



VILLAGE OF PELHAM BOARD OF TRUSTEES
 REGULAR MEETING
 TUESDAY, FEBRUARY 2, 2016, 8:00 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:

Non-Recurring Items		
7.	Discussion on Various Parking Issues	Discussed
8.	Discussion on Fiscal Year 2016-17 Budget Work Session Meeting Dates	Discussed
9.	Discussion on Proposal by EcoPel for Downtown Pelham Municipal Recycling Containers	Discussed
10.	Resolution Authorizing Professional Engineering Design Services Agreement for Three Local Pre-Disaster Mitigation Storm Drainage Projects	Discussed
11.	Resolution Authorizing Settlement Agreement with Verizon New York, Inc. Regarding the Underpayment of Utilities Gross Receipts Tax	Approved
12.	Resolution Authorizing the Execution of a Grant Disbursement Agreement with the Dormitory Authority of the State of New York (DASNY) Regarding Project ID: # 4680 Upgrades to Wolfs Lane Park	Approved
13.	Resolution Authorizing the Refund of a Donation from the Pelham Preservation and Garden Society	Approved
14.	Resolution Authorizing an Intermunicipal Agreement with the County of Westchester for the 2015-16 STOP-DWI Enforcement Crackdown Program	Approved
15.	Other Business	None
Recurring Items		
16.	Authorizing Accounts Payable	Approved
17.	Authorizing the Minutes of: December 15, 2015 and January 5, 2016	Approved
18.	Adjournment to Executive Session	Approved

Next Regularly Scheduled BOT Meetings:

Tuesday, February 16, 2016
Tuesday, March 1, 2016

All meetings start at 8:00 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 8:00 p.m.

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

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:

Mayor Volpe reported that there had been a burglary at a cell phone shop located at 103 Fifth Avenue. He reported that suspects had been apprehended in a nearby municipality, and that the Pelham Police were working with other local police departments to determine whether they were responsible for the burglary. He added that both he and Chief of Police Joe Benefico believe that Pelham is a very safe community, but that it is important for residents to be aware of their surroundings and stay vigilant as anything can happen at any time, anywhere. He encouraged everyone to know their surroundings and stay aware, and to contact the Pelham Police at 738-2000 if they feel unsafe, or 911 in the event of an emergency. There are security cameras set up in the Village, and the Mayor, Board and Police Department are working to add additional cameras for added public safety.

Mayor Volpe praised the efforts of Mike Shriman, DPW Foreman, and the entire Department of Public Works, along with the Police and Fire Departments, during the snow storm. The snow removal efforts were very well done, and the streets were kept clean and safe. He thanked them on behalf of the board for their hard work.

Mayor Volpe reported that he, Acting Fire Chief McCann, and Trustee Reim, the Fire Department Liaison, met with representatives from the Village of Pelham Manor Fire Department to discuss mutual aid contracts and response times to the schools and highway. He thanked Village of Pelham Manor Mayor Lapey for setting up the meeting and stated that it went well, and the neighboring municipalities will continue to keep an open dialogue.

Mayor Volpe clarified that there will be a regularly scheduled Board of Trustees meeting on February 16, 2016.

Trustees' Report:

Trustee Cassidy had nothing to report.

Trustee Ferrara had nothing to report.

Trustee Kagan reported that there have been fewer complaints of billing issues with United Water recently. He has only noted one or two issues per month. The main issue remains the estimated versus actual meter readings. He added that Suez is looking for volunteers to join their citizens board for a one year term. There is a time commitment of a few meetings per year. Trustee Kagan reported that the builders at the construction project at 409 Third Avenue have agreed to put up jersey barriers along the perimeter of the site to create a safe walkway, especially for children walking to school. The barriers were installed today. Trustee Kagan reported that the Community Choice Aggregation agreement with Sustainable Westchester was signed on January 29, 2016 and is returnable on February 22, 2016. He also reported that a small village in Rockland County of about 6000 residents has submitted a FOIL request for details on the Village of Pelham's Extenet deal. They are looking to install 26 DAS nodes in their village.

Trustee Marty reported that the development proposal for 101 Wolfs Lane is moving forward properly. The planning consultant and attorney for the developers are meeting with the Village of Pelham attorney to discuss code requirements, which variances they need to apply for, and the details of what is required for a formal proposal.

Trustee Mutti reported that the Junior League of Pelham is conducting an online survey which can be found at lovepelham.com Those who participate will receive a free I Love Pelham magnet.

Trustee Reim echoed the Mayor's praise of the DPW workers in clearing the snow during the storm. He also echoed the Mayor's thanks to Village of Pelham Manor Mayor Lapey in setting up the meeting between Pelham and Pelham Manor to discuss Fire Department matters. Trustee Reim congratulated Lieutenant DeSimone on completing his First Line Supervisor Training. He added that he supported the Junior League of Pelham's survey, and looked forward to hearing the results. Trustee Reim reported that several neighbors on Corlies Avenue near the High School had taken issue with cars speeding and supported lowering the speed limit.

Village Administrator's Report:

Village Administrator Yamuder reported that Christmas Tree pickup ended at the end of January, if there are any problems, please call Village Hall. Organic pickup begins on April 15.

Item # 6 – Public Comments

Jim Durmont, 135 Fifth Avenue, brought up the subject of charging stations for vehicles in the Village. He drives a Chevy Volt, but living in an apartment building is unable to charge his car. He stated that many other municipalities have charging stations. He mentioned that there are state tax initiatives for corporations who install charging stations and volunteered to look into it. The Mayor and Board took the idea under advisement and encouraged him to email them all the information he had gathered.

John Cassone, 312 Seventh Avenue, added that many communities in northern Westchester have charging stations, and that Pelham might consider that as an option.

Steve Robbins, Rockwells, 105 Wolfs Lane, stated that from a merchant standpoint, snow removal during the storm was very well done, and that the restaurants were able to stay open, and easily accessible to pedestrians. He added that he is always impressed with the quick response of the Police and Fire Departments in any situation. He commented on the possibility of lowering the speed limit, stating that cars drive much too fast down the avenue, and he has witnessed several close calls. Mr. Robbins stated that the free nighttime parking in Lot 7 was great, and that he is able to free up space on the street by having employees and customers, particularly for large events, park in the lot. He also stated that he is happy to have commuters who use Lot 7 pass through Rockwells to get to their cars in the morning and nighttime, they are open from 8am – midnight. He added that making parking free in Lot 7 on Saturday and Sunday would be even better. The Mayor and Board and Mr. Robbins discussed possible ways to incentivize merchants to purchase parking passes. He concluded by stating that the most important part of all this is enforcement and clear signage.

Melissa Eustice, 108 Monterey Avenue, commented that lowering the speed limit, particularly around schools is necessary. She stated that she sees people speeding down the streets around Colonial when she walks her children to school.

Non-Recurring Items

Item # 7 – Discussion on Various Parking Issues

Trustee Marty explained that he had been looking into possible solutions to parking issues in the Village, as well as the issue of overnight meter parking on Harmon and Nyac Avenues. He spoke with Police Chief Benefico who explained that the Police Department uses the meters on a very limited basis when residents along Fifth Avenue call in for overnight guest parking at the last minute. The Mayor and Board discussed the public safety issue of having overnight metered parking and decided that it would be best to eliminate overnight parking for the public, but still allow the Police to send people there if necessary.

The Mayor and Board discussed placing way finding signs along Fifth Avenue and Wolfs Lane to direct people to parking, specifically to Lot 7 and Lot 1. This would be consistent with existing way finding signs in the village. Trustee Mutti brought up the use of the DPW parking lot, which is next to Lot 7, at night.

A brief discussion followed on the cost and wording of signs.

The Mayor and Board were pleased to announce that 100 free spots have now been made available from 5pm to 1am throughout the Village, which is a great thing for residents.

Item # 8 – Discussion on Fiscal Year 2016-17 Budget Work Session Meeting Dates

The Mayor and Board discussed possible dates for budget workshops and scheduling around school vacations and requirements for public notices.

Item # 9 – Discussion on Proposal by EcoPel for Downtown Pelham Municipal Recycling Containers

Mayor Volpe explained that EcoPel, a local organization, is generously donating four recycling receptacles to the Village to supplement the existing five receptacles. The Mayor and Board will decide between green receptacles with a recycling band, and blue receptacles, as well as where they will be placed. They will be placed in high use areas along Fifth Avenue and Wolfs Lane. The color is still up for discussion. There will be no extra cost for the sanitation company to pick up from extra receptacles.

The Mayor and Board discussed keeping the receptacles green to keep them consistent with the character and nature of the community. Many of the Trustees believed that blue would look out of place.

Melissa Eustice of 108 Monterey Avenue and a board member of EcoPel, explained that EcoPel preferred the blue color, as it is the universal color for recycling, and it is easier to spot from far away.

Trustee Mutti explained that due to the pending historic designation for downtown Pelham, she believed the green color would be a better fit.

The Mayor and Board will bring the color choice to the Architectural Review Board for their recommendation, and will have an answer before the next meeting. EcoPel had not yet decided if the donation was contingent upon the receptacles being blue.

Item # 10 – Authorizing Professional Engineering Design Services for three Local Pre-Disaster Mitigation Storm Drainage Projects

Mayor Volpe explained that the Village was awarded grant money to fix drainage and storm water problems throughout the Village. The grant money has not been used yet, and will expire soon. These projects have been talked about for many years, and bid out several times, however the bids have always come back too costly. It is a matched grant, so the cost to the Village is estimated at around \$325,000. The project, on Sixth Street between Sixth Avenue and Seventh Avenue, is the most pressing, as that grant money expires in July. There may be other grant money that the Village can apply for to complete the rest of the projects.

Dolph Rotfeld from Dolph Rotfeld Engineering stated that his company had done preliminary studies 10 years ago and that they would be happy to do the engineering work going forward. He stated that the preliminary plan design would cost approximately \$36,000, which does not include the cost of topographical surveys and the actual project.

There was a brief discussion on costs and time frames. The Mayor and Board agreed that flooding is a major issue and these projects need to be dealt with. However the cost of these projects has gone up over time, and the grant amount has not. The Mayor and Board believe that some of the projects will fall under other grants and it is possible they can get additional funding.

Mr. Rotfeld will discuss the Village's options with Village Administrator Yamuder before the next Board of Trustees meeting.

No action was taken on this proposed resolution.

Resolution Authorizing Professional Engineering Design Services for Three Legislated Pre-Disaster Mitigation Storm Drainage Projects

Whereas, the Village of Pelham has been awarded with three (3) Legislated Pre-Disaster Mitigation Grants Application #'s 2008-015, 2009-003 and 2010-002 by the Federal Emergency Management Agency ("FEMA") and the New York State Division of Homeland Security and Emergency Services State of Office of Emergency Management ("NYSEMO"); and

Whereas, FEMA and NYSEMO approved time extensions for each of the subject grants; and

Whereas, the Village Administrator recommends the Board of Trustees approve a professional engineering design services agreement with Dolph Rotfeld Engineering, P.C. as per their proposal:

- I. Preliminary Plan Design \$36,000.00
- II. Final Design Phase Fee shall be 7.5% of the cost of the projects to be constructed less a credit for the \$36,000.00.

- III. Bid Phase \$1,000.00
- IV. Construction Phase Hourly basis per the attached 2016 rate schedule

Now, therefore, be it resolved, that the Board of Trustees of the Village of Pelham hereby authorizes the Village Administrator to execute the attached Professional Engineering Design Services agreement with Dolph Rotfeld Engineering, P.C. of Tarrytown, NY; and

Be it further resolved, that the Mayor and Village Administrator are authorized to take the necessary and appropriate actions to effect this resolution.

Item # 11 – Authorizing Settlement Agreement with Verizon New York, Inc. Regarding the Underpayment of Utilities Gross Receipts Tax

Mayor Volpe explained that he and the Board, have conferred with Computel in regards to their audit of the Utilities Gross Receipts Tax. There was concern that the audit did not correctly represent the money owed to the Village and that in waving the Village's rights to years 2013 through 2015, they would miss out on money owed. Village Administrator Yamuder and Trustee Kagan spoke with Computel and agreed that the settlement is in fact appropriate and that the Village is receiving the correct amount. The Village will be entering into the agreement and waving its rights to the two year period.

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

Resolution Authorizing Settlement Agreement with Verizon New York Inc. Regarding the Underpayment of Utilities Gross Receipts Tax

Whereas, Verizon New York Inc. ("Verizon") provides telecommunications services to customers in the Village of Pelham ("Village"); and

Whereas, the Village retained Computel Consultants to perform an audit concerning the application of the Utility User's Tax ("UUT") to gross receipts billed by Verizon to customers within the Village; and

Whereas, the Village and Verizon acknowledge the complexity of the factual and legal issues underlying these disputes, as well as the expense and uncertainty of administrative and judicial proceedings, and agree it is in their mutual interest to compromise and settle all issues relating to the application of the UUT; and

Whereas, the Village and Verizon have agreed to a resolution of all disputes concerning the UUT on Verizon's gross receipts earned within the Village in which Verizon will remit **\$8,810.03** additional UUT for all periods prior to September 1, 2015, in full satisfaction of UUT including any associated penalties or interest.

Now, therefore, be it resolved, that the Board of Trustees of the Village of Pelham hereby authorizes the Village Administrator to execute the attached Settlement Agreement with Verizon New York Inc.

Item # 12 – Authorizing the Execution of a Grant Disbursement Agreement with the Dormitory Authority of the State of New York (DASNY) Regarding Project ID: # 4680 Upgrades to Wolfs Lane Park

Mayor Volpe explained that the Village had received a grant from the Dormitory Authority of the State of New York for renovations to Wolfs Lane Park, and that the grant had gone through and the funds can now be disbursed. He congratulated Trustee Mutti on all of her hard work in pushing the grant through. Trustee Mutti stated that this has been in the works for a long time, and that she has been working on it for three years, but that the project goes back to 2005, and that the grant has been rewritten three times. She thanked Senator Klein and his staff, particularly Christina Lang, for all of their hard work and support.

The Mayor and Board believe that the renovations to Wolfs Lane Park will improve the community. They will be working with the Pelham Preservation and Garden Society, the Pelham Art Center and PACT to complete the project. There will be detailed plans drawn up soon, and Trustee Mutti expects there will be a groundbreaking by mid-summer, early fall of 2016.

The Mayor and Board went on to discuss the funds distribution. The grant can be distributed by reimbursement or on a 'payment on invoice basis'. The payment on invoice payment is rather complicated, however the Mayor and Board were hesitant to pay for the renovations out of pocket and then wait for reimbursement. Trustee Cassidy suggested a low interest construction loan to front the cost of the project, which would be paid back when they received the reimbursement from DASNY. They will look to Senator Klein's office for guidance on structuring payment.

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

Resolution Authorizing the Execution of a Grant Disbursement Agreement with the Dormitory Authority of the State of New York (DANSY) Regarding Project ID: # 4680 Upgrades to Wolfs Lane Park

Whereas, the Village of Pelham ("Village") has been selected to receive a New York Economic Development Program grant in the amount of \$647,000.00 for upgrades to Wolfs Lane Park; and

Whereas, the Village has fulfilled all of the criteria necessary to receive the grant and is required to execute a Grant Disbursement Agreement with Dormitory Authority of the State of New York for the subject project.

Now, therefore, be it resolved, that the Board of Trustees of the Village of Pelham hereby authorizes the Village Administrator to execute the attached Grant Disbursement Agreement with the

Dormitory Authority of the State of New York regarding Project ID: # 4680 Upgrades to Wolfs Lane Park; and

Be it further resolved, that the Mayor and Village Administrator are authorized to take the necessary and appropriate actions to effect this resolution.

Item # 13 – Authorizing the Refund of a Donation from the Pelham Preservation and Garden Society

Mayor Volpe explained that the Pelham Preservation and Garden Society had donated \$3,183.00 for plantings throughout the Village. However only \$1,991.00 of the money was used. They are partially refunding the Pelham Preservation and Garden Society the difference of \$692.00 while retaining \$500.00 for tree plantings at Benedict Fountain.

The Mayor and Board thanked the Pelham Preservation and Garden Society for their generous gift.

A motion was made by Trustee Reim 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 Refund of a Donation from the Pelham Preservation and Garden Society

Whereas, the Pelham Preservation and Garden Society (“PPGS”) presented the Village Board of Trustees with a check in the amount of \$3,183.00 at its April 21, 2015 Board Meeting for plantings in Wolfs Lane Park at First Street and Pelhamdale Avenue; and

Whereas, the Village spent a total of \$1,991.00 on said plantings; and

Whereas, PPGS is requesting a partial refund in the amount of \$692.00; and

Whereas, PPGS agrees to allow the Village to use \$500.00 of the remaining donation to be used towards tree plantings in the vicinity of the Benedict Fountain.

Now, therefore, be it resolved, that the Board of Trustees of the Village of Pelham hereby authorizes the partial refund in the amount of \$692.00 to the PPGS.

Item # 14 – Authorizing an Intermunicipal Agreement with the County of Westchester for the 2015-16 STOP DWI Enforcement Crackdown Program

Mayor Volpe explained that the Village of Pelham participates each year in Westchester County's Stop DWI Enforcement Program. The Village receives a grant of \$12,000 to conduct DWI patrols. Police Chief Benefico believes that this program offers enforcement and educational opportunities to the community.

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

Resolution Authorizing an Intermunicipal Agreement with the County of Westchester for the 2015-16 STOP-DWI Enforcement Crackdown Program

Whereas, the County of Westchester and its municipalities have participated in the Westchester County STOP-DWI Enforcement Crackdown Program for many years through an intermunicipal agreement which provides overtime reimbursement for added patrol efforts to enforce New York State Vehicle & Traffic Laws against intoxicated and impaired driving; and

Whereas, for the period from October 1, 2015 through September 30, 2016, Westchester County established a grant, not to exceed \$12,000.00, available to the Village of Pelham to conduct STOP-DWI Patrol activities; and

Whereas, the Chief of Police recommends continuing the program and has indicated its success in past years as an educational and enforcement tool for promoting safe driving throughout the Village.

Now, therefore, be it resolved, that the Board of Trustees of the Village of Pelham hereby authorizes the Village Administrator to execute the attached intermunicipal agreement with the County of Westchester for the STOP-DWI Enforcement Crackdown Program for a one (1) year period commencing on October 1, 2015 and finishing September 30, 2016; and

Be it further resolved, that the Mayor, Village Administrator and Chief of Police are authorized to take the necessary and appropriate actions to effectuate the intent of this resolution.

Recurring Items

Item # 16 - Authorizing the Accounts Payable

Trustee Kagan audited the accounts payable.

After a brief discussion, a motion was made by Trustee Kagan and seconded by Trustee Marty 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 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	\$64,615.33
Water Fund	\$0.00
Capital Projects Fund	\$0.00
Trust and Agency Fund	\$2,437.50
TE Expand Trust Fund	\$0.00
Grand Total	\$67,052.83

Be it further resolved, that this Board hereby approves payment of the above mentioned claims and authorizes payment thereof.

Item # 17 – Authorizing the Minutes of: December 15, 2015 and January 5, 2016

A motion was made by Trustee Kagan and seconded by Trustee Marty to approve the minutes of December 15, 2015 and January 5, 2016 as amended. The vote was approved by a vote of seven in favor, none opposed.

Item # 18 – Adjournment to Executive Session

A motion was made by Trustee Kagan and seconded by Trustee Marty to adjourn the public portion of the Board meeting and go into Executive Session to discuss personnel 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