

VILLAGE OF PELHAM BOARD OF TRUSTEES  
 REGULAR MEETING  
 TUESDAY, AUGUST 18, 2015, 7:30 PM  
 VILLAGE HALL – 195 SPARKS AVENUE, PELHAM, NY 10803

**MINUTES**

1. Call To Order
2. Pledge of Allegiance
3. Mayor's Report
4. Trustees' Reports
5. Village Administrator's Report
6. Public Comments

# Agenda Items:

<b>Non-Recurring Items</b>		
7.	Presentation on Actuarial Valuation under GASB # 45 by Danziger & Markhoff LLP.	<b>Discussed</b>
8.	Presentation on Community Choice Aggregation (Energy) Program by Sustainable Westchester Inc.	<b>Discussed</b>
9.	Resolution Calling for a Public Hearing on a Local Law to Establish a Community Choice Aggregation (Energy) Program	<b>Approved</b>
10.	Resolution Authorizing Heating System Repairs at DPW Facility	<b>Approved</b>
11.	Resolution Appointing Acting Fire Chief	<b>Approved</b>
12.	Resolution Approving an Extension of a Previously Issued Site Plan for 406 6 <sup>th</sup> Avenue	<b>Approved</b>
13.	Resolution Approving an Extension of a Previously Issued Site Plan for 410 6 <sup>th</sup> Avenue	<b>Approved</b>
14.	Discussion on DASNY Grant at Wolfs Lane Park Regarding SEQRA Issues	<b>Tabled</b>
15.	Discussion on Woodland Park Playground ADA Concerns	<b>Discussed</b>
16.	Discussion on NYW&B Property	<b>Discussed</b>
17.	Presentation on New Village Website	<b>Discussed</b>
18.	Other Business	<b>None</b>
<b>Recurring Items</b>		
19.	Authorizing Accounts Payable	<b>Approved</b>
20.	Authorizing the Minutes of: July 7, 2015	<b>Approved</b>
21.	Adjournment to Executive Session	<b>Approved</b>

Next Regularly Scheduled BOT Meetings:

**Tuesday, September 8, 2015**  
**Tuesday, September 29, 2015**

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 Volpe at 7:30 p.m.

Present were Trustees Cassidy, Ferrara, Kagan, Marty and Mutti.

Trustee Reim participated via Skype.

Also present were Village Administrator Yamuder and Assistant to the Village Administrator Scelza.

**Item # 2 – Pledge of Allegiance:**

The Pledge of Allegiance was led by Mayor Volpe.

**Mayor's Report:**

Fire Chief Bill Stone retired in July and Fire Lieutenant Chris McCann has been appointed Acting Fire Chief and an interim agreement has been drafted for Board approval. Acting Chief McCann has hit the ground running and has been doing a wonderful job.

Mayor Volpe reported on the mold concerns in the basement of the Firehouse. The test results revealed mold as was suspected and staff are gathering estimates for remediation.

Mayor Volpe mentioned that Woodland Park is now open and thanked Deputy Mayor Mutti, Trustee Ferrara and the Junior League of Pelham for all their efforts. If the public or business owners have any concerns please contact the Village.

Mayor Volpe wished Alex Wolf a reporter for the Pelham Weekly for the past six years well on his future endeavors.

Mayor Volpe stated United Water wants to hold an annual meeting sometime in October.

Mayor Volpe thanked all who responded to the pool collapse at Young Avenue Field.

Finally on a lighter note the Mayor read a letter from Liam Ginsburg a Colonial School student requesting a 15 to 20 minute extension on recess time. Mayor Volpe stated he will invite Liam and his classmates to a future Board meeting.

**Trustees' Report:**

Trustee Cassidy had no report.

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Trustee Ferrara thanked the Junior League of Pelham for their generous donation of Woodland Park. The park opened on July 24<sup>th</sup> and since the opening the Junior League has raised an additional \$5,000.00 for future beautification projects and improvements at the park.

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Trustee Kagan reported that United Water of Westchester will be sending out their summer bills for the new Pelham Heights customers during the first week of September. Accompanying the bill will be a welcome letter to residents which is posted on the Village's website. Residents will see different tariffs and taxes on their new bill. United Water has advised the Village that some water meters will need to be replaced starting in 2016 and the affected residents will be notified. Trustee Kagan mentioned the \$277,000.00 payment for paving is a big number however he is pleased that the Board put the additional funds into paving various streets in the Village.

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Trustee Marty reported on the success of the gas powered leaf blower education campaign. As of mid-July only 3 summonses have been issued for violation of the law. Overall the Village is seeing good compliance.

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Trustee Mutti reported on various park improvements that have taken place this summer. At Young Avenue Field an extensive mulching of the gardens took place. A tree came down in the area of Young Avenue and repairs are being made to the damaged fence. Woodland Park was opened and there are still minor details that need to be addressed, but overall there has been positive feedback on the new playground. Plantings at the Benedict Avenue garden are ongoing and a couple of trees have been marked for removal as they pose a danger to pedestrians.

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Trustee Reim reported that Fire Lieutenant Chris McCann has assumed the role of Acting Fire Chief, a resolution confirming the appointment will be passed later this evening. Mold testing at the firehouse was completed and staff will be reviewing the recommendations for remediation. Secondly he is looking into why the Village saw an increase in the Workers Compensation Premium and should have more to report at the next meeting.

**Village Administrator's Report:**

Village Administrator Yamuder informed the Board that on July 28<sup>th</sup> a sanitary sewer main in front of 87 Wolfs Lane was repaired and there were no service disruptions to any other property in the Village. Street paving was completed using only \$123,000.00 out of the \$150,000.00 approved by the Board on June 16<sup>th</sup> in addition to the annual CHIPS funding. A mock safety inspection of various village facilities was conducted by the Village's insurance carrier and the Village received a glowing report.

**Item # 6 – Public Comments**

**Luigi Stefanizzi**, 102 4<sup>th</sup> Avenue, asked the Board what the procedure was to establish a legal parking space for his elderly mother who is physically disabled after a recent completion of an addition to his house.

Mayor Volpe suggested that Mr. Stefanizzi contact the Building Inspector to discuss any variance requests that he may have.

Trustee Kagan asked if the resident qualifies for a HOPE parking permit. Village Administrator stated the resident does not qualify.

**Non-Recurring Items****Item # 7 – Presentation on Actuarial Valuation under GASB # 45 by Danziger & Markhoff LLP.**

Ed Echevarria, Senior Actuary of the firm Danziger & Markhoff gave a report to the Board regarding its GASB # 45 obligations for the fiscal year ending May 31, 2015. He said the Village's annual OPEB obligation decreased slightly from 2.3 million to 2.28 million which represents a 20,000 dollar decrease from last year. He stated the New York State Health Insurance Program premiums have not increased greatly over the last few years. The Village's net OPEB obligation increased from 6.0 million to 7.4 million which represents a 1.4 million dollar increase from last year.

A discussion continued with Mr. Echevarria and the Board.

**Item # 8 – Presentation on Community Choice Aggregation (Energy) Program by Sustainable Westchester, Inc.**

Leo Wiegman, Executive Director of Sustainable Westchester reviewed a summary of the Community Choice Aggregation Program with the Board. Sustainable Westchester is a non-profit 501(c) (3) consortium of Westchester County local governments founded to generate equitable and ecological responsible economic growth. Community Choice Aggregation is an energy procurement model that enables communities to put out for bid, the total demand for electricity and natural gas of participating homes and small businesses and purchase energy on their behalf. Con Ed will continue to deliver reliable power, maintain power lines and respond to service outages. They will still provide the same customer service to all residents regardless of whether they are in the Community Choice Aggregation program.

Under New York State home rule a village will need to authorize itself to join the program by adopting a local law. Every household and small business will be given full advanced notice of the program's initiation and given clear instructions on how they can opt out. The program is expected to produce savings of 4 to 5%.

**Item # 9 – Resolution Calling for a Public Hearing on a Local Law to Establish a Community Choice Aggregation (Energy) Program**

A motion was made by Trustee Reim and seconded by Trustee Marty to approve the resolution. The vote was approved by a vote of seven in favor, none opposed.

**Resolution Calling for a Public Hearing on a Local Law to Establish a Community Choice Aggregation (Energy) Program**

**Whereas**, the Village of Pelham would like to establish a Community Choice Aggregation (Energy) Program; and

**Whereas**, the State of New York Public Service has recently issued an Order Granting Petition (Commission Case 14-M-0564) of Sustainable Westchester for Expedited Approval of the Implementation of a Pilot Community Choice Aggregation Program with the County of Westchester; and

**Whereas**, the Village of Pelham wishes to implement a Community Choice Aggregation Program pursuant to Section 10(1)(ii)(a)(12) of the New York Municipal Home Rule Law.

**Now, therefore, be it resolved**, that the Board of Trustees of the Village of Pelham hereby calls for a Public Hearing on Tuesday, September 22, 2015 at 7:30 pm or soon thereafter at Village Hall, 195 Sparks Avenue, Pelham NY 10803 to consider Introductory Local Law No. 1 of 2015 to Establish a Community Choice Aggregation (Energy) Program in the Village of Pelham.

**Item # 10 – Authorizing Heating System Repairs at DPW Facility**

Village Administrator Yamuder stated this resolution addresses an issue from the original design and construction of the DPW Facility. The Village will be installing one larger heating unit. DPW General Foreman Shirman is recommending awarding Garage Equipment Solutions, Inc.

Trustee Kagan asked the administrator why we were replacing the units as they are all relatively new (within the last 5 years). The administrator responded that they were designed to burn waste oil, but because waste oil does not burn as cleanly, the units were constantly breaking down and required cleaning. Also waste oil was not as cheap as forecast. The one central unit will provide more efficient performance.

After a brief discussion, a motion was then made by Trustee Mutti and seconded by Trustee Ferrara to approve the resolution. The vote was approved by a vote of seven in favor, none opposed.

**Resolution Authorizing Heating System Repairs at DPW Facility**

**Whereas**, the heating system in the DPW Facility is being replaced; and

**Whereas**, the most economical solution to replace the current installation would be to install one new heating unit appropriately sized to function properly in the facility; and

**Whereas**, in accordance with the Villages procurement and purchasing policy written quotes were received for the aforementioned repairs and the Village has selected Garage Equipment Solutions, Inc. at a cost of \$6,950.00.

**Now, therefore, be it resolved**, that the Board of Trustees of the Village of Pelham authorizes hereby authorizes the Village Administrator to retain heating system repair services in an amount not to exceed \$6,950.00 and the cost of same to be charged to General Fund Account # A.1640.201.

**Item # 11 – Appointing Acting Fire Chief**

After a brief discussion, a motion was then made by Trustee Cassidy and seconded by Trustee Marty to approve the resolution. The vote was approved by a vote of seven in favor, none opposed.

**Resolution Appointing Fire Lieutenant Chris McCann as Acting Fire Chief of the Village of Pelham Fire Department**

**Whereas**, William Stone resigned as Fire Chief of the Village of Pelham Fire Department effective July 17, 2015; and

**Whereas**, due to the critical nature of the duties and responsibilities associated with the position of Fire Chief, it is necessary to appoint an Acting Fire Chief until the Village hires a new permanent Fire Chief; and

**Whereas**, Fire Lieutenant Chris McCann, is duly qualified to serve as the Acting Fire Chief.

**Now, therefore, be it resolved**, that the Board of Trustees of the Village of Pelham hereby confirms the Mayor's appointment of Fire Lieutenant Chris McCann as Acting Fire Chief of the Village of Pelham Fire Department in accordance with the attached stipulation of agreement effective Saturday, August 1, 2015 for a period not to exceed three (3) months, terminating on or before October 31, 2015; and

**Be it further resolved**, Lieutenant Chris McCann shall be paid a stipend of \$600.00 per week, commencing on August 1, 2015, to be paid in conjunction with his regular paycheck.

**Item # 12 – Approving an Extension of a Previously Issued Site Plan for 406 6<sup>th</sup> Avenue**

Jonathan Villani, Partner at Annunziata and Villani Design Consultants, Inc. respectfully requested the Board to approve a second 120 day site plan approval extension stating the contractor selection process causing delays. The contractor is ready to obtain the necessary building permits from the Building Inspector. This second 120 day extension would expire on September 17, 2015, and under our Village code, no further extensions were possible.

Trustee Kagan asked the administrator if the building inspector was satisfied that the applicant had shown good cause for the delay as required by our Village code. The administrator stated the building inspector was satisfied.

After a brief discussion, a motion was then made by Trustee Ferrara and seconded by Trustee Marty to approve the resolution. The vote was approved by a vote of seven in favor, none opposed.

**Resolution Approving an Extension of a Previously Issued Site Plan for 406 6<sup>th</sup> Avenue**

**Whereas**, the Village Board of Trustees by resolution at its January 20, 2015 meeting approved a Site Plan Application by Buehrer (“Applicant”) at 406 6<sup>th</sup> Avenue for a proposed single family dwelling (attached hereto and made a part hereof) ; and

**Whereas**, pursuant to § 79-7 of the Pelham Village Code, unless a building permit is obtained within 120 days of the date of approval of the site plan, such approval shall become null and void. The Board of Trustees may extend the validity of the approval by not more than two consecutive 120 day periods from the date of original approval; and

**Whereas**, the applicant by letter dated August 6, 2015 (attached hereto and made part hereof) has requested an extension of the site plan; and

**Whereas**, the Board of Trustees of the Village of Pelham desire to grant a 120 day extension to the Applicant.

**Now, therefore, be it resolved**, that the Board of Trustees of the Village of Pelham hereby grants the site plan extension for 406 6<sup>th</sup> Avenue pursuant to § 79-7 of the Pelham Village Code and under the same terms and conditions of the resolution dated January 20, 2015 (attached hereto and made a part hereof); and

**Be it further resolved**, that the Mayor, Village Administrator, Building Inspector and other appropriate Village officials are authorized to take the necessary and appropriate actions to effect this approval, including the imposition of additional conditions and requirements as may be necessary. No deviations from the site plan without prior approvals from applicable board or agency.

**Item # 13 – Approving an Extension of a Previously Issued Site Plan for 410 6<sup>th</sup> Avenue**

Jonathan Villani, Partner at Annunziata and Villani Design Consultants, Inc. respectfully requested the Board to approve a second 120 day site plan approval extension stating the contractor selection process causing delays. The contractor is ready to obtain the necessary building permits from the Building Inspector. This second 120 day extension would expire on September 17, 2015, and under our Village code, no further extensions were possible.

Trustee Kagan asked the administrator if the building inspector was satisfied that the applicant had shown good cause for the delay as required by our Village code. The administrator stated the building inspector was satisfied.

After a brief discussion, a motion was then made by Trustee Marty and seconded by Trustee Ferrara to approve the resolution. The vote was approved by a vote of seven in favor, none opposed.

**Resolution Approving an Extension of a Previously Issued Site Plan for 410 6<sup>th</sup> Avenue**

**Whereas**, the Village Board of Trustees by resolution at its January 20, 2015 meeting approved a Site Plan Application by Buehrer (“Applicant”) at 410 6<sup>th</sup> Avenue for a proposed single family dwelling (attached hereto and made a part hereof) ; and

**Whereas**, pursuant to § 79-7 of the Pelham Village Code, unless a building permit is obtained within 120 days of the date of approval of the site plan, such approval shall become null and void. The Board of Trustees may extend the validity of the approval by not more than two consecutive 120 day periods from the date of original approval; and

**Whereas**, the applicant by letter dated August 6, 2015 (attached hereto and made part hereof) has requested an extension of the site plan; and

**Whereas**, the Board of Trustees of the Village of Pelham desire to grant a 120 day extension to the applicant.

**Now, therefore, be it resolved**, that the Board of Trustees of the Village of Pelham hereby grants the site plan extension for 410 6<sup>th</sup> Avenue pursuant to § 79-7 of the Pelham Village Code and under the same terms and conditions of the resolution dated January 20, 2015 (attached hereto and made a part hereof); and

**Be it further resolved**, that the Mayor, Village Administrator, Building Inspector and other appropriate Village officials are authorized to take the necessary and appropriate actions to effect this approval, including the imposition of additional conditions and requirements as may be necessary. No deviations from the site plan without prior approvals from applicable board or agency.

**Item # 14 – Discussion on DASNY Grant at Wolfs Lane Park Regarding SEQRA Issues**

Mayor Volpe stated the Village received preliminary information from the Dormitory Authority of the State of New York (DASNY) regarding its recommendation for a SEQRA determination on the proposed project at Wolfs Lane Park. The Village is consulting with counsel on the matter and this item will be placed on the September 8, 2015 agenda.

**Item # 15 – Discussion on Woodland Park Playground ADA Concerns**

Mayor Volpe stated the park is open and has been reviewed by the designer and independent ADA consultant and there is one open item and staff is doing further research on public accommodations and the ADA that may pertain to the park.

**Item # 16 – Discussion on NYW&B Property**

Deputy Mayor Mutti stated research is underway on designating two out of the three parcels of the NYW&B property as parkland to enable the Village to seek grants to do the necessary rehabilitation work to the bridge and opening up the space to the public. The only action required by the Board to designate Parkland is pass a resolution. Representatives from Westchester Land Trust will be attending one of the meetings in September to explain what resources they can provide to the Village at no cost.

**Item # 17 – Presentation on New Village Website**

Trustee Ferrara presented a draft version of the new Village website that is currently still in the development phase. The go live date is tentatively scheduled for September 21<sup>st</sup>.

**Item # 18 – Other Business**

No other business.

**Item # 19 – Authorizing the Accounts Payable**

Trustee Mutti audited the Accounts Payable.

After a brief discussion a motion was then made by Trustee Cassidy and seconded by Trustee Ferrara to approve the resolution. The vote was approved by a vote of seven in favor, none opposed.

**Resolution Authorizing the Accounts Payable**

**Whereas**, pursuant to § 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	\$489,199.98
Water Fund	\$1,000.00
Capital Projects Fund	\$150,915.46
Trust and Agency Fund	\$0.00
CD NYS Main Street Fund	\$0.00
H3 Fund	\$0.00
<u>TE Expand Trust Fund</u>	<u>\$0.00</u>
Grand Total	\$641,115.44

**Now, therefore, be it resolved**, that this Board hereby approves payment of the above mentioned claims and authorizes payment thereof.

**Item # 20 – Authorizing the Minutes of: July 7, 2015**

A motion was made by Trustee Kagan and seconded by Trustee Marty to approve the minutes of July 7, 2015 as amended. The vote was approved by a vote of seven in favor, none opposed.

**Item # 21 – Adjournment to Executive Session**

A motion was made by Trustee Kagan and seconded by Trustee Cassidy to adjourn the public portion of the Board meeting at 9:20 pm and go into Executive Session to discuss personnel and labor relations matters after which time the Board would adjourn for the evening. The motion was approved by a vote of seven in favor, none opposed.

Respectfully submitted,

Christopher Scelza  
Assistant to the Village Administrator