

VILLAGE OF PELHAM BOARD OF TRUSTEES
REGULAR MEETING
TUESDAY, AUGUST 20, 2013, 7:30 PM
VILLAGE HALL – 195 SPARKS AVENUE, PELHAM, NY

Minutes

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

Agenda Items:

Non-Recurring Items		
7.	Acknowledging Lt. Julian Keiser upon his retirement for his 32 years of Service to the Village of Pelham	Discussed
8.	Swearing in of New Firefighter Michael Mullen upon his appointment to the Village of Pelham Fire Department	Approved at Prior Meeting
9.	Site Plan Application by Chestnut Petroleum Distributor, Inc. for 30 Lincoln Avenue for a Proposed Convenience Store	Approved
10.	Presentation on Retiree Medical Actuarial Valuation under GASB #45 by Danziger & Markhoff	Discussed
11.	Resolution Authorizing the Annual Pumpkin Festival and Children's Center Fun Run on October 5, 2013	Approved
12.	Resolution Authorizing ArtsFest at Wolfs Lane Park on September 28th and 29th 2013	Approved
13.	Agreement for Auditing of Gross Receipts Tax by Computel Consultants	Approved
14.	Other Business	None
Recurring Items		
15.	Authorizing Accounts Payable	Approved
16.	Authorizing Minutes of: August 6, 2013	Approved
17.	Adjournment to Executive Session	Approved

Next Regularly Scheduled BOT Meeting:

Tuesday, September 3, 2013
Tuesday September 17, 2013

All meetings start at 7:30 p.m. unless otherwise noted.

Item #1 – Meeting called to order: The meeting of the Board of Trustees was called to order by Mayor Cassidy at 7:30 p.m.

The following members of the Board of Trustees were present:

Mayor Cassidy, Trustees Kagan, McGoldrick, Senerchia, Mutti, and Volpe

The following members of the Board of Trustees were absent:

Trustee Marty

Village staff in attendance:

Village Administrator Robert Yamuder, Secretary to the Village Administrator Peter Bonington

Item #2 – Pledge of Allegiance:

The Pledge of Allegiance was led by Mayor Cassidy.

Reports:

Mayor Cassidy Report

Mayor Cassidy reported that the Con Ed roadwork at the intersection of Highbrook and First Street has been completed. The Mayor thanked Administrator Yamuder for ensuring that full restoration of the street was completed.

The Mayor stated the Housing Urban Development (HUD) monitor returned a report citing where Westchester municipalities stand in the spectrum of the HUD proposed settlement. The Mayor said there were three categories from ideal, to acceptable, and not good. He said Pelham will work with the monitor to ensure the best possible outcome for Pelham.

The Mayor said the Board will be creating a business development committee and a Real Estate Committee. He said these committees will be responsible for generating and implementing ideas for the downtown.

Mayor Cassidy reminded residents that Saturday, August 24 there will be an E-Waste recycling collection in the parking lot in back of Village Hall on Sparks Avenue. The event will be sponsored by Senator Klein's Office in partnership with Time Warner Cable. He said the event will take place from 9 am to 2 pm. He said the drop-off is free and residents and visitors are welcome.

The Mayor finished his report by saying that the Governor has reduced the property tax cap for municipalities. He stated that Pelham's tax cap last year was 2.4%; this year it will be 1.66%. He said this will be difficult for the Board at budget time but the Board is going to work to get in below the tax cap.

Trustees Reports:

Trustee Kagan

Trustee Kagan stated the United Water received the additional information requested regarding the Pelham Water System. He said he hopes to have more to report by the next meeting.

Trustee Marty

Absent

Trustee McGoldrick

None

Trustee Mutti

Trustee Mutti stated the Town will be opening bids for Trotta Park on Friday. She said she hopes to have more to report at the next meeting.

Trustee Senerchia

None

Trustee Volpe

Trustee Volpe added to the Mayor's Report by saying the HUD finding is a proposed settlement that the Village will ensure that it is compliance with.

Village Administrator's Report

Administrator Yamuder stated that the bid opening for the 3rd Street Relief Drain project will be Monday, August 26, 2013. He said at this time there have been five interested bidders who have picked up plans for the project.

The Administrator added that the Village is a part of a paving consortium with New Rochelle in an effort to save money on paving operations. He said this work will be completed in the coming months.

Item #6–Public Comment

Louise Podzus of 59 Clifford Avenue spoke to the Board regarding an ongoing dispute with her neighbor. She stated that her neighbor, Mr. Raffio, is parking his car over the sidewalk in violation of Village ordinances. She added that there is also ongoing harassment from Mr. Raffio towards her over this issue.

She stated she is dissatisfied with the enforcement by the Police Department in her attempts to pursue this issue. She added that there are numerous addresses on Clifford Avenue that have sidewalk impediments or sidewalks in need of repair which the Village should be addressing. She passed out photos of the alleged violations for the Board's review.

Mayor Cassidy apologized if Mrs. Podzus felt that the Police were not enforcing certain regulations related to sidewalk maintenance and parking on Clifford Avenue. He suggested Mrs. Podzus speak with Village Administrator. He said both he and the Administrator would follow up for more information on the issues that she raised at the meeting.

Item #7–Acknowledging Lt. Julian Keiser upon his retirement for his 32 years of Service to the Village of Pelham

Mayor Cassidy stated that he had worked with Fire Lt. Keiser when he was first a Trustee in 2000 through 2004. He said that he is a true professional and a pleasure to work with and wanted to recognize his 32 years of service to the Village of Pelham Fire Department.

Lt. Keiser spoke to the Board saying he was happy for the support of the Board and the community. He said it has been interesting to watch the transition of the department since he first began. He added that he is happy to be sharing the meeting with Mike Mullen who is expected to be inducted into the Fire Department.

Item #8– Swearing in of New Firefighter Michael Mullen upon his appointment to the Village of Pelham Fire Department

The Mayor swore in Mike Mullen to the position of Firefighter in the Pelham Fire Department. This motion was resolved at the August 6, 2013 meeting.

Item #9– Site Plan Application by Chestnut Petroleum Distributor, Inc. for 30 Lincoln Avenue for a Proposed Convenience Store

Scott Parker of Chestnut Petroleum spoke to the Board about the impending changes to the Mobil Station at the intersection of Lincoln Avenue and 1st Avenue. He said the station will be undergoing a change from car service station to a gas and mini-mart complex. He said he expects this change to have less of an environmental and traffic impact in the area.

Trustee McGoldrick asked how long the construction would take. Mr.Parker responded that the construction is expected to last three to four months.

Trustee Mutti said she felt this was a good project which would improve the look of the current station. Trustee Senerchia agreed that this would be an improvement over the current service station.

A question was raised regarding whether the mini-mart would be a 24-hour operation. Administrator Yamuder said he believed there are Village restrictions on business hours. Trustee Kagan said he had consulted the Building Inspector on this and there are provisions in the Village Code that restrict the hours of business in the Village.

A motion was made by Trustee Volpe and seconded by Trustee Senerchia to adopt the resolution. The vote was approved by a vote of six in favor, none opposed. Trustee Marty was absent.

RESOLVED, that the application for a Site Plan by Chestnut Petroleum Distributor, 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, as noted on plan drawings, Site Plan Sheets SP-1 dated February 7, 2013 and stamped July 31, 2013 and Proposed Building Elevations drawings 1 and 2 dated January 22, 2013, as prepared by Morris Associates, Engineering Consultants, PLLC;
2. The sign application is to be a separate submission to the ARB at a later date;
3. The store will be built in accordance with the approved 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 convenience store, at 30 Lincoln 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.

MEMO

Date: August 15, 2013

To: Village of Pelham Board of Trustees
From: Village of Pelham Planning Board
Re: 30 Lincoln Avenue

Application for converting gas station with auto repair shop to a gas station with a full service convenience store
Applicant: CPD Energy

The Village of Pelham Planning Board (PB) recommends that the Village of Pelham Board of Trustees (BOT) approve the application for converting a gas station with an auto repair shop to a gas station with a full service convenience store

The Planning Board unanimously (5-0) approved the application as submitted subject to providing a construction/demolition time line, and providing revised plans showing location of a) screening along southwest property line and around HVAC mechanicals at southeast corner of the property, b) monitoring wells and c) parking place moved from area by sign at northwest corner to adjacent to western side of structure.

The Applicant has provided the detail and information requested. Work shall be performed as shown on Site Plan Sheets SP-1 dated February 7, 2013 and stamped July 31, 2013 and Proposed Building Elevations drawing 1 and 2 dated January 22, 2013, all prepared by Morris Associates, Engineering Consultants, PLLC

Richard Veith
for the Planning Board

MEMO

Date: August 13, 2013

To: Village of Pelham Board of Trustees

From: Village of Pelham Architectural Review Board

Re: Application for proposed convenience store

The Architectural Review Board (ARB) recommends that the Village of Pelham Board of Trustees (BOT) approve the application submitted by Chestnut Petroleum Distributors, Inc. for a proposed convenience store.

Work shall be performed as shown on drawings 1 and 2 dated 4/22/2013 and prepared by Morris Associates, Engineering Consultants, PLLC.

Item #10– Presentation on Retiree Medical Actuarial Valuation under GASB #45 by Danziger & Markhoff

Mr. Echeverria of Danziger Markhoff gave the Village's actuarial report under the Government Accounting Standards Board (GASB #45). Mr. Echeverria said this report is a valuation of the Village's post-retirement benefits obligation to its active and retired employees. He said the current obligation is approximately \$26 million dollars.

This number however is academic because the Village would not be responsible for paying for post-retirement benefits to all employees both active and retired at the same time. He added the New York State does not allow municipalities to pre-fund for this obligation anyway so the Village cannot set aside funds for future retired employees. Mr. Echeverria stated that Pelham is in the same boat as most other municipalities in Westchester. The Board thanked Mr. Echeverria for his report.

Item #11– Resolution Authorizing the Annual Pumpkin Festival and Children's Center Fun Run on October 5, 2013

Mayor Cassidy stated this resolution is to approve the Pelham Children's Center Fun Run and Pumpkin Festival. He said the event will take place on Saturday, October 5, 2013.

A motion was made by Trustee Volpe and seconded by Trustee Senerchia to adopt the resolution. The vote was approved by a vote of six in favor, none opposed. Trustee Marty was absent.

BE IT RESOLVED, that the Board of Trustees of the Village of Pelham authorizes the annual Pelham Children's Center 5K and Fun Run Saturday, October 5, 2013 from 7 a.m. to 10 a.m., with the 5K race beginning at 8 a.m. starting and ending at Michael Schwerner Way and Fifth Avenue and the Fun Run starting at 9 a.m. at Franklin Field, running ½ mile up Wolfs Lane and 5th Avenue, and finishing up at Fifth Ave. and Michael Schwerner Way; and

BE IT FURTHER RESOLVED, that the Pelham Children's Center will be responsible for all Village Of Pelham overtime costs that occur for this event;

AND BE IT FURTHER RESOLVED, that Mayor and Board authorize the appropriate Village officials and staff to take the necessary and appropriate actions to allow the event to take place, with the requirement that the Village of Pelham be provided with the insurance satisfactory to the Village's insurance carrier by the Pelham Children's Center.

Item #12–Resolution Authorizing ArtsFest at Wolfs Lane Park on September 28th and 29th 2013

Mayor Cassidy said the ArtsFest is scheduled for Saturday, September 28th and Sunday, September 29th. Administrator Yamuder said the Village is requesting a certificate of insurance showing the Village as additionally insured.

Trustee Mutti said she thought a waiver would suffice in lieu of a certificate of insurance. Administrator Yamuder said after consulting with the Village's insurance broker, he advised obtaining a certificate as this event goes beyond the liabilities covered in a waiver.

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

WHEREAS, Annual ArtsFest is expanding beyond New Rochelle to include the Village of Pelham and will highlight a variety of arts and art venues to stimulate economic activity and cultural awareness in the village;

BE IT RESOLVED, that the Board of Trustees of the Village of Pelham authorizes ArtsFest and a "Culture Trolley" to circulate up and down Fifth Avenue and Wolfs Lane and for artists to show and sell their works in Wolfs Lane Park for this event on Saturday and Sunday, September 28th and September 29th; and

BE IT FURTHER RESOLVED, that it is with the understanding that the sponsors will be responsible for any cleanup of public spaces used, or will compensate the Village for any overtime incurred to affect the cleanup; with the requirement that the Village of Pelham be provided with the insurance satisfactory to the Village's insurance carrier by the sponsors.

AND BE IT FURTHER RESOLVED, that Mayor and Board authorize the appropriate Village officials and staff to take the necessary and appropriate actions to allow the event to take place.

Item #13– Agreement for Auditing of Gross Receipts Tax by Computel Consultants

Administrator Yamuder said the Village received a proposal from Computel Consultants to perform an audit of the Village's gross receipt tax. He said the Village has worked with Computel in the past when it had its Con Ed payments audited. The result was over \$22,000 was saved by the Village by reviewing the payments to Con Ed. He said Computel receives a commission of 40% from the savings generated as the result of the audit.

Trustee Kagan stated that he wanted some language included that allowed the Village to have approval over all settlements arranged by Computel. This language was included in the agreement after consulting with Administrator Yamuder and Village Attorney Cathy Woods-King.

WHEREAS, Computel Consultants is a service that examines municipal gross receipts tax payments paid to municipalities from telephone and utility companies and then determines if funds may be due for past underpayment of that tax and if necessary negotiate payment for those funds;

BE IT RESOLVED, that the proposed agreement between the Village of Pelham and Computel Consultants to audit the payments made to the Village of Pelham for gross receipts tax from telephone and utility companies, is hereby accepted and the agreement is authorized by the Board of Trustees of the Village of Pelham; and

BE IT FURTHER RESOLVED, that by the term of this agreement that there is no fee for the service if there are no payments secured, or if payment is secured there will be a one-time fee of 40% of any and all recovered underpayments; and

AND BE IT RESOLVED, that the Mayor, Village Administrator and Village Attorney are authorized to take the necessary and appropriate actions to effect this agreement, which must be in a form and content to the satisfaction of the Mayor and Village Attorney prior to execution.

Item #14–Other Business

None

Item #15– Authorizing the Accounts Payable

Trustee Volpe audited the Accounts Payable.

A motion was made by Trustee Volpe and seconded by Trustee Senerchia to adopt the resolution. The vote was approved by a vote of six in favor, none opposed. Trustee Marty was absent.

RESOLUTION

WHEREAS, pursuant to Section 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	\$ 434,349.29
Water Fund	\$104,728.70
Capital Projects Fund	\$0.00
Trust and Agency Fund	\$350.00
CD NYS Main Street Fund	\$0.00
H3 Fund	\$0.00
TE Expand Trust Fund	\$0.00
Grand Total	\$539,427.99

NOW, THEREFORE, BE IT RESOLVED, that this Board hereby approves payment of the above mentioned claims and authorizes payment thereof.

Item #16– Authorizing Minutes of: August 6, 2013

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

August 6, 2013- Approved

Item #17–Adjournment to Executive Session

A motion was made by Trustee Kagan with a second by Trustee Volpe to adjourn the public portion of the Board meeting at 8:30 pm and got into Executive Session to discuss a personnel matter after which time the Board would adjourn for the evening. The motion was approved by vote of six in favor, none opposed. Trustee Marty was absent.

Respectfully submitted,
Peter Bonington, Secretary to the Village Administrator

