



VILLAGE OF PELHAM BOARD OF TRUSTEES  
REGULAR MEETING  
TUESDAY, JANUARY 19, 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:

<b>Non-Recurring Items</b>		
7.	Discussion on Various Parking Issues	<b>Discussed</b>
8.	Discussion on Re-Paving Open Parking Lot 2	<b>Discussed</b>
9.	Discussion on Fiscal Year 2016-17 Budget Work Session Meeting Dates	<b>Discussed</b>
10.	Resolution Authorizing the Promotion of a Police Sergeant to Police Lieutenant in the Village of Pelham Police Department	<b>Approved</b>
11.	Resolution Authorizing the First Year Extension to Contract #2014-01 Garbage, Trash, Recycling and Organic Waste Collection for the Period of March 1, 2016 through February 28, 2017	<b>Approved</b>
12.	Resolution Approving the Change of Indirect Control of the Franchisee under the Cable Television Franchise	<b>Approved</b>
13.	Resolution Authorizing Settlement Agreement with Verizon New York, Inc. Regarding the Underpayment of Utilities Gross Receipts Tax	<b>Tabled</b>
14.	Resolution Authorizing the Purchase of Muncipity 5 Building Department Software Platform	<b>Approved</b>
15.	Resolution Authorizing Community Choice Aggregation Memorandum of Understanding with Sustainable Westchester, Inc.	<b>Approved</b>
16.	Resolution Authorizing the Use of Village Streets and Assistance for Traffic Control for the Annual Pelham Little League Parade on Saturday April 9, 2016	<b>Approved</b>
17.	Other Business – Statement of Expenditures and Revenues as of December 31, 2015, Resolution Accepting the Donation of Holmatro Air Bag Rescue Equipment by Katie Rossell	<b>Discussed Approved</b>
<b>Recurring Items</b>		
18.	Authorizing Accounts Payable	<b>Approved</b>
19.	Authorizing the Minutes of:	<b>None</b>
20.	Adjournment	<b>Approved</b>

Next Regularly Scheduled BOT Meetings:

**Tuesday, February 2, 2016**  
**Tuesday, February 16, 2016**

All meetings start at 8:00 p.m. unless otherwise noted.

**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 and Reim. Trustee Mutti was absent.

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 Pelham Memorial High School Senior, Katie Rossell had raised money to purchase equipment for the Fire Department, discussed in other business.

Mayor Volpe reported that several officers from the Pelham Police Department, along with officers from the Pelham Manor Police Department had undergone active shooter training. He thanked the officers who helped to set up the training.

**Trustees' Report:**

Trustee Cassidy reported that the quality of candidates for the Police Lieutenant position was outstanding and that they were all very qualified. He stated that this shows the level of professionalism and talent in our police force.

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Trustee Ferrara reported that she had received concerns via email about parking. Specifically she had received complaints that parking was being enforced too aggressively. Trustee Ferrara reported that she had spoken to Police Chief Benefico, and they had reviewed the numbers. Parking is not being enforced too aggressively, and the Parking Enforcement Officers are doing their jobs fairly.

Trustee Ferrara reported that the Pelham Business Club is hosting a Meet the Trio meeting on February 24, 2016 as a follow up to the successful Meet the Mayor event. Residents and business owners are encouraged to attend and discuss community issues with Village of Pelham Mayor Volpe, Village of Pelham Manor Mayor Jennifer Lapey, and Town of Pelham Supervisor Peter DiPaola.

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Trustee Kagan reported that there will be demolition starting at 409 Third Avenue starting tomorrow. There is a fence that goes to the street which has been causing children walking to school to walk in the street. The DPW has put up temporary barricades, and the developer will be placing Jersey Barriers to create safe passage.

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Trustee Marty reported that he and Trustee Ferrara had met with the Pelham Business Club to discuss parking. They were pleased with the idea of free parking for diners, and hoped to see more free parking options, possibly on Saturdays. Trustee Marty stated that there is a revenue impact to this, and they will be taking small steps in regard to parking.

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Trustee Mutti was absent.

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Trustee Reim reiterated Mayor Volpe's praise for Katie Rossell's fundraising to benefit the Fire Department. Trustee Reim reported that Firefighter Michael Mullen is back on active duty. He also reminded residents of the coming snow storm and encouraged them to prepare, and to look out for neighbors, especially elderly neighbors, who may need help during the storm. Trustee Reim reported that he is working on drawing more restaurateurs to Pelham, and if anyone knows of interested restaurant owners, to put them in contact with him.

**Village Administrator's Report:**

Administrator Yamuder reported that Christmas Tree pickup will continue for the month of January. He also reported that the Department of Public Works is fully prepared for the coming snow and is on standby to clear roads.

**Item # 6 – Public Comments**

There was no public comment.

**Non-Recurring Items**

**Item # 7 – Discussion on Various Parking Issues**

Trustee Marty explained that the Mayor and Board have been looking for ways to improve parking downtown. He explained that they would like to make parking in Lot 1 & 7 free from 5:00 p.m. to 1:00 a.m. This would make more parking available for dining and shopping. Trustee Marty explained that these spots do not generate a lot of revenue so there would not be a significant loss for the Village.

Trustee Marty stated that this would ideally also be done on Harmon and Nyac Avenues where meter parking is available. Overnight parking is allowed on Nyac and Harmon Avenues, and the Police Department has used those spots for guest parking overflow.

The Mayor and Board also discussed ways to incentivize merchants to get parking passes from the Village, instead of using street parking on Fifth Avenue and Wolfs Lane. They also discussed moving the multi space meters in Lot 7 and Lot 1 to Harmon Avenue to make paying for parking easier.

**Item # 8 – Discussion on Re-Paving Open Parking Lot 2**

Mayor Volpe explained that he and the Board have been considering re-paving open parking lot 2 for some time and that they had received bids for the project. The bids however were inconsistent, with some including the cost of milling and some not including the cost of milling. Trustee Cassidy suggested getting new bids that are consistent in the scope of work.

The Mayor and Board discussed including open parking lot 2 in the Village's annual paving contract, which would potentially lower the cost.

Trustee Kagan noted that the cost of paving would instead be better spent repairing the adjacent parking structure. Trustee Cassidy responded that the cost of that repair would far exceed the cost of the re-paving.

**Item # 9 – Discussion on Fiscal Year 2016-17 Budget Work Session Meeting Dates**

Mayor Volpe explained that Budget season is coming up, and that there needed to be changes to the current Budget Work Session dates. The Mayor and Board will discuss what dates are best for the work sessions and agree on finalized dates at the next meeting.

**Item # 10 – Authorizing the Promotion of a Police Sergeant to Police Lieutenant in the Village of Pelham Police Department**

Mayor Volpe explained that after the retiring of Lt. Rocco DelGrosso, there was an opening for a Lieutenant in the Police Department. After canvassing all candidates and conducting interviews, the Board and the Chief of Police are appointing Jason Pallet to Lieutenant. He has served as a Sargent in the Police Department for several years.

Mayor Volpe stated that the Pallet family has served the North Pelham and Pelham communities for 109 years.

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

**Resolution Authorizing the Promotion of a Police Sergeant to Police Lieutenant in the Village of Pelham Police Department**

**Be it resolved,** that the Board of Trustees of the Village of Pelham hereby authorizes the promotion and appointment by the Mayor of Jason Pallett of White Plains, NY to the position of Police Lieutenant, from Civil Service Eligible List # 71-611, effective Tuesday, January 19, 2016 at an annual salary of \$132,500.00 subject to the requirements of Westchester County Civil Service, for a probationary period of six (6) months; and

**Be it further resolved,** that the Board of Trustees of the Village of Pelham hereby authorizes the Mayor to execute the attached Terms of Employment Letter with Police Lieutenant Jason Pallet; and

**Be it further resolved,** that the Mayor, Village Administrator and Chief of Police are authorized to take the necessary and appropriate actions to effect this appointment.

**Item # 11 – Authorizing the First Year Extension to Contract #2014-01 Garbage, Trash, Recycling and Organic Waste Collection for the Period of March 1, 2016 through February 28, 2017**

Mayor Volpe explained that The Village of Pelham is extending its contract with R&S Waste Services for an additional year.

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

**Resolution Authorizing the First Year Extension to Contract #2014-01 Garbage, Trash, Recycling and Organic Waste Collection for the Period of March 1, 2016 through February 28, 2017**

**Whereas**, the Village Board of Trustees by resolution at its February 18, 2014 meeting awarded Contract #2014-01 Garbage, Trash, Recycling and Organic Waste Collection to R&S Waste Services, LLC (“R&S”); and

**Whereas**, the subject contract is a two-year contract with two one-year extensions; and

**Whereas**, the base Garbage Contract expires on February 29, 2016; and

**Whereas**, Village staff has determined it to be wise, expedient, and in the best interest of the Village to extend Contract #2014-01 for the period of March 1, 2016 through February 28, 2017 on the same terms and conditions of the original contract; and

**Whereas**, Village staff is highly satisfied with the garbage collection services of R&S; and

**Whereas**, the total cost of the First Extension under Alternative III Rear-Yard Garbage Collection is \$587,173.00 for the period of March 1, 2016 through February 28, 2017.

**Now, therefore, be it resolved**, that the Board of Trustees of the Village of Pelham hereby authorizes the First Year Extension of Contract #2014-01 with R&S Waste Services, LLC. For the period for March 1, 2016 through February 28, 2017 at a total cost of \$587,173.00; 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 # 12 – Approving the Change of Indirect Control of the Franchisee under the Cable Television Franchise**

Mayor Volpe explained that the Village of Pelham is being asked to consider the terms of the franchise agreement with Cablevision. Cablevision is merging with Altice and the Village is being given a period of time to consider the terms of the franchise agreement under the law. The Village is negotiating for certain money that may have been owed under the current agreement for the nonpayment of DVR fees. The Mayor and Board have looked at six other communities and determined that the Village may in fact be owed tens of thousands of dollars.

Cablevision is willing to pay the Village \$22,500 and give the Village a \$12,500 grant to use for improvements to audio visual equipment in Village Hall.

The franchise agreement with Cablevision is due to expire in October of 2016, so the agreement only applies to the time left in the current 10 year agreement.

A motion was made by Trustee Kagan and seconded by Trustee Cassidy to approve the following resolution Subject to the following within 45 days 1) agreement and payment on the DVR Fees and paying them going forward; 2) receipt of the grant of 12,500; and 3) review of existing feed at Village Hall to see if better picture can be achieved. The vote was approved by a vote of six in favor, none opposed. Trustee Mutti was absent.

**Resolution Approving the Change of Indirect Control of the Franchisee under the Cable Television Franchise**

**Whereas**, Cablevision of Southern Westchester, Inc. (“Franchisee”) owns, operates and maintains a cable television system (the “System”) in the Village of Pelham, New York pursuant to a cable television franchise (“Franchise”) granted by the governing body of the Village of Pelham (the “Franchise Authority”), and Franchisee is the current duly authorized holder of the Franchise; and

**Whereas**, pursuant to an Agreement and Plan of Merger (“Agreement”), Neptune Merger Sub Corp., a Delaware corporation and a subsidiary of Altice N.V. (“Acquiror”), will merge with Cablevision Systems Corporation (“Cablevision”) (which owns 100% of the ownership interests in Franchisee), and, as a result, the indirect control of Franchisee will change (the “Change of Control”); and

**Whereas**, Franchisee and Acquiror have requested the consent of the Franchise Authority to the Change of Control in accordance with the requirements of the Franchise and have filed an FCC Form 394 with the Franchise Authority (the “Application”); and

**Whereas**, the Franchise Authority has reviewed the Application, followed all required procedures in order to consider and act upon the Application, considered the comments of all interested parties, and concluded that Acquiror has the legal, financial and technical qualifications of Acquiror to indirectly control Franchisee.

**Now, therefore, be it resolved as follows:**

**Section 1.** The Franchise Authority hereby accepts the Application and consents to the Change of Control, all in accordance with the terms of the Franchise and applicable law.

**Section 2.** Subject to compliance with the terms of this Resolution, any action necessary with respect to the Change of Control has been duly and validly taken.

**Section 3.** This Resolution shall be deemed effective as of the date of its passage.

**Item # 13 – Authorizing Settlement Agreement with Verizon New York Inc. Regarding the Underpayment of Utilities Gross Receipts Tax**

Mayor Volpe explained that the settlement agreement with Verizon New York Inc. regarding the underpayment of utilities gross receipts tax had been reviewed previously. The Mayor and Board had several questions, which had been brought to Computel.

The Mayor and Board requested a letter from Computel stating that they had audited 2014 and 2015, and that the Village of Pelham is not owed any additional money. The Mayor and Board will revisit the resolution authorizing the agreement when they receive that letter.

This item was tabled.

**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 # 14 – Authorizing the Purchase of Municipality 5 Building Department Software Platform**

Mayor Volpe explained that he and the Board are looking to bring software to the Building Department so that they can improve future interactions with the public.

The Mayor and Board discussed the cost versus benefit of the program. The existing Building Department records would have to be scanned and imported into the software. The Village would hire an outside provider to do the scanning and importing. The total cost of the software and scanning would be approximately \$40,000. There would then be an annual cost of \$2,300 for maintenance and support.

The Mayor and Board discussed the current limitations on the Building Inspector, and the value in simplifying the permit application process. The Village of Pelham is one of only 4 municipalities in Westchester that does not have Building Department software.

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

**Resolution Authorizing the Purchase of Municipality 5 Building Department Software Platform**

**Whereas**, a need exists to update and integrate computer operations to manage and access daily functions and existing records for the Building Department; and

**Whereas**, the Village Board desires to provide Building Permitting and Code Enforcement Software to the Building Department; and

**Whereas**, Municipality 5 by Software Consulting Associates, Inc. (“SCA”) provides permitting/code enforcement software that allows users to track all activities on a parcel for General Parcel information (including Inventory, Occupants/Businesses, Owner History and more), Applications, Permits and Certificates, Parcel Events, Financial Activity (including Bond and Escrow activity), Interval Inspections, Variances, Easements, Planning, Zoning and other board activity; and

**Whereas**, Municipality 5 also offers a service called Municipality Connect which is the public facing web portal which allows residents to conduct transactions and submit and track applications; and

**Whereas**, SCA, Inc. submitted a proposal in the amount of \$16,580.00; and

**Whereas**, the Annual Maintenance, Support and Hosting Fee of \$2,480.00 is included in the first year service and will not be charged until year two.

**Now, therefore, be it resolved,** that the Board of Trustees of the Village of Pelham hereby authorizes the Village Administrator to execute the attached software license and service agreement from Software Consulting Associates, Inc. based upon the proposal submitted and dated November 4, 2015 in an amount not to exceed \$16,580.00 to provide a web-based Building Permitting and Code Enforcement Software to the Building Department; and

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

**Item # 15 – Authorizing Community Choice Aggregation Memorandum of Understanding with Sustainable Westchester, Inc.**

Mayor Volpe explained that this issue has been discussed at many board meetings, and that it was brought to the Village's attention that Sustainable Westchester was gathering municipalities for a Community Choice Aggregation program. This gives better purchasing power to the municipalities regarding utilities. Sustainable Westchester now has approximately 19 municipalities that are participating. The collective 150,000 – 200,000 residents will be able to get a lower cost than individuals.

There have been multiple public hearings on the matter, and having passed a local law, the Village of Pelham is now being asked to sign a memorandum of understanding with Sustainable Westchester, which will allow the organization to go out to bid with electricity suppliers.

Leo Wiegman of Sustainable Westchester addressed the Mayor and Board stating that this is a first in the state pilot program and that they are adapting to fit the state laws to protect municipalities. He explained that the Memorandum of Understanding served the same purpose, protecting the municipalities. He reviewed the process of revising the memorandum as well as local laws, based on each individual municipality.

Mr. Wiegman confirmed with the Mayor and Board that even after passing the resolution authorizing the Memorandum of Understanding, it was still subject to review by the Village Attorney.

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

**Resolution Authorizing Community Choice Aggregation Memorandum of Understanding with Sustainable Westchester, Inc.**

**Whereas**, the Village of Pelham has adopted local legislation to enable Community Choice Aggregation and a local resolution expressing the intent to participate in Community Choice Aggregation; and

**Whereas**, as a member of Sustainable Westchester in good standing, the Village of Pelham wishes to engage the services of Sustainable Westchester as the Program Manager for Community Choice Aggregation for the Operation and Maintenance of the Program pursuant to the memorandum of understanding between Sustainable Westchester and the Village of Pelham (attached as Exhibit A).

**Whereas**, Sustainable Westchester will serve as Program Manager under the terms of the three party Electric Service Agreement (attached as Exhibit B) on behalf of the Village of Pelham.

**Now, therefore, be it resolved,** that the Board of Trustees of the Village of Pelham hereby authorizes the Village Administrator to execute any and all necessary documents, including the attached Community Choice Aggregation Memorandum of Understanding with Sustainable Westchester, Inc. and the Electric Service Agreement.

**Item # 16 – Authorizing the Use of Village Streets and Assistance for Traffic Control for the Annual Pelham Little League Parade on Saturday, April 9, 2016**

Mayor Volpe explained that the Pelham Little League has requested the closure of Fifth Avenue from Lincoln Avenue to the High School for their Annual Parade on Saturday April 9, 2016 from 8:00 a.m. to 11:00 a.m.

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

**Resolution Authorizing the Use of Village Streets and Assistance for Traffic Control for the Annual Pelham Little League Parade on Saturday, April 9, 2016**

**Be it resolved**, that the Board of Trustees of the Village of Pelham hereby authorizes the use of Village streets and assistance for traffic control for the Annual Pelham Little League Parade on Saturday, April 9, 2016, with streets closed from 8:00 a.m. to 11:00 a.m., for the parade to take place from 8:30 a.m. to 10:30 a.m. on 5<sup>th</sup> Avenue from Lincoln Avenue through Wolfs Lane to the High School, with a staging area on 3<sup>rd</sup> Street between 4<sup>th</sup> Avenue and 7<sup>th</sup> Avenue; and

**Be it further resolved**, that the Little League Organization will be responsible for all Village of Pelham overtime costs and all other direct costs that are incurred by this event including appropriate insurance requirements; and

**Be it further resolved**, that the Village Administrator, Chief of Police, Acting Fire Chief and DPW General Foreman are authorized to take the necessary and appropriate actions to implement the plan and make arrangements for this parade.

**Item # 17 – Other Business****Resolution Accepting the Donation of Holmatro Air Bag Rescue Equipment by Katie Rossell**

Mayor Volpe explained that Katie Rossell, as part of her Girl Scout Gold Award project, had raised money to purchase Holmatro Air Bag Rescue Equipment for the Pelham Fire Department. She consulted with the Fire Department to see what their needs were, and was able to raise \$4300 to purchase the equipment as a donation to the Fire Department.

She worked with Ink and Thread, a local business, to create T-Shirts with the Fire Department logo and the saying “Keep Calm and Stop, Drop, and Roll,” which she sold for \$15. The T-Shirts are still for sale. She also created a Fire fighting video game on which she did all the coding herself.

**Katie Rossell, of 12 First Avenue**, is a senior at Pelham Memorial High School and in addition to being a Girl Scout is a member of the PMHS Volleyball team. She will receive her Gold Award on January 25, 2016.

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

**Statement of Expenditures and Revenues as of December 31, 2015**

Mayor Volpe reported that the Village is 58% through its fiscal year and that the Village is at 56.5% of expenditures, and 57% on Revenue.

The Village is doing well on the Mortgage tax, as per the budgeted amount. Fines and forfeitures are over the budgeted amount fairly substantially. There are a lot of unpaid fines out there that the Village has not gone after, but will be encouraging the Police Department and Court System to do so.

The Village has sent out additional letters to those with overdue water fines. The amount in owed water fines is approximately \$4000.

**Recycling**

Trustee Marty will be working with EcoPel to do a walk through to determine the best locations for the donated recycling bins. They will also be consulting R&S Waste.

**Recurring Items**

**Item # 18 - Authorizing the Accounts Payable**

Trustee Ferrara audited the accounts payable.

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

**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	\$234,762.50
Water Fund	\$0.00
Capital Projects Fund	\$0.00
Trust and Agency Fund	\$1,050.00
<u>TE Expand Trust Fund</u>	<u>\$0.00</u>
Grand Total	\$235,812.50

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

**Item # 19 – Authorizing the Minutes of:**

No minutes.

**Item # 20 – Adjournment**

A motion was made by Trustee Cassidy and seconded by Trustee Ferrara to close the public meeting. The vote was approved by a vote of six in favor, none opposed. Trustee Mutti was absent.

Respectfully submitted,

Christopher Scelza  
Assistant to the Village Administrator