

BOARD OF TRUSTEES
September 26, 2016

PRESENT: Mayor Monachino Lapey
Trustee Annunziata
Trustee McLaughlin
Trustee Senerchia
Attorney Cornachio
Manager Pierpont

ABSENT: Trustee Cataldi DeLillo

PLEDGE OF ALLEGIANCE AND FIRE SAFETY ANNOUNCEMENT

Mayor Monachino Lapey led those assembled in the Pledge of Allegiance and notified those in attendance where the fire exits were located. She noted that Trustee Cataldi DeLillo was not in attendance because her father was recovering from surgery.

The Mayor welcomed Lenny's Bagels to the Village. She said that it was a vibrant addition and she also wished the established retailers well.

MINUTES FROM THE REGULAR MEETING ON SEPTEMBER 12, 2016

The Mayor asked if there were any comments, questions or corrections on the minutes.

There were no comments on the minutes.

After discussion and upon motion duly made and seconded, it was unanimously

RESOLVED, that the minutes from the Regular Meeting on September 12, 2016 be and hereby are approved.

REPORTS

The Village Treasurer said that the reports were for July and August. The Treasurer pointed out that on page twenty two in the August report it shows the sales tax payment coming in on budget. He said that this is the largest non property tax revenue that the Village receives.

After discussion and upon motion duly made and seconded, it was unanimously

RESOLVED, that the Village Treasurer's reports for July and August be and hereby are approved.

RESOLUTION AUTHORIZING THE VILLAGE MANAGER TO SIGN INTER MUNICIPAL AGREEMENT TO COMPLETE STORMWATER MAPPING PROJECT

This is an extension of a pre existing agreement with respect to stormwater mapping. This is part of the MS4 Program. This continues the process. The Village's contribution is force account rather than cash contribution. The Village of Sleepy Hollow will continue to act as the lead agency as it has done in the past.

The Mayor asked that the official language be included in the record.

Whereas, the Village of Sleepy Hollow agrees to serve as Lead Agency for the purpose of implementing WQIP Grant DEC01-C00077GG-335000 and

Whereas, the following communities agree to participate as the Sleepy Hollow Consortium

The Villages of Port Chester, Bronxville, Rye Brook, Ardsley, Elmsford, Hasting on Hudson, Pelham, Pelham Manor, Mt. Kisco, Dobbs Ferry, and Irvington on Hudson and

The Town/Village of Harrison and

The Towns of Eastchester, Ossining, Mount Pleasant, and

The Cities of Rye and Peekskill

Consortium members agree to provide adequate staff on agreed schedule to transport contractor's technical staff to locations throughout community in order to collect data associated with municipal stormwater system

Furthermore consortium member agree to provide required salary and benefit information for staff assigned the project necessary to meet an in-kind requirement for the municipal share of \$4,602.00

The Village of Sleepy Hollow agrees to act as Lead Agency as follows:
By issuing RFP for contractual services as provided for in Scope of Services
Awarding contract for contractual services consistent with Scope of Services
Receiving grant funds from NYSDEC and dispersing grant funds upon proper invoicing from contractor

Dolph Rotfeld engineering to act as Project Engineer for the Village of Sleepy Hollow for review and approval of RFP, Contract for Services, and processing of payment of claims

WHEREAS, the Village of Sleepy Hollow as Lead Agency has applied for and been approved for a Stormwater Quality Improvement Project grant DEC01-C00077GG-335000) in the amount of \$343,854.00 from New York State Department of Environmental Conservation for Stormwater Mapping services on behalf of the Stormwater Consortium and

WHEREAS, the members of the Consortium have previously agreed to participate in the Consortium and

WHEREAS, the Village of Pelham Manor is a member of that Consortium and wishes to participate in the implementation phase of the project to further enhance the data base for mapping of Stormwater infrastructure consistent with requirements of New York State

NOW, THEREFORE BE IT RESOLVED, that the Village of Pelham Manor hereby enters into an intermunicipal agreement with Village of Sleepy Hollow for the purpose of implementing the above referenced grant agreement with New York State Department of Environmental Conservation and

FURTHER hereby agrees to the terms of the agreement providing specified in-kind services and

FURTHERMORE providing salary and benefit information in connection with those services to the Village of Sleepy Hollow in a timely manner.

RESOLUTION ADOPTING ADJUSTED BASE PROPORTIONS FOR 2016

The Board has the option of adopting the Adjusted Base Proportions using the 2015 or 2016 Final Assessment roll and rates.

Using 2015 Final Assessment Roll		Using 2016 Final Assessment Roll
Homestead	79.998295	80.313820
Non-Homestead	20.001705	19.686180

The 2015 Final Assessment Roll is slightly more favorable to the Homestead, or residential, class than the 2016 Final Assessment Roll. It has been the practice to adopt the base proportions more favorable to the Homestead class rather than the Non-Homestead, or commercial, class.

After discussion and upon motion duly made and seconded, it was unanimously

RESOLVED, That the adjusted base proportions using the 2015 Final Assessment Roll and Rates be and hereby are adopted.

RESOLUTION GRANTING A SPECIAL USE PERMIT FOR CHIPOTLE MEXICAN GRILL PURSUANT TO CHAPTER 201-69.B OF THE VILLAGE CODE

This resolution will grant a special permit for Chipotle Mexican Grill which will be in the B2 District. The Board allowed one additional fast food restaurant within one thousand feet of each other. Chipotle Mexican Grill would be the second fast food restaurant.

Chipotle will be located next to Sleepy's. It is anticipated that by the end of next month they will come in for a building permit.

After discussion and upon motion duly made and seconded, it was unanimously

RESOLVED, That a Special Use Permit for Chipotle Mexican Grill pursuant to Chapter 201-69.B of the Village Code be and hereby is granted.

RESOLUTION GRANTING A SPECIAL USE PERMIT PURSUANT TO CHAPTER 210-69.A OF THE VILLAGE CODE TO RE-ESTABLISH A GASOLINE SERVICE STATION AT 4350-56 BOSTON POST ROAD

This resolution will grant a Special Use permit to re-establish a gasoline station at 4350-56 Boston Post Road. A BP station will take over the old Luk Oil service station. The property has been vacant for about a year.

After discussion and upon motion duly made and seconded, it was unanimously

RESOLVED, that a Special Use Permit to re-establish a gasoline service station pursuant to Chapter 210-69.A of the Village Code be and hereby is granted.

ANNOUNCEMENT ON 5 CANAL ROAD

Mayor Monachino Lapey announced that a property owner is going to be donating land to the Village. She said that the Board has reviewed the documents and have an insurance policy that outside counsel has reviewed and vetted.

Manager Pierpont said that the Village has taken a good hard look at this from an environmental

standpoint and an insurance policy is in place to protect the Village. He said that this is a great opportunity for the Village.

The Mayor said that the building can be of use to the Village.

Manager Pierpont said that the property is right in the middle of the area that the Village is trying to have developed and gives the Village some leverage.

Mayor Monachino Lapey said that the Village is the Lead Agency. A Phase I Environmental Study has been done at the site, and outside counsel has reviewed the insurance policy. The Village's next step is to adopt the Short Environmental Assessment Form.

RESOLUTION ADOPTING A SHORT ENVIRONMENTAL ASSESSMENT FORM

After discussion and upon motion duly made and seconded, it was unanimously

RESOLVED, That the Short Environmental Assessment Form for 5 Canal Road be and hereby is adopted.

RESOLUTION ADOPTING A NEGATIVE DECLARATION FOR 5 CANAL ROAD

After discussion and upon motion duly made and seconded, it was unanimously

RESOLVED, That

1. The proposed action is the acceptance of a gift of real property known as 5 Canal Road, and designated as property tax Section 166.26 Block 1 Lot 2 in the Village of Pelham Manor, N.Y.
2. The Board of Trustees has reviewed and considered the Short Environmental Assessment Form.
3. The Board determines that:
 - (a) The proposed action is subject to the requirements of SEQRA;
 - (b) The proposed action is an Unlisted Action;
 - (c) The action is not located in an agricultural district; AND
 - (d) There are no other involved agencies.
4. The Board of Trustees determines that the proposed action will have no significant adverse environmental impacts.

RESOLUTION ACCEPTING A DONATION OF LAND

The Mayor read the following Resolution.

WHEREAS, Rusciano Associates, Inc. has offered to convey to the Village of Pelham Manor as a gift without monetary consideration or conditions a parcel of real property located at 5 Canal Road within the Village, with an appraised value as of August 31, 2016 of \$4,150,000.00, and which is designated on the Village Tax Roll as 166.26-1-2, and

WHEREAS, Village Law Sub Section 1-102, authorizes a Village to take by gift and hold real property absolutely upon such terms or conditions as may be prescribed by the donor and accepted by the Village, and

WHEREAS, the Board of Trustees finds that it is in the interest of the Village to accept the donation,

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees of the Village of Pelham Manor accepts the gift and that the Village Manager be, and hereby is authorized and

empowered to do such things and execute such documents as are approved as to form by the Village Attorney and are necessary for the transaction and for the deed of dedication to be recorded for the purpose of accepting this property as an unconditional gift from Rusciano Associates, Inc. under the authority of Village Law Sub Section 1-102, and be it further

RESOLVED, That this Resolution shall take effect immediately.

RESOLUTION AUTHORIZING THE VILLAGE MANAGER TO SIGN AN AGREEMENT PERMITTING VAN TRANS LLC TO CONTINUE THE STORAGE OF BUSES

Van Trans LLC has been storing school buses at the old Imperia property. The Village Board eliminated the year to year time limitation. Van Trans LLC would like to store the buses for two years. They would have the same requirements as Mar-Can Transportation which uses 5 Secor Lane to store buses.

Mayor Monachino Lapey said that this was excellent work. The Village is deriving revenue with minimal effect on residential properties.

The following Resolution was made a part of the record.

Whereas, Van Trans LLC (the Applicant) was issued a permit, July 24, 2015, for the storage of school buses, and,

Whereas, that permit expired on July 23, 2016, and,

Whereas, the Applicant has requested a new permit to continue the current school bus storage operation, and,

Whereas, the Board of Trustees has considered the request, taking into account the observations of the current operation and, given the fact that by State law a school bus may not turn right on red, its impacts on traffic at the intersection of US Route 1 and Pelham Parkway, now therefore,

Be It Resolved, that the Board of Trustees authorizes the Village Manager to sign an agreement permitting the Applicant to continue the storage of school buses with the following conditions:

- 1) The period of the permit shall be one year from September 1, 2016 until August 31, 2017.
- 2) The fee for the permit shall be \$48,750.00.
- 3) The applicant shall pay the Village an additional \$2,000.00 to cover the period wherein the applicant's permit lapsed.
- 4) The Applicant agrees that, for so long a period as the Fulton Avenue bridge is usable, all school buses stored on the premises, and any other school buses owned, operated or maintained by the Applicant are prohibited from using the intersection of US Route 1 and Pelham Parkway between the hours of 9 a.m. and 4 p.m. daily.
- 5) The Applicant agrees that they will pay an additional fee of \$50.00 for each and every school bus that violates the prohibition in Condition 4 above. For the purposes of this Condition (5), the Applicant may appeal any allegation of violation to the Village Manager who will conduct a hearing with regard to the appeal, the standard of proof being substantial evidence.

And,

- 1) Be it further Resolved, that, should the Applicant desire, the Board of Trustees authorizes the Village Manager to sign an agreement permitting the Applicant to continue the storage of school buses under the above conditions for a one year period from September 1, 2017 until August 31, 2018 for a fee of \$65,000.00.

CORRESPONDENCE FROM JASON JEFFRIES, 415 STELLAR AVENUE, RE: PELHAM CIVICS & TRACK N TRI PELHAM HALF MARATHON ON SATURDAY, NOVEMBER 26, 2016

Jason Jeffries sent correspondence regarding the Track N Tri Half Marathon to be held on Saturday, November 26, 2016. It is anticipated that this year's race will have more than three hundred runners. All proceeds will be donated to the Pelham Civic Association. They are not asking for any street closures, but would like a police detail with supervision determined by the Village Manager and Police Chief. They will provide the Village with insurance.

Trustee McLaughlin asked if the Village gets a certificate of additional insurance and was told that the Village is named as an additional insured.

After discussion and upon motion duly made and seconded, it was unanimously

RESOLVED, That the request from Jason Jeffries to hold the Track N Tri to benefit the Pelham Civic Association be and hereby is approved.

REQUEST FOR A STREET CLOSING

Lori Carlton, 471 Manor Lane, requested that Manor Lane, between 471 and 478 Manor Lane, be closed for a block party on Sunday, October 16, 2016 from three o'clock in the afternoon until seven o'clock in the evening.

After discussion and upon motion duly made and seconded, it was unanimously

RESOLVED, That the street closing request from Lori Carlton be and hereby is approved.

RESOLUTION AUTHORIZING THE MAYOR TO SIGN ABSTRACT OF VOUCHERS NUMBERS 23105--23135

After discussion and upon motion duly made and seconded, it was unanimously

RESOLVED, That the Mayor be and hereby is authorized to sign Abstract of Vouchers Numbers 23105-23135

PUBLIC COMMENT

The Mayor asked if there were any comments or questions from the public.

There was no public comment.

EXECUTIVE SESSION

After discussion and upon motion duly made and seconded, it was unanimously

RESOLVED, That the Board be and hereby is authorized to conduct an Executive Session to discuss the following:

Personnel and Real Property Matter

No action was taken in Executive Session

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned.

Clerk