



VILLAGE OF PELHAM BOARD OF TRUSTEES
 REGULAR MEETING
 TUESDAY, JANUARY 5, 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 Re-Paving Open Parking Lot 2	Discussed
8.	Discussion on Purchasing Software for the Building Department	Discussed
9.	Discussion on Various Parking Issues	Discussed
10.	Resolution Approving the Change of Indirect Control of the Franchisee under the Cable Television Franchise	Tabled
11.	Resolution Authorizing Settlement Agreement with Verizon New York, Inc. Regarding the Underpayment of Utilities Gross Receipts Tax	Tabled
12.	Resolution Authorizing the Adoption of the 2015 Westchester County, NY Hazard Mitigation Plan Update	Approved
13.	Resolution Authorizing the Renewal of an Agreement between the County of Westchester and the Village of Pelham for the Snow and Ice Reimbursement Program for Removal of Snow and Ice on Westchester County Roads Located in the Village of Pelham	Approved
14.	Site Plan Application by Benjamin Ascher and Xenha Chan for 131 3 rd Avenue for a Proposed Single-Family Dwelling	Approved
15.	Site Plan Application by Ammirati Coffee, Inc. for 109 6 th Street for a Façade Renovation	Approved
16.	Other Business – 5 th Avenue Speed Limit Reduction, Fiscal Year 2016-17 Budget Work Session Calendar, Con Edison work on Ancon Avenue	Discussed
Recurring Items		
17.	Authorizing Accounts Payable	Approved
18.	Authorizing the Minutes of:	None
19.	Adjournment to Executive Session	Approved

Next Regularly Scheduled BOT Meetings:

Tuesday, January 19, 2016
Tuesday, February 2, 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 8:05 p.m.

Present were Trustees Cassidy, Ferrara, Kagan, Marty and Mutti. Trustee Reim 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 wished everyone a Happy New Year. He reported that he and Trustee Mutti attended a groundbreaking event in Mt. Vernon for a new development going up at 420 Broad Street. The development will be transit oriented and include 249 units. Mayor Volpe offered his congratulations to Mayor Thomas, the new Mayor of the City of Mount Vernon.

Mayor Volpe reported that it has been suggested that the Village lower the speed limit on Fifth Avenue and Wolfs Lane between Lincoln Avenue and Boulevard. He stated that this is more common than not in many downtown areas. There have been several accidents on Fifth Avenue and Wolfs, and a lower speed limit may benefit the public safety.

Mayor Volpe reported that he and the Board are still reviewing the proposed resolution from Cablevision regarding the sale of Cablevision assets to Altice. The agenda item will be tabled until the next meeting on January 19th.

Mayor Volpe reported that there are changes being made upstairs in Village Hall, both organizational changes and physical changes. A wall is going up to create an additional office. More updates on that will follow.

Mayor Volpe reported that the developers of 101 Wolfs Lane have submitted draft plans, which will be reviewed by the Building Inspector as well as the Village's Lawyer and planning consultant.

Trustees' Report:

Trustee Cassidy reported that the Mayor and Board will be hard at work on this year's budget. The tax cap is 0.12%, and it is very important that they stay under the tax cap. It will take a lot of work, and some tight budgeting in the coming months.

Trustee Ferrara reported that she has been invited to the next Pelham Business Club meeting on January 12, 2016. She invited Trustee Marty to join her, as there will be a discussion on parking, and he is the parking liaison. Trustee Ferrara reported that the Pelham Business Club is looking to put together another Meet The Mayor Event, including the Mayors of Pelham and Pelham Manor, as well as the Town Supervisor. She and Mayor Volpe agreed that it would be best to have the meeting sooner rather than later.

Trustee Kagan reported that the next steps for the Village regarding Community Choice Aggregation, since passing the local law, is to enter into a memorandum of understanding with Sustainable Westchester. There will be further discussion of that in the coming month.

Trustee Marty had nothing to report.

Trustee Mutti reported that the groundbreaking ceremony she attended with Mayor Volpe in Mt. Vernon included an excellent presentation. She commended their comprehensive approach to development and the community support behind it. Trustee Mutti stated that she is looking forward to taking a similar approach to future development in Pelham.

Trustee Reim was absent.

Village Administrator's Report:

Administrator Yamuder wished everyone a Happy New Year and reported that Christmas Trees will be picked up throughout the month of January. He also reported that the new sanitation calendar for 2016 has been posted online at www.pelhamgov.com and urged residents to take a look.

Item # 6 – Public Comments

Richard Veith, 155 Nyac Avenue, asked the Mayor and Board to consider lowering the speed limit, not just on Fifth Avenue and Wolfs Lane, but also on Nyac Avenue. Many drivers use Nyac Avenue to circumvent Wolfs Lane. Trustee Marty suggested that Fourth Avenue also be included for the same reasons.

Detective John Hynes, wished everyone a happy and safe New Year, and introduced himself as the new PBA President, as of January 1, 2016. He stated that he hoped to have an ongoing dialogue with both the Mayor and Board and residents of Pelham.

Non-Recurring Items**Item # 7 – Discussion on Re-Paving Open Parking Lot 2**

Village Administrator Yamuder explained that the Mayor and Board had requested an estimate for paving Open Lot 2. The Department of Public Works Foreman, Michael Shriman, received three written proposals for paving the lot, which measures approximately 100' x 100'.

Of the three proposals received, the lowest estimate was for \$20,500, with an additional \$10,000 for milling. The other two estimates were at \$23,500 and \$32,000.

Mayor Volpe explained that the lot is in very bad shape, and that the Board wanted to get pricing estimates before deciding how to move forward. The goal is make parking more available in the downtown. Mayor Volpe also encouraged store owners and their employees to use the available lots instead of street parking in front of their stores.

Trustee Cassidy stated that the bids were very different from one another, with some including milling and some not including milling. He suggested an RFP for bids with two prices, Trustee Cassidy also brought up the issue of drainage in the lot.

Trustee Mutti brought up the issue of the guard rails or cement stops in the lot, and what that would look like. She reported that she would discuss it further with DPW Foreman, Micheal Shriman.

The Mayor and Board also discussed the possibility of including Lot 2 in the paving contract for the spring to save on cost.

Trustee Kagan raised the issue that perhaps the money would be better spent repairing the parking structure next to the lot, instead of the paving. Trustee Cassidy responded that the cost of repairing and repainting the parking structure was well in excess of the price contemplated here.

They also discussed the repairs needed on the parking structure, which are extensive and costly. The discussed the possibility of a grant for the repair work.

Item # 8 – Discussion on Purchasing Software for the Building Department

Mayor Volpe explained that he and the Board were considering purchasing software for the Building Department. The software would allow people to look up properties online and file simple permits.

Assistant to the Village Administrator Scelza explained that they had received a proposal from Software Consulting Associates, Inc . The initial cost would be \$18,000 with annual maintenance fees. The Building Inspector, Len Russo, is in favor of the software. They also discussed the fact that the Building Department is already over its projected income, which would cover the cost of the investment. A resolution will be added to the January 19th meeting to proceed with the purchase of the Municipality 5 Building Department Software Platform.

The Mayor and Board discussed the best way to scan the existing files to be uploaded into the software. They discussed using an outside vendor.

John Cassone, 312 Seventh Avenue, asked if residents would be able to use the software from their personal computers. Mr. Scelza confirmed that the software would be accessible from both personal computers and mobile devices.

Item # 9 – Discussion on Various Parking Issues

Trustee Marty reported that he, along with the Village Clerk and the Mayor and Board, had been discussing options for making parking more accessible in the Village.

They discussed the possibility of free parking in Lots 1 & 7, and at the meters on Nyac Avenue, Harmon Avenue and First Street, from 5 p.m. to 1 a.m. to allow for more shopping and dining parking. They also discussed moving the Multi-Space Parking Meter by Village Hall to Harmon Avenue, and the possibility of signage on main roads to direct people to parking lots.

Trustee Marty reported that they will soon have an updated list of merchants who purchase parking permits, and will encourage all merchants to do so, in order to free up street parking for customers. The Mayor and Board will be working with the Pelham Business Club to find additional solutions to the parking issues in town.

Item # 10 – Approving the Change of Indirect Control of the Franchisee under the Cable Television Franchise

This item was tabled.

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.

This Resolution shall have the force of a continuing agreement with Franchisee and Acquiror, and Franchise Authority shall not amend or otherwise alter this Resolution without the consent of Franchisee and Acquiror.

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

Mayor Volpe explained that the Village did an audit with Computel to determine if the Village is owed money regarding the Utilities Gross Receipts Tax. They have reached a settlement agreement and determined that the Village is owed \$8,810.03, less a 40% fee for services rendered by Computel.

Trustee Kagan raised a question about the settlement period and after discussing the limitations on the Village to conduct further audits and questions about the exact calculations, the Mayor and Board decided to table this item.

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 Adoption of the 2015 Westchester County, NY Hazard Mitigation Plan Update

Village Administrator Yamuder explained that every 5 years all municipalities are required to have a Hazard Mitigation plan in place. This ensures that the municipality is in a state of preparedness. If this isn't done, the Village cannot apply for federal grants.

This time the county took the lead, and all municipalities did a Hazard Mitigation plan together.

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 Reim was absent.

Resolution Authorizing the Adoption of the 2015 Westchester County, NY Hazard Mitigation Plan Update

Whereas, all jurisdictions within Westchester County have exposure to natural hazards that increase the risk to life, property, environment, and the County and local economy; and

Whereas, pro-active mitigation of known hazards before a disaster event can reduce or eliminate long-term risk to life and property; and

Whereas, The Disaster Mitigation Act of 2000 (Public Law 106-390) established new requirements for pre and post disaster hazard mitigation programs; and

Whereas, a coalition of Westchester County municipalities with like planning objectives has been formed to pool resources and create consistent mitigation strategies within Westchester County; and

Whereas, the coalition has completed a planning process that engages the public, assesses the risk and vulnerability to the impacts of natural hazards, develops a mitigation strategy consistent with a set of uniform goals and objectives, and creates a plan for implementing, evaluating and revising this strategy;

Now, therefore, be it resolved, that the Village of Pelham:

- 1) Adopts in its entirety, the 2015 Westchester County Hazard Mitigation Plan (the "Plan") as the jurisdiction's Natural Hazard Mitigation Plan, and resolves to execute the actions identified in the Plan that pertain to this jurisdiction.
- 2) Will use the adopted and approved portions of the Plan to guide pre- and post-disaster mitigation of the hazards identified.

- 3) Will coordinate the strategies identified in the Plan with other planning programs and mechanisms under its jurisdictional authority.
- 4) Will continue its support of the Mitigation Planning Committee as described within the Plan.
- 5) Will help to promote and support the mitigation successes of all participants in this Plan.
- 6) Will incorporate mitigation planning as an integral component of government and partner operations.
- 7) Will provide an update of the Plan in conjunction with the County no less than every five years.

Item # 13 – Authorizing the Renewal of an Agreement between the County of Westchester and the Village of Pelham for the Snow and Ice Reimbursement Program for Removal of Snow and Ice on Westchester County Roads Located in the Village of Pelham

Village Administrator Yamuder explained that the Village is renewing a a five year agreement with Westchester County for the Village to plow and salt the half mile stretch of county road (Lincoln Avenue) that runs through the Village of Pelham. The Village is paid a fee of \$4,474.00 per mile for three lane roads to clear snow from the road. Village Administrator Yamuder explained that this is a cost savings for the Village.

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 Reim was absent.

Resolution Authorizing the Renewal of an Agreement between the County of Westchester and the Village of Pelham for the Removal of Snow and Ice on Westchester County Roads Located in the Village of Pelham

Whereas, Westchester County owns 0.49 lane miles of road along a portion of Lincoln Avenue within the Village of Pelham; and

Whereas, Westchester County desires to obtain services for snow and ice removal from these roads in order to provide reasonable passage and movement of vehicles; and

Whereas, in the interest of public safety, the Village of Pelham has historically provided this service to Westchester County through various intermunicipal agreements (“IMAs”); and

Whereas, the current Westchester County IMA has a five (5) year term which expired on September 30, 2015, and the County has subsequently proffered another five (5) year IMA for the identical services, as per attached IMA; and

Whereas, the reimbursement rate received from Westchester County for services rendered by the Village shall be in accordance with Schedule “B” of the attached IMA.

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 between the Village of Pelham and Westchester County for snow and ice removal services for the period of October 1, 2015 to September 30, 2020 on County-owned roads located in the Village of Pelham.

Item # 14 – Site Plan Application by Benjamin Ascher and Xenha Chan for 131 3rd Avenue for a Proposed Single-Family Dwelling

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

Be it resolved, that the application for a Site Plan by Chan-Ascher is approved, based on the review and recommendations by the Planning Board (hereinafter “Planning”), Architectural Review Board (hereinafter “the ARB”) which the Planning and ARB approval memos are attached to and made a part of this approval; and

Be it further resolved, that the conditions applied by Planning and ARB are as follows:

1. All work shall be performed in compliance with Planning approval, NY State Building Code and Village of Pelham Zoning Code, as noted on plan drawings, dated October 1, 2015 as prepared by Benjamin Ascher, Architect;
2. The architect/applicant is certifying in stamping the plans that will be accepted that all contents of the plans and specs are in strict compliance with NYS Uniform Building Code for Res. 1 & 2 Family Houses;
3. All plantings for the one family house be as per approved plans;
4. The house will be built in accordance with the plans which are approved by the Planning Board and/or the Architectural Review Board of the Village of Pelham ; and

Be it further resolved, that this application for a site plan to include a single family dwelling and landscaping at 131 Third Avenue is subject to the procedures, regulations and requirements of the Pelham Village Code and Pelham Building Department; 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 # 15 – Site Plan Application by Ammirati Coffee, Inc. for 109 6th Street for a Façade Renovation

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

Be it resolved, that the application for a Site Plan to create a retail/wholesale coffee business with café by Ammirati Coffee, Inc. is approved, based on the review and recommendations by the Planning Board (hereinafter “Planning”), Architectural Review Board (hereinafter “the ARB”) which the Planning and ARB approval memos are attached to and made a part of this approval; and

Be it further resolved, that the conditions applied by Planning and ARB are as follows:

1. All work shall be performed in compliance with Planning approval, NY State Building Code and Village of Pelham Zoning Code, as noted on plan drawings, dated December 9, 2015 as prepared by Herbert Feuerstein, Architect;
2. The façade will be renovated in accordance with the plans which are approved by the Planning Board and/or the Architectural Review Board of the Village of Pelham ; and

Be it further resolved, that this application for a site plan approval is also to include a façade renovation at 109 Sixth Street is subject to the procedures, regulations and requirements of the Pelham Village Code and Pelham Building Department; 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 # 16 – Other Business

Trustee Mutti brought up the subject of paving on Ancon Avenue. ConEd is doing work on that street, and is obligated to repave from the curb to the middle of the street. The Mayor and Board are discussing the possibility of repaving the other half of the road at the same time, to cut down on costs. They will be getting estimates for the paving.

Mayor Volpe brought up the budget schedule, which is a work in progress and needs to be discussed further.

Recurring Items

Item # 17 - Authorizing the Accounts Payable

Trustee Cassidy audited the accounts payable.

After a brief 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 Reim 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	\$258,154.81
Water Fund	\$0.00
Capital Projects Fund	\$0.00
Trust and Agency Fund	\$0.00
TE Expand Trust Fund	\$0.00
Grand Total	\$258,154.81

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

Item # 18 – Authorizing the Minutes of:

No minutes.

Item # 19 – Adjournment to Executive Session

A motion was made by Trustee Ferrara and seconded by Trustee Kagan to adjourn the public portion of the Board meeting at 9:41 pm and go into Executive Session to discuss one personnel matter after which time the Board would adjourn for the evening. The motion was approved by a vote of six in favor, none opposed. Trustee Reim was absent.

Respectfully submitted,

Christopher Scelza
Assistant to the Village Administrator