

VILLAGE OF PELHAM BOARD OF TRUSTEES
REGULAR MEETING
TUESDAY, MAY 20, 2014, 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.	Resolution of SEQRA Type II Classification for a Proposed Children’s Play Area in Wolfs Lane Park	Tabled
8.	Public Discussion and Consideration of the Village of Pelham’s MS-4 Report Under the EPA Phase 2 Stormwater Management Guidelines, and Authorizing Submission to the NYSDEC for Consideration of Renewal of the Village’s SPEDES Permit	Discussed
9.	Resolution to Recognize June7, 2014 as Arbor Day in the Village of Pelham	Approved
10.	Resolution to Recertify the Village of Pelham as a Tree City USA Member	Approved
11.	Resolution to Adopt Village of Pelham Employee Handbook	Discussed
12.	Resolution to Accept Donations for the Trotta Park Dedication Ceremony	Approved
13.	Other Business- UWNR Preliminary Discussion on Proposed Water Valve Replacement	None
Recurring Items		
14.	Authorizing Budget Transfers	Approved
15.	Authorizing Accounts Payable	Approved
16.	Authorizing Minutes of: April 22, 2014 , May 6, 2014	Tabled
17..	Adjournment to Executive Session (if needed)	Approved

Next Regularly Scheduled BOT Meetings:
Tuesday, June 3, 2014
Tuesday, June 17, 2104
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 Senerchia, Mutti, Marty, Volpe, Reim, and Kagan

The following members of the Board of Trustees were absent:

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 reminded the public that the school budget polls are open until 9 p.m.

He stated that in response to traffic issues, the Board has asked for an officer to be detailed by the schools to monitor speeding and other infractions. He reminded the public that the offenders are largely fellow Pelham residents and the overtime required for posting this officer is coming from all Pelham tax payers.

He stated the Trotta Park dedication this past Sunday was a great event. He applauded Trustee Mutti's leadership of the project and thanked John Cassone for this participation in the process leading up to this event.

Trustees Reports:

Trustee Kagan

None

Trustee Marty

Trustee Marty complimented Trustee Mutti on her efforts regarding the Trotta Park dedication.

Trustee Mutti

Trustee Mutti stated the Shade Tree Committee held a fund-raiser for some trees to be planted in honor of John Moran near Wolfs Lane Park. She said the approximate planting cost is \$10,000 and the fund-raiser raised approximately \$8,000.

She thanked members of the Village and Town governments as well as volunteers such as Ralph Magliulo, John Cassone, and Joe Solimine for their help with making the Trotta Park dedication the event that it was. She said State Senator Jeff Klein and Assemblywoman Amy Paulin were in attendance.

Trustee Reim

None

Trustee Senerchia

Trustee Senerchia stated that an antique fair took place on Saturday. He said there was a sizable crowd at the event.

He thanked Trustee Mutti for her leadership of the Trotta Park project.

Trustee Senerchia stated the Village recently had a bid opening for the 3rd Street Relief Drain project which is meant to alleviate flooding in that vicinity. He said the bids came in higher than expected. He said the Village is still reviewing the bids received and is looking into additional funding options.

He commented on the posting of the officer by the schools to monitor traffic as an example where the community pays for overtime to enforce a policy on primarily Pelham neighbors.

Trustee Volpe

None

Village Administrator's Report

Administrator Yamuder stated that he had received reports of dog waste bags clogging catch basins around town. He reminded residents that these bags should be disposed of properly and not in stormwater catch basins.

He stated United Water will be conducting hydrant flushing operations in the coming week. He said information is available on the Village website.

Item #6–Public Comment

Mary Veith of Nyac Avenue stated that the area of the proposed park in Wolfs Lane Park was always intended as a buffer against the traffic and noise along Wolfs Lane. She added that her opinion was that many of the Junior League members are Pelham Manor residents, not Pelham residents and the Board should be looking after the interests of Pelham residents.

Kate Veith of Nyac Avenue stated that no feedback was solicited from residents on Nyac Avenue prior to this proposal being made nor were any businesses consulted. She stated in her opinion that most residents would not support this park.

John Cassone of 7th Avenue thanked the Board for their work on finally dedicating Trotta Park. He said this has been a seven year process. He said he has received resounding positive feedback on the event.

Jamie Weyndling of Nyac Avenue spoke to the Board regarding the use of leaf blowers by gardeners in the Village. He said these devices generate noise and air pollution. He asked how this policy is administered and who enforces it.

Administrator Yamuder said the policy is enforced by the Pelham Police and it is an incremental process. He said typically a warning is issued to the homeowner. He said it is a case by case situation but generally a summons is issued if the matter persists.

Trustee Senerchia said the Board is discussing amending the Code to include the landscapers themselves as being liable for any infractions.

Mayor Cassidy said the Board must decide if there is more clarity in enforcement by including the landscapers or less clarity.

Mr. Weyndling asked if the Village DPW and Schools have an exemption from these laws.

Administrator Yamuder stated the Village DPW does have some exemptions however they endeavor not to abuse that exemption.

Mayor Cassidy responded that there is a balance between efficiency and cost. Trustee Mutti added that the Village DPW is engaged in removing leaves from the streets and must go back to clean parks with leaf blowers.

Item #7– Resolution of SEQRA Type II Classification for a Proposed Children’s Play Area in Wolfs Lane Park

Trustee Kagan stated that in speaking with the Village’s consultant AKRF that their determination on the proposed park site is that the proposed playground is a SEQRA Type II action which means that the site does not meet the minimum requirements for SEQR review and no further processing is needed.

Richard Veith of Nyac Avenue asked if the Board had received a written legal opinion stating that this site is Type II.

Trustee Kagan said the Village consulted with an engineer and they have given their determination. A written legal opinion is not required.

Mr. Veith requested to have his own legal counsel review the opinion for impact matters relating to noise, drainage, and garbage.

Trustee Mutti responded that those impacts would not fall under SEQR review.

Mr. Veith contended that the site does exceed the minimum requirements and that it will have an environmental impact. He cited a tree that was recently removed that was only slightly diseased.

Mayor Cassidy responded that is Mr. Veith’s opinion and that the tree in question was dead. The Village has an arborist who confirmed the state of the tree prior to its removal.

Trustee Kagan responded that he wanted to err on the side of clarity and transparency on this issue and would wait one additional meeting. Trustee Reim added that this would be a diligent step for the Board to take by waiting until next meeting.

Trustee Marty stated it is worth consulting with AKRF and having a representative at the next meeting but he did not want to slow down the process.

The Board decided to table this resolution until a later meeting.

WHEREAS, the Village of Pelham proposes to install a children’s playground in Wolf’s Lane Park, located on Wolf’s Lane, in the Village of Pelham, NY; and

WHEREAS, the Village Board of Trustees has reviewed the following documents in support of this classification:

1. Children's Woodland Park Design, prepared by Environment Design LLC, dated 3/31/2014
2. Photographs of proposed park play structures

WHEREAS, the proposed playground would be located in an existing public park, and would be a customary accessory structure common to many public parks; and

WHEREAS, the proposed playground has been designed to be minimally disruptive to the existing topography and vegetation; and

WHEREAS, the proposed playground is an appurtenant non-residential structure involving less than 4,000 square feet of gross floor area, that is consistent with the Village of Pelham zoning and land use controls; and

NOW, THEREFORE BE IT RESOLVED, that the Village of Pelham Board of Trustees, pursuant to the State Environmental Quality Review Act (SEQRA), determines that the proposed playground is a Type II Action under SEQRA pursuant to §617.5(c)(7), and no further environmental review is required.

Item #8—Public Discussion and Consideration of the Village of Pelham's MS-4 Report Under the EPA Phase 2 Stormwater Management Guidelines, and Authorizing Submission to the NYSDEC for Consideration of Renewal of the Village's SPDES Permit.

Administrator Yamuder stated this MS4 audit is an annual requirement that ensures the Village is doing all it can to keep stormwater clean. He said the review was conducted by the County Department of Environmental Conservation and the Village received the highest marks available for its efforts this past year.

The Administrator stated this agenda item only needs to be discussed not voted on.

The documentation for the SPDES permit was prepared by Michael Ritchie and James Maxwell of Dolph Rotfeld Engineering. The federal law commonly known as Stormwater Phase II permits will be required for stormwater discharges from Municipal Separate Storm Sewer Systems (MS4s). To implement the law, the department has developed two general permits, one for MS4s in urbanized areas and one for construction activities. The permits are part of the State Pollutant Discharge (SPDES) and the operators of regulated MS4s and operators of construction activities must obtain permit coverage under either an individual SPDES permit or one of the general permits. The reporting period is from March 2013 to March 2014. The report must be compiled and submitted to the NYS DEC by June 1, 2014.

Item #9– Resolution to Recognize June 7, 2014 as Arbor Day in the Village of Pelham

Trustee Mutti stated the Village is proposing to declare Saturday, June 7th the Village's Arbor Day. She said this has the added benefit of being the day of the Street Fair. She said a banner will be on display by the Government table.

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

WHEREAS, in 1872, J Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting trees; and

WHEREAS, the holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska; and

WHEREAS, Arbor Day is now observed throughout the nation and the world; and

WHEREAS, trees can reduce the erosion of our precious topsail by wind and water, lower our heating and cooling cost, moderate the temperature and mitigate the effects of climate change, clean the air, produce oxygen and provide habitat for wildlife; and

WHEREAS, trees in our Village increase property values, enhance the economic vitality of business areas, and beautify our community; and

WHEREAS, trees, wherever they are planted, are a source of joy; and

THEREFORE BE IT RESOLVED, that the Mayor and Board of Trustees do hereby proclaim June 7, 2014 as Arbor Day in the Village of Pelham and urge all citizens to celebrate and support efforts to protect our trees and woodlands to plant and care for trees and to promote the well-being of this and future generations.

Item #10– Resolution to Recertify the Village of Pelham as a Tree City USA Member

Administrator Yamuder stated this resolution is required to take part in the Tree City program.

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

BE IT RESOLVED, that the Board of Trustees of the Village of Pelham hereby authorizes the filing an application to recertify the Village of Pelham as a Tree City USA Member for the calendar year 2014, for having achieved the standards as set forth by The National Arbor Day Foundation; and

BE IT FURTHER RESOLVED, that the Mayor and the Village Administrator are authorized to take all necessary and appropriate actions, including signing all documents, to effect this filing of this recertifying application

Item #11–Resolution to Adopt Village of Pelham Employee Handbook

Trustee Kagan stated this resolution calls for the adoption of the final draft of the employee handbook. He said this handbook will apply to all new hires by the Village after June 1, 2014. He said this handbook applies to unions, but is subject to their collective bargaining agreements. The handbook does not apply to current Village employees who were hired before June 1, 2014. He added that County and State laws will govern over this handbook.

Trustee Marty thanked Trustee Kagan for his efforts in writing this manual. He said this is a tool for a healthy workforce going forward.

Trustee Volpe stated this handbook will assist in lowering the Village’s insurance premiums and will be helpful to future boards. He stated that he wanted to make it clear that this handbook does not affect current Village employees

Mayor Cassidy stated the he and Trustee Kagan should continue their discussions with the Village staff regarding their contracts saying the handbook does not change the Village’s obligation to them.

WHEREAS, the Board of Trustees has been working on an employee handbook for several years with the goal to make sure the Village has clear policies in place to ensure that all employees are treated fairly and consistently, to create a central place for staff and managers to turn to for guidance, provide the public as well as future Trustees with information about the Village as a workplace and to set expectations for new employees;

BE IT RESOLVED that the Mayor and Board of Trustees hereby authorize the adoption of the Village of Pelham Employee Handbook; and

BE IT FURTHER RESOLVED, that the Village Administrator is authorized to take all necessary and appropriate actions to introduce the manual into the Village of Pelham workplace.

Item #12– Resolution to Accept Donations for the Trotta Park Dedication Ceremony

Trustee Mutti stated this resolution will accept the funds amounting to \$1,900 for a plaque to be placed at Trotta Park.

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

BE IT RESOLVED, that the Mayor and Board of Trustees of the Village of Pelham authorize the acceptance of the following donations for the Trotta Park Dedication Ceremony; checks in the amount of \$1900.00 from Marion Tobin (sister of Joe Trotta) received from a variety of donors to help with the costs of the ceremony and stone mounting, and a donation of \$1300.00, from a donor that wishes to remain anonymous, to cover the cost of the plaque.

Item #13– Other Business- UWNR Preliminary Discussion on Proposed Water Valve Replacement

The Board decided to table this discussion until a later meeting.

Item #14– Authorizing Budget Transfers

These Budget Amendments and Transfers were requested by Finance Director Shirley Brown.

Administrator Yamuder stated these transfers allocate funds in the budget that are under budget from other lines to balance the budget. He added many of the overages on budget lines are due to outside factors such as a harsh winter and are not attributable to department spending.

Mayor Cassidy stated that a municipal budget aims to zero out by the end of the fiscal year. If there is a municipal surplus indicates that the local government overtaxed its residents. He stated the goal is always to meet the budget approved prior to the start of a new fiscal year.

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

RESOLUTION

Re: Budget Amendments and Transfers for Fiscal Year 2013-14

Whereas, pursuant to the provisions of Section 5-520 of the New York State Village Law, the Board of Trustees, by resolution, may increase existing Appropriations by transferring funds from the unexpended balance of

another appropriation, from the contingent account, from available cash surplus or unanticipated revenues within a fund, or by borrowing, and

Whereas, in all cases, there are sufficient unexpended balances in other appropriations accounts, excess revenues or fund balances available to cover the transfers, now therefore be it

Resolved, that pursuant to Village Law Section 5-520, the Board of Trustees hereby authorizes and directs the proper Village officers to modify the 2013-14 Budget by making the following amendments and rollovers:

Item #15– Authorizing the Accounts Payable

Trustee Volpe audited the Accounts Payable.

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

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	\$46,121.49
Water Fund	\$72,479.05
Capital Projects Fund	\$0.00
Trust and Agency Fund	\$350.00
CD NYS Main Street Fund	\$0.00
H3 Fund	\$0.00
<u>TE Expand Trust Fund</u>	<u>\$0.00</u>
Grand Total	\$118,950.54

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: April 22, 2014 , May 6, 2014

The Board decided to table this resolution until a later meeting.

April 22, 2014- Tabled

May 6, 2014- Tabled

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 9:30 pm and go into Executive Session to discuss a particular personnel matter after which time the Board would adjourn for the evening. The motion was approved by vote of seven in favor, none opposed.

Respectfully submitted,
Peter Bonington, Secretary to the Village Administrator