# Town of Pelham

PELHAM, NEW YORK 34 FIFTH AVE 10803

**TOWN BOARD**
DRAFT - Minutes Legislative Meeting Agenda
April 6, 2026

**PELHAM TOWN BOARD MEMBERS**

Theresa K. Mohan, *Town Supervisor*
Maura Curtin, *Deputy Supervisor*
Kristin Burke, *Councilmember*
Michael Jenks, *Councilmember*
Kara McLoughlin, *Councilmember*

**I. Call to Order**

**II. Pledge of Allegiance**

**III. Roll Call**

| Attendee Name | Present | Absent | Late | Arrived |
|---|---|---|---|---|
| | | | | |
| Theresa K. Mohan | X | □ | □ | □ |
| Maura Curtin | X | □ | □ | □ |
| Kristin Burke | X | □ | □ | □ |
| Michael Jenks | X | □ | □ | □ |
| Kara McLoughlin | X | □ | □ | □ |

**IV. Public Comment**

- Dan Bollin (44 Clifford Ave.) - Mr. Bollin is the President of the Pelhamwood Association and read a prepared statement on behalf of the association. In summary, the Pelhamwood Association is in support of pursuing a mixed-use community space while preserving a place of worship (a local landmark) and is opposed to large scale residential development.

- Megan Garufi (7 Second Ave.) – Ms. Garufi addressed the possibility of using the lot adjacent to the post office as an emergency services center. She stated that the land is currently owned by Westchester County and zoned as A3 Residential by the Village of Pelham and is classified as "Roads and Highways" on the tax rolls. Her belief is that the land was intended to be preserved as a buffer zone and not built on as part of the Hutchinson River Parkway construction in the 1920's. Ms. Garufi questioned the Town's authority to bypass Village zoning.

**V. Reports**

a. **Town Council Reports**

**Deputy Supervisor Maura Curtin**

**Pelham EMS – Topline Monthly Statistics**

- Call Volume Stable
  - March: 99 calls vs February: 98 calls
    → Overall demand remains consistent month over month
- Response Times Strong & Consistent
  - March: 6.2 min vs February: 6.1 min
    → Performance remains steady and within target range
- Turnaround Time Improved (Key Win)
  - March: 27.5 min vs February: 29.9 min
    → ~8% improvement, increasing unit availability

We received two messages from residents about EMS last month-

- The first was from a friend of Deputy Supervisor Curtin who was involved in a car accident in Pelham Manor on Esplanade and Boston Post Road and called her to rave about the care she received from EMS.
- The second was a voicemail from a VOP resident that Mark Baumblatt shared with Deputy Supervisor Curtin last week- she called to report that her husband's experience with EMS was wonderful and excellent, and she was looking for an opportunity to leave a comment.
- Mark Baumblatt then shared that as a follow-up to the feedback he received from that resident, he is going to do some community outreach to let residents know that Pelham EMS will transport to requested hospitals as long as they are able.

**Councilwoman Kristen Burke**

- The Court Clerks have moved into the new space in Town Hall.
- The Constable transport van has arrived.
- We will be swearing in a new Constable, Eddie Mota on Thursday.
- Our CAPI (Climate Action Planning Institute) grant in collaboration with Westchester County to gauge the environmental impact of our Town Building is starting up again. Melissa Eustace is acting as a liaison to the county for the initiative.

**Councilman Michael Jenks**

- Renderings for the new library transformation plan will be presented at the next Library Board of Trustees meeting on Wednesday, April 8.
- The library is hiring a bookkeeper, Antoinette Vitale.
- Upcoming and ongoing events at the library include:
    - Managing Your Career in Changing Times (with a certified career coach) – Mondays 12pm-2pm from April 13 through May 18.
    - A lecture on the Battle of Pelham given by our Town Historian, Art Scinta – Monday, April 13 from 7pm-8pm.
    - Crafty Adults- Embossed Foil Bookmark Making – Monday, April 20 from 7pm-8pm
    - Lotus Flower Lantern making – Monday, April 27 at 6:30pm
    - English as a Second Language for intermediate students- Mondays, April 13 & 20 from 6pm – 6:45pm.
    - Tai chi – Tuesdays from 10:30am-11:30am
    - Fiber Fridays from 1pm-3:30pm and Stitching Saturdays – first Saturday of the month from 2pm-3:30pm.
    - Stuffed animal sleepover video can be seen on the library youtube channel
    - Musical Adventures with Concordia Conservatory with storytellers and musicians- April 23 from 10:30am-11:30am.
    - Lego Club – Wednesdays from 3:30pm-4:30pm
    - Homework help – Thursdays from 3:30pm-4:30pm
    - Outdoor Storytime – Tuesdays, Wednesdays & Thursdays at 10:30am (weather permitting)

**Councilwoman Kara McLoughlin**

- Pelham Together youths attended Mental Health Matters Day in Albany. They were there to support Governor Hochul's 17.5 million dollar investment in mental health first aid training for 10th graders and supporting bills to extend the training to teachers and support staff.

- Pelham Together's Youth Advisory Council will host a Town Hall at Daronco Town House on Tuesday, April 21st at 7pm (open to the community).

- On Wednesday, April 15th at 12pm Pelham Together is hosting a virtual luncheon on helping your child develop executive functioning skills. The event is free, but registration in advance is required at pelhamtogether.org.
- Recreation spring camps took place during spring break week, spring programming started on Apil 6, Mahjong will begin on April 13.
- Recreation has started a Youth Council to come up with ideas to get Middle School and High School students more involved.
- The Spring Egg Hunt was held on Saturday, March 28 and was very well attended.
- Seniors used the medical van 32 times in March. Activities included: a visit from Deputy Town Supervisor Curtin, Civics luncheon, lunches at Westchester Community College, Gordy's, pizza day, arts and crafts, exercise class, and a mahjong class.
- A pilot program was started to transport Seniors to the Monday meeting. Contact the Recreation department to request transportation.
- Councilwoman Burke asked about a ski trip program and Councilwoman McLoughlin suggested bringing this up at the next Recreation Commission meeting.

**b. Supervisor Report**

- **Financial Report**
  - Supervisor Mohan presented the Financial Report for March and noted that the statements of revenue and expenses were included in the Board's packets.
  - Councilman Jenks asked whether progress had been made in improving the clarity of the Town's financial reporting presentation.
  - Supervisor Mohan responded that the Town recently met with a software provider that could significantly improve the presentation of financial data. However, the cost of that solution is currently prohibitive. She noted that the Town will continue to explore other vendors, but for the time being, financial reports will remain in their current format.
- **RFP Response –** We put out an RFP for a facilities planner and did not receive any responses. We are going to revisit.
- **Recreation Commission –** it has become clear that last year's cost and revenues were not in line. Additionally, there is a lack of clarity on how the commission and department interact. Therefore, a new Recreation Department Commission Charter is being proposed to help outline roles and responsibilities. The charter will also expand the commission from 5 members to 7 with the intent of gaining a broader perspective.

**VI. Resolution Adopting a Recreation Commission Charter**

**WHEREAS**, the Town of Pelham maintains a Recreation Department that provides programs and services to residents of all ages; and

**WHEREAS**, the Town's Recreation Commission was originally established in 1946 to support the development and oversight of recreation programs; and

**WHEREAS**, over time, the delivery of recreation services has evolved into a professionalized function administered by Town staff; and

**WHEREAS**, the role of the Recreation Commission has likewise evolved, but has not been formally defined through an updated charter or policy; and

**WHEREAS**, the Town Board has undertaken a review of recreation programs, including participation, costs, and operational structure; and

**WHEREAS**, the Town Board has determined that it is appropriate to clarify the role of the Recreation Commission as an advisory body, enhance transparency, and support the long-term sustainability of recreation services; and

**WHEREAS**, a proposed Recreation Commission Charter has been prepared to define the purpose, responsibilities, and structure of the Commission;

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Pelham hereby adopts the Recreation Commission Charter, attached hereto as **Exhibit A**; and

**BE IT FURTHER RESOLVED**, that the Recreation Commission shall continue as an advisory body to the Town Board in accordance with the Charter; and

**BE IT FURTHER RESOLVED**, that the Town Board may designate one of its members to serve as liaison to the Recreation Commission consistent with the Charter; and

**BE IT FURTHER RESOLVED**, that the Town Board shall appoint members to the Recreation Commission in accordance with the Charter, including the establishment of staggered terms and implementation of term limits as set forth therein; and

**BE IT FURTHER RESOLVED**, that current members of the Recreation Commission may continue to serve through their existing terms, and that the Town Board may take such actions as necessary to implement the transition to the structure set forth in the Charter; and

**BE IT FURTHER RESOLVED**, that this resolution shall take effect immediately.

| **Resolution 2026-23 Adopting a Town of Pelham Recreation Commission Charter** | | | | | | | |
|---|---|---|---|---|---|---|---|
| X Adopted<br>☐ Adopted as Amended<br>☐ Defeated<br>☐ Tabled<br>☐ Withdrawn<br>☐ Failed to Move | | | Yes / Aye | No / Nay | Abstain | Remote | Absent |
| | Theresa K. Mohan | | X | ☐ | ☐ | ☐ | ☐ |
| | Maura Curtin | | X | ☐ | ☐ | ☐ | ☐ |
| | Kristin Burke | Second | X | ☐ | ☐ | ☐ | ☐ |
| | Michael Jenks | | X | ☐ | ☐ | ☐ | ☐ |
| | Kara McLoughlin | Motion | X | ☐ | ☐ | ☐ | ☐ |

## VII. Resolution Increasing Certain Expenditure Appropriations within the General Fund for the Fiscal Year Ending December 31, 2025

WHEREAS, the Town has identified the need to increase certain expenditure appropriations within the General Fund for the fiscal year ending December 31, 2025; and

WHEREAS, unassigned fund balance is available to fund these additional appropriations;

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Pelham that the FY2025 General Fund budget is hereby amended as follows in Schedule A.

| Resolution 2026-24 Authorizing Changes to the FY 2025 General Fund Budget | | | | | | | |
|---|---|---|---|---|---|---|---|
| X Adopted<br>☐ Adopted as Amended<br>☐ Defeated<br>☐ Tabled<br>☐ Withdrawn<br>☐ Failed to Move | | | Yes / Aye | No / Nay | Abstain | Remote | Absent |
| | Theresa K. Mohan | | X | ☐ | ☐ | ☐ | ☐ |
| | Maura Curtin | Motion | X | ☐ | ☐ | ☐ | ☐ |
| | Kristin Burke | Second | X | ☐ | ☐ | ☐ | ☐ |
| | Michael Jenks | | X | ☐ | ☐ | ☐ | ☐ |
| | Kara McLoughlin | | X | ☐ | ☐ | ☐ | ☐ |

**VIII. Resolution Approving the Town of Pelham Employee Handbook**

**WHEREAS**, the Town of Pelham maintains an Employee Handbook to provide policies, procedures, and guidance for Town employees; and

**WHEREAS**, the Town has undertaken a comprehensive review and update of the Employee Handbook to ensure compliance with current laws, reflect best practices, and align with the Town's operational needs; and

**WHEREAS**, a revised draft of the Employee Handbook has been prepared and reviewed by the Town Board; and

**WHEREAS**, the Town Board desires to approve the Employee Handbook, subject to final review by legal counsel to ensure compliance with applicable law and consistency with Town policies;

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Pelham hereby:

1. **Approves Employee Handbook**: The Employee Handbook, as presented to the Town Board, is hereby approved in substantially the form reviewed.
2. **Effective Upon Adoption**: The Employee Handbook shall be effective immediately upon adoption of this resolution, subject to incorporation of any final revisions recommended by legal counsel.
3. **Authorizes Final Legal Review**: The Town Attorney and/or labor counsel is hereby authorized to conduct a final review of the Employee Handbook and to make such revisions as may be necessary or appropriate to ensure legal compliance and consistency with applicable law.
4. **Non-Substantive Modifications**: The Town Supervisor is authorized to approve and incorporate non-substantive, clerical, formatting, and conforming changes recommended by legal counsel prior to final issuance.
5. **Issuance and Implementation**: The finalized Employee Handbook shall be distributed to Town employees, and employees shall be required to acknowledge receipt in accordance with Town procedures.
6. **Supersession**: This Employee Handbook shall supersede any prior employee handbook or inconsistent personnel policies, except as otherwise required by law, collective bargaining agreements, or separate Town Board resolutions.
7. **Effective Date**: This resolution shall take effect immediately.

| Resolution 2026-25 Approving the Town of Pelham Employee Handbook | | | | | | | |
|---|---|---|---|---|---|---|---|
| X Adopted<br>☐ Adopted as Amended<br>☐ Defeated<br>☐ Tabled<br>☐ Withdrawn<br>☐ Failed to Move | | | Yes / Aye | No / Nay | Abstain | Remote | Absent |
| | Theresa K. Mohan | | X | ☐ | ☐ | ☐ | ☐ |
| | Maura Curtin | Second | X | ☐ | ☐ | ☐ | ☐ |
| | Kristin Burke | | X | ☐ | ☐ | ☐ | ☐ |
| | Michael Jenks | | X | ☐ | ☐ | ☐ | ☐ |
| | Kara McLoughlin | Motion | X | ☐ | ☐ | ☐ | ☐ |

## IX. Resolution Approving an Intermunicipal Agreement for the Long Island Sound Watershed Intermunicipal Council

**WHEREAS**, the General Municipal Law of the State of New York, including Article 5-G and §239-n, authorizes municipalities to enter into intermunicipal agreements and to create intergovernmental relations councils for the purposes of cooperative planning, research, information sharing, coordination of services, and joint action on matters of mutual concern; and

**WHEREAS**, the Town of Pelham lies within the Long Island Sound watershed and shares responsibility for protecting water quality, coastal and inland resources, public safety, infrastructure, and environmental resilience within that watershed; and

**WHEREAS**, municipalities within the Long Island Sound watershed face shared and interrelated challenges, including but not limited to stormwater management, flooding and flood mitigation, shoreline protection, wetland and natural resource preservation, climate adaptation and resilience, water quality protection, and emergency preparedness; and

**WHEREAS**, the Long Island Sound Watershed Intermunicipal Council (LISWIC) has been established by participating municipalities to provide a formal structure for regional collaboration, education, coordination, advocacy, and the sharing of information, best practices, funding opportunities, and resources related to watershed protection and resilience; and

WHEREAS**,** membership in LISWIC will enable the Town of Pelham to collaborate with neighboring municipalities, counties, state and federal agencies, and other stakeholders in a coordinated and cost-effective manner, while preserving local authority over land use and municipal operations; and

WHEREAS**,** the Town Board has reviewed the proposed Intermunicipal Agreement establishing LISWIC, attached hereto as **Exhibit B-1**, as well as the proposed bylaws governing LISWIC, attached hereto as **Exhibit B-2**, which together set forth the purpose, structure, governance, and administration of the Council;

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Pelham hereby:

1. **Approves Agreement**: The Intermunicipal Agreement establishing the Long Island Sound Watershed Intermunicipal Council (LISWIC), attached as Exhibit B-1, is hereby approved in substantially the form presented.
2. **Approves Bylaws**: The bylaws of LISWIC, attached as Exhibit B-2, are hereby acknowledged and approved as governing the operation of the Council.
3. **Authorization to Execute**: The Town Supervisor, or such other authorized Town official, is hereby authorized and directed to execute the Intermunicipal Agreement on behalf of the Town of Pelham, together with any non-substantive or ministerial modifications approved by Town Counsel.
4. **Membership and Representation**: The Town of Pelham shall become a participating member of LISWIC and shall designate two (2) representatives, and any alternates as permitted by the LISWIC bylaws, to serve on the LISWIC Board of Representatives.
5. **Purpose and Participation**: Participation in LISWIC shall be for the purpose of advancing regional cooperation related to watershed protection, flood mitigation, stormwater management, resilience planning, environmental stewardship, public education, intermunicipal coordination, and advocacy for funding and policy priorities at the county, state, and federal levels.
6. **No Limitation of Local Authority**: Nothing herein shall be construed to limit or delegate the land use authority, police powers, or legislative authority of the Town of Pelham, except as expressly provided in the Intermunicipal Agreement or as otherwise authorized by law.
7. **Effective Date**: This resolution shall take effect immediately upon adoption.

| Resolution 2026-26 Approving the Intermunicipal Agreement establishing the Long Island Sound Watershed and Bylaws and Authorizing execution of such agreement | | | | | | | |
|---|---|---|---|---|---|---|---|
| X Adopted<br>☐ Adopted as Amended<br>☐ Defeated<br>☐ Tabled<br>☐ Withdrawn<br>☐ Failed to Move | | | Yes / Aye | No / Nay | Abstain | Remote | Absent |
| | Theresa K. Mohan | | X | ☐ | ☐ | ☐ | ☐ |
| | Maura Curtin | Motion | X | ☐ | ☐ | ☐ | ☐ |
| | Kristin Burke | Second | X | ☐ | ☐ | ☐ | ☐ |
| | Michael Jenks | | X | ☐ | ☐ | ☐ | ☐ |
| | Kara McLoughlin | | X | ☐ | ☐ | ☐ | ☐ |

**X. Resolution Appointing the members of the Town of Pelham Sustainability Board**

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Pelham hereby appoints the following individuals to serve as **Town-appointed voting members** of the Sustainability Advisory Board:

- Tai Montanarella, term expiring April 6, 2029
- Gregory Spock, term expiring April 6, 2029
- Yenna Chan, term expiring April 6, 2029
- Alison Corwin, term expiring April 6, 2029

**BE IT FURTHER RESOLVED**, that initial appointments may be for varying term lengths for the purpose of establishing staggered terms, consistent with the Charter;

**BE IT FURTHER RESOLVED**, that the Town Board shall designate a Chair of the Sustainability Advisory Board from among the Town-appointed members;

**BE IT FURTHER RESOLVED**, that additional non-Town representative members have been designated by the Village of Pelham, the Village of Pelham Manor, and the Pelham Union Free School District, in accordance with the Charter;

| Resolution 2026-27 Appointing the Town-Appointed Voting Members of the Sustainability Advisory Board | | | | | | | |
|---|---|---|---|---|---|---|---|
| X Adopted<br>☐ Adopted as Amended<br>☐ Defeated<br>☐ Tabled<br>☐ Withdrawn<br>☐ Failed to Move | | | Yes / Aye | No / Nay | Abstain | Remote | Absent |
| | Theresa K. Mohan | | X | ☐ | ☐ | ☐ | ☐ |
| | Maura Curtin | | X | ☐ | ☐ | ☐ | ☐ |
| | Kristin Burke | Motion | X | ☐ | ☐ | ☐ | ☐ |
| | Michael Jenks | Second | X | ☐ | ☐ | ☐ | ☐ |
| | Kara McLoughlin | | X | ☐ | ☐ | ☐ | ☐ |

**XI. RESOLUTION AUTHORIZING THE ESTABLISHMENT OF A 250TH ANNIVERSARY (SEMIQUINCENTENNIAL) CELEBRATION FUND**

WHEREAS, July 4, 2026 marks the 250th anniversary of the founding of the United States of America; and

WHEREAS, this historic milestone presents an opportunity to celebrate the principles of liberty, democracy, civic engagement, and community service that define our nation; and

WHEREAS, municipalities throughout New York State and the nation are planning commemorative events, educational programming, and community initiatives to honor this occasion; and

WHEREAS, the Town Board finds it appropriate and in the public interest to plan and fund local activities that commemorate the 250th anniversary in a manner that is inclusive, educational, and reflective of our community's history and values;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Pelham hereby establishes a dedicated budget line entitled "U.S. 250th Anniversary Celebration Fund" for the purpose of planning and implementing programs, events, public art, educational initiatives, historical exhibits, and related activities commemorating the Semiquincentennial of the United States; and

BE IT FURTHER RESOLVED, that the sum of $2000 is hereby appropriated from Unassigned Fund o fund such activities; and

BE IT FURTHER RESOLVED, that the Town Supervisor is authorized to execute any agreements or expenditures necessary to carry out this resolution, subject to procurement policies and budgetary controls; and

BE IT FURTHER RESOLVED, that the Town Board may appoint a 250th Anniversary Committee consisting of residents, representatives of local civic organizations, schools, veterans groups, and historical societies to assist in planning and community engagement; and

BE IT FINALLY RESOLVED, that this resolution shall take effect immediately.

| **Resolution 2026-28 AUTHORIZING THE ESTABLISHMENT OF A 250TH ANNIVERSARY (SEMIQUINCENTENNIAL) CELEBRATION FUND** | | | | | | | |
|---|---|---|---|---|---|---|---|
| X Adopted<br>☐ Adopted as Amended<br>☐ Defeated<br>☐ Tabled<br>☐ Withdrawn<br>☐ Failed to Move | | | Yes / Aye | No / Nay | Abstain | Remote | Absent |
| | Theresa K. Mohan | | X | ☐ | ☐ | ☐ | ☐ |
| | Maura Curtin | | X | ☐ | ☐ | ☐ | ☐ |
| | Kristin Burke | | X | ☐ | ☐ | ☐ | ☐ |
| | Michael Jenks | Second | X | ☐ | ☐ | ☐ | ☐ |
| | Kara McLoughlin | Motion | X | ☐ | ☐ | ☐ | ☐ |

***Town Historian Art Scinta reported the following:**

- Thanked the Board for the opportunity to be the historian and for the approval of funds for the semiquincentennial.
- He also highlighted upcoming events: Battle of Pelham lecture on April 13 including a small exhibit on The Pells – a family divided by war and a cannonball that was fired during the Battle of Pell; a program of word and song at the Manor Club on Saturday, April 25; the Pelham Preservation Society garden party will take place on June 6 and the Bartow Pell Mansion will hold a Star Spangled Gala on Saturday, June13; Patrick O'Donnell, author of "the Indispensables" will give a lectures at the schools and library in September; the weekend of October 18th (the 250th anniversary of the Battle of Pelham) there will be a candlelight tour at St. Paul's in Mt. Vernon and then on Saturday, October 17 the Civics and the Junior League will be sponsoring a gala at the NYAC which will include a fireworks show over the Sound.
- Mr. Scinta outlined the program sponsored by the NY Genealogical and Biographical Society to help organizations digitize historical documents. This is a great opportunity for the Town to digitize Pelham HS yearbooks and other Town documents.

## XII. Resolution Authorizing the Execution of the Digitization Agreement with New York Genealogical and Biographical Society

**WHEREAS**, the Town of Pelham maintains historical records through the Town Historian and other Town offices that are of significant historical, genealogical, and public value; and

**WHEREAS**, the Town desires to preserve these records and improve public access to them through digitization; and

**WHEREAS**, the New York Genealogical and Biographical Society ("NYG&B"), a nonprofit organization established in 1869, has developed a program to digitize local historical records and make such materials accessible through its digital platform; and

**WHEREAS**, NYG&B has agreed to digitize certain Town records at no cost to the Town, including scanning, image processing, and delivery of digital files; and

**WHEREAS**, the Town has identified an initial set of materials from the Town Historian's collection to be digitized, as set forth in **Schedule A**, attached hereto as **Exhibit C**; and

**WHEREAS**, the Town Board has reviewed a proposed Digitization Agreement with NYG&B, attached hereto as **Exhibit C**, which provides for the digitization of such materials, the creation of digital images, and the hosting of such images on NYG&B's platform; and

**WHEREAS**, the Agreement provides that the Town retains ownership of the underlying records, while granting NYG&B a license to create and make available digital images of such materials, subject to agreed-upon privacy limitations; and

**WHEREAS**, the Town Board has reviewed and approved revisions to Section 3.1 of the Agreement to ensure appropriate privacy protections consistent with the Town's policies and practices;

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Pelham hereby:

1. **Approves Agreement**: The Digitization Agreement between the Town of Pelham and the New York Genealogical and Biographical Society, attached hereto as **Exhibit A**, is hereby approved in substantially the form presented, including the revisions to Section 3.1.
2. **Approves Materials List**: The list of materials to be digitized, attached hereto as **Exhibit B (Schedule A)**, is hereby approved.
3. **Authorization to Execute**: The Town Supervisor is hereby authorized and directed to execute the Digitization Agreement on behalf of the Town of Pelham, together with any non-substantive or ministerial modifications approved by Town Counsel.
4. **Implementation**: The Town Historian and such other Town officials as may be appropriate are authorized to coordinate with NYG&B to facilitate the transfer, digitization, and return of materials in accordance with the Agreement.
5. **No Cost to Town**: The Town Board acknowledges that the digitization services will be provided at no cost to the Town.
6. **Effective Date**: This resolution shall take effect immediately.

| **Resolution 2026-29 Authorizing the Execution of the Digitization Agreement with New York Genealogical and Biographical Society** | | | | | | | |
|---|---|---|---|---|---|---|---|
| X Adopted<br>☐ Adopted as Amended<br>☐ Defeated<br>☐ Tabled<br>☐ Withdrawn<br>☐ Failed to Move | | | Yes / Aye | No / Nay | Abstain | Remote | Absent |
| | Theresa K. Mohan | | X | ☐ | ☐ | ☐ | ☐ |
| | Maura Curtin | | X | ☐ | ☐ | ☐ | ☐ |
| | Kristin Burke (Second) | | X | ☐ | ☐ | ☐ | ☐ |
| | Michael Jenks (Motion) | | X | ☐ | ☐ | ☐ | ☐ |
| | Kara McLoughlin | | X | ☐ | ☐ | ☐ | ☐ |

**RECURRING ITEMS**

**XIII. Old Business**

- Deputy Town Supervisor Curtin reported that we will be upgrading our website platform. We are staying with TownWeb and there will be no drastic changes.

- This September 11th will be 25th anniversary. The Town will be putting together a memorable ceremony with a focus on education and intergenerational remembrance.

**XIV. Approval of Minutes**

| ☐ Adopted<br>X Adopted as Amended<br>☐ Defeated<br>☐ Tabled<br>☐ Withdrawn<br>☐ Failed to Move | | | Yes / Aye | No / Nay | Abstain | Remote | Absent |
|---|---|---|---|---|---|---|---|
| | Theresa K. Mohan | | X | ☐ | ☐ | ☐ | ☐ |
| | Maura Curtin | | X | ☐ | ☐ | ☐ | ☐ |
| | Kristin Burke | Motion | X | ☐ | ☐ | ☐ | ☐ |
| | Michael Jenks | Second | X | ☐ | ☐ | ☐ | ☐ |
| | Kara McLoughlin | | X | ☐ | ☐ | ☐ | ☐ |

**XV. Adjournment to Executive Session**

**EXHIBIT A**

Pelham Recreation Commission and Department

Over the past several months, we have undertaken a review of the Town's recreation programs, including participation, costs, and how programs are structured and delivered.

This review has highlighted two important realities:

First, Pelham has a strong and valued recreation program that serves a wide range of residents.

Second, our current structure does not consistently align program offerings, staffing, and pricing with the full cost of delivering those programs. This has contributed to a significant gap between program activity and financial performance.

**Historical Context**

The Town's Recreation Commission was established in 1946 in response to a growing need for organized recreation in the post–World War II period.

The minutes from that time reflect that the Commission played an active role in building Pelham's recreation system, including preparing budgets, organizing programs, and participating in staffing decisions.

Over time, as recreation became a professionalized function delivered through Town staff, the role of the Commission evolved. However, that evolution was not formally defined through a clear charter or policy, and the Commission's role today is largely based on practice rather than an explicit framework.

This evolution reflects the natural maturation of the Town's recreation services, but also highlights the need for a clear and updated framework.

**Purpose of This Action**

The proposed actions are intended to:

- Clarify the role of the Recreation Commission
- Improve alignment between programs, staffing, and financial performance
- Enhance transparency and consistency in operations
- Support long-term sustainability of recreation services

# TOWN OF PELHAM RECREATION COMMISSION CHARTER

## Section 1. Establishment

The Recreation Commission ("Commission") is hereby continued pursuant to New York State Town Law §243 as an advisory body to the Town Board of the Town of Pelham.

## Section 2. Purpose

The purpose of the Commission is to advise the Town Board in supporting a recreation system that is:

- Financially sustainable
- Responsive to community needs
- Inclusive and accessible

The Commission shall also serve as a liaison between residents and the Town regarding recreation programs, facilities, and priorities.

## Section 3. Responsibilities

The Commission shall have the following advisory responsibilities:

### A. Program Review

- Review recreation programs and participation trends
- Recommend improvements, additions, or modifications

### B. Financial & Program Sustainability Review

- Review summary information regarding:
    - program participation
    - revenue and cost recovery (at a program or category level)
- Provide recommendations to the Town Board regarding:
    - pricing approaches
    - cost recovery targets
    - appropriate subsidy levels for community programs

### C. Facilities & Capital Planning

- Provide input on maintenance, improvement, and development of recreation facilities
- Assist in identifying capital priorities

### D. Community Engagement

- Gather community feedback regarding recreation programs and services
- Promote awareness of Town recreation offerings
- Serve as a communication bridge between residents and the Town
- Encourage broad community participation in recreation programs and Commission service, including identifying, encouraging and recommending potential candidates for Commission membership for consideration by the Town Board

### E. Strategic Planning Support

- Participate in Town-wide planning efforts related to recreation

- Identify emerging needs, trends, and opportunities

**Section 4. Limitations of Authority**

The Commission is an advisory body only and shall not:

- Supervise, direct, or evaluate Town employees
- Approve or administer compensation, stipends, or payroll practices
- Manage or oversee day-to-day operations of the Recreation Department
- Expend, encumber, or obligate Town funds

All authority over policy, personnel, and financial matters remains with the Town Board and designated Town officials.

**Section 5. Relationship to Recreation Department**

- The Recreation Superintendent/Director shall be responsible for all day-to-day operations of the Town's recreation programs and facilities
- The Recreation Department will at the request of the Commission present program, participation, and financial summaries to the Commission for review
- The Commission shall provide input and recommendations but shall not direct staff operations

Section 6. Board Liaison

The Town Board may designate one of its members to serve as liaison to the Recreation Commission.

The purpose of the liaison role is to facilitate communication between the Town Board and the Commission and to support the effective functioning of the Commission.

**A. Responsibilities of the Liaison**

The liaison shall:

- Serve as a communication bridge between the Town Board and the Commission
- Provide context regarding Town Board priorities, policies, and budget considerations
- Assist in framing discussions to align with the Commission's advisory role
- Support productive and focused meetings
- Encourage clear articulation of Commission recommendations
- Promote transparency, including the preparation and availability of meeting minutes

**B. Participation**

The liaison may participate in discussions and offer perspective but shall serve in a facilitative role

**Section 7. Membership**

- The Commission shall consist of seven (7) members appointed by the Town Board
- Members shall serve staggered terms of three (3) years, or as otherwise determined by the Town Board
- The Chair shall be designated by the Town Board

**Term Limits and Appointment Structure**

Members of the Commission shall serve no more than two (2) consecutive terms. Following a break in service of at least one (1) year, a former member may be eligible for reappointment.

The term limit provisions shall apply prospectively. Current members may continue to serve through their existing terms and may be eligible for reappointment consistent with the establishment of staggered terms.

The Town Board may make initial appointments of varying term lengths as necessary to establish and maintain staggered terms and ensure continuity of the Commission.

**Section 8. Meetings, Minutes, and Transparency**

1. The Commission shall meet regularly, typically on a monthly basis
2. All meetings shall be conducted in accordance with the New York State Open Meetings Law
3. Minutes shall be recorded for all meetings, and shall include:
    - Date, time, and location of the meeting
    - Members' present
    - Summary of discussions
    - Any recommendations made to the Town Board
4. Draft minutes shall be prepared within a reasonable time following each meeting and made available to the public in accordance with law
5. Approved minutes shall be maintained as part of the Town's official records and posted on the Town website, consistent with Town practices

**Section 9. Reporting**

- The Commission shall provide bi-annual updates to the Town Board
- The Commission may submit an annual summary of recommendations, as requested by the Town Board

**Section 10. Amendment**

This Charter may be amended by resolution of the Town Board.

## RECREATION COMMISSION — OPERATING GUIDE

### 1. Purpose

The Recreation Commission provides structured, community-informed input to support recreation programs that are:

- Sustainable
- Accessible
- Responsive to community needs

### 2. Role of the Commission

The Commission serves as an **advisory body** to the Town Board and shall:

- Review recreation programs and participation trends
- Review summary program and financial information, including participation and cost recovery
- Provide recommendations on:
    1. Program mix and offerings
    2. Pricing approaches and cost recovery
    3. Community priorities and needs
- Serve as a liaison between residents and the Town

The Commission does not:

- Manage or supervise Town staff
- Approve stipends, compensation, or payroll practices
- Operate or administer programs
- Control the budget or expend funds

### 3. Roles & Responsibilities

**a. Town Board**

- Sets policy and strategic direction
- Approves budget and fees
- Appoints Commission members and Commissioner

**b. Recreation Department**

- Manages all day-to-day operations
- Develops and runs programs
- Provides program and financial information to the Commission

**c. Recreation Commission**

- Reviews information presented by the Department
- Provides recommendations to the Town Board
- Offers community perspective

d. Board Liaison

- Provides context on Town Board priorities and policy direction

- Supports effective communication between the Commission and the Town Board
- Helps ensure discussions remain aligned with the Commission's advisory role

4. **Meeting Structure**

a. The Commission shall meet regularly, typically on a monthly basis.
b. A typical meeting may include:

1. Department update
2. Program participation review
3. Financial summary (high-level)
4. Discussion and recommendations
5. Public input

c. **Minutes & Transparency**

- Minutes shall be recorded for all meetings
- Draft minutes should be prepared within approximately 1–2 weeks
- Minutes shall include:
    - Attendance
    - Summary of discussion
    - Recommendations
- Prior meeting minutes should be approved at the next meeting
- Approved minutes shall be posted on the Town website

5. **Annual Cycle**

Each year, the Commission will:

1. Review program performance and participation trends
2. Discuss program mix and community needs
3. Provide input on pricing and cost recovery approaches
4. Submit recommendations to the Town Board
5. **Guiding Principle**

The Commission supports a recreation system that:

- Reflects community priorities
- Uses Town resources responsibly
- Maintains long-term sustainability

**EXHIBIT B-1**

**LONG ISLAND SOUND WATERSHED INTERMUNICIPAL COUNCIL**
**Intermunicipal Agreement**

This agreement, signed on _____is between the Cities of Mount Vernon, New Rochelle, Rye and White Plains, the Towns of Mamaroneck, Pelham, and Rye, the Town-Village(s) of Harrison and Scarsdale, the Villages of Larchmont, Mamaroneck, Pelham, Pelham Manor, Port Chester and Rye Brook which have jurisdiction over the watershed of Long Island Sound in Westchester County, New York.

WHEREAS: The General Municipal Law§ 239-n authorizes cities, towns and villages in New York to create intergovernmental relations councils to conduct surveys and research, provide for the distribution of information, cooperate with county, state and federal agencies, conduct local and intercommunity planning, and provide a forum for local governments to explore and develop areas for municipal cooperative activities as further authorized under Article 5-G of the General Municipal Law;

WHEREAS: The cooperating municipalities share the goal of a cleaner Long Island Sound and the responsibilities and benefits of protecting the watershed of Long Island Sound;

WHEREAS: The cooperating municipalities share a number of common goals including flood mitigation, stormwater management, shoreline protection, wetland & natural environment protections, water quality, and resilience.

WHEREAS: The cooperating municipalities share the objective of establishing mechanisms and strategies for:

a. the sharing of information regarding development projects with intermunicipal impacts;

b. the education of citizens and residents, including flood warning, emergency preparedness, and watershed protection programs;

c. the education of land use board members on watershed and resilience protection;

d. the coordination and implementation of regional mitigation projects and studies;

e. the advocacy for priorities at county, state, and federal levels; and

f. the sharing of best practices;

WHEREAS: The cooperating municipalities wish to explore mutually beneficial ways of:
securing and sharing private, federal, state, and county agency funding;

a. coordinating efforts with federal, state, and county agencies and authorities and adjacent jurisdictions to assure that activities in the watershed are compatible with the plans and programs of the cooperating municipalities;

b. Joint purchasing and the sharing of resources and equipment.

NOW, THEREFORE BE IT RESOLVED:

THAT: The municipalities named herein have joined together to form the "Long Island Sound Watershed Intermunicipal Council" (LISWIC) to advise and inform its members on methods to accomplish the interests and objectives contained above;

THAT: The Council shall be comprised of two representatives from each municipality and shall adopt by-laws providing for the further administration, finance and governance of the Council, to be approved by each municipality;

THAT: The Council shall recommend specific ways in which the cooperating municipalities can accomplish their mutual objectives and interests.

IN WITNESS WHEREOF, the designated municipal official of each of the cooperating municipalities has affixed their signature by the authority vested in them by the annexed copy of the resolution of their governing bodies authorizing their signature.

By: _____[Signature]

_____[Print Name of Authorized Representative]

_____[Title]

For: City of Mount Vernon

Date: _____

By: _____[Signature]

_____[Print Name of Authorized Representative]

_____[Title]

For: City of New Rochelle

Date: _____

By: _____[Signature]

_____[Print Name of Authorized Representative]

_____[Title]

For: City of Rye

Date: _____

By: _____[Signature]

_____[Print Name of Authorized Representative]

_____[Title]

For: Town of Mamaroneck

Date: _____

By: _____[Signature]

_____[Print Name of Authorized Representative]

_____[Title]

For: Town of Pelham

Date: _____

By: _____[Signature]

_____[Print Name of Authorized Representative]

_____[Title]

For: Town of Rye

Date: _____

By: _____[Signature]

_____[Print Name of Authorized Representative]

_____[Title]

For: Town/Village of Harrison

Date: _____

By: _____[Signature]

_____[Print Name of Authorized Representative]

_____[Title] For: Village of Larchmont

Date: _____

By: _____[Signature]

_____[Print Name of Authorized Representative]

_____[Title]

For: Village of Mamaroneck

Date: _____

By: _____[Signature]

_____[Print Name of Authorized Representative]

_____[Title]

For: Village of Pelham

Date: _____

By: _____[Signature]

_____[Print Name of Authorized Representative]

_____[Title]

For: Village of Pelham Manor

Date: _____

By: _____[Signature]

_____[Print Name of Authorized Representative]

_____[Title]

For: Village of Port Chester

Date: _____

By: _____[Signature]

_____[Print Name of Authorized Representative]

_____[Title]

For: Village of Rye Brook

Date: _____

By: _____[Signature]

_____[Print Name of Authorized Representative]

_____[Title]

For: Village of Scarsdale

Date: _____

**EXHIBIT B-2**

LONG ISLAND SOUND WATERSHED INTERMUNICIPAL COUNCIL

BYLAWS

Adopted by LISWIC on XXXX

Finally Effective on xxxx under Article XI, Section 1

LONG ISLAND SOUND WATERSHED INTERMUNICIPAL COUNCIL BYLAWS

## ARTICLE I. NAME, OBJECTIVES AND GOALS

Section 1. The name of this organization shall be known as the Long Island Sound Watershed Intermunicipal Council (hereinafter "LISWIC").

Section 2. The goals and objectives of this organization are hereby incorporated by reference in the separate intermunicipal agreement approved by each of the participating municipalities is found in Appendix A. The objectives of this organization may be modified over time by the membership.

**ARTICLE II. MEMBERSHIP**

Section 1. The members of LISWIC are:

City of Mount Vernon City of New Rochelle City of Rye

City of White Plains Town of Mamaroneck Town of Pelham Town of Rye

Town-Village of Harrison Town-Village of Scarsdale Village of Larchmont Village of Mamaroneck Village of Pelham

Village of Pelham Manor Village of Port Chester Village of Rye Brook

Section 2. Members of LISWIC shall consist of two authorized municipal officials from each municipality, and shall include the chief elected official and the chief administrative officer or their designee(s). Any authorized member must be a current elected or appointed official in their municipality.

Section 3. Any Village, Town, or City in Westchester County that drains storm water to the Long Island Sound, or generates sewage that ultimately reaches the Long Island Sound, may become a member of LISWIC by resolution of a majority of the existing members, and payment of the annual dues as provided in Article X.

**ARTICLE II. COMMITTEES**

Section 1. The Committees of LISWIC shall consist of an Executive Committee, and such other committees as may be established by the members. The members shall elect the members of the Executive Committee, and the members of all other

committees. The Executive Committee shall consist of the officers of LISWIC and no more than two additional members, who shall also be elected from among the members. The term of the members of all committees shall be for one year, excluding the Treasurer.

Section 2. The officers of LISWIC shall be a Chair, Vice Chair, Treasurer, and Secretary.

The members shall elect the officers from among its numbers at the Annual Meeting, and the term of office shall be one year then beginning.

Section 3 The Executive Committee shall conduct the affairs of LISWIC in the interim between meetings of the members and shall perform such other duties as are referred to by the members or by these bylaws.

Section 3. Any member of the Executive Committee may be removed for cause upon a 2/3 vote of the members. Any member of the Executive Committee may resign at any time by giving written notice of such resignation to the members. Vacancies shall be filled by the members. Any member of the Executive Committee elected to fill a vacancy caused by resignation, death, or removal shall hold office for the unexpired term of his/her predecessor.

Section 4. In addition to the foregoing, any committee established by the members shall possess such powers and perform such duties as the members may designate from time-to-time.

**Article III. POWERS**

Section 1. LISWIC shall act through the representative members and the Executive Committee, who shall adopt bylaws providing for the further administration, finance and governance of LISWIC.

Section 2. The members may appoint a Coordinator or other paid staff under such terms and conditions as it may approve. The Coordinator shall take instructions from the members or the Executive Committee. The Coordinator shall prepare such reports as are pertinent to the effective operation of LISWIC or which the members may request.

Section 3. In furtherance of the Goals as referenced in the Intermunicipal agreement (Appendix A) LISWIC may seek grant funding and approve such agreements and

make such purchases as determined by the membership with the funds available within the LISWIC budget. Any additional funds needed beyond the amount available to LISWIC shall be approved by each participating municipal board.

Section 4. With the exception of any staff compensation previously approved by the membership, the Executive Committees powers shall include but not be limited to the expenditure of sums of money up to $1,000.00 for any LISWIC purpose or function without the approval of any other committee, officer, or the members.

Section 5. With respect to the application for, and receipt of, grants, the members may designate a specific municipal member to act as an applicant on behalf of LISWIC, although any grant application needing LISWIC signatures shall be signed by the LISWIC President. Additionally, members can request LISWIC provide a letter of support for individual municipal grant applications.

Section 6. LISWIC is organized and operated exclusively for the stated purposes found in the Intermunicipal Agreement (Appendix A), no part of the net earnings of LISWIC shall inure to the benefit of any officer or employee of LISWIC, or to any private individual (except that reasonable compensation may be paid for services rendered to or for LISWIC) and no officer or employee of LISWIC, or any private individual, shall be entitled to share in the distribution of any of LISWIC's assets upon the dissolution of LISWIC.

**ARTICLE IV. MEETINGS**

Section 1. The Annual Meeting of LISWIC shall be held in the month of January of each year. At the Annual Meeting, the President shall present the Annual Report of LISWIC.

Section 2. Regular meetings shall be held at such times as fixed by the Executive Committee.

Section 3. Special meetings may be called any time by the Executive Committee or the Chair, or by petition of six members. Members shall be notified in advance of all special meetings.

**ARTICLE VI. CONDUCT OF MEETINGS**

Section 1. Meetings of the members or of the Executive Committee shall be presided over by the Chair, or if unavailable, the Vice Chair. On all questions of parliamentary procedure, the latest edition of "Roberts Rules of Order" shall govern.

Section 2. A quorum will be determined based upon the number of municipalities represented at a meeting, not the number of individual representatives in attendance. To constitute a quorum for the conduct of business a majority of the member municipalities must have at least one Representative in attendance.

Section 3. On any matters requiring a vote, each member municipality shall be entitled to one vote, subject to the provisions of Article III.. In the event that only one representative member of the municipality is in attendance at the time of a vote, then that person shall be permitted to cast the vote for their municipality..

Section 4. All matters requiring a vote by the municipal members, or the Executive Committee, as the case may be, shall be decided by a majority vote of those municipalities present in any meeting where a quorum has been confirmed.

Section 5. The Chair of LISWIC shall develop an agenda for all meetings, shall preside at all meetings and shall perform such other duties as may be directed by resolution of the members.

Section 6. The Vice Chair, in the absence of or during the incapacity of the Chair, shall perform the duties of the Chair and shall become Chair upon a vacancy in the office of the Chair.

Section 7. The Treasurer shall receive and have the care and custody of all of the funds and securities of LISWIC and shall deposit such funds in the name of LISWIC in a bank or other depository as designated by the members. No funds shall be drawn from the depository except by checks for the same, signed by the Treasurer or in his/her absence the Secretary, and countersigned by either the Chair or the Vice Chair, pursuant to a direction of the members, or the Executive Committee.

Section 8. The Treasurer shall keep regular books of accounts showing receipts and expenditures and shall submit at each Annual Meeting a report of all receipts and disbursements during the preceding year, together with the status of all funds of LISWIC and shall submit interim reports during any current year when requested by the Executive Committee. The Treasurer may assign some or all of these

responsibilities to a Coordinator, if one is appointed under Article III, such of the aforementioned duties deemed necessary for efficient operation.

Section 9. The Secretary shall keep all records of LISWIC, keep the minutes of meetings of the members and the Executive Committee, keep a record of all votes and other proceedings of LISWIC to be kept for such purpose and shall perform all the duties normally incident to this office. The Secretary may assign to the Coordinator, if one is appointed, such of these duties as deemed necessary for efficient operation.

Section 10. Officers may be removed from office for cause upon a 2/3 vote of the members. Vacancies arising for any cause, including vacancies due to the creation of a new office in LISWIC, shall be filled at the second regular meeting after such vacancy occurs or is created.

Section 11. All officers of LISWIC shall perform such other duties and functions as may from time-to-time be authorized by resolution of the members, or by these Bylaws.

**ARTICLE X. DUES AND FINANCES**

Section 1. The Annual dues for each member shall not exceed $1,000.00. Section 2. Dues are payable in January of each year.

Section 3. The fiscal year for LISWIC shall be January 1 to December 31.

Section 4. Any increase in the maximum Annual dues established in Article X, Section 1, above, shall require an amendment to the Bylaws, in accordance with the procedure set forth below.

Section 5. Dues not paid by April 1st of the year invoiced shall be considered delinquent and such municipal membership may be revoked by a vote of the membership.

Section 6. Any municipality which does not pay dues by April 1st shall have its vote suspended. Said vote shall be returned upon satisfactory payment of all dues and applicable delinquent payment interest and other penalty charges.

**ARTICLE XI. ENACTMENT; AMENDMENTS**

Section 1. These original Bylaws have been provisionally approved by the governing board of each of the participating municipalities.

Section 2. Amendments to these Bylaws, whether addition, change, or deletion, shall be made in the following manner:

a. Upon a motion duly made by any member, and an affirmative vote of a majority of the members present and voting at a meeting where a quorum has been confirmed, a request to amend the bylaws shall be considered.

b. Copies of proposed changes shall be sent to each member, with a notice of date and place of the meeting at which such action is to be taken. Such copies shall be providing in writing at least seven days prior to the meeting.

c. An affirmative vote of two-thirds of the members present and voting, at a meeting where a quorum has been confirmed, shall be necessary for the adoption of any additions, changes, or deletions to the Bylaws.

**ARTICLE XII. DISSOLUTION; WITHDRAWAL**

Section 1. LISWIC shall be dissolved and its affairs wound up upon a resolution of dissolution by the members following the same procedure as required for amendment of these Bylaws.

Section 2. In the event of dissolution, all of the remaining assets and property of LISWIC shall, after necessary expenses thereof, be distributed to another organization exempt under Internal Revenue Code, Section 501 (c)(3) or corresponding provisions of the Federal tax laws, or in equal amounts to members to be used for a public purpose, as determined by the members.

Section 3. Any member may withdraw by giving notice 60 day.

**Exhibit C**

# DIGITIZATION AGREEMENT

This agreement (the "Agreement") is entered into by the Town of Pelham ("Partner") of 34 5th Avenue, Pelham, New York, 10803, and the New York Genealogical and Biographical Society ("NYG&B") of 36 West 44th Street, Suite 711, New York, New York, 10036.

In consideration of the mutual covenants made herein, the parties agree as follows:

**Section 1. Project Scope and Digitization Process**

**1.1 Parties.** The Partner holds historical records, and NYG&B is engaged in the organization's mission.
**1.2 Scope.** The NYG&B will digitize historic records (the "Materials") held by the Partner, as outlined in Schedule A.
**1.3 Digitization.** Digitization shall occur at the NYG&B's Digitization Center in New York City (36 West 44th Street, Suite 711, New York, New York, 10026). Materials will be digitized in full color using professional scanning equipment owned by the NYG&B and operated by NYG&B staff and volunteers. Images will be captured with a minimum resolution of 300 dpi for long-term preservation.
**1.4 Material Care.** The NYG&B shall handle the Materials with the utmost care, maintain the original formats and bindings as much as possible, and will not perform any conservation work. The Partner understands that normal wear and tear might occur to the Materials during the digitization process. The NYG&B will exercise reasonable care in the handling of all Materials in accordance with generally accepted archival standards and practices. The Partner hereby releases the NYG&B from any and all liability claims that might arise as a result of the digitization process.
**1.5 Material Transportation.** Materials will be transported to and from the NYG&B's Digitization Centers by a representative of the Partner. Receipt of Materials for digitization shall be confirmed in writing by the NYG&B.
**1.6 Image Storage.** Original image files (the "Images") will be stored in a secure digital archive maintained by the NYG&B.
**1.7 Image Processing.** The Images shall be cropped and rotated as necessary and numbered consecutively to allow for the creation of waypoints (see Section 1.8).
**1.8 Waypoint Creation.** To ensure the accessibility of files for both the Partner and the NYG&B, NYG&B will create formal waypoints to the Images. Waypoints shall divide the Images by book, record type, and year in a comma-separated value (CSV) file. During the waypoint creation process, the NYG&B will identify Images containing information about living individuals to be redacted from public access. Redactions shall occur according to mutually agreed-upon guidelines (Section 3.1, 3.2, and 3.3).
**1.9 Delivery.** The NYG&B will deliver the Images to the Partner in high-quality archivable portable document files (PDF) format on an external hard drive.
**1.10 Timetable.** Based on the NYG&B's current pipeline, delivery of the Images and return of all materials to the Partner is estimated to be completed within {X} months.

**Section 2. Project Costs and Licenses**

**2.1 Costs.** The NYG&B will bear the cost of all digitization and waypoint creation.

**2.2 License.** The Partner hereby grants an irrevocable, exclusive license to the NYG&B to include the Images of the Materials within the NYG&B's online records platform. This irrevocable, exclusive license extends to subsequent iterations and sub-licenses of the NYG&B online records platform.

**2.3 Rights.** The Partner certifies they hold the appropriate rights and permissions relating to the Materials (including copyright) to grant the above-mentioned license to the NYG&B.

**2.4 Copyright.** The Partner shall retain its copyright to the Materials, and the NYG&B hereby grants to the Partner an irrevocable non-commercial license to the digitized Images of the Materials and all waypoints created during the process (section 1.8 above).

**Section 3. Privacy Considerations, Rolling Release, and Partner Access**

**3.1 Release.** For privacy purposes, the NYG&B will not make accessible Images of the Materials relating to individuals, living or deceased, under the following conditions (where applicable):

- Those born less than 75 years ago.
- Those whose death occurred less than 50 years ago.
- Those married less than 50 years ago.

**3.2 Restrictions.** The Partner may request (in writing) that specific Images of the Materials be withheld from the NYG&B's online records platform. The NYG&B will reasonably and promptly adhere to such requests.

**3.3 Rolling Release.** As the conditions noted above are satisfied due to the passing of time, the NYG&B shall have permission to make those Images of Materials publicly accessible under the terms of the license granted above (Section 2.2).

**3.4 Partner Access.** The NYG&B will extend access to the Images of Materials within the NYG&B's online collection to the Partner's staff, leadership, and committee members.

**Section 4. Confidentiality, Good Faith, Termination, and Governance**

**4.1 Confidentiality.** The terms of this Agreement, business practices, and other trade secrets shall remain confidential.

**4.2 Good Faith and Disputes.** The Parties agree to work in good faith and diligently with each other to avoid any disputes in regard to this agreement. If, however, there is a dispute concerning this agreement that cannot in good faith be resolved by the Parties then, in that event, the dispute shall be settled, then the Parties reserve all of their rights as granted under New York State Law.

**4.3 Termination.** This Agreement will begin the date noted below and shall continue for the duration of the digitization process, unless terminated as provided by either party. If either party violates a term of this Agreement, the other party (the "Non-breaching Party") may terminate this Agreement, effective immediately upon delivery of written notice of termination by the Non-breaching Party. Notwithstanding the foregoing, either party may terminate this Agreement at any time for any or no reason, effective upon forty-five (45) written notice. Termination shall not nullify or void license created in Section 2.2 nor the rights of the Partner outlined in Section 2.3 and 2.4.

**4.4 Governance and Interpretation:** All terms within this agreement shall be governed by and interpreted according to the substantive laws of the State of New York, without regard to its choice of law or conflict of laws principles.

This Agreement is entered into on the XX day XXXXXX , 20XX . of

| **NYG&B** | **Partner** |
|---|---|
| Signature: _____ | Signature:_____ |
| Name: _____ | Name: _____ |
| Title: _____ | Title: _____ |
| Date: _____ | Date: _____ |

—END—

Section 3.1 Release: For privacy purposes, the NYG&B may create Images for, but shall not make accessible the following Images of the Materials:

- Birth records for anyone born less than 100 years ago
- Death records for anyone who has passed less than 25 years ago
- Marriage records for anyone married less than 75 years ago
- Immigration/citizenship records less than 100 years old
- Police records less than 75 years old
- Chattel mortgage indices or chattel mortgages less than 50 years old
- Pelham Memorial High School yearbooks less than 75 years old

Schedule A
List of Town of Pelham materials to be digitized:

1. Town Assessment Rolls (hard copies): 1860, 1862, 1863, 1864, 1867, 1868, 1869, 1870, 1871, 1873, 1875, 1876, 1883, 1884, 1886, 1889, 1899, 1891, 1897, 1898, 1899.
2. Town Census: 1902 and 1906
3. Birth Records: 1881-1918
4. Carriage & Horse Permits: 1912
5. Poverty Records: 1899
6. Town Minutes
7. Deed Records (1909-1917)
8. Chattel mortgage indices and records
9. Police records (day books and arrest records)
10. Pelham Memorial High School Yearbooks