor, Trustee Lewis was opposed. Trustee Bullock was absent.

RESOLUTION

Authorizing the Award of Contract #2010-02 G- General Construction
FTA Parking and Reconfiguration of the Pelham Public Works Facility

WHEREAS, the Village Of Pelham issued a Notice to Bidders and Request For Bids for Contract No. 2010-02- G- General Construction – FTA Parking and Reconfiguration of the Pelham Public Works Facility; and

WHEREAS, a public notice was published on Wednesday, May 19, 2010, in the Gannett Westchester Newspaper, an official newspaper of the Village of Pelham; and

WHEREAS, during the notice period over Three (3) companies were contacted and sent copies of the contract documents, or picked up copies of the contract documents at Village Hall; and

WHEREAS, at 11 a.m. E.S.T., Thursday, July 8, 2010, the Village of Pelham publicly opened and read Three (3) proposals; and

WHEREAS, on reviewing the proposals, the following is a list of the proposals, as follows:

<u>Company</u>	<u>Location</u>	<u>Total Base Bid</u>
MVM Construction LLC	Mt Vernon, NY	\$1,913,000.00
ELQ Industries, Inc	New Rochelle, NY	\$2,341,700.00
Fourman Construction Inc	Peekskill, NY	\$3,162,230.00

AND WHEREAS, PCI Engineers have reviewed the bids and determined that the lowest responsible bid that meets requirements is MVM Construction LLC of Mt Vernon, NY

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of the Village of Pelham Village hereby award Contract No. 2010-02-G to MVM Construction LLC of Mt Vernon, NY , at the total bid price for this unit price contract in the amount of One million, nine hundred, thirteen thousand , (\$1,913,000.00) as stated above; and be it

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

A motion was made by Trustee Marty and seconded by Trustee Breskin to award the HVAC contract for Village Contract 2010-02 to ACS Systems for \$232,000. The vote was approved by a vote of six in favor, none opposed. Trustee Bullock was absent.

RESOLUTION

Authorizing the Award of Contract #2010-02 H- Heating,
Ventilating, and Air Conditioning
FTA Parking and Reconfiguration of the Pelham Public Works Facility

WHEREAS, the Village Of Pelham issued a Notice to Bidders and Request For Bids for Contract No. 2010-02- H- Heating, Ventilating, and Air Conditioning– FTA Parking and Reconfiguration of the Pelham Public Works Facility; and

WHEREAS, a public notice was published on Wednesday, May 19, 2010, in the Gannett Westchester Newspaper, an official newspaper of the Village of Pelham; and

WHEREAS, during the notice period over ____ () companies were contacted and sent copies of the contract documents, or picked up copies of the contract documents at Village Hall; and

WHEREAS, at 11 a.m. E.S.T., Thursday, July 8, 2010, the Village of Pelham publicly opened and read 1 proposals; and

WHEREAS, on reviewing the proposals, the following is a list of the proposals, as follows:

<u>Company</u>	<u>Location</u>	<u>Total Base Bid</u>
ACS Systems	Mt Vernon, NY.	\$232,000.00

AND WHEREAS, PCI Engineers have reviewed the bids and determined that the lowest responsible bid that meets requirements is ACS Systems of Mt Vernon, NY.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of the Village of Pelham Village hereby award Contract No. 2010-02-H to ACS Systems of Mt Vernon, NY., at the total bid price for this unit price contract in the amount of Two hundred thirty two thousand, (\$232,000.00) as stated above; and be it

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

A motion was made by Trustee Marty and seconded by Trustee Breskin to award the plumbing contract for Village Contract 2010-02 to Jackan P.H.A. & Ref. Inc. The vote was approved by a vote of six in favor, none opposed. Trustee Bullock was absent.

RESOLUTION

Authorizing the Award of Contract #2010-02 P- Plumbing
FTA Parking and Reconfiguration of the Pelham Public Works Facility

WHEREAS, the Village Of Pelham issued a Notice to Bidders and Request For Bids for Contract No. 2010-02- P- Plumbing– FTA Parking and Reconfiguration of the Pelham Public Works Facility; and

WHEREAS, a public notice was published on Wednesday, May 19, 2010, in the Gannett Westchester Newspaper, an official newspaper of the Village of Pelham; and

WHEREAS, during the notice period over Four (4) companies were contacted and sent copies of the contract documents, or picked up copies of the contract documents at Village Hall; and

WHEREAS, at 11 a.m. E.S.T., Thursday, July 8, 2010, the Village of Pelham publicly opened and read Four (4) proposals; and

WHEREAS, on reviewing the proposals, the following is a list of the proposals, as follows:

<u>Company</u>	<u>Location</u>	<u>Total Base Bid</u>
Jacan P.H.A & Ref, Inc	New Rochelle, NY	\$100,762.00
Frank & Lindy P and H	Peekskill, NY	\$122,800.00
TWP Plumbing and Heating	Larchmont, NY	\$130,206.00
S & L Plumbing & Heating	Brewster, NY	\$136,325.00

AND WHEREAS, PCI Engineers have reviewed the bids and determined that the lowest responsible bid that meets requirements is Jacan P.H.A & Ref, Inc of New Rochelle, NY

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of the Village of Pelham Village hereby award Contract No. 2010-02-P to Jacan P.H.A & Ref, Inc of New Rochelle, NY at the total bid price for this unit price contract in the amount of One hundred thousand, seven hundred sixty two dollars, (\$100,762.00) as stated above; and be it

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

Item #13– Resolution Authorizing the Village of Pelham to become Lead agency under the State Environmental Quality Review Act (“SEQRA”) for the Acquisition and construction of a Department of Public Works building for the Village

Mayor Hotchkiss said this resolution is to make the Village of Pelham able to oversee the environmental requirements for the DPW Yard Project.

A motion was made by Trustee Lewis and seconded by Trustee Morris to adopt the resolution. The vote was approved by a vote of six in favor, none opposed. Trustee Bullock was absent.

A RESOLUTION, DATED AUGUST 10, 2010, OF THE VILLAGE OF PELHAM, COUNTY OF WESTCHESTER, STATE OF NEW YORK AS TO SEQRA DETERMINATION.

BE IT RESOLVED by the Board of Trustees of the Village of Pelham, County of Westchester, State of New York, as follows:

Section 1. The Board adopting this resolution hereby declares itself to be the lead agency under the State Environmental Quality Review Act (“SEQRA”) and the regulations promulgated thereunder for purposes of determining the environmental impact of the project described in Section 3 hereof.

Section 2. The Board hereby determined that the project described in Section 3 hereof is a Type II Action which by definition thereof under the regulations promulgated under SEQRA, will not have a significant impact upon the environment.

Section 3. The project which is the subject of this resolution is described as follows:

Acquisition and construction of a Department of Public Works building for the Village, including any applicable equipment, machinery, apparatus, land and rights-in-land necessary therefor and any preliminary and incidental costs related thereto, at a total cost not to exceed \$2,750,000.

Section 4. This resolution shall take effect immediately upon its adoption.

Item #14–Bond Resolution for up to \$2.75 Million for the Reconfiguration of the Pelham Public Works Facility

Mayor Hotchkiss said this resolution is for bonding the full amount of money necessary to complete the DPW Yard project. He said that with the other funding sources available to the Village including the FTA grant, it is unlikely the Village will need the entire sum of \$2,750,000. The number the Board has estimated is closer to \$1,900,000. Trustee Breskin added that the Board must be able to bond for the entire amount not what they estimate they will need.

A motion was made by Trustee Breskin and seconded by Trustee Marty to adopt the resolution. The vote was approved by a vote of six in favor, none opposed. Trustee Bullock was absent.

BOND RESOLUTION, DATED AUGUST 10, 2010, AUTHORIZING THE ISSUANCE OF UP TO \$2,750,000 AGGREGATE PRINCIPAL AMOUNT SERIAL BONDS OF THE VILLAGE OF PELHAM, COUNTY OF WESTCHESTER, STATE OF NEW YORK, PURSUANT TO THE LOCAL FINANCE LAW, TO FINANCE THE COSTS OF THE ACQUISITION AND CONSTRUCTION OF A DEPARTMENT OF PUBLIC WORKS BUILDING FOR THE VILLAGE.

WHEREAS, the Board of Trustees of the Village of Pelham (the "Village"), located in the County of Westchester, in the State of New York (the "State"), hereby determines that it is in the public interest of the Village to authorize the financing of the costs of the acquisition and construction of a Department of Public Works building for the Village, including any applicable equipment, machinery, apparatus, land and rights-in-land necessary therefor and any preliminary and incidental costs related thereto, at a total cost not to exceed \$2,750,000, all in accordance with the Local Finance Law;

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the Village of Pelham, County of Westchester, State of New York, as follows:

Section 1. There is hereby authorized to be issued serial bonds of the Village in the aggregate principal amount of up to \$2,750,000, pursuant to the Local Finance Law, in order to finance the costs of the acquisition and construction of a Department of Public Works building for

the Village, including any applicable equipment, machinery, apparatus, land and rights-in-land necessary therefor and any preliminary and incidental costs related thereto (the "Project").

Section 2. It is hereby determined that the Project is a specific object or purpose, or of a class of object or purpose, described in subdivision 11(a) of paragraph a of Section 11.00 of the Local Finance Law and that the period of probable usefulness of the Project is thirty (30) years (such building being of "Class A" construction as that term is defined in Section 11.00 of the Local Finance Law). The serial bonds authorized herein shall have a maximum maturity of thirty (30) years computed from the earlier of (a) the date of the first issue of such serial bonds or (b) the date of the first issue of bond anticipation notes issued in anticipation of the issuance of such serial bonds.

Section 3. The Board of Trustees of the Village has ascertained and hereby states that (a) the estimated maximum cost of the Project is \$2,750,000; (b) no money has heretofore been authorized to be applied to the payment of the costs of the Project; (c) the Board of Trustees of the Village plans to finance the costs of the Project from the proceeds of the serial bonds authorized herein, or from the proceeds of bond anticipation notes issued in anticipation of such serial bonds, except to the extent of such Federal or New York State aid received by the Village which shall reduce the principal amount of such serial bonds or such bond anticipation notes *pro tanto*; (d) the maturity of the obligations authorized herein may be in excess of five (5) years; (e) on or before the expenditure of moneys to pay for any item within an object or purpose, or class of object or purpose, for which proceeds of such obligations are to be applied to reimburse the Village, the Board of Trustees of the Village took "official action" for federal income tax purposes to authorize capital financing of such item.

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

Section 5. Each of the serial bonds authorized by this bond resolution and any bond anticipation notes issued in anticipation of the issuance of such serial bonds shall contain the recital of validity prescribed by Section 52.00 of the Local Finance Law. The faith and credit of the Village is hereby and shall be irrevocably pledged for the punctual payment of the principal of and interest on all obligations authorized and issued pursuant to this bond resolution as the same shall become due.

Section 6. When this bond resolution takes effect, the Village Clerk shall cause the same, or a summary thereof, to be published together with a notice in substantially the form prescribed by Section 81.00 of the Local Finance Law in the Journal News, a newspaper having

a general circulation in the Village. The validity of the serial bonds authorized by this bond resolution, and of bond anticipation notes issued in anticipation of the issuance of such serial bonds, may be contested only if such obligations are authorized for an object or purpose, or class of object or purpose, for which the Village is not authorized to expend money, or the provisions of law which should be complied with as of the date of the publication of this bond resolution, or a summary thereof, are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication, or if such obligations are authorized in violation of the provisions of the Constitution of the State.

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

Section 8. The Village hereby declares its intention to issue the obligations authorized herein to finance the costs of the Project. The Village covenants for the benefit of the holders of the obligations authorized herein that it will not make any use of the proceeds of such

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

Section 9. For the benefit of the holders and beneficial owners from time to time of the obligations authorized herein, the Village agrees in accordance with and as an obligated person with respect to the obligations under Rule 15c2-12 promulgated by the Securities Exchange Commission pursuant to the Securities Exchange Act of 1934 (the "Rule"), to provide or cause to be provided such financial information and operating data, financial statements and notices, in such manner, as may be required for purposes of the Rule. In order to describe and specify certain terms of the Village's continuing disclosure agreement for that purpose, and

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

Section 10. This bond resolution is subject to a permissive referendum and will take effect upon its adoption by the Board of Trustees of the Village and the expiration of the period prescribed in the Village Law during which petitions for a permissive referendum may be submitted and filed with the Village Clerk.

Item #15—Public Hearing Considering a Proposed Initial Franchise Agreement for Cable Television Service in the Village of Pelham with Verizon, NY, Inc.

Mayor Hotchkiss asked Trustee Mohan as the chief negotiator with Verizon FIOS to summarize the events that have led to this meeting. Trustee Mohan said due to the urging of residents who are anxious to have Verizon come into Pelham, the Village has secured an arrangement with Verizon where it has established a “level playing field” agreement similar in structure to the current contract with Cablevision. As part of this franchise agreement, Verizon proposes to pay 5% of the revenues to the Village of Pelham also they will furnish the Village with \$18,000 as part of the P.E.G. grant for purchasing new media equipment.

Trustee Mohan asked Verizon representative Catherine Gasteyer to speak to the Board about the process leading to this agreement. Ms. Gasteyer said she felt this arrangement was good for both the Village of Pelham and Verizon. She wished to thank all Village employees who helped move the process along. She said one of her colleagues, Mr. Linc Janice, was available to answer some questions about the agreement.

Mayor Hotchkiss asked Mr. Janice how much of Pelham is currently furnished and ready to receive FIOS once the agreement is enacted. Mr. Janice stated said approximately 70% of Pelham has been installed to receive FIOS. The remaining 30% needs to be set up to receive the FIOS capability should the residents choose Verizon as their provider. He said this process could take up to five years to fully install the capability throughout the Village.

Joanne Levitan of Maple Avenue said she was in favor of Verizon coming to Pelham but she wanted to know if her area was prepared to receive the service. Mr Janice responded by saying there is a tool on the Verizon website which residents can enter their address and find out if Verizon has installed in their area.

John Cassone of 7th Avenue commented on several things he felt the Board should consider. He said the offer of \$18,000 made by the Village of Pelham is small in comparison to Pelham Manor agreement. He also said the 5 years necessary to allow 30% of residents to have FIOS as an option is an inequity for residents. Trustee Mohan responded to these questions by saying Pelham Manor’s agreement was reached at a point in time when Verizon was quickly expanding in Westchester. She said now Verizon is largely built out and not as competitive with its franchise offers. The \$18,000 was a product of negotiation not a compensation offer. Trustee Lewis added that Pelham did not ask for \$18,000 as part of the P.E.G. grant. He said the \$18,000 was Verizon’s offer to Pelham as an incentive to accept the agreement. Although the Board would have liked more from the P.E.G. grant he said they wanted to have the franchise agreement more.

Lester Kravitz of Wolfs Lane asked if Village of Pelham Board meetings could be viewed from his home in Pelham Manor. Mr. Janice said he was not sure if that would be possible but he would research that capability.

Robert Hauc of Cablevision addressed the Board about several aspects of the Verizon franchise agreement that he felt were detrimental to the Village. He said the Verizon terms discuss the right of way within the Village with regard to wires and tree trimming. He mentioned the Senior Discount available through Cablevision which is not available through Verizon’s contract. He also stated Verizon could be asking for less to obtain a franchise agreement and the P.E.G. grant could be giving more.

Mr. Janice replied to these points by saying the right of way concerns of Mr. Hauc are addressed in the application the Village of Pelham has submitted. He said the Senior Discount is not specifically stated in the agreement but can be brought about by effective completion between Cablevision and Verizon in the Village. He said there is an \$11,000 inducement to protect the Village's general fund if Verizon is allowed in the Village and the P.E.G. grant represents a level playing field deal that is comparable to the arrangement the Village already has with Cablevision.

Garrett Jenkins of 7th Avenue thanked the Board for securing an agreement with Verizon. He said he had experienced problems with Cablevision and welcomes the opportunity to have some competition with regard the Village's television broadcasting capability.

Trustee Breskin said this has been a long process to finally make an agreement with the Verizon Franchise. He said the \$18,000 for media equipment is short of what he hoped for and the "level playing field" is open to interpretation but the response of the people of Pelham is generally positive and they clearly desire Verizon to be in the Village of Pelham.

A motion was made by Trustee Mohan and seconded by Trustee Marty to adopt the resolution. The vote was approved by a vote of six in favor, none opposed. Trustee Bullock was absent.

RESOLUTION
OF THE BOARD OF THE VILLAGE OF PELHAM AWARDDING A CABLE TELEVISION
FRANCHISE TO VERIZON NEW YORK INC.
TO PROVIDE CABLE SERVICE TO
THE VILLAGE OF PELHAM AND APPROVING A CABLE FRANCHISE AGREEMENT WITH
VERIZON NEW YORK, INC.

Item #16– Public Hearing to Consider a Parking Waiver for the Pelham Picture House

David Cooper of Zarin & Steinmetz spoke to the Board concerning the waiver for the Pelham Picture House with regard to the issue of on site parking requirements. The Picture House is performing renovations to the building to accommodate a greater capacity of visitors. The site is only .35 acres of property and cannot accommodate more parking on site. As such they are pursuing a waiver which will allow parking spaces from the Sparks Avenue municipal lot to be used for the overflow from the Picture House. The Village Code maintains the Board of Trustees can issue a waiver provided there is a municipal parking lot 500 feet from the site. The Sparks Avenue lot is within the range required by the Code. Mr. Coopers stated the Village is issuing a waiver for approximately 129 parking spaces. These account for the spaces that would not be available as on street parking

Mr. Cooper referenced parking studies that had been supplied to the Board about the on-street parking available on several side streets. He gave a brief synopsis of the study saying that adequate parking can be found on the streets of Pelham at various times when the Picture House experiences its peak hours of patronage. Approximately 423 spaces are needed by the Picture House in total. On-street parking can accommodate much of these but

the additional spaces necessary can be absorbed by the Sparks Avenue lot and on weekends, the Metro-North train station parking lot.

Trustee Morris asked if Metro-North had been consulted about the use of their parking lot on weekends and if they were amenable to that idea of residents using their lot. Mr. Cooper said he had not spoken to Metro-North yet.

Robert Wise of the Pelham Planning Board argued that the open spaces along the streets are not truly "open" spaces. These parking spots are open for restaurants and other businesses to facilitate customer interaction with stores throughout Pelham. He said by asking for a waiver for these 129 spots, the Picture House is essentially asking for 100% of the parking in Pelham. He stated the Zoning Board of Appeals had made a decision previously made a ruling saying the minimum variance possible should be granted in cases like these to ensure that preferential treatment was not given to any one business. He stated he was not asking the Board not to grant the waiver but cautioned not to get dwell on the numbers and to strongly consider whether the downtown can absorb the number of cars the Picture House is estimating they will have frequenting their establishment.

David Cooper replied to Mr. Wise' comments by saying the Planning Board cannot issue a variance in this instance because of the issues that could arise from any variance granted which the Planning Board is not equipped to handle. It is for the legislative authority of the Village that being the Board of Trustees, to issue a waiver to permit the parking in the municipal lot on this case by case basis. Bernard Adler of Adler Consulting has worked as a parking consultant to the Picture House in order to determine the availability of on-street parking in the vicinity of the Picture House. He said at the peak times of patronage, there are approximately 213 spaces available in and around the area.

Several residents expressed concern about where these spaces are going to be located. Mary Veith from Nyac Avenue asked if Nyac had been included in the assessment of parking spaces around the Picture House. David Cooper responded that it was and 61 available spaces were counted there. Ms. Veith said she felt the street was not designed for that amount of traffic and parking. Kevin Walsh of Carol Avenue said he was concerned about the number of cars that will flood the surrounding streets. James Colbrook of Brookside Avenue agreed with Mr. Walsh saying the increased activity would disrupt the balance of the neighborhood.

Mayor Hotchkiss said this waiver does not constitute site plan approval. The plans and specifications for the construction and parking will still have to go before the Architectural Review Board.

Ron Uszo of Brookside Avenue opposed the construction of the new theater saying it would isolate his residence from the rest of his neighbors and view of the Village. He said the water run-off would have an impact on his property. He thus warned the Board to be careful in its assessment of this project. David Cooper responded water run-off is an aspect of the SEQRA study. He said they have to go back to the Planning Board in September for a Special Permit and it would be October at the earliest before they could go before they could go before the Zoning Board of Appeals. Mayor Hotchkiss said that Mr. Uszo could attend these meetings if he wished.

Mr. Walsh of Nyac Avenue asked if there were any schematics or plans that residents could be privy to. Mr. Cooper said there was a basic schematic available. Mayor Hotchkiss said this should be posted on the Village website. Trustee Marty asked what the Picture House's plans are to steer people away from on-street parking. Mr. Walsh of Carol Avenue said they should not steer people onto side streets but should focus the parking in the municipal lot. Mr. Cooper said it is not trying to direct people to any one place but offer options to people who wish to patronize the Picture House.

Mayor Hotchkiss said the Board is not attempting to make parking policy in Pelham which will last for the next 25 years. He said they are only approving a waiver. Attorney Joel Sachs presented the Board with a revised waiver resolution that he said was an improvement on the original resolution in the agenda.

A motion was made by Trustee Marty and seconded by Trustee Mohan to close the public hearing. The vote was approved by a vote of six in favor, none opposed. Trustee Bullock was absent.

A motion was made by Trustee Marty and seconded by Trustee Mohan to adopt the resolution. The vote was approved by a vote of six in favor, none opposed. Trustee Bullock was absent.

VILLAGE OF PELHAM, NY
PUBLIC HEARING
FOR PROPOSED PARKING WAIVER FOR
THE PELHAM PICTURE HOUSE, PURSUANT TO SECTION 98-117(B) OF
THE VILLAGE OF PELHAM ZONING CODE.

**PICTURE HOUSE REGIONAL FILM CENTER INC.
PARKING WAIVER RESOLUTION**

WHEREAS, the Picture House Regional Film Center Inc. ("The Picture House") has applied to expand its single screen theatre, the Pelham Picture House at the corner of Wolf's Lane and Brookside Avenue into a two screen theatre, and education center; and

WHEREAS, in conjunction with said application the Zoning Board of Appeals of the Village of Pelham has heretofore been designated as "Lead Agency" in regard to the environmental review of The Picture House application pursuant to the requirements of the State Environmental Quality Review Act ("SEQRA"); and

WHEREAS, on June 30, 2010, the Zoning Board of Appeals after reviewing various parking, traffic and drainage studies submitted on behalf of The Picture House and having consultants for the Village of Pelham review such studies, determined to issue a Negative Declaration pursuant to SEQRA, thus determining that the proposed action will not have a significant adverse impact upon the environment; and

WHEREAS, at said June 30, 2010 meeting of the Zoning Board of Appeals, said Board indicated it would take no further action on the application of The Picture House until such time as The Picture House made an appropriate application to the Board of Trustees of the Village of Pelham for a parking waiver pursuant to Section 98-117(B) of the Village Zoning Code; and

WHEREAS, on July 13, 2010, The Picture House submitted to the Mayor and members of the Board of Trustees an application for a parking waiver pursuant to Section 98-117(B) accompanied by a detailed parking needs studies prepared by Adler Consulting, which parking needs studies had already been reviewed by the Zoning Board of Appeals of the Village and by the Village's consultant; and

WHEREAS, the matter having come on to be heard before the Board of Trustees of the Village of Pelham at its August 20, 2010 meeting and after hearing from members of the public and after due deliberation it is

RESOLVED, that that Mayor and Board of Trustees hereby authorize a parking waiver for the Pelham Picture House on-site parking requirements in accordance with the July 13, 2010 request of the applicant pursuant to Section 98-117B of the Village of Pelham Zoning Code; and it is further

RESOLVED, that the Mayor and Village Administrator are authorized to take the necessary and appropriate acts to effect this waiver.

RESOLVED, that the Mayor and Board of Trustees authorize a parking waiver for the Pelham Picture House's on-site parking requirement, pursuant to Section 98-117(B) of the Village of Pelham zoning code.
; and

THEREFORE BE IT FURTHER RESOLVED, that the Mayor, Village Administrator are authorized to take the necessary and appropriate actions to effect this waiver.

Item #17—Resolution authorizing the Award and Sale of a 1986 International 6 Wheeler, a 1999 Dodge Pickup and a 1999 Chevy Blazer as Surplus

The Mayor said this resolution is for the sale of three Village vehicles which used to belong to the Village Street Dept. The sale is authorized to Mount Vernon Auto. Mayor Hotchkiss said he hoped these vehicles would have a useful life elsewhere.

A motion was made by Trustee Breskin and seconded by Trustee Marty to adopt the resolution. The vote was approved by a vote of five in favor, none opposed. Trustee Bullock and Trustee Lewis were absent.

RESOLUTION
AUTHORIZING THE AWARD AND SALE OF
THREE (3) OF THE VILLAGE OF PELHAM'S SURPLUS VEHICLES
1986 INTERNATIONAL 6 WHEELER, A 1999 DODGE PICKUP AND A 1999 CHEVY
BLAZER AS SURPLUS

For Integrated Criminalistic Information (Rici) System is hereby accepted and the agreement is authorized by the Board of Trustees of the Village of Pelham; and

BE IT RESOLVED, that the term of this agreement is for five (5) years commencing on August 1, 2010 and terminating on July 31, 2015; and

THEREFORE BE IT FURTHER RESOLVED, that the Mayor, Village Administrator and Police Chief are authorized to take the necessary and appropriate actions to effect this agreement.

Item #19—Authorizing a Change Order for Additional Paving and Hydrant Replacement by ELQ Industries

The Board decided to table the resolution until a later meeting for more forthcoming information from ELQ Industries.

AUTHORIZING A CHANGE ORDER #3
BETWEEN THE VILLAGE OF PELHAM AND ELQ
FOR THE INSTALLATION OF THREE HYDRANTS AND ADDITIONAL PAVING
IN CONJUNCTION WITH ORIGINAL PROJECT CONTRACT # 2008-04

BE IT RESOLVED, that the Board of Trustees of the Village of Pelham hereby authorizes the Change Order #3 regarding the installation and additional paving and;

THEREFORE BE IT FURTHER RESOLVED, that the Mayor, Village Administrator are authorized to take the necessary and appropriate actions to effect this agreement.

Item #20—Authorizing Request for the Pelham Chamber of Commerce to Close the Street for a Fall Craft Festival

Mayor Hotchkiss said this resolution is for the closing of the street for the annual Chamber of Commerce Craft Festival. The date for the Festival is October 6, 2010. He added the Pelham Children's Pumpkin sale will be going on as well. The Mayor said the Festival plans to incorporate this event into the overall festivities. Trustee Breskin mentioned the Fun-Run will also be taking place that day. He said this could create complications but recalled that Fun-Run would likely be ending about the time Craft Festival is beginning. He stressed this is a timing issue. Mayor Hotchkiss said he wanted to encourage cooperation among the various Village organizations.

A motion was made by Trustee Breskin and seconded by Trustee Mohan to adopt the resolution. The vote was approved by a vote of five in favor, none opposed. Trustee Bullock and Trustee Lewis were absent.

RESOLUTION

AUTHORIZING A FALL CRAFT FESTIVAL

OPERATED BY THE CHAMBER OF COMMERCE
TO BE HELD ON SATURDAY OCTOBER 6, 2010

BE IT RESOLVED, that the Board of Trustees of the Village of Pelham authorizes the annual Chamber of Commerce Pelham Street Fair to take place on Saturday, October 6, 2010, and authorizes the closure of 5th Avenue from First Street to Lincoln Avenue and craft walk and games in the park along Wolf's Lane from 10 am to 4pm:

AND BE IT FURTHER RESOLVED, that Mayor and Board authorize the appropriate Village officials and staff to take the necessary and appropriate actions to allow the Festival to take place, with the requirement that the Village of Pelham be provided with the insurance satisfactory to the Village's insurance carrier by the Pelham Chamber of Commerce.



PELHAM CHAMBER OF COMMERCE

July 1, 2010

Village of Pelham 195 Sparks
Avenue Pelham, N. Y. 10803

Dear Mayor Edward Hotchkiss and Village Trustees,

The Pelham Chamber of Commerce is requesting permission to hold a Fall Craft Festival on Saturday October 16, 2010. The hours of this event will be from 10:00 A. M. to 4:00 P.M. The event will require the closure of 5th avenue from the train station, to Lincoln Ave. We will also have a craft walk and games in the park along Wolf's Lane.

Joe Solimine will be sending you the Pelham Chamber of Commerce certificate of insurance.

If you have any questions I can be reached at my office (914) 738-1377, Cellular (914) 403-6194.

Thank you so much for your help.

John De Cicco

Pelham Chamber of Commerce

Cc: Village police department, Joe Benefico
Village fire department, Larry Cohen

Item #21–Resolution to appoint Robert Yamuder as Principal Coordinator of NIMS (National Incident Management System) For the Village Of Pelham

The Mayor stated this resolution is to make the current Administrator, Robert Yamuder, the contact in case of emergency under the NIMS guidelines. He said Mr. Yamuder will be replacing former Village Administrator Richard Slingerland.

A motion was made by Trustee Morris and seconded by Trustee Mohan to adopt the resolution. The vote was approved by a vote of five in favor, none opposed. Trustee Bullock and Trustee Lewis were absent.

RESOLUTION

TO APPOINT ROBERT YAMUDER AS PRINCIPAL COORDINATOR OF NIMS(NATIONAL INCIDENT MANAGEMENT SYSTEM) FOR THE VILLAGE OF PELHAM

WHEREAS, In Homeland Security Presidential Directive (HSPD)-5, the President directed the Secretary of the Department of Homeland Security to develop and administer a National Incident Management System (NIMS) which would provide for a more consistent nationwide approach for Federal, State, Local and Tribal governments to work together more effectively and efficiently to prevent, prepare for, respond to, and recover from domestic incidents, regardless of cause, size or complexity; and

WHEREAS, the collective input and guidance from all Federal, State, Local and Tribal homeland security partners has been and will continue to be vital to the development, effective implementation and utilization of a comprehensive NIMS; and

WHEREAS, it is necessary that all Federal, State, Local and Tribal emergency management agencies and personnel coordinate their efforts to effectively and efficiently provide the highest levels of incident management; and

WHEREAS, to facilitate the most efficient and effective incident management it is critical that Federal, State, Local and Tribal organizations utilize:

- standardized terminology
- standardized organizational structures
- uniform personnel qualification standards
- uniform standards for planning, training and exercising
- comprehensive resource management, and
- designated incident facilities during emergencies or disasters; and

WHEREAS, the NIMS standardized procedures for managing personnel, communications, facilities and resources will improve the State's ability to utilize Federal funding to enhance Local and State agency readiness, maintain first responder safety, and streamline incident management processes; and

WHEREAS, the Incident Command System components of NIMS are already an integral part of various incident management activities throughout the state, including all public safety and emergency response organizations training programs; and

WHEREAS, the National Commission of Terrorist Attacks (9-11 Commission) recommended adoption of a standardized Incident Command System.

BE IT RESOLVED, by the Board of Trustees of the Village of Pelham that the Village of Pelham appoints Robert Yamuder as Principal Coordinator of NIMS (National Incident Management System) For the Village Of Pelham

Item #22– Grants- Status Report

Administrative Intern Peter Bonington gave a brief report of some the highlights regarding the Village's grants. He reported, as part of the New York Main Street Streetscape initiative, that the benches which were ordered some weeks ago had arrived at the Village yard. He said the bike racks would be following in weeks.

Mr. Bonington stated Administrator Yamuder had applied for a third Local Pre-Disaster Mitigation (LPDM) grant. The overall grant amount is for \$650,000 of which the Village's portion would constitute \$162,000. The purpose of this money is to further the project of alleviating storm-water flooding in the upper areas of Pelham.

Mr. Bonington then stated the Village was recently denied for the S.A.F.E.R. grant which was for the purpose of hiring a new full time firefighter. Trustee Breskin reminded the Board this grant offered to pay the salary of a starting full time firefighter for the first two years of his employment, after which the Village would have to retain the firefighter for the next five years.

Item #23–Monthly Budget Review

Mayor Hotchkiss stressed to the Board that they should be examining the monthly budget report at each meeting. He noted that the \$42,000 representing the NYMIR capitalization fees should be removed as an asset on the balance sheet. He also said he wanted to review the actuarial report on post retirement medical benefits.

The Board decided to table the resolution until a later meeting due to time constraints.

Item #24–Other Business

Mayor Hotchkiss mentioned that a request had come to Village Hall from a Lisa Campbell. She was requesting to use the Firehouse basement as a reception area after a funeral for a longtime resident. It is expected that approximately 100 people will be attending the wake. Trustee Breskin the Board had discussed last year about not allowing residents to use the Firehouse as a public space but in this case, on short notice, he felt the Village should allow

the reception to be held there. Trustee Mohan asked about liability insurance and how the Village can account for the people at this facility. Trustee Breskin said the appropriate procedure is to inform the Village Administrator of the intent prior to the event and he makes a decision.

Mayor Hotchkiss said there was important information missing from this request such as the name of the deceased, the name and contact information for the main organizer of the event, and the times in would require the firehouse. He said he was not comfortable letting the reception proceed without this information. Trustee Breskin said there is a long tradition of the Firehouse being used as a reception area and the intent of the Board has been to end that tradition by instituting a process with forms and necessary supplied to the Village.

Mayor Hotchkiss said this is too hap-hazard and too short notice for the Village to allow this reception. Trustee Marty said there is little public space in Pelham and the party organizing this event may not have time to find somewhere else. He suggested that someone at Village Hall follow up with the Village's insurance provider to check and see if the Village is covered for an event of this kind.

Trustee Breskin said he has discussed with Chief Cohen that the Fire Dept. should not be in the business of managing the Firehouse basement as a venue. Trustee Marty said a clearly defined process must be organized to allow events like this but in an appropriate context.

The Trustees determined the reception can take place on Friday, August 13 at 2 p.m. provided the following conditions: The Village's liability insurance covers the Village in case of accident, there is no alcohol served at the event, and the party is responsible for the cleanup afterwards.

A motion was made by Trustee Mohan and seconded by Trustee Marty to adopt the resolution. The vote was approved by a vote of three in favor; Mayor Hotchkiss and Trustee Morris were opposed. Trustee Bullock and Trustee Lewis were absent.

Item #25– Authorizing the Accounts Payable

Trustee Breskin is audited the Accounts Payable.

After some discussion, a motion was made by Trustee Breskin and seconded by Trustee Morris to adopt the resolution, pending a hold on the bill to Computell for contractual services regarding ConEd reimbursement. The vote was approved by a vote of five in favor, none opposed. Trustees Bullock and Lewis were absent.

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	\$ 289,915.31
Water Fund	\$ 124,758.15
Capital Projects Fund	\$ 0.00
Trust and Agency Fund	\$ 0.00
H3 Fund	\$ 0.00
<u>TE Expand Trust Fund</u>	<u>\$ 0.00</u>
Grand Total	\$414,673.46

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

Item #26–Authorizing Minutes of: June 22, 2010

After some discussion, a motion was made by Trustee Marty and seconded by Trustee Breskin to adopt the minutes from the June 22nd Board of Trustees meeting. The vote was approved by a vote of five in favor, none opposed. Trustees Bullock and Lewis were absent.

June 22, 2010- Approved

Item #27–Adjournment to Executive Session

A motion was made by Trustee Morris with a second by Trustee Breskin to adjourn the public portion of the board meeting at 11:45 p.m. and go into Executive Session to discuss personnel matters, which the Board would adjourn for the evening. The motion was approved by vote of five in favor, none opposed. Trustees Bullock and Lewis were absent.

Respectfully submitted,
Peter Bonington, Administrative Intern

