

VILLAGE OF PELHAM BOARD OF TRUSTEES  
REGULAR MEETING  
TUESDAY, JUNE 22, 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:

<b>Non-Recurring Items</b>		<b>7:40 p.m.</b>
7.	Resolution Authorizing the Award of Insurance Coverage to Provider for Worker's Compensation Insurance Coverage	Approved
8.	Authorizing a Contract between the Village of Pelham and the NDR Group (formerly NRNRC) for a One-Year Contract to Administer Section 8 Program	Approved
9.	Bond Resolution Combining Four Purposes-\$26,500 for New 4X4 Pick up truck, \$40,000 for Used Dump Truck, \$6,000 for sander and \$56,000 for New Police Vehicles	Approved
10.	Declaring three vehicles surplus and available for sale and auction (1986 International 6 Wheeler ,1999 Dodge Pickup and 1999 Chevy Blazer)	Approved
11.	Scheduling a Public Hearing that amends the Code of the Village of Pelham to set higher minimum fines for certain violations.	Approved
12.	Resolution Amending Village of Pelham Procurement and Purchasing Policy	Tabled
13.	Strategic Plan FY2010-11	Approved
<b>Grants, Projects &amp; Other Business</b>		<b>8:15 p.m.</b>
14.	Grants- Status Report	Discussed
15.	Monthly Budget Review	Discussed
16.	Other Business: Resolution to Draft RFP for Bridge Demolition and Scheduling Violence in the Workplace Seminar	Approved
<b>Recurring Items</b>		<b>9:15 p.m.</b>
17.	Authorizing Accounts Payable	Approved
18.	Authorizing Minutes of: May 25, 2010	Approved
19.	Adjournment to Executive Session	<b>9:45 p.m.</b>

Next Scheduled Board Meetings are:

Tuesday, July 13, 2010

Tuesday, August 10, 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 Bullock, Lewis, Morris, Marty, Breskin

The following member of the Board of Trustees were absent:

Trustee Mohan

Village staff in attendance:

Village Administrator Robert Yamuder and Administrative Intern Peter Bonington

Item #2 – Pledge of Allegiance:

The Pledge of Allegiance was led by Mayor Hotchkiss

Reports

Mayor Hotchkiss Report-

None

Trustees Reports:

Trustee Breskin-

None

Trustee Bullock-

None

Trustee Lewis-

None

Trustee Marty-

None

Trustee Mohan-

None

Trustee Morris-

Trustee Morris reminded everyone to visit the Farmer's Market located on Michael Schwerner Way or Harmon Avenue just off of 5<sup>th</sup> Avenue on Sundays between the hours of 9 am and 1 pm.

#### Village Administrator's Report

Administrator Yamuder reported on the Westchester County Food Drive that will be taking place at Village Hall between June 22 and 23. He encouraged residents to contribute items to the drive. He said the annual Tree Removal Contract has been advertised. There have been five or six contractors who have picked it up and the bid opening will be June 18. The DPW Yard project is still out to bid. The extended bid opening will be on June 30, and about 30 contractors have received plans thus far. He finished by saying the Wolfs Lane Park RFP will be going out to bid later in the week.

#### Item #6–Public Comment

Anne Swanson from 205 Highbrook Avenue asked about any bids for the potential demolition of the Highbrook Bridge. She said the Board must keep in mind any extra costs connected with taking down the bridge including: flood and storm-water issues, soil disruption, traffic management, and the aesthetics of the site. Trustee Marty said the Board is proposing to put together an RFP for the possible demolition of the Bridge to determine the viability of options for the site. Mayor Hotchkiss said Ms. Swanson raised some very good points, and the Board would certainly keep them in mind while pursuing this issue. He reminded the public that nothing has been decided as of yet, and the Board is only seeking options for this project.

Susan Seither of 108 Harmon Avenue asked Trustee Marty why the RFP for remediation of the Bridge was not mentioned. Trustee Marty said there is an RFP being compiled for what it would cost to remediate the Bridge, but first the cost estimates have to be weighed against the other options available to the Board. Trustee Breskin stated in order for there to be a construction/remediation RFP, the Board has to ascertain from competent contractors what needs to be fixed. He stressed a need to get a full sense of the project before soliciting bids for the remediation of the Bridge. Mayor Hotchkiss stated the Board cannot ignore any options available for the solving of this issue. Trustee Breskin thanked Ms. Seither, Trustee

Marty, and the other members of the Boston and Westchester Committee for the time and effort they have put into this project.

Lester Kravitz of Wolfs Lane asked about the RFP for the development of the Firehouse property along 5<sup>th</sup> Avenue. Trustee Lewis responded the RFP is not specifically for the development of the Firehouse. He said the purpose of the RFP is to offer several options to potential developers with regard to Village owned property between Third Street and Lincoln Avenue. One option is to develop the vacant lot next to the Art Center and the parking deck behind it while the other would add the existing Firehouse and adjacent parking lot. Trustee Breskin said the RFP is still being reviewed by counsel. He said it would require more review before it can be put on the agenda for a public hearing.

Mr. Kravitz asked about the two large white vents that have been placed in the back of Village Hall. He said they appear to be radon detectors. Administrator Yamuder responded by saying the vents actually are air extraction systems installed by the Westchester County Department of Health at no cost to the Village. The purpose of the air extraction systems is to remediate the soil in and around the Village Hall and DPW Yard for a contaminant from a nearby dry cleaner. He said the machine filters the air through the soil in order to evaporate the remaining contaminant. Mr. Kravitz stated he heard the contamination came from the washing of ammunition when the Village Hall was used as the Police Station prior to the merger of the Villages in 1975. Mr. Yamuder replied that that information was not consistent with the findings of the Department of Health. It had determined the source of the contaminant came from an area further down Wolfs Lane.

Item #7—Resolution Authorizing the Award of Insurance Coverage to Provider for Worker's Compensation Insurance Coverage

Administrator Yamuder said this resolution is to continue with the Village's current provider of worker's compensation. The New York Comp Alliance is due for a one-year contract renewal.

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

RESOLUTION  
AUTHORIZING THE AWARD OF INSURANCE COVERAGE  
FOR THE VILLAGE OF PELHAM  
TO NY WORKER'S COMP ALLIANCE  
FOR WORKER'S COMPENSATION INSURANCE COVERAGE

WHEREAS, the Village of Pelham has been seeking Worker's Compensation insurance proposals to provide coverage for the Village of Pelham.

The Village sought to obtain Worker's Compensation insurance proposals through FOA and SON Insurance Corp. from New York State Insurance Fund, PERMA and Liberty Mutual submitted as follows:

<u>Company</u>	<u>Quote</u>
NY Worker's Comp Alliance	\$164,681- (same as last year)
New York State Insurance Fund administered by Lovell Safety Management Co.	\$166,169 (includes year-end premium dividend of \$32,183 based on 19 year dividend history at 20% minimum/year)
PERMA	\$231,928
Liberty Mutual	(declined)

WHEREAS, based on our review of the proposals and other pertinent factors, the Village recommends awarding the Worker's Compensation insurance package to NY Worker's Comp Alliance administered by Spain Agency.

NOW, THEREFORE, BE IT RESOLVED, that the Village hereby awards Insurance Services, with Insurance Coverage Services to be provided for Worker's Compensation through NY Worker's Comp Alliance administered by Spain Agency at a cost of one hundred sixty-four thousand, six hundred eighty-one dollars (\$164,681), and

BE IT FURTHER RESOLVED, that the Mayor and Village Administrator are authorized to take the necessary and appropriate actions to retain coverage for the Worker's Compensation insurance to be effective July 1, 2010.

Item #8—Authorizing a Contract between the Village of Pelham and the NDR Group (formerly NRNRC) for a One-Year Contract to Administer Section 8 Program

Administrator Yamuder said the one year contract from the NDR Group that was discussed at the prior Board meeting was finally submitted to him. Trustee Bullock asked whether the Village or the NDR Group had reduced the time length of the contract. Mr. Yamuder responded the Village reduced the usual two year agreement to one year.

Trustee Lewis stated that based on the information from last meeting, he was interested in reducing the number of HUD participants who are not Pelham residents versus the number who are Pelham residents but are enrolled in the Pelham HUD program. Only about 50 of the approximately 150 spaces are occupied by direct Pelham residents. He stated his desire to get more Pelham residents into the program. Mayor Hotchkiss said the Board should seek more information on how the waiting list for HUD assistance is structured.

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

RESOLUTION

Authorizing the Renewal of the Contract Between the  
Village of Pelham and NDR Group for a  
One Year Contract to Administer Section 8 Program

BE IT RESOLVED, that the Mayor and Board of Trustees hereby authorize a Renewal of the Contract Between The Village Of Pelham And NDR Group For A One Year Contract to administer Section 8 Program starting April 1, 2010 Ending March 31, 2011; 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.

NDR GROUP PROFESSIONAL SERVICES AGREEMENT

VILLAGE OF PELHAM – SECTION 8 HOUSING PROGRAM

THIS AGREEMENT, entered into this 18th day of June, 2010 by and between the Village of Pelham, with offices at 195 Sparks Avenue, Pelham, New York, 10803, hereinafter referred to as the "Owner" or "Pelham" and the NDR Group (NDR) with offices at 400 North Avenue, New Rochelle, New York, 10801, hereinafter referred to as the "Consultant" or "NDR".

WHEREAS, THE VILLAGE OF PELHAM desires to engage the services of the Consultant to render certain technical, professional and administrative services in connection with the VILLAGE OF PELHAM SECTION 8 HOUSING PROGRAM as hereinafter set forth.

NOW, THEREFORE, the parties hereto do mutually agree as follows:

- I. Scope of Service. Consultant shall provide the services and engage in activities set forth in Attachment A, Scope of Work.
- II. Time of Performance. This Agreement shall be for one (1) year. All work and services covered by this Agreement shall occur during the period of April 1, 2010 through March 31, 2011.
- III. Method and Amount of Payment. The Owner agrees to pay the Consultant a fee of half (0.5) of the administrative fees assigned by HUD for the Pelham

Section 8 program, which is currently seventy five thousand dollars (\$75,000) for the period of 4/1/10 to 3/31/11 for services rendered and to reimburse Consultant for up to half (0.5) the cost of HQS Inspections performed. Said fee shall be paid monthly based on submission of vouchers for payment by the Consultant. (See Attachment B, Fee Schedule.) Should the allocation to the Owner from the Federal government change, the parties will renegotiate the fee.

- IV. Termination of Contract. The Owner, at any time, for any reason or for no reason, shall have the right, in its sole discretion, to terminate this Agreement by giving no less than fifteen (15) days written notice to the Consultant of such termination, specifying the effective date of such termination. Upon such termination, Consultant shall be only entitled to those fees earned to the date of termination. Upon termination, Consultant shall cooperate with the Owner in the transfer of records and materials to Owner or its agents.
- V. Consultant's Status. It is understood that the Consultant is an independent contractor and is not to be considered an employee of the Owner, or assume any right, privilege or duty of an employee.
- VI. Insurance, Indemnification and Hold Harmless.

The Consultant shall take out and maintain during the life of this contract such property damage and liability insurance in amounts hereinafter specified, as will protect the Owner (including agents and subcontractors, if any), and the Owner's employees, officers, agents and Board of Trustees from any claims for damages, including but not limited to claims of property and/or for personal injuries, including death, arising out of, occurring or caused by operations under this contract.

Insurance must be in effect and continued so during the life of the contract in not less than the following limits:

Limits Required for Village's Insurance of Owner:

Workmen's Compensation	Unlimited
General Liability (Bodily Injury and Property Damage)	\$1,000,000
Automobile Liability (Bodily Injury and Property Damage)	\$1,000,000
Official Acts Liability	\$1,000,000
Professional Liability (Errors and Omissions)	\$1,000,000

Each policy shall name the Village of Pelham as Additional Insured.

Hold Harmless:

The Consultant shall defend, indemnify and hold Owner , its employees, agents, officials, officers and Board of Trustees ("Owner Indemnitees") harmless from and against (a) all claims of whatever nature against an Owner Indemnatee arising from any act, omission or negligence of the Owner Indemnatee in relation to the performance of this contract with the exception of the Village of Pelham Section 8 Financial Operations; receipt and disbursement of Section 8 Funds, check writing, bank accounts, and the like that are the responsibility of the Village of Pelham.

Further, Consultant shall notify the Village of Pelham as to the existence of any notices or claims filed and the manner in which Consultant intends to address the same. Said costs will not be a cost borne by the Village of Pelham.

The Consultant will defend, indemnify, and hold Owner, its employees, agents, officials, officers and Board of Trustees ("Owner Indemnitees"), harmless against any and all losses, claims, liabilities, suits, actions, fines, fees, damages and costs (including reasonable attorney's fees), as the same may relate, in any manner, directly or indirectly, to the services provided by the Consultant and its personnel pursuant to this Agreement

- (a) If any of the Owner Indemnitees intends to claim indemnification under this Section, it will (i) notify Consultant in writing of any matters with respect to which the Owner Indemnatee intends to claim indemnification; (ii) permit the Consultant to assume the defense thereof with counsel selected by the Consultant; and (iii) cooperate with the Consultant, at the Consultant's expense, in the defense thereof.
- (b) Any Owner Indemnatee will have the right to participate and be represented (at the Consultant's expense) by legal counsel of the Owner Indemnatee's choice in all proceedings and negotiations, if representation by counsel retained by Consultant would be inappropriate due to actual or potential differing interests between the Owner Indemnatee and any other party represented by such counsel in such proceedings.
- (c) The Consultant will not settle or compromise any claim in any manner that admits fault on the part of any Owner Indemnatee without the express prior written consent of the Owner Indemnatee, which consent may be withheld for any reason or no reason.
- (d) Failure of the Owner Indemnatee to deliver notice to the Consultant within a reasonable time after becoming aware of potential losses or claims will not relieve the Consultant of any liability to the Owner Indemnatee pursuant to this Section, except to the extent such delay prejudices the Consultant's ability to defend any third-party claim.

- VII. Certification of Compliance with Equal Opportunity Requirements. The Consultant hereby assures and certifies that:
- i. It will comply with the Fair Housing Act, 42 U.S.C. 3610-3619, implemented in 24 CFR Part 100.
  - ii. It will comply with title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, implemented in 24 CFR Part 1.
  - iii. It will comply with the Age Discrimination Act of 1975, 42 U.S.C. 6101-6107, implemented in 24 CFR Part 146.
  - iv. It will comply with the Executive Order 11063, Equal Opportunity in Housing (1962), as amended, Executive Order 12259, 46 FR 1253 (1980), as amended, Executive Order 12892, 59 FR 2939 (1994) (implementing regulations in 24 CFR Part 107).
  - v. It will comply with Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794, implemented in 24 CFR Part 8.
  - vi. It will comply with Title II of the Americans with Disabilities Act, 42 U.S.C. 12101 et seq.
  - vii. It will comply with any other statute, law, order, rule or regulation pertaining to the subject matter of this Agreement and the services to be rendered by the Consultant pursuant thereto.
- VIII. Governing Law. This Agreement shall be interpreted and construed pursuant to the laws of the State of New York.
- IX. Notice. Any notices required by or related to this Agreement shall be sent by registered mail, return receipt requested or by facsimile with confirmation of receipt to:

## NDR Group

400 North Avenue  
New Rochelle, New York 10801  
Attention: Charles J. DePasquale, Executive Vice President  
Facsimile Number: 633-7442

# OWNER

## Village of Pelham

195 Sparks Avenue  
Pelham, New York 10803  
Attention: Robert Yamuder, Village Administrator  
Facsimile Number: 738-7381

IN WITNESS WHEREOF, the parties hereto have set their hands and seals the day and year first above written.

WITNESSES:

(Village Seal)

\_\_\_\_\_ By \_\_\_\_\_  
Mayor, Village of Pelham  
(\*Board authorizing resolution attached to and made a part of this agreement.).

(NDR Group Seal)

\_\_\_\_\_ By \_\_\_\_\_  
NDR Group

### ATTACHMENT A: SCOPE OF WORK

VILLAGE OF PELHAM, NEW YORK  
SECTION 8 HOUSING PROGRAM ADMINISTRATION  
NDR Group

### PURPOSE

NDR Group administration of the Village of Pelham's Section 8 Housing Program (PMA), its 155 Section 8 subsidized individuals and families. This Agreement is comprehensive in its scope and requires that the Consultant maintain the Village of Pelham in compliance with the

Section 8 Housing Program Rules and Regulations, the Village of Pelham's ACC and Administrative Plan through the Agreement period.

## SCOPE OF WORK

### ADMINISTRATION OF THE SECTION 8 HOUSING PROGRAM

- I. The Consultant shall examine/familiarize itself with the original ACC, Consolidated ACC, if any, Administrative Plan, submitted and approved Budgets, Program Accounts, Program Records, Compliance Audit, Established Wait List, and PHA Computer software for the Section 8 program.
- II. The Consultant shall assist in preparation of and/or updating the Administrative Plan for submission to and approval by HUD after approval by Village Trustees.
- III. The Consultant shall prepare the Annual Budget for submission to and approval by HUD, to be used for Housing Assistance Payments and Administrative Fees.
- IV. Perform PHA responsibilities, including but not limited to:
  - Disseminate program information
  - Explain program to owners and families
  - Assist families in locating housing outside areas of poverty
  - Encourage owners to participate in Section 8 Program
  - Further Fair Housing Goals and Equal Opportunity requirements
  - Receive applications/determine eligibility, maintain the Wait list, select applicants, issue certificates of vouchers to selected families
  - Determine eligibility for assisted unit, at time of admission and during family's participation in the program
  - Comply with citizenship and immigration requirements
  - Review family "Request for Lease Approval(s)"
  - Inspect each unit before assisted occupancy and annually thereafter during assisted tenancy
  - Determine the Housing Assistance Payment (HAP)
  - Determine maximum rent to owner
  - Provide sound financial management of the Program (in conjunction with the Village of Pelham which is responsible for Financial Management Operations).
  - Conduct family intake to determine eligibility; income, size and composition
  - Establish/Adjust agency utility allowance
  - Administer and enforce the Housing Assistance Payments Contract

- Determine when to terminate assistance for violations of participant's obligations and recommend same, in writing to the Owner, specifying reason for such termination of assistance
  - Conduct information reviews of Agency decisions concerning applicants for participation
  - Conduct informal hearing of Agency decisions concerning participating families.
  - Provide sound financial management of the Program (in conjunction with Village of Pelham)
  - Coordinate Compliance Audits
- V. The Consultant will provide a trained, experienced and professional housing specialist at the Village of Pelham Section 8 Housing Office at least three days (3) days per week, in order to advance item IV above. All records and Village of Pelham materials will remain in the Village's Section 8 office. The Consultant will utilize the records, supplies, fixtures and furnishings at the Village's Section 8 Program office. The Consultant shall supply its own secretarial and support staff.
- VI. Monthly Housing Assistance Payments shall be prepared by the Consultant, but the Village of Pelham will maintain check-printing responsibility of the monthly H.A.P.
- VII. The Consultant shall transmit electronically to HUD (MTCS) the 50058's as required.
- VIII. The Consultant shall take any and all necessary actions to ensure that the Owner's Section 8 Housing Program remains in compliance with all applicable statutes, laws, orders, rules and regulations of all boards, agencies, bureaus, commissions and the like asserting jurisdiction over the Section 8 Housing Program.

VILLAGE OF PELHAM, NEW YORK  
SECTION 8 HOUSING PROGRAM ADMINISTRATION  
NDR Group

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4/1/10 – 3/31/11

TOTAL CONTRACT AMOUNT: \$75,000 (monthly payments of \$6,250)

<u>MONTH</u>	<u>FEE (\$)</u>
4	6,250.00
5	6,250.00
6	6,250.00
7	6,250.00

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8	6,250.00
9	6,250.00
10	6,250.00
11	6,250.00
12	6,250.00
1	6,250.00
2	6,250.00
3	<u>6,250.00</u>

TOTAL: \$75,000.00

4/1/10 – 3/31/11

TOTAL CONTRACT AMOUNT: to be determined and divided equally, based on regular monthly payments and reimbursement to consultant for up to half (0.5) the cost of HQS Inspections performed.

Item #9—Bond Resolution Combining Four Purposes—\$26,500 for New 4X4 Pick up truck, \$40,000 for Used Dump Truck, \$6,000 for sander and \$56,000 for New Police Vehicles

Mayor Hotchkiss said the Village is considering purchasing several vehicles that it must bond for. Some Village vehicles are coming to the end of their usefulness and it is necessary to replace them. He said the Board intends to bond the Police vehicles for five years and the other vehicles for 15 years.

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

Bond Resolution Combining Four Purposes—\$26,500 for new 4X4 Pick up truck, \$40,000 for Used Dump Truck, \$6,000 for sander and \$56,000 for New Police Vehicles

**BOND RESOLUTION, DATED JUNE 22, 2010, AUTHORIZING THE ISSUANCE OF UP TO \$128,500 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 OF VEHICLES AND (II) 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 (i) the acquisition of a vehicles and (ii) the acquisition of machinery and apparatus for construction and maintenance, including a dump truck, sander and 4 x 4 truck and including any preliminary and incidental costs related thereto, at a total estimated cost not to exceed \$128,500, 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 \$128,500, 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 vehicles and any preliminary and incidental costs related thereto, at an estimated maximum cost of \$56,000, for which \$56,000 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 five (5) years pursuant to subdivision

29(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.;

(b) The acquisition of machinery and apparatus for construction and maintenance, including the acquisition of a dump truck, sander and 4 x 4 truck, and any preliminary and incidental costs related thereto, at an estimated maximum cost of \$72,500 for which \$72,500 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 \$128,500; (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 #10—Declaring three vehicles surplus and available for public sale (1986 International 6 Wheeler, 1999 Dodge Pickup and 1999 Chevy Blazer)

Mayor Hotchkiss said three Village vehicles are being sold through a public bidding process. He hopes that the vehicles will have a useful life elsewhere. He speculated the Village will probably post the vehicles for sale on Craigslist or Ebay.com.

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 Mohan was absent.

**RESOLUTION  
DECLARING THREE VEHICLES SURPLUS AND  
AVAILABLE FOR PUBLIC SALE**

(1986 INTERNATIONAL 6 WHEELER, 1999 DODGE PICKUP AND 1999 CHEVY BLAZER)

WHEREAS, certain vehicles and equipment of the Village of Pelham are approaching the end of, or have exceeded, their useful life and purpose, and are hereby declared surplus so that they may be advertised and sold to the benefit of the Village of Pelham.

BE IT RESOLVED, that the Board of Trustees of the Village of Pelham hereby declares the following vehicles as surplus and authorizes their disposal at public sale, as follows:

Year	Make	Model and Color	VIN	Miles
1986	International	Model 1900s	1HTLDVVR3GHA14955	47661
1999	Dodge	Pickup 2500	387KF26Z0XM59166	34062
1999	Chevy	Blazer	1GNT13WXX2171083	245000

BE IT FURTHER RESOLVED, that the disposal of these vehicles is authorized in compliance with the requirements of law, and the Mayor, the Administrator and other appropriate officials are authorized to take the necessary and appropriate actions to dispose of and sell these vehicles.

Item #11– Scheduling a Public Hearing that amends the Code of the Village of Pelham to set higher minimum fines for certain violations.

Mayor Hotchkiss said this public hearing is to determine the rates of the fees and fines for the Village. The Board wanted to increase several of the fees, most notably for parking tickets. Trustee Lewis commented that after listening to the concerns of the Village merchants, the Board has decided to lower the rate increase for parking tickets in its proposal from \$30 to \$25. Mayor Hotchkiss said the closing of the public hearing will take place on July 13; until then residents are free to review the document and make any comments on the proposed fine increases.

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

**SCHEDULING A PUBLIC HEARING  
THAT AMENDS THE CODE OF THE VILLAGE OF PELHAM  
TO SET HIGHER MINIMUM FINES FOR CERTAIN VIOLATIONS.**

The Board of Trustees of the Village of Pelham hereby schedules a public hearing to be held at 7:30 p.m. on Tuesday, July 13, 2010, in Village Hall at 195 Sparks Avenue, Pelham, NY, on a draft proposed Local Law that would amend the Code of the Village of Pelham, as follows:

**A local law to change the minimum fines for violations of some parking laws in Chapter 90 of the Code of the Village of Pelham**

A copy of the draft proposed Local Law is on file in the offices of the Village Clerk and may be viewed during normal business hours of 8 a.m. to 4:30 p.m., or an electronic copy may be obtained from the opening page of the Village's website [www.pelhamgov.com](http://www.pelhamgov.com).

By Order of the Mayor and Board of Trustees  
Terri Rouke, Village Clerk  
Robert Yamuder, Village Administrator/Deputy Clerk  
Publication date: Friday, June 25, 2010

**LOCAL LAW NUMBER 2 OF 2010**

**A local law to change the minimum fines for violations of some parking laws in Chapter 90 of the Code of the Village of Pelham**

**BE ENACTED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF PELHAM AS FOLLOWS:**

**SECTION 1**

The following changes are made in Section 90-36 of the Code of the Village of Pelham:

1. In Section 90-36B(2) "\$25" shall be changed to "\$40".
2. In Section 90-36B(6) "\$40" shall be changed to "\$50".
3. In Section 90-36B(9) "\$40" shall be changed to "\$50".
4. In Section 90-36B(12) "\$40" shall be changed to "\$75".
5. In Section 90-36B(14) "\$20" shall be changed to "\$25".

6. In Section 90-36B(16) "\$40" shall be changed to "\$75".
7. In Section 90-36B (19) "\$20" shall be changed to "\$25".
8. In Section 90-36B (20) "\$20" shall be changed to "\$25".

## SECTION 2. Effective Date

This Local Law shall take effect immediately upon filing in the office of the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

Village of Pelham Non-moving violations and fines for Parking, as listed on each ticket:

Description	Code Section cited (VO = Village Code)	Current Fine
Illegal Parking at Expired Meter * Fine if paid by end of day	VO § 90-30 A. (2)	\$25 *\$15
Illegally parked beyond <u>time limit</u> of the <b>metered</b> parking	VO § 90-31, VO § 90-56	\$25 *\$15
Over time in a Limited-Time parking zone ( <b>unmetered</b> ); *Fine if paid BEOD	VO § 90-20, VO § 90-53	\$25 *\$15
Night Parking – 2 AM to 6 AM * Fine if paid by end of day	VO § 90-16	\$40 *\$20
Over 12 inches from the curb	VO § 90-14 B.	\$40
Parking Obstructing a driveway	VO § 90-14 D. (1)	\$50
Parking On/Obstructing a sidewalk	VO § 90-14 C. (2)	\$50
Parking in a NO PARKING area	VO § 90-15, VO § 90-49	\$75
Parking on the wrong side of the street	VO § 90-14 B.	\$50
Double Parked	VO § 90-14 C. (1)	\$75
Obstructing a Fire Hydrant	VO § 90-14 E.	\$100
Parked in a Prohibited Area near Firehouse	VO § 90-14 D. (2) & (3)	\$100
Illegally parked in a Handicapped Zone	VO § 90-14 F.	\$100
Parked in a Village Lot or Space without Permit	VO § 90-24, VO § 90-25	\$75
Parked in a Tow-Away Zone	VO § 90-22, VO § 90-58	\$100
Parked on a Crosswalk	VO § 90-14 C. (3)	\$50
Obstructing a Curb Cut	VO § 90-14 D. (4)	\$50
Parking in a Bus Stop space	VO § 90-22.1, § 90-55	<b>\$50</b>
Parking in a Taxi Stand space	<b>VO § 90-22.2, § 90-57</b>	<b>\$50</b>
<b>Other violations</b>	Misc.(Dog waste, snow) VO § 42-7 Dog – § 54-78; § 81 Snow –	\$40 \$40

State Vehicle and Traffic law violations listed on tickets

Description	State Law cited	Current Fine
Invalid Inspection sticker displayed	VTL – § 306 B.	\$40
Invalid Registration	VTL – § 401 (1)	\$40

Item #12– Resolution Amending Village of Pelham Procurement and Purchasing Policy

Mayor Hotchkiss said the Administrator and he are looking into changing several provisions of the Village's Purchase and Procurement policy. He said the Administrator is still providing him with details regarding the policy.

The Board decided to table the resolution until a later meeting for more information about the Villages policy.

Item #13– Strategic Plan FY2010-11

Mayor Hotchkiss said changes were made to the draft of the Village's Strategic Plan. He gave a broad overview of the projects the Village has ahead of it, including the RFP for 5<sup>th</sup> Avenue, The DPW Yard Project, pursuing the awarded flooding grants, the parking lot on First Street, and the Employee/HR Manual. The Verizon FIOS negotiations were stated but Trustees Breskin and Marty questioned whether this initiative could be considered strategic enough to be included in the plan. Mayor Hotchkiss said at Trustee Mohan's urging they would like to add a green initiative as an addendum to this list. John Cassone of 7<sup>th</sup> Avenue stressed that senior friendly housing be included on the plan. The Mayor responded the Administrator and he will be regularly updating the list with new projects as they prioritize the plan. He suggested giving an update on the status of the plan once every quarter.

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

Item #14–Grants- Status Report

Administrative Intern Peter Bonington gave a brief account of the grants currently awarded to the Village of Pelham. He said the DPW Yard Facility and Parking Lot project is currently out to bid. The bid opening will take place on June 30 in Village Hall at 11:00 am. The EPA flooding remediation grant for \$340,000 with a Village match of 45% was mentioned. Mr. Bonington reported Administrator Yamuder had received the Categorical Exclusion (CATEX) necessary to receive the application for the grant itself.

Mr. Bonington stated the status of the two New York Main Street grants for total of \$400,000 in awarded funds saying the RFP for the Wolfs Lane Park amenities is being finalized and will be ready for bidding next week. The Local Pre-Disaster Mitigation (LPDM) grants for \$125,000 and \$50,000 for flooding were discussed by Administrator Yamuder. He said Leonard Jackson and Associates (LJA) are working on developing the engineering studies necessary for procuring these grants.

The application for the First Street Parking Lot project for \$100,000 is being completed. The project drawings are 100% complete. Mr. Bonington said the \$50,000 Member Item grant for the Pelham Police and Fire Departments from Senator Klein's Office is being reviewed by the Executive Director from the New York Department of State. They hope to send out the fully executed contract to the Village next week. Trustee Breskin commented if it was acceptable to spend the money and get reimbursed. Mr. Yamuder said the department heads do know there is a deadline of July 31<sup>st</sup> and are proceeding accordingly.

Mr. Yamuder commented on the final flooding grant from Congresswoman Nita Lowey's office. The grant amount is for \$562,500 with a Village match of \$187,000. He said a CATEX form will have to be submitted for this project. The last and most recent grant for the Village is Senator Klein's appropriation grant for \$647,000 for the first two phases of the Wolf's Lane Park schematic plan. The grant is for the construction of a bike path and an organic buffer between the park and the residences on Nyac Avenue. The application was submitted last week. Mr. Yamuder added that New York State must pass its budget in order for this money to become available.

Administrator Yamuder gave a few brief announcements after the grant reports. Mr. Yamuder said the final payment to the Village for the Fire Generator for \$38,000 has been received, closing the grant process for the generator. He reported the NYPA payment of \$144,000 for the reimbursement for the L.E.D. lights installed throughout the Village. He finished by saying Sprint-Nextel has sent the \$5,000 payment to the Village for installing its dish and wiring on the top of the Firehouse. Mr. Yamuder said the Village will receive a \$1,000 payment each month.

#### Item #15– Monthly Budget Review

Mayor Hotchkiss reported on the budget summation memo compiled by Administrator Yamuder and Financial Advisor Shirley Brown. He said 98% of last year's budget has been collected to date and that it appears the Village managed to retain \$200,000 off their budgeted expectation for this past fiscal year. Mr. Yamuder thanked the Village Departments for their skillful handling of their respective budgets. The Mayor commented on the significant amount of overtime for both the Police and Fire Departments. Trustee Marty mentioned the Board's interest in hiring another full-time firefighter on the expectation it will lessen the department's overtime in the next fiscal year. Mayor Hotchkiss urged the Board liaisons equipped with new balance sheets to comment on any notable rises in their departments' budgets in the coming months.

Item #16– Other Business

Barbara Mundy of the Tree Committee gave a report regarding the status of the Village's tree inventory. She thanked the Pelham High School science teacher Steven Belteccas for allowing his students to complete the compiling of the data. She discussed several initiatives the committee is planning on pursuing including: educational programs, a local brochure, and legislation regarding the protection of private as well as Village trees.

Trustee Lewis brought up the question of ConEd's role in dealing with Village trees. Trustee Bullock said ConEd has a legal right to prune trees that it believes are a hazard to its wires, and it is very difficult to persuade ConEd not to do so. Administrator Yamuder added that ConEd must now notify the municipality prior to performing pruning of Village trees. Trustee Bullock commended Barbara Mundy and Susan Marcione for the work they have done on the Tree Committee. Trustee Marty discussed the resolution for an RFP for the demolition of the Highbrook Avenue Bridge. He stressed the purpose of this RFP is to parallel the course set by the first two RFP's approved at the June 8 Board of Trustees meeting. He maintained the Board is only seeking an estimate for the options for the Bridge.

Mayor Hotchkiss mentioned the storm-water clause in the resolution's wording saying it was unlikely a demolition firm would remediate the storm-water issues in the area. Trustee Lewis agreed saying it might be better to bid that project separately. Resident Ann Swanson of Highbrook Avenue suggested if the RFP is going to include a storm-water clause, wouldn't the Board want to improve the conditions. Trustee Breskin replied the Board wants to ensure that any potential demolition does no harmful change to the storm-water conditions" should read "Trustee Breskin replied that the Board should ensure that any potential demolition doesn't create conditions any worse than what currently exists, but that improving existing drainage is a secondary goal".

Trustee Marty said he liked the options the resolutions gave the Board when drafting the actual RFP. Trustee Morris also said the resolution only authorizes to draft an RFP for demolition; it does not define the exact wording. Trustee Marty said the RFP could be amended in the future.

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

Mayor Hotchkiss responded to a letter that was sent to the Pelham Weekly. It concerned the recent changes to the Village's recycling pickup. The author of the letter stated they would prefer weekly recycling pickups as opposed to once every other week. The Mayor suggested Pelham Manor's collection area as a possible disposal point in the interim for Cathode Ray Tube (CRT) items such as TV's. Trustee Marty replied he had heard from residents who said two weeks is too long to hold onto their recycling.

Trustee Breskin said that at the time the contract was awarded, it was beneficial to the Village to save an extra \$50,000 by switching to the every other week pickup. He said it may be possible to switch back later if it becomes too much of a burden for the residents. Trustee Lewis recommended using the recycling machines at DeCicco's Market for cans and bottles. John Cassone of 7<sup>th</sup> Avenue said the machines are often crowded, making it difficult for residents to use it as a consistent alternative to the pickups.

Mayor Hotchkiss raised another point in the letter discussing non-residents collecting the recyclables outside the homes of Pelham residents. He said the Board does not have to make a decision on his matter tonight but he wanted to discuss it because it was raised in the letter to the Pelham Weekly. He questioned the Board as to whether they want to devote Police resources to keeping these people away from private homes. Trustee Breskin stated he was aware of this situation and related that he had had experiences with non-Pelham residents going from house to house and going through the trash and recyclables.

Trustee Morris stated a way to deter this activity would be to take recyclables to DeCicco's or other stores that have recycling machines. Mayor Hotchkiss said he judged by the comments of the Board that there was not a total aversion to these occurrences but he did say if it becomes an issue, the Board can look into having the Police patrol and discourage this kind of activity.

Administrator Yamuder stated in order to comply with certain PESH violations, the organization strongly recommends having a yearly violence in the workplace seminar. He also said it helps with insurance premiums.

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

#### Item #17—Authorizing the Accounts Payable

Trustee Bullock is audited the Accounts Payable.

After some discussion, a motion was made by Trustee Bullock and seconded by Trustee Morris to adopt the resolution. The vote was approved by a vote of six in favor, none opposed. Trustee Mohan 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	\$ 197,355.10
Water Fund	\$ 2,064.44
Capital Projects Fund	\$ 0.00
Trust and Agency Fund	\$ 350.00
H3 Fund	\$ 0.00
TE Expand Trust Fund	\$ 594.00
Grand Total	\$200,363.54

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

Item #18– Authorizing Minutes of: May 25, 2010, June 8, 2010

A motion was made by Trustee Lewis and seconded by Trustee Bullock to adopt the minutes from the May 25 Board of Trustees meeting. The vote was approved by a vote of five in favor, none opposed. Trustee Breskin abstained. Trustee Mohan was absent.

May 25, 2010- Approved

June 8, 2010- Tabled

Item #19– Adjournment to Executive Session

A motion was made by Trustee Breskin with a second by Trustee Lewis to adjourn the public portion of the board meeting at 11:00 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 six in favor, none opposed. Trustee Mohan was absent.

Respectfully submitted,  
Peter Bonington, Administrative Intern

