

VILLAGE OF PELHAM BOARD OF TRUSTEES
REGULAR MEETING
TUESDAY, JULY 9, 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 *Amend Minutes May 21, 2013
5. Village Administrator's Report
6. Public Comment
- 7.
8. # Agenda Items:

Non-Recurring Items		
7.	Resolution to authorize the ZBA to engage legal counsel and any professionals deemed reasonably necessary to enable review of the Proposed Town House Project at 185 Lincoln Avenue & to establish an escrow account to reimburse the village for cost of such professional services	Approved
8.	Site Plan Application by Roff for 1 Pell Place for a Proposed Single-Family Dwelling	Approved
9.	Resolution Authorizing Pelham Picture House Fund Raiser at Wolfs Lane Park on September 28, 2013	Approved
10.	Resolution Authorizing the Village Of Pelham to approve the Designation and Appointing of the Individual to Whom the New York Secretary of State Must Mail Notices of Claim	Approved
11.	Authorizing the Award of Contract #2013-01 Tree Removal and Trimming and Stump Removal (bid deadline and opening 7/1/13, 11 a.m.)	Approved
12.	Other Business	None
Recurring Items		
13.	Authorizing Accounts Payable	Approved
14.	Authorizing Minutes of: June 18, 2013	Approved
15.	Adjournment to Executive Session (if needed)	Approved

Next Regularly Scheduled BOT Meeting:
Tuesday, August 20, 2013
Tuesday, September 3, 2013
Tuesday September 17, 2013

All meetings start at 7:30 p.m. unless otherwise noted.
The Agenda is subject to change

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

The following members of the Board of Trustees were present:

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

The following members of the Board of Trustees were absent:

Trustee McGoldrick

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 stated the Con Ed work at the corner of Highbrook Avenue and First Street is being completed. He said the Administrator and DPW Foreman are in contact with Con Ed to ensure that full restoration is made to the street.

The Mayor stated he had received some complaints regarding basketball hoops around the Village. He said the Board and Administrator are looking into instituting a law regarding these hoops.

Trustees Reports:

Trustee Kagan

Trustee Kagan stated United Water received the packet of information that was discussed at the last meeting from the Village and would hopefully be reaching out to the Village before the next Board of Trustees meeting.

He spoke with the Village's labor counsel regarding the Employee Benefits manual. He said the requested changes have not been fully incorporated at this time. He said he hopes to have a completed draft by the next meeting.

Trustee Kagan requested a clarification of the minutes from May 21, 2013. He stated that during the course of the discussion related to the Property and Casualty insurance that he moved to adjourn to Executive Session. He stated he misspoke and stated the purpose of Executive Session was to discuss a contractual matter. He said the purpose was really to discuss possible litigation that could arise from certain items that were left out of the insurance proposal. He said no action was taken as a result of Executive Session he simply wanted to clarify the minutes that the reason for Executive Sessions was to discuss a litigation matter. He thanked Maggie Klein of the Pelham Weekly for bringing this matter to his attention.

A motion was made by Trustee Kagan and seconded by Trustee Senerchia to amend the minutes of May 21, 2013. The vote was approved by a vote of six in favor, none opposed. Trustee McGoldrick was absent.

Trustee Kagan finished his report by saying he is exploring new options for the Village website. He said he has looked into several other municipal sites such as Bronxville. He added there is a company based out of Manhattan which could provide a "Pelham311" platform which the Village can look into. He said he will check back with more details in the coming meetings.

Trustee Marty

Trustee Marty said the Village is in the fourth and final year of its sanitation contract. He said the Village will begin the process of bidding out this contract. He stated that he and the Administrator had met with AAA representatives to discuss some complaints received from residents. The AAA representatives said they would make sure these matters were corrected.

Trustee McGoldrick

Absent

Trustee Mutti

Trustee Mutti said she attended a planting party for shade plants by the B&W site.

She said she had invited Lynn Honeysett of the Pelham Art Center to speak to the Board during public comment regarding the proposed ArtsFest logistics.

Trustee Mutti finished her report saying she met with the MTA regarding several projects that will be taking place at the Pelham Station. She said general upkeep such as painting and new bike rack in

addition to the new building being constructed. She said it was productive meeting and she hopes for more information from the MTA.

Trustee Volpe asked if security cameras were going to be placed on the steps by the train station. Trustee Mutti responded that one of the new buildings being erected will have CCTV capability but she can follow up to get more details.

Trustee Senerchia

None

Trustee Volpe

None

Village Administrator's Report

Administrator Yamuder mentioned that he had heard the street fair was well attended.

He said he applied for three new grants related to flooding remediation through the Local Pre-Disaster Mitigation (LPDM) grant program. He said he applied for the three stretches of the remediation project that do not already have funding marked for their completion. He said generally these grants require a 25% match by the Village with the other 75% coming from the granting authority.

Administrator Yamuder added he was reviewing the specifications for the Third Street Relief Drain project and will return them to Leonard Jackson with comments shortly.

The Administrator stated he had met with Con Ed regarding some power outages in the Nyac Avenue and Corlies Avenue areas. He said that these outages are the result of a capacity problem which Con Ed is aware of. He said these are sensitive areas and advised residents to contact Con Ed directly if they experience any service interruptions.

Item #6–Public Comment

Kathy Mattesi of Carol Avenue read a letter that she submitted to the Pelham Weekly praising the Pelham Police Department for reviving her husband after he had lost consciousness. She said Police Sergeant Condon and Officers Desisto and Sheehy as well as Fire Lt. Keiser and Firefighter Frusciante responded quickly to the scene and were able to revive her husband. She said he is currently recovering and is expected to make a full recovery. Ms. Mattesi commended the actions of the Pelham Police and Fire Departments.

Mayor Cassidy thanked Ms. Mattesi for her comments. He thanked the Police and Fire Departments on behalf of the Board of Trustees.

Lynn Honeysett of the Pelham Art Center spoke to the Board about ArtsFest 2013. She said this will be the second annual ArtsFest and will follow up on the success of last year's work with New Rochelle. She said the event will be planned for September 28 and 29. There will be a trolley that shuttles visitors to and from locations in Pelham and New Rochelle and local merchants are encouraged to get involved and participate in the event.

She requested that the Board help to publicize the event when possible. She added that she would like to install artists in Wolfs Lane Park where they can actively create and sell art for the benefit of visitors. She said there would be volunteers to clean up after the art session is over. She asked also for relaxed parking enforcement for the duration of the event.

Trustee Mutti said this event represents a win/win scenario for Pelham and she hopes to expand on the success of this event.

Administrator Yamuder asked if the trolleys that will be used for the event are fully insured. Ms. Honeysett said that they are fully insured.

Trustee Volpe suggested reaching out to the Town for use of the area around the gazebo. He added that they may need for the Art Center to sign a waiver for the use of Village property during the event. Trustee Kagan stated this issue came up last year however this year there is more lead time which will allow the Board to review the arrangements more closely before the event.

Mayor Cassidy suggested that Ms. Honeysett contact the Chamber of Commerce to encourage the merchants to take part in the event. He advised her to contact the Pelham Picture House because they have a fund raiser planned for the evening of September 28. Ms. Honeysett stated that the Picture House is aware of the event already.

Administrator Yamuder confirmed that the Art Center will have to submit an application for the Board to review and approve via resolution.

Trustee Volpe said what Ms. Honeysett is looking for is waived parking regulation on the days the event takes place. Ms. Honeysett had previously stated "relaxed" parking however she said that she is asking for parking regulation to be waived during the event hours.

Trustee Kagan stated this was a successful event last year and he looked forward to reviewing the proposal for the event.

Iris Kasten of Carol Avenue asked the Board to investigate if Metro-North will install a ticket machine at the south side of the train station in Pelham. Trustee Mutti said she would look into the matter for her.

Ms. Kasten also stated that on Boulevard a new telephone pole was placed at the corner of Wolfs Lane and Boulevard and that her mailbox was wrecked shortly before the pole was installed. She added that there is an old telephone booth on Boulevard that should be removed. There is also a garbage can that needs to be emptied as it is currently overflowing.

Administrator Yamuder said he can contact the postmaster regarding the wrecked mailbox and inquire what caused the damage. He added he would follow up with AAA regarding the disposal of the garbage from the can on Boulevard.

Item #7– Resolution to authorize the ZBA to engage legal counsel and any professionals deemed reasonably necessary to enable review of the Proposed Town House Project at 185 Lincoln Avenue & to establish an appropriate escrow account to be replenished as necessary to reimburse the village for cost of such professional services

Mayor Cassidy stated this resolution will allow the Zoning Board of Appeals to seek legal counsel to review the proposed project at the vacant Getty gas station on Lincoln Avenue. The ZBA feels that it needs professional services to examine this application and begin the site plan process. Trustee Volpe said this would also be used for land use and environmental professional services. The Mayor said he had met with the developer of this proposed project two months ago and made it clear the Village would not be changing the Zoning Code to accommodate any project.

Trustee Kagan asked how much would be held in escrow for these services. Administrator Yamuder responded that he would speak with Building Inspector Russo about the necessary amount to be held in escrow although he hazarded a rough estimate of \$5,000.

Trustee Volpe said \$5,000 seems a low number to hold in escrow and suggested the resolution be written to state that the escrow account will be replenished as necessary to fulfill the review requirements.

John Cassone of 7th Avenue asked the Board about the current proposal for the project and how it has changed from its original proposal of an eighteen unit apartment complex. Mayor Cassidy responded said the current proposal is before the ZBA and will proceed through the land use process which will allow residents the opportunity to learn more about the proposed development. He said however he made it clear that whatever is designed would have to fit the current Village Zoning Code.

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

BE IT RESOLVED, that the Mayor and Board of Trustees of the Village of Pelham hereby authorize the retention of legal counsel and any professionals deemed reasonably necessary to enable review of the Proposed Town House Project at 185 Lincoln Avenue and to establish an appropriate escrow

account to be replenished as necessary to reimburse the village for cost of such professional services, the amount of which is to be determined by the Mayor and Board of Trustees; and

BE IT RESOLVED, that the Mayor and Board of Trustees of the Village of Pelham hereby authorize the Mayor, the Village Attorney and the Village Administrator to sign the necessary contracts and agreements to obtain these services.

Item #8– Site Plan Application by Roff for 1 Pell Place for a Proposed Single-Family Dwelling

Mayor Cassidy stated the Board will be reviewing a site plan application for approval. He said they have worked with the Planning Board and Architectural Review Board and both boards have passed this application.

Barbara Bartlett of the Architectural Review Board walked the Board through the changes that the applicant made to their proposed site plan.

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

RESOLVED, that the application for a Site Plan by Roff 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, dated July 1, 2013, as prepared by Jonathan Villani Architect
2. In addition, all plantings for dwelling be as per approved plans;
3. The house 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;
4. A Foundation Location Survey showing the location of the footings and the top of foundation elevation for the two story house and detached two car garage must be submitted to the Building Inspector before modular units are placed on foundation; and
5. Building Permit cannot be issued without written approval of Westchester County Planning Department.

BE IT FURTHER RESOLVED, that this application for a site plan to include a single family dwelling, detached two car garage and landscaping at 1 Pell Place 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: July 1, 2013

To: Village of Pelham Board of Trustees

From: Village of Pelham Architectural Review Board

Re: Application for proposed single-family dwelling

The Architectural Review Board (ARB) recommends that the Village of Pelham Board of Trustees (BOT) approve the application submitted by Thyra Roff for a proposed single-family dwelling.

Work shall be performed as shown on drawings A-6 and A-7 dated 7/1/2013 and prepared John Villani, Architect

Item #9– Resolution Authorizing Pelham Picture House Fund Raiser at Wolfs Lane Park on September 28, 2013

Mayor Cassidy said the Pelham Picture House is requested to hold a fundraiser on the night of September 28th, 2013. He said a similar event was held last year.

Trustee Kagan said there was a reported issue involving noise from last year's event. He said a resident on Nyac Avenue complained at a Board meeting about the noise level as well as the late hours of the event. Mayor Cassidy said the Village does have ordinances in place that governs how late events can run and how to regulate noise levels.

Iris Kasten of Carol Avenue asked what the hours were for the event and would the Village be waiving parking for the attendees. Mayor Cassidy said the Village would not waive parking restrictions for the event. Administrator Yamuder added that last year the Pelham Picture House attendants paid for parking spaces.

John Cassone of 7th Avenue said that Mary Veith of Nyac Avenue complained that the event went on late after the prescribed time in the Village ordinances. He suggested the Board put in a time limit in the resolution.

Mayor Cassidy stated the Village has laws already prescribed in the Code for time limits and noise levels. He said the Board wants to encourage local businesses to hold these type of events however the Board will make the Picture House aware of these issues and ask for their cooperation. Trustee Volpe added that the Village has the right to have input in these events.

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 McGoldrick was absent.

WHEREAS, The Pelham Picture House is hosting a fundraising party "Picnic in the Park" on Saturday September 28, 2013 and is requesting the use of Wolfs Lane Park; and

RESOLVED, that the Board of Trustees of the Village of Pelham authorizes The Picture House the use of the section of Wolfs Lane Park directly across from the movie theater with access to the park on Friday, September 27 to erect the tent ,Saturday September 28, 2013 for the fundraising event; and Monday, September 30, to remove the tent; and

BE IT RESOLVED, that the Board of Trustees of the Village of Pelham authorizes that a small section of Wolfs Lane across from The Picture House and the gas station immediately next to The Picture to park several food trucks that will be supplying the food for the event; and

BE IT FURTHER RESOLVED, that the Pelham Picture House 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 Picture House.

Item #10–Resolution Authorizing the Village Of Pelham to approve the Designation and Appointing of the Individual to Whom the New York Secretary of State Must Mail Notices of Claim

Administrator Yamuder said this resolution designates the New York Secretary of State to receive notices of claim in lieu of the Village Clerk within a prescribed period of time. He said the Village Code permits 90 days to notify the Village.

Trustee Kagan stated that someone can file with the State and then the State will notify the Village regarding the notice of claim.

Trustee Volpe said the Village Clerk can be notified directly but this act appears to be a revenue producing feature for the State.

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

WHEREAS, On December 17, 2012, Governor Cuomo signed the Uniform Notice of Claim Act into law. The Act, which became effective on July 15, 2013, amended New York's General Municipal Law to allow notices of claim against cities and villages to be served on the New York Secretary of State as agent for New York's public corporations. Pursuant to the Act, the New York Department of State will forward any notice of claim served on it to the individual the village designates to receive the notices of claim; and

WHEREAS, To effectuate this new method of serving notices of claim on public corporations, the village must provide the name and address of an officer, person, or designee, nominee or other agent-in-fact to which the Secretary of State will forward any notices of claim, and must provide the applicable time limit (90 days) as per village code for filing a notice of claim on the village; and

BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF PELHAM that the New York Secretary of State be designated as our agent for service of notices of claims; and

BE IT FURTHER RESOLVED that Terri Rouke, Village Clerk be designated as the individual that will receive the claims from the New York Secretary of State; and

FURTHER RESOLVED, that the Village Attorney, Village Administrator and the Village Clerk are authorized to take the necessary and appropriate actions to effect this new Notice of Claim Act.

Item #11– Authorizing the Award of Contract #2013-01 Tree Removal and Trimming and Stump Removal (bid deadline and opening 7/1/13, 11 a.m.)

Administrator Yamuder said this resolution is for the Village's annual tree contract. He said the Village received three quotes from tree companies for the award of the contract. Almstead Tree Service came in with the lowest qualified price of \$4,327.00. He said the Village has worked with

Almstead before in the past. He recommended the Board award the contract to Almstead Tree Service.

Trustee Volpe asked if the prices received by the Village are consistent with last year's numbers. Administrator Yamuder stated that this year's prices were actually lower than expected. The Board had budgeted \$45,000 for tree removals at the beginning of the Fiscal Year.

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

WHEREAS, The Village Of Pelham Issued A Notice to Bidders and Request For Bids for Contract 2013-01 for Tree Removal, Trimming, and Stump Removal In The Village Of Pelham; and

WHEREAS, a public notice was published on Monday June 17, 2013, in the Gannett Westchester Newspaper, an official newspaper of the Village of Pelham; and

WHEREAS, at 11 a.m. E.S.T., Monday July 1, 2013, the Village of Pelham publicly opened and read three proposals; and

WHEREAS, on reviewing the proposals, the bids were as follows:

	Base Bid
1. Almstead Tree Service of New Rochelle, NY	\$ 4,327.00
2. Manor Tree Service of Pelham Manor, NY	\$ 5,875.00
3. Olsens Creative Landscaping, Bellmore, NY	\$ 52,300.00

WHEREAS, Administrator Robert Yamuder has determined that the lowest responsible bid that meets requirements is Almstead Tree Service of New Rochelle, NY.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of the Village of Pelham hereby award Contract 2013-01 for Tree Removal, and Trimming, and Stump Removal In The Village Of Pelham to Almstead Tree Service of New Rochelle, NY, at the total bid cost of Four thousand three hundred twenty-seven dollars (\$ 4,327.00), as a unit-price contract, with prices provided under the bid for add-on trees; and be it

FURTHER RESOLVED, that the Mayor and Village Administrator are authorized to take the necessary and appropriate actions to effect and execute this unit-price contract for these services.

Item #12– Other Business

None

Item #13–Authorizing the Accounts Payable

Trustee Kagan audited the Accounts Payable.

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 McGoldrick 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	\$ 342,220.85
Water Fund	\$77,777.38
Capital Projects Fund	\$0.00
Trust and Agency Fund	\$0.00
CD NYS Main Street Fund	\$0.00
H3 Fund	\$0.00
<u>TE Expand Trust Fund</u>	<u>\$0.00</u>
Grand Total	\$419,998.23

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

Item #14– Authorizing Minutes of: June 18, 2013

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

June 18, 2013- Approved

Item #15– Adjournment to Executive Session

A motion was made by Trustee Kagan with a second by Trustee Senerchia to adjourn the public portion of the Board meeting at 9:30 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 McGoldrick was absent.

Respectfully submitted,
Peter Bonington, Secretary to the Village Administrator