

VILLAGE OF PELHAM BOARD OF TRUSTEES
REGULAR MEETING
TUESDAY, AUGUST 14, 2012, 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

Agenda Items:
Discussion

of

	Non-Recurring Items	7:40 p.m.
7.	ArtsFest Weekend in Pelham Presentation	Discussed
8.	Bond Resolution for Up To \$400,000 for Highway Resurfacing, Police Vehicles and Camera Equipment, Fire Equipment (Scott Air Pack Units), and Highway Equipment	Approved
9.	Resolution Authorizing an IMA with the City of New Rochelle for Paving	None
10.	Resolution to Authorize Leonard Jackson to Proceed with Detailed Design Phase of Third Street Relief Drain	Approved
11.	Resolution Authorizing Purchase of a Retired ParaTransit Vehicle from Westchester County	Approved
12.	Resolution Authorizing the Annual Pumpkin Festival and Children’s Center Fun Run on October 13, 2012	Approved
13.	Resolution Authorizing Pelham Picture House Fund Raiser at Wolfs Lane Park on September 29, 2012	Approved
14.	Continuing a Public Hearing on Proposed Changes in the Commercial Zoning Code	Approved
	Reports and other Business	9:00 p.m.
15.	Monthly Budget Review	Discussed
16.	Grants- Status Report	Discussed
17.	Trotta Park Update	Discussed
18.	Other Business	Discussed
	Recurring Items	9:30 p.m.
19.	Authorizing Accounts Payable	Approved
20.	Authorizing Minutes of: June 5, 2012, June 19, 2012	Approved
21.	Adjournment to Executive Session	10:00 p.m.

Next Regularly Scheduled BOT Meeting:

Tuesday, September 4, 2012
Tuesday, September 18, 2012
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 7:35 p.m.

The following members of the Board of Trustees were present:

Mayor Hotchkiss, Trustees Lewis, Kagan, Marciona, Marty, and Morris

The following members of the Board of Trustees were absent:

Trustee McGoldrick

Village staff in attendance:

Village Administrator Robert Yamuder and Secretary to the Village Administrator Peter Bonington

Item #2 – Pledge of Allegiance:

The Pledge of Allegiance was led by Mayor Hotchkiss.

Reports

Mayor Hotchkiss's Report

Mayor Hotchkiss stated the Village has updated its public broadcasting equipment with the funds received as part of the Verizon Franchise Agreement. He stated this new equipment should improve the viewing experience for residents watching on both Cablevision and Verizon.

The Mayor also stated that parking tickets can be paid online. There will be a small memo at the bottom of the ticket which gives instructions on how to pay. He said there is a user fee for credit card payments that is charged to the recipient of the ticket.

Trustees Reports:

Trustee Lewis

None

Trustee Kagan

None

Trustee Marciona

None

Trustee Marty

None

Trustee McGoldrick

Absent

Trustee Morris

None

Village Administrator's Report

Village Administrator Yamuder stated that members of the Pelham DPW and Fire Departments underwent confined space training with the assistance of the Lovell Safety Management Group, the administrator of the New York State Insurance Fund (NYSIF). He said that Safety Committee Chairman Peter Bonington had spearheaded this training session. The Administrator was informed that the training session went very well.

The Administrator stated members of the Village departments will be receiving new cell phones through a new deal with Verizon. He said the previous cell provider, Sprint Nextel, has had flagging service and as a result the Village has decided to begin a less expensive contract with Verizon which will provide newer phones and enable better communication for the department heads.

Administrator Yamuder finished his report by saying the Highbrook Avenue Bridge area has been enclosed with a fence as part of the Village's risk management plan. He said the fence is designed to keep pedestrians off and away from the Bridge until some action has been determined.

Item #6–Public Comment

Robert Destasio of the Pelham Fire Department spoke to the Board as President of the Fire Union. He asked the Board if they had initiated discussions with the City of New

Rochelle regarding a consolidation of the Fire departments. He asked when these discussions would be made public and what the impact would be for the people of Pelham as well as the sixteen full-time firefighters.

Mayor Hotchkiss stated that he had had some very preliminary discussions with the Mayor of New Rochelle about a possible consolidation. He said there has been no report of such a consolidation or its impacts but they have discussed it. Trustee Marciona stated this was the first she was hearing of any such discussion and would want to know more before any decision is made.

Bob Keller of 245 Wolfs Lane asked the Board why they needed a separate resolution to enforce parking on Carol Avenue if it is already Village law since Carol Avenue has been determined to be a public street.

Mayor Hotchkiss stated that the resolution was designed to give residents time to find alternate parking arrangements before the October 1st deadline. Mr. Keller responded that people are not buying permits because they are too expensive. Trustee Morris stated she had argued to keep parking permit prices lower since her election to the Board of Trustees.

Trustee Marty stated he had had a conversation with Village Clerk Terri Rouke about this matter and the sense he got from her appraisal of the number of parking permits being sold was that spaces are filling up in resident and non resident commuter lots. He said the Board understands that sales relate to prices. He said he would look into the matter further in response to Mr. Keller's assertions.

Trustee Marciona stated that she felt the Board did not take her suggestions regarding the Highbrook Bridge fence into consideration.

Item #7–ArtsFest Weekend in Pelham Presentation

Lynn Honeysett, Director of the Pelham Arts Center, gave a presentation regarding the ArtsFest. The program runs through New Rochelle for several years. This will be the first year that Pelham will be involved in the program. She said the Chamber of Commerce and Pelham Picture House are involved with this endeavor. The program connects several galleries and organizations by a hop-on-hop-off trolley and artistic events.

The main event is scheduled for the weekend of September 22nd and 23rd September 23rd. She added that there would a gallery crawl on September 20th from 6:00 to 9:00 p.m. Ms. Honeysett stated the main event would host workshops and venues and stressed the attractions will bring in business to local merchants.

Ms. Honeysett asked the Board for a relaxed parking enforcement for the duration of the event. She also requested publicity on the Village website. She stated she has been working with the New Rochelle Council of the Arts on this initiative as well.

Trustee Marciona suggested the idea of having musicians in some of the parks in Pelham as well as easels and paint for interactive art workshops.

Item #8—Bond Resolution for Up To \$400,000 for Highway Resurfacing, Police Vehicles and Camera Equipment, Fire Equipment (Scott Air Pack Units), and Highway Equipment

Mayor Hotchkiss stated the Board intends to bond up to \$400,000 for improvements to various projects in the Village. He said the specific projects were identified during the budget sessions.

Trustee Kagan wanted to projects read into the record. He stated the Fire apparatus is scheduled for renovation. The Board has allotted \$35,000 for this renovation. The Board also intends to install security cameras around the Metro-North train station. The amount of \$35,000 has been set aside for these cameras to be placed. The Police Department is applying for a grant to get new bulletproof vests for the officers. The Village match required is \$5,000.

Mayor Hotchkiss stated the Board does not have to use the entire sum of \$400,000 but it must have the option to cover all the projects it has budgeted for improvement.

Trustee Marty stated that this is a hard matter to vote on considering that the Village is discussing borrowing money for improving smaller aspects of the Village as opposed to more long term projects like the DPW Yard and Parking Lot #7 renovation. He said however, that these are worthwhile improvements and it will allow the Village to conduct more paving of streets that are in need of resurfacing.

Administrator Yamuder stated the Capital Highway Improvement Program (CHIP's) funds have been coming in considerably less than in previous years. He said the Village has a list of streets to be paved which these funds and the bond amount will contribute to fixing. He said the monies received from the bond must go to this purpose of improvement and not to any other project or initiative.

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 McGoldrick was absent.

BOND RESOLUTION, DATED AUGUST 14, 2012, AUTHORIZING THE ISSUANCE OF UP TO \$400,000 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 (I) THE ACQUISITION, CONSTRUCTION AND RECONSTRUCTION OF VILLAGE ROADS, (II) THE ACQUISITION OF MACHINERY AND APPARATUS FOR CONSTRUCTION AND MAINTENANCE,

(III) THE ACQUISITION OF FIRE-FIGHTING EQUIPMENT AND APPARATUS, (IV) THE ACQUISITION OF MOTOR VEHICLES, (V) THE ACQUISITION AND INSTALLATION OF SECURITY CAMERAS, AND (VI) THE ACQUISITION OF BULLETPROOF VESTS, ALL IN AND 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 (i) the acquisition, construction and reconstruction of Village roads (\$230,000), (ii) the acquisition of machinery and apparatus for construction and maintenance (\$54,000), (iii) the acquisition of fire-fighting equipment and apparatus (\$36,000), (iv) the acquisition of motor vehicles (\$35,000), (v) the acquisition and installation of security cameras (\$35,000), and (vi) the acquisition of bulletproof vests (\$10,000), all in and for the Village, and including any equipment, machinery, apparatus, land and rights-in-land necessary therefore and any preliminary and incidental costs related thereto, at a total cost not to exceed \$400,000, 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 \$400,000, pursuant to the Local Finance Law, in order to finance costs of the specific objects or purposes hereinafter described.

Section 2. The specific objects or purposes, or class of objects or purposes, to be financed pursuant to this bond resolution (collectively, the “Project”), the respective estimated maximum cost of such specific object or purpose, or class of object or purpose, the principal amount of serial bonds authorized herein for such specific object or purpose, or class of object or purpose, and the period of probable usefulness of such specific object or purpose, or class of object or

purpose, thereof pursuant to the applicable subdivision of paragraph a of Section 11.00 of the Local Finance law, are as follows:

(a) The acquisition, construction and reconstruction of Village roads in and for the Village, including any applicable equipment, machinery and apparatus, land and rights-in-land necessary therefore and any incidental and preliminary costs related thereto, at an estimated maximum cost of \$230,000, for which \$230,000 principal amount of serial bonds, or bond anticipation notes issued in anticipation of such serial bonds, are authorized herein and appropriated therefore, having a period of probable usefulness of fifteen (15) years pursuant to subdivision 20(c) of paragraph a of Section 11.00 of the Local Finance Law. Such serial bonds shall have a maximum maturity of five (5) years computed from the earlier of (a) the date of the first issue of such serial bonds or (b) the date of the first issue of bond anticipation notes issued in anticipation of the issuance of such serial bonds; and

(b) The acquisition of machinery and apparatus for construction and maintenance for the Village, including any applicable equipment, machinery and apparatus necessary therefor and any incidental and preliminary costs related thereto, at an estimated maximum cost of \$54,000, for which \$54,000 principal amount of serial bonds, or bond anticipation notes issued in anticipation 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.

(c) The acquisition of fire-fighting equipment and apparatus for the Village, including any applicable equipment, machinery and apparatus necessary therefore and any incidental and preliminary costs related thereto, at an estimated maximum cost of \$36,000, for which \$36,000

principal amount of serial bonds, or bond anticipation notes issued in anticipation of such serial bonds, are authorized herein and appropriated therefore, having a period of probable usefulness of ten (10) years pursuant to subdivision 27 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.

(d) The acquisition of motor vehicles for the Village, including any applicable equipment, machinery and apparatus necessary therefore and any incidental and preliminary costs related thereto, at an estimated maximum cost of \$35,000, for which \$35,000 principal amount of serial bonds, or bond anticipation notes issued in anticipation of such serial bonds, are authorized herein and appropriated therefore, having a period of probable usefulness of five (5) years pursuant to subdivision 29 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.

(e) The acquisition and installation of security cameras for the Village, including any applicable equipment, machinery and apparatus, land and rights-in-land necessary therefore and any incidental and preliminary costs related thereto, at an estimated maximum cost of \$35,000, for which \$35,000 principal amount of serial bonds, or bond anticipation notes issued in anticipation of such serial bonds, are authorized herein and appropriated therefore, having a period of probable usefulness of ten (10) years pursuant to subdivision 25 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.

(f) The acquisition bulletproof vests for the Village, including any applicable equipment, machinery and apparatus necessary therefore and any incidental and preliminary costs related thereto, at an estimated maximum cost of \$10,000, for which \$10,000 principal amount of serial bonds, or bond anticipation notes issued in anticipation of such serial bonds, are authorized herein and appropriated therefore, having a period of probable usefulness of five (5) years pursuant to subdivision 86(a) 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 cost of the Project is \$400,000; (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 bond anticipation notes issued in anticipation of such serial bonds; (d) the maturity of the obligations authorized herein may not be in excess of five (5) years; and (e) on or before the expenditure of moneys to pay for any item within an object or purpose, or class of object or purpose, set forth herein, for which 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 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, and 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 impress 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 sale 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 constitutes a “Type II Action” under the regulations of the State of New York promulgated pursuant to the State Environmental Quality Review Act which, as such, 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 will take effect upon its adoption by the Board of Trustees of the Village.

Item #9– Resolution Authorizing an IMA with the City of New Rochelle for Paving

Administrator Yamuder stated he intends to bid out the Village's paving contract separately from the City of New Rochelle. He said this resolution is not needed as a result of that decision.

RESOLUTION

AUTHORIZING AN IMA
WITH THE CITY OF NEW ROCHELLE FOR PAVING

WHEREAS, the Pelham desires to retain the City of New Rochelle's Engineering Bureau, and City of New Rochelle desires to provide Engineering services related to the resurfacing of various streets in Pelham; and

RESOLVED that the IMA between the City of New Rochelle and the Village of Pelham 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 one year commencing on the day of execution in 2012 and terminating in 2013; and

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

1.

AGREEMENT

CITY OF NEW ROCHELLE and PELHAM

Agreement made , 2012 between the City of New Rochelle, 515 North Avenue, New Rochelle, New York 10801, hereinafter referred to as "City" and Village of Pelham, hereinafter referred to as "Pelham".

1. Pelham desires to retain the City's Engineering Bureau, and City desires to provide Engineering services related to the resurfacing of various streets in Pelham hereinafter to be known as the "the project."
2. In consideration of the payment described in Section 2, the City shall provide the following services (hereinafter, the "work").
 - o Utilizing the City's specifications and Contract documents for Resurfacing of Various Streets in the City of New Rochelle and the Unit Prices included therein.
 - o Participate in adding a Change Order to the awarded Contract to include the list of streets in Pelham listed herein below.
 - o Oversee contractor's work during entire activity, paying special attention to quality of work performed.
 - o Participate in payment approvals and acceptance.
 - o Other functions relating to the project.
3. For work performed under this Agreement, Pelham shall pay the City for the hours spent by City personnel on this project based on a rate of \$68 per hour for regular time and \$94 per hour for overtime. Payment shall be made within twenty (20) days after the submission of an invoice describing the services rendered and itemizing the dates and number of hours of providing such services.
4. Pelham shall provide the City with five (5) copies of the project's plan and details of the streets to be resurfaced.

5. Pelham will insure that the project's site is clear of parked vehicles and other obstacles preventing the contractor from working appropriately and effectively. The City will not provide car towing assistance in the event the area is encumbered by such obstacles.

6. The term of this Agreement" shall begin on , 2012 and end on , 2012. However, the City or Pelham may, upon ten (10) days written notice, terminate this Agreement in whole or in part. In such event, the City shall be compensated only for payment of services already rendered under this Agreement prior to the effective date of termination.

7. The City is providing these services as a benefit to Pelham. Pelham shall hold the City harmless for that may result from this project, except those resulting from the direct negligence of City personnel.

Dated: July ____, 2012

AGREED:

City of New Rochelle

Pelham

Item #10– Resolution to Authorize Leonard Jackson to Proceed with Detailed Design Phase of Third Street Relief Drain

Leonard Jackson of Leonard Jackson Associates (LJA) spoke to the Board about the proposed flooding remediation project along 3rd Street. He said the project amounts to installing a 54" pipe along 3rd Street between 1st Avenue and 4th Avenue to help alleviate the flooding problem in that area.

Mr. Jackson stated the design phase of the project is expected to last six months which will conclude in time for the spring construction season. He said the project will provide relief for the immediate area but it will also likely provide some help to areas downstream from the site as well.

Trustee Marciona asked what other options Mr. Jackson was considering for this project. She asked whether retention and detention of stormwater were being considered as options. Mr. Jackson responded that retention and detention would not work in an area like Pelham because there is no room to create the man-made lakes and holding tanks for the sheer amount of water that is flowing down towards the Hutchinson River. Administrator Yamuder added that the proposal drawn up by LJA was approved by the Environmental Protection Agency (EPA) which is administering the grant.

Mayor Hotchkiss said the Village has four grants for flooding remediation; each one will assist a specific area but should provide assistance to the Village as a whole as a result of these improvements. He said the Village will have to use funds as the matching requirements for each grant.

Trustee Kagan asked if the Board would have to approve each section of this overall flooding improvement each time. Mayor Hotchkiss stated that the Board would have to approve each section in the future as the grants for the work are coming in at different times. Currently, the EPA grant for \$340,000 with a Village match of \$278,182 is the closest actually receiving the funds.

Trustee Marciona stated she felt that some of the other options she proposed for this project were not looked into sufficiently such as retention and detention lakes. Administrator Yamuder responded that the options proposed were investigated with the assistance of Mr. Jackson but these options were not deemed feasible due to the amount of space needed to facilitate such a large deposit of water. The Administrator stated the Village recently completed a topographic survey which it has provided to Leonard Jackson for the purpose of generating the specifications.

A motion was made by Trustee Lewis and seconded by Trustee Morris to adopt the resolution. The vote was approved by a vote of four in favor, two opposed. Trustee McGoldrick was absent.

RESOLUTION
TO AUTHORIZE A LEONARD JACKSON
TO PROCEED WITH DETAILED DESIGN PHASE
OF THIRD STREET RELIEF DRAIN

BE IT RESOLVED, that the Mayor and Board of Trustees hereby authorize a contract to Leonard Jackson Associates to prepare detailed designs including construction drawings and specifications of the Third Street Relief Drain for the lump sum fee of eighty-five thousand dollars (\$85,000) with additional costs for printing, reproduction, messenger service, etc. to be billed at direct cost; 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 #11– Resolution Authorizing an IMA for the Purchase of a Retired ParaTransit Vehicle from Westchester County

Administrator Yamuder stated the purpose of this inter-municipal agreement is to allow the Village to purchase a vehicle for the Police Department to be used as a transport vehicle for \$1.00. The current Village vehicle that performs this function is in need of repairs that would not be advisable considering the overall state of the vehicle. He said it will most likely be scraped since there is no other use it can be put towards.

Trustee Kagan wanted to be clear that if the Village accepts this vehicle it is understood it will require some striping and maintenance to make it a Village vehicle. He added that if and when the vehicle needs to be disposed of, the Village cannot make a profit of its sale.

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

RESOLUTION
AUTHORIZING AN IMA
BETWEEN WESTCHESTER COUNTY AND THE VILLAGE OF PELHAM
FOR THE PURCHASE OF A RETIRED PARA TRANSIT VEHICLE

RESOLVED that the IMA between Westchester County and the Village of Pelham to purchase a retired Para Transit vehicle in “as is” condition for the purchase price of one dollar (\$1.00) is hereby accepted and the agreement is authorized by the Board of Trustees of the Village of Pelham; and

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

Item #12– Resolution Authorizing the Annual Pumpkin Festival and Children’s Center Fun Run on October 13, 2012

Trustee Lewis stated this proposal for the Pumpkin Festival and Fun Run are the same from last year's event. He said it will take place on October 13, 2012. Administrator Yamuder stated overtime and other direct costs would be assumed by the Pelham Children's Center.

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

RESOLUTION

AUTHORIZING THE ANNUAL PELHAM CHILDREN'S CENTER 5K AND FUN RUN TO BE HELD ON SATURDAY OCTOBER 13, 2012

BE IT RESOLVED, that the Board of Trustees of the Village of Pelham authorizes the annual Pelham Children's Center 5K and Fun Run Saturday, October 13, 2012 from 7 a.m. to 10 a.m., with the 5K race beginning at 8 a.m. starting and ending at Michael Schwerner Way and Fifth Avenue and the Fun Run starting at 9 a.m. at Franklin Field, running ½ mile up Wolfs Lane and 5th Avenue, and finishing up at Fifth Avenue. and Michael Schwerner Way; and

BE IT FURTHER RESOLVED, that the Pelham Children's Center will be responsible for all Village Of Pelham overtime costs that occur for this event;

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 event 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 Children's Center.

Item #13– Resolution Authorizing Pelham Picture House Fund-Raiser at Wolfs Lane Park on September 29, 2012

Administrator Yamuder stated he had spoken with Barbara Bratone of the Pelham Picture House regarding a request to hold a fundraiser in Wolfs Lane Park. The setup date would be October 28, 2012 followed by the actual event on October 29, 2012. He said overtime and other direct costs would be charged to the Picture House. The proposal included a request to close a portion of Wolfs Lane from Boulevard to 2nd Street.

Mayor Hotchkiss stated he had reservations about closing Wolfs Lane which is a main thoroughfare in Pelham. He said after conversations with the Administrator about the problems generated by this measure he suggested striking that proposal from the request.

Administrator Yamuder stated he understands from Ms. Bratone that 300 guests are anticipated for this event. He said there are still many more decisions to be made in order to have the event take place.

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

RESOLUTION
AUTHORIZING PELHAM PICTURE HOUSE FUND RAISER
AT WOLFS LANE PARK ON SEPTEMBER 29, 2012

RESOLVED, that the Board of Trustees of the Village of Pelham authorizes The Picture House the use of the section of Wolfs Lane Park directly across from the movie theater on September 28 and September 29 for a fundraising event; and

BE IT FURTHER RESOLVED, that the Pelham Picture House will be responsible for all Village Of Pelham overtime costs and all other direct costs that are incurred by this event;

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 event 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 Picture House.

The Picture House
201 Wolfs Lane
Pelham, New York 10803

August 8, 2012

Mayor Ed Hotchkiss
Village Hall
195 Sparks Avenue
Pelham, New York 10803

Dear Ed,

I am writing on behalf of The Picture House to request the use of the section of Wolfs Lane Park directly across from the movie theater on September 28 and September 29 for a fundraising event. We also request that a small section of Wolfs Lane in front of The Picture House and the gas station immediately next to The Picture House be closed from 7:30 pm until 11:00pm.

The Picture House's event plans include showing a movie at the theater "Barefoot in the Park" at 6:00 pm followed by a picnic dinner and dancing in the park from 7:30 to 11:00. We will need to set up a tent in the park on Friday September 28 and tables and chairs on September 29. Closing the street is important the evening of the event for safety reasons as we will be using the bathrooms in the theater for our guests.

As you can imagine, in these difficult financial times, the event is an important source of operating capital for our organization.

Thank you for considering this request.

Sincerely,

Barbara Bratone
Executive Director

Item #14– Continuing a Public Hearing on Proposed Changes in the Commercial Zoning Code

Mayor Hotchkiss stated the Board is continuing the public hearing from last meeting and is not intending to vote on the proposed changes to the Village Commercial Code this evening. He asked for Trustee Lewis to give some background about this particular issue.

Trustee Lewis stated that the purpose of his advisory committee was to update and clarify the Commercial Code for the Village of Pelham. He said the goals of this endeavor were in line with the Pelham Comprehensive Plan and he has an updated document based on the comments from the last meeting which the Board can review.

Trustee Lewis stated that some definitions had been changed as well as verbal descriptions of the zones in the Commercial District. He said on the advice of counsel, anyone reviewing the Code is referred to the map for guidance rather than having the boundaries described in detail within the Code. He stated they have sought to eliminate single family residences within the district and standardize the 10-foot setback requirement while leaving future Boards the flexibility to amend if necessary.

Trustee Lewis stated height restrictions were a topic of discussion at the last meeting. He said the requirement as outlined in the new code language is that a property owner can build up to 55 feet with the standard 10-foot setback requirement on 4th Avenue. They can, however, build up to 70 feet but are required to go back another 10-foot setback to achieve that maximum building height.

Trustee Kagan stated he had heard concerns from residents about this section of the Code including the shadow of these high buildings falling on adjacent buildings and tenants being able to look into windows of residences nearby. Mayor Hotchkiss said there must be a transition from commercial to residential areas.

Ken Nilson, of 6th Avenue, said he is the house behind Trotta Park and said he has fears of looking into the windows of an apartment building that would be allowed under the guidelines laid out in this new Commercial Code. Mayor Hotchkiss stated that would not happen because a developer would

not be able to obtain site plan approval for a six storey building design because the site cannot allow enough public parking. Mr. Nilson stated the value of his property would likely be affected just by residing in an area where a building of this type is allowed.

The Board determined to continue the public hearing until the next Board of Trustees meeting on Tuesday, September 4, 2012.

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

Item #15– Monthly Budget Review

Mayor Hotchkiss stated the new KVS accounting software has been implemented. He said this new software will allow for monthly reporting and analysis of the budget. He said while this is not common among municipalities, he said it would allow for a more consistent monitoring of the budget.

Administrator Yamuder stated the Village will be receiving its annual audit report. He said he has not received any comments from the auditors which is a good sign for the Village.

He said the Fire overtime has shown a notable increase over the past few months. The Village is approximately 16% through its Fiscal Year and has spent approximately 27% spent on its fire overtime budget. This is due to two firefighters being out on injury including a Fire Lieutenant. He said this increase causes some concern and the he is speaking with the Fire Chief over ways to control the amount of overtime.

Trustee Marty stated this is not what the Village planned for when it hired a new firefighter in hopes that would bring the overtime under control. He discussed the feasibility of recruiting a firefighter from within the department as an acting lieutenant but said that was problematic in emergency situations. He said he would continue this discussion with Fire Chief Stone.

Item #16– Grants- Status Report

Secretary Bonington gave the grants status report. He said the Environmental Protection Agency (EPA) has provided a letter stating the Village is clear to proceed with the design phase of the 3rd Street stormwater relief pipe project which is being funded partially by a \$340,000 grant from the EPA with a \$278,182 Village match.

He stated that the Dormitory Authority administered grant for \$647,000 is under review at this time. The Village continues to check for status updates. The Village has submitted all the necessary paperwork and is awaiting the next steps. There is no Village match for this grant.

The Secretary finished his report by saying that the Village has submitted all the necessary paperwork to receive its reimbursement for the Hurricane Irene damages. He said there are four applications which have been approved by FEMA and the Village is waiting to receive the awarded monies.

Item #17– Trotta Park Update

Trustee Marciona read a brief statement into the record regarding Trotta Park:

I wish to make a public disclosure concerning my work on Trotta Park. In July 2011, I approached the Village Board seeking permission to work as a paid consultant for Site Insights, a landscape architect hired by the Town of Pelham to propose improvements to Trotta Park. The Village Attorney, after consulting with the New York State Conference of Mayors and Municipal Officials, advised me that my employment by Site Insights did not give rise to a conflict of interest with my role as Village trustee because the contract was between the Town and Site Insights and not with the Village. However, to avoid the appearance of impropriety, the Village Attorney instructed me to disclose my employment arrangement with Site Insights on the record. That disclosure is being made now. I should have made that disclosure prior to the time I was hired by Site Insights in September 2011, but inadvertently failed to do so.

I performed paid design work for Site Insights starting in September 2011 and ending in April 2012. I performed 19 hours of work and was compensated \$1,425.00, which is \$75.00 per hour.

Three months after I vetted my consulting arrangement with the Village Board, the Village of Pelham and the Town of Pelham entered into an Inter-Municipal Agreement concerning Trotta Park in October 2011. Among other things, the Agreement specified that the Village and Town were to jointly approve expenses related to Trotta Park. Although no one realized at the time, this provision then made it improper for me to be paid by Site Insights.

In order to cure any impropriety or appearance of impropriety, I have now made the necessary disclosure, I have agreed to discontinue further employment with Site Insights and I have repaid to the Town the money that I earned as a consultant for Site Insights on the Trotta Park project. I am looking forward to the progression of work on Trotta Park continuing, unencumbered.

Mayor Hotchkiss thanked Trustee Marciona for her statement. He stated the progress on Trotta Park has been very slow and stated he has already spoken to Town Supervisor DiPaola about the status for the project.

Trustee Marciona added that she was disappointed that the Board did not choose to install the black coated chain link fence around the Highbrook Avenue Bridge. She said that type of fence would hold up much better than the green coated one selected.

Item #18– Other Business

Trustee Marty stated the final report from the engineering firm Modjeski and Masters is available on the Village website. He said it can be found on the NYW&B Committee page under Other Links. He said he understands the DPW has performed some maintenance near the site prior to the fence being erected.

Trustee Marciona stated she noticed some of the hanging along 5th Avenue and Wolfs Lane appeared to be wilting. She said she hoped they could be watered more frequently next year. Administrator Yamuder stated the plantings were watered by DPW three times a week. He said however that this summer has been very hot and the effects were harsh on the plants.

Item #19– Authorizing the Accounts Payable

Trustee Marty audited the Accounts Payable.

After some discussion, a motion was made by Trustee Marty and seconded by Trustee Kagan to adopt the resolution. The vote was approved by a vote of six in favor, none opposed. Trustee McGoldrick was 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	\$ 384,166.52
Water Fund	\$146,258.40
Capital Projects Fund	\$767.74
Trust and Agency Fund	\$0.00
H3 Fund	\$0.00
TE Expendable Trust Fund	\$1507.04
Grand Total	\$532,699.70

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

Item #20– Authorizing Minutes of: June 5, 2012, June 19, 2012, and July 10, 2012

After some discussion, a motion was made by Trustee Marty and seconded by Trustee Kagan to approve the minutes from June 5 and June 19, 2012. The vote was approved by a vote of six in favor, none opposed. Trustee McGoldrick was absent.

June 5, 2012- Approved

June 19, 2012- Approved

July 10, 2012- Tabled

Item #21– Adjournment to Executive Session

A motion was made by Trustee Kagan with a second by Trustee Morris to adjourn the public portion of the Board meeting and go into Executive Session to discuss a labor matter at 11:30 p.m. after which time the Board would adjourn for the evening. The motion was approved by a vote of six in favor, none opposed. Trustee McGoldrick was absent.

Respectfully submitted,
Peter Bonington, Secretary to the Village Administrator