



VILLAGE OF PELHAM BOARD OF TRUSTEES  
 REGULAR MEETING  
 TUESDAY, NOVEMBER 22, 2016, 8:00 PM  
 VILLAGE HALL – 195 SPARKS AVENUE, PELHAM, NY 10803

**MINUTES**

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

# Agenda Items:

Non-Recurring Items		
8.	Presentation on Muncipity Online Property Portal	<b>Discussed</b>
9.	Resolution Adopting Cyber Incident Response Policy	<b>Tabled</b>
10.	Resolution Authorizing Street Closure for the Holiday Tree Lighting Ceremony and Parade	<b>Approved</b>
11.	Resolution Authorizing the Village-Wide Bagging of Short-Term 2 & 3 Hour Limit Parking Meters for Holiday Shopping Starting on Friday, December 16 <sup>th</sup> through Monday, January 2 <sup>nd</sup>	<b>Approved</b>
12.	Resolution Designating a Fire Lieutenant as Municipal Training Officer	<b>Approved</b>
13.	Discussion on Replacing Sidewalks in Wolfs Lane Park	<b>Discussed</b>
14.	Discussion on Paving Issues on Manning Circle	<b>Discussed</b>
15.	Other Business – United States Coast Guard Resolution, Downtown Floating Zone	<b>Approved/ Discussed</b>
Recurring Items		
16.	Authorizing Accounts Payable	<b>Approved</b>
17.	Authorizing the Minutes of:	<b>None</b>
18.	Adjournment to Executive Session	<b>Approved</b>

Next Regularly Scheduled BOT Meetings:

**Tuesday, December 6, 2016**  
**Tuesday, December 20, 2016**

Work Session:

**Monday, November 28, 2016 7:00 p.m. – Proposed Downtown Floating Zone Legislation**

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.

**Item # 2 – Pledge of Allegiance:**

The Pledge of Allegiance was led by Mayor Volpe.

**Item # 3 – Roll Call:**

Present were Trustees Deere, Ferrara, Kagan, Mutti, Reim and Reinke.

Also present were Village Administrator Yamuder and Assistant to the Village Administrator Scelza.

**Mayor's Report:**

Mayor Volpe stated a public work session will be held on Monday, November 28<sup>th</sup> at 7:00 p.m. in Village Hall to discuss the proposed Downtown Floating Zone Legislation.

Mayor Volpe stated that on December 3<sup>rd</sup> the Town of Pelham will be holding its annual Christmas Tree lighting ceremony beginning at 4:00 p.m.

Mayor Volpe reported that Con Edison is continuing with maintenance of gas lines throughout the community.

**Trustees' Report:**

Trustee Deere had nothing to report.

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Trustee Ferrara reported that The Acceleration Project, in partnership with the Pelham Chamber of Commerce, held a speed consulting workshop for local businesses on November 16<sup>th</sup> and it was very successful. She reported that the Pelham Half Marathon is on Saturday, November 26<sup>th</sup>, residents should expect a strong police presence and road closures.

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Trustee Kagan reported that residents of North Pelham should be receiving revised bills from Con Edison reflecting participation in the Community Choice Aggregation Energy Program. Secondly, Con Edison is warning customers that scam callers claiming to be from Con Edison are telling customers that service is going to be shut off due to unpaid bills unless the customer purchases a pre-paid card or arranges for a transfer via MoneyGram to pay a bill. These callers are not from Con Edison and

Con Edison does not accept payments of electric or gas bills by pre-paid debit cards, by MoneyGram or similar transfers. Trustee Kagan stated that the afternoon pickup pattern at the Hutchinson School has been suspended to accommodate exterior repairs to the building.

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Trustee Mutti reported that the Pelham Preservation and Garden Society approved the addition of a pergola for Wolfs Lane Park near Sparks Avenue. Trustee Mutti stated she is very pleased with the progress at Wolfs Lane Park. Trustee Mutti mentioned that bricks found in Wolfs Lane Park will be repurposed and used at the Highbrook Highline. Trustee Mutti reported that extensive changes have been made to the Villages Parking Map and that a press release will be prepared shortly highlighting the changes.

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Trustee Reim wished everyone a Happy Thanksgiving and reported that steps have been taken towards issuing operating permits to commercial properties within the Village.

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Trustee Reinke reported that she is working with Trustees Deere and Ferrara on commuter parking issues throughout the Village.

**Village Administrator's Report:**

Village Administrator Yamuder had nothing to report.

**Item # 7 – Public Comments**

No public comments.

<b>Non-Recurring Items</b>
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**Item # 8 – Presentation on Muncity Online Property Portal**

Presented by Assistant to the Village Administrator Scelza.

This item was informational only with no action taken.

**Item # 9 – Adopting Cyber Incident Response Policy**

Mayor Volpe stated that the Village needs a Cyber Incident Response Policy pursuant to New York State Technology Law § 208.

Trustee Reim asked if the State has any recommendation on shutting down the threat to coincide with the proposed notification policy.

After a brief discussion, this item was tabled and will be discussed at the December 6<sup>th</sup> meeting.

**Resolution Adopting Cyber Incident Response Policy**

**Whereas**, New York State Technology Law § 208 establishes procedures to be followed to notify affected individuals in the event of a breach of a computer security system and requires municipalities to adopt a notification policy consistent with these procedures.

**Now, therefore, be it resolved**, that the attached “Village of Pelham Cyber Incident Response Policy” is hereby approved and adopted as the Villages official policy.

**Item # 10 – Authorizing Street Closure for the Holiday Tree Lighting Ceremony and Parade**

Mayor Volpe stated that the Town of Pelham holds a Tree Lighting Celebration every year. They have asked the Village to close Fifth Avenue between First Street and Second Street on Saturday, December 3<sup>rd</sup>, from 3:00 P.M. to 6:00 P.M. for a short parade with Santa riding down Fifth Avenue on a fire truck and so that families can freely walk downtown to shop and visit local businesses. The Mayor and Board agreed that this is a wonderful event that encourages the community to support businesses and visit downtown.

**Resolution Authorizing Street Closure for the Holiday Tree Lighting Ceremony and Parade**

**Be it resolved**, that the Board of Trustees of the Village of Pelham herein authorizes the closing of Fifth Avenue between First Street and Second Street on the East Side of the street and as necessary on Saturday, December 3, 2016 from 3:00 p.m. to 6:00 p.m. for the Town’s Annual Holiday Tree lighting ceremony and parade; and

**Be it further resolved**, that Mayor and Board of Trustees authorize the appropriate Village officials and staff to take the necessary and appropriate actions to allow the ceremony and parade to take place.

*Motion by: Trustee Ferrara*

*Seconded by: Trustee Reinke*

*Vote: 7-0*

**Item # 11 - Authorizing the Village-Wide Bagging of Short-Term 2 & 3 Hour Limit Parking Meters for Holiday Shopping Starting on Friday, December 16<sup>th</sup> through Tuesday, January 3<sup>rd</sup>**

Mayor Volpe explained that every year the Village bags meters during the holiday season to promote shopping downtown. This allows for free 2-hour parking at all of the bagged meters for a maximum of two hours.

**Resolution Authorizing the Village-Wide Bagging of Short-Term 2 & 3 – Hour Limit Parking Meters for Holiday Shopping Starting on Friday, December 16<sup>th</sup> through Tuesday, January 3<sup>rd</sup>**

**Be it resolved**, that the Board of Trustees of the Village of Pelham herein authorizes the Department of Public Works and Police Department to coordinate and implement the Village-wide bagging of on-street, short term, two & three-hour limit parking meters in the Downtown during the holidays, for holiday shopping from Friday, December 16<sup>th</sup> through Tuesday, January 3<sup>rd</sup>. Vehicles may park free-of-charge at short-term two or three hour limit parking meters for a maximum of two hours.

*Motion by: Trustee Mutti*

*Seconded by: Trustee Ferrara*

*Vote: 7-0*

**Item # 12 – Designating a Fire Lieutenant as Municipal Training Officer**

Mayor Volpe stated that Fire Chief DiNapoli has recommended Fire Lieutenant Vincent D’Onofrio to the position of Municipal Training Officer for the Department and has maintained all of the required certifications.

**Resolution Designating a Fire Lieutenant as Municipal Training Officer**

**Whereas**, Fire Lieutenant Vincent D’Onofrio has been recommended by the Fire Chief to perform the duties of Municipal Training Officer and has maintained all of the required certifications to enable him to do so.

**Now, therefore, be it resolved**, that the Board of Trustees of the Village of Pelham hereby confirms the Mayor’s appointment of Fire Lieutenant Vincent D’Onofrio upon the recommendation of the Fire Chief as Municipal Training Officer in the Village of Pelham Fire Department; and

**Be it further resolved**, Fire Lieutenant Vincent D’Onofrio shall receive additional compensation of \$2,500 annually pursuant to the Collective Bargaining Agreement by and between the Village and Firefighters Union.

*Motion by: Trustee Reim*

*Seconded by: Trustee Ferrara*

*Vote: 7-0*

**Item # 13 – Discussion on Replacing Sidewalks in Wolfs Lane Park**

Trustee Mutti provided an estimate broken down by alternatives for the replacement of the interior sidewalks in Wolfs Lane Park between First Street and East Second Street:

**Alternative 1-** Reconstruct 480 sf of concrete sidewalk as per plans and contract.  
Cost = No additional funding as part of contract bid of \$9,780. Perennial to do reconstruct.

**Alternative 2-** Replace 1,710 sf of all interior WLP concrete sidewalk with new concrete.  
Cost = Additional cost of \$18,000 as proposed by Manor Paving (low bid of 5 submitted).

**Alternative 2A-** Replace 2,454 sf of all exterior and interior WLP concrete sidewalk with new concrete.  
Cost = Additional cost of \$25,400 as proposed by Manor Paving (low bid of 5 submitted).

**Alternative 3-** Install Perma-Drive for all interior concrete WLP sidewalks. Perennial's sub-contractor to install Perma-Pave.  
Cost = Additional cost of \$32,627 for interior sidewalks only; \$46,945 total for interior and exterior sidewalks replaced with Perma-Drive.

**Note 1:** If no additional interior or exterior concrete sidewalk work is proposed, a potential contract savings from Alternative 1 would be \$9,780.  
Example- Alternate 3 of \$32,627 minus \$9,780 would cost \$22,847.

**Note 2:** If Perma-Drive was installed for interior sidewalks (\$32,627) and concrete was replaced on exterior sidewalks with Manor Paving proposal (\$7,400).  
Example- Alternate 3 of \$32,627 minus \$9,780 would cost \$22,847 plus \$7,400 would total **\$30,247**.

After a discussion, the Board decided to proceed with Alternative 3, Note 2 to install perma-drive for all interior sidewalks and traditional concrete on the exterior slabs requiring replacement.

*Motion by: Trustee Mutti*

*Seconded by: Trustee Ferrara*

*Vote: 7-0*

**Item # 14 – Discussion on Paving Issues on Manning Circle**

Village Administrator Yamuder reported that he was made aware of an active paving operation on Manning Circle without prior Village approval. The Administrator contends that Manning Circle is a public roadway thus requiring proper permitting. The Mayor asked the Administrator to draft a letter to the resident responsible for contracting the paving work requesting a meeting to discuss the ownership status of Manning Circle.

**Item # 15 – Other Business**

Proposed Downtown Business District Floating Zone (“BDFZ”)

Mayor Volpe distributed a chart to members of the Board outlining the current zoning code, original BDFZ proposal, Planning Board comments on the proposed BDFZ and the revised BDFZ law based on comments from the Planning Board.

Mayor Volpe reminded everyone that a public work session will be held on Monday, November 28<sup>th</sup> at 7:00 p.m. in Village Hall to discuss the proposed Downtown Business District Floating Zone Legislation.

Pelham Half Marathon Event

Mayor Volpe stated the Board passed a resolution authorizing the Pelham Half Marathon event on October 6, 2016. He further stated one of the conditions of the resolution required the event organizer to pay for all overtime costs related to the event. The Villages of Pelham and Pelham Manor were recently asked to absorb all the overtime costs related to the event.

Mayor Volpe stated that there are sixty two critical crossings in the Village of Pelham, as a result one regular police department tour plus an additional eight officers will be necessary to ensure the safety of the participants. The Village of Pelham Manor has agreed to absorb the costs related to the event. The Mayor stated he anticipates it costing the Village around \$5,000 not including benefits.

Trustee Kagan expressed his concern over setting a precedent for future events in the Village.

The Board debated the request at length. Mayor Volpe stated he wants to support this event and is approving the request to absorb the overtime costs.

Trustee Kagan stated this expenditure is over his objection.

Mayor Volpe stated the United States Coast Guard is considering establishing new anchorage grounds in the Hudson River from Yonkers to Kingston, New York. The Westchester communities affected by this proposal have asked municipalities to pass a resolution rejecting the proposal. This resolution would need to be passed tonight as the public comment period ends before the Board's next regularly scheduled meeting.

Trustee Reim stated this is a complex issue that has no effect on the Village and without further information on the proposal he is not comfortable voting in support of the resolution.

Trustee Kagan stated there is really no significant downside to the Village in passing this resolution. He expressed his concern on the potential environmental impacts.

Trustee Mutti stated significant investment has been made by the riverfront communities to revitalize their waterfronts and she is in support of the proposed resolution.

**Resolution of the Board of Trustees of the Village of Pelham Urging the United States Coast Guard to Reject Proposed Rule USCG-2016-0132 in Relation to Hudson River Anchorage Grounds**

**Whereas**, under title 33 Code of Federal Regulation (CFR) 109.05, U.S. Coast Guard District Commanders are delegated the authority to establish anchorage grounds by Commandant of the U.S. Coast Guard; and

**Whereas**, in proposed rule USCG-2016-0132, the Coast Guard is considering establishing new anchorage grounds in the Hudson River from Yonkers, New York, to Kingston, New York; and

**Whereas**, the Coast Guard is currently accepting public comment on the proposed rule; and

**Whereas**, the designation of these new anchorage grounds, which would become water-based parking areas for commercial barges on the way to and from the ever busier Port of Albany, portends an increase in barge traffic on the Hudson River, with the potential to affect the ecological health of the river and the quality of life of its riverfront communities; and

**Whereas**, such efforts by the Coast Guard would serve to re-industrialize the Hudson River in areas undergoing transformation, coastal revitalization and adaptive reuse more in keeping with stated local long-term waterfront goals and regional initiatives toward Hudson Valley tourism; and

**Whereas**, the establishment of these anchorages will cause noise and light pollution, produce river bed scarring of delicate river bottom habitat through the use of heavy ground tackle and congregate dangerous material, such as crude oil, directly adjacent to the shoreline.

**Now, therefore, be it resolved,** that the Board of Trustees of the Village of Pelham hereby voices its opposition to the proposal by the U.S. Coast Guard to designate 2,400 acres of the Hudson River as anchorage areas for commercial barges along the Hudson River shoreline from Yonkers to Kingston; and

**Be it further resolved,** that the Board of Trustees of the Village of Pelham does hereby direct that a copy of this Resolution be forwarded to the members of the United States Congress representing the Village of Pelham.

*Motion by: Trustee Mutti*

*Seconded by: Trustee Ferrara*

*Vote: 6-1*

*Trustee Reim voted no*

**Recurring Items**

**Item # 16 - Authorizing the Accounts Payable**

Trustee Ferrara audited the Accounts Payable.

A brief discussion took place on vouchers 7860, 7871, 7876, 7909

**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 vouchers, 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	\$262,666.92
Capital Projects Fund	\$285,721.27
Trust and Agency Fund	\$0.00
<u>TE Expandable Trust Fund</u>	<u>\$936.22</u>
<b>Grand Total</b>	<b>\$549,324.41</b>

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

*Motion by: Trustee Ferrara*

*Seconded by: Trustee Mutti*

*Vote: 7-0*

**Item # 17 – Authorizing the Minutes of:**

No minutes were presented for approval.

**Item # 18 – Adjournment to Executive Session**

The public portion of the Board meeting was adjourned at 9:51 pm to enter into Executive Session to discuss a labor relations matter after which time the Board would adjourn for the evening.

Respectfully submitted,

Christopher Scelza  
Assistant to the Village Administrator