



VILLAGE OF PELHAM BOARD OF TRUSTEES
 REGULAR MEETING
 TUESDAY, OCTOBER 18, 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 Audited Financial Statement for Fiscal Year 2015-16 by O'Connor Davies, LLP.	Presented
9.	Resolution Authorizing Letter of Engagement with O'Connor Davies, LLP. to Provide Independent Financial Audit Services for Fiscal Years 2016-17, 2017-18 and 2018-19	Approved
10.	Discussion on Proposed "Downtown Floating Zone Legislation"	Discussed
11.	Resolution Amending § 90-52 Schedule XIII: No Parking Certain Hours, as Authorized by §90-19, Adding Portions of Ninth Avenue and Park Place	Approved
12.	Resolution Adopting Purchasing and Procurement Policy for Fiscal Year 2016-17 (Tabled from 10/06/16)	Approved
13.	Resolution Authorizing the Award of Contract # 2016-02 Wolfs Lane Park Site Improvements (bid deadline and opening 10/13/16, 10:00 a.m.)	Approved
14.	Resolution Authorizing Contract Amendment for Supplemental Architectural Design Services with Sean Jancski Landscape Architect, LLC. for the Wolfs Lane Park Site Improvement Project	Approved
15.	Resolution Authorizing Multi-Space Parking Meter Warranty Services	Approved
16.	Resolution Authorizing Payment of Certain Expenditures in Advance of Board of Trustees Audits	Approved
17.	Other Business – Statement of Revenue and Expenses as of 9/30/2016	Discussed
Recurring Items		
18.	Authorizing Accounts Payable	Approved
19.	Authorizing the Minutes of: September 20, 2016	Approved
20.	Adjournment to Executive Session	Approved

Next Regularly Scheduled BOT Meetings:

Tuesday, November 1, 2016
Tuesday, November 15, 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 8:00 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 reported that in response to an email he received the Village is installing no idling signs in the area of the Metro North Train Station on Village property pursuant to State Law.

Mayor Volpe reported that efforts are ongoing in addressing commuter parking in the area of St. Catherine’s Church.

Mayor Volpe congratulated the Pelham Children’s Center for conducting a very successful event on Saturday, October 15th.

Trustees’ Report:

Trustee Deere reported that he contacted the High School to inquire about forming a Habitat for Humanity Student group and he is still waiting to hear back.

Trustee Ferrara reported that Village staff is working on the 2016 Affordable Care Act forms and starting in January all employees will see their accrued benefits (personal, sick, vacation & compensatory time) on their paychecks bi-weekly. She also mentioned the Village received a complaint regarding the brand new springer at Woodland Park being broken. The manufacturer will be replacing the unit at no cost to the Village in the coming weeks.

Trustee Kagan reported that residents and small businesses in the northern section of the Village who thought they were included in a program to receive lower electricity rates received a letter recently confirming that their Con Ed account from May through October this year was in error but

corrections are being made. The Community Choice Aggregation program of Sustainable Westchester began in May 2016, and other Village of Pelham customers who had enrolled in the program saw on their Con Ed bills that they saved money. As previously reported Trustee Kagan had filed a complaint against Con Edison with the New York State Public Service Commission over incorrect billing of certain Pelham Village residents. Specifically Con Edison was not giving the lower electricity rate that is part of the Village's Community Choice Aggregation contract with Sustainable Westchester to residents of what was North Pelham until its merger with the Village of Pelham in 1975. Trustee Kagan thanked the Fire Department for a quick response to his residence for an inside odor of gas investigation. Trustee Kagan reported that he has asked the Village Administrator to investigate a parking situation on Third Avenue as he felt a business was not compliant with §98-113 (k) of the Village Code. Lastly, Cablevision has a Franchise Agreement renewal pending and he asked the Village Administrator to investigate if the Village were to obtain outside counsel could we make the applicant pay for it.

Trustee Mutti reported that there is an additional level of landscaping at the Benedict Stairs and thanked the neighbors who worked on the project. Trustee Mutti reported that she is working on restoring the tree canopy downtown. Currently there are seven missing trees on Wolfs Lane and she hopes the Village can undertake an additional tree planting in the spring.

Trustee Reim had nothing to report.

Trustee Reinke had nothing to report.

Village Administrator's Report:

Village Administrator Yamuder reported that it is now loose leaf collection season and that leaves placed at the curb will be picked up. They will be picking up both loose leaves and leaves in paper bags.

Item # 7 – Public Comments

No public comments.

Non-Recurring Items

Item # 8 – Presentation on Audited Financial Statement for Fiscal Year 2015-16 by PKF O’Connor Davies, LLP.

Tom Kennedy and Catherine Rapfogel of PKF O’Connor Davies, LLP, gave the Village financial presentation. Mr. Kennedy stated his firm has conducted past reports for the Village as their independent auditing firm. He said PKF O’Connor Davies has been working in the Village for the past twelve years. He thanked Village Administrator/Treasurer Yamuder and Financial Consultant Shirley Brown for their cooperation during the audit.

He said his firm is delivering an unmodified opinion on the Village finances and practices and would notify the Board of any deficiencies. He stated that this year’s report includes Government Accounting Standard Board Statement No. 68. This statement establishes new accounting and financial reporting requirements for municipalities that provide their employees with pensions under the New York State and Local Retirement Systems. The Board and Mr. Kennedy had a discussion GASB 68.

Catherine Rapfogel detailed the Village finances noting the Village’s fund balance. She said at year’s end through prudent spending and increased revenues, the Village’s fund balance remains strong at \$2,141,824 which relates to 14.9% of appropriated general fund expenditures for Fiscal Year 2015-16.

Item # 9 – Authorizing Letter of Engagement with PKF O’Connor Davies, LLP. to Provide Independent Financial Audit Services for Fiscal Years 2016-17, 2017-18 and 2018-19

Mayor Volpe stated this resolution authorizes the engagement of PKF O’Connor Davies, LLP. to serve as the Village’s independent financial auditors for Fiscal Years 2016-17, 2017-18 and 2018-19. Mayor Volpe noted the discounted hourly rates.

Trustee Kagan asked if this was ever bid out over the past twelve years. Village Administrator Yamuder stated it has not been bid out and he advised that if the Village were to switch auditing firms, the new firm would operate under the same standards as O’Connor Davies. He added that the familiarity with the Village staff and the consistent positive ratings received by the firm.

Resolution Authorizing Letter of Engagement with PKF O’Connor Davies, LLP. to Provide Independent Financial Audit Services for Fiscal Years 2016-17, 2017-18 and 2018-19

Whereas, New York State Village Law § 4-408 (e) requires the Village Treasurer to file an annual financial statement of the Village’s revenues, expenditures and outstanding indebtedness in the Village Clerk’s office within sixty (60) days of the end of the fiscal year; and

Whereas, the accounting firm of PKF O’Connor Davies, LLP, of Harrison, NY, has served as the Village’s independent auditor since Fiscal Year 2004-05, performing these audits and providing other assistance to the Village in a highly professional manner; and

Whereas, via resolution dated October 1, 2013, the Village Board of Trustees awarded PKF O’Connor Davies a three (3) year professional services agreement for fiscal years 2013-14, 2014-15 and 2015-16; and

Whereas, PKF O’Connor Davies has proffered a successor agreement with a three (3) year term to perform the annual audit for the Village for fiscal years 2016-17, 2017-18 and 2018-19; and

Whereas, the Village Administrator/Treasurer and Financial Consultant are recommending the continuance with PKF O’Connor Davies for professional audit services.

Now, therefore, be it resolved, that the Board of Trustees of the Village of Pelham herein authorizes the Village Administrator/Treasurer to execute the attached Letter of Engagement with PKF O’Connor Davies, LLP, to perform annual independent audits for the Village for a three (3) year term at a fee of \$31,300 for fiscal year 2016-17, \$32,900 for fiscal year 2017-18 and \$34,500 for fiscal year 2018-19; and

Be it further resolved, that the Mayor and Village Administrator/Treasurer are authorized to take the necessary and appropriate actions to effectuate the intent of this resolution.

Motion by: Trustee Reim

Seconded by: Trustee Ferrara

Vote: 7-0

Item # 10 – Discussion on Proposed “Downtown Floating Zone Legislation”

Mayor Volpe stated this item deals with a proposed amendment to Chapter 98 of the Village Code. The purpose of the law is to provide the Village with the modern zoning tools it needs to address desirable development proposals in a flexible and efficient manner. It would allow the Board of Trustees to apply specific substantive development standards to qualifying properties in the Business-1 and Business-2 zoning districts, as well as to adjoining property developed in conjunction with the property in the zone and it establishes a unified approval process before the Board of Trustees, including review and comment by the Planning Board and Architectural Review Board.

The second of the two proposed local laws would address the subdivision of land, which the Village currently does not regulate. That means that at present if a property is of sufficient size to create two or more lots that meet the minimum size requirements established in the zoning code, the property owner can create those lots without consulting the Village at all, just by filing a subdivision plat with the County Clerk. As a result, there is no control over the configuration of the lots and consequently no ability to control the design of the subdivision to ensure that it is not harmful to the neighbors or the Village.

Joseph Marty, 275 Highbrook Avenue, expressed his support of the proposed legislation and shared his opinions with the Board.

Carol Spawn, 95 Corona Avenue, expressed her support for smaller scale development and raised concerns on the possible effect on services.

Michael Carpenter, 50 Central Avenue, expressed the importance of the Villages land use Boards in an advisory capacity. He feels they would take the politics out of the decision process on any proposed development in the Village.

John Cassone, 312 Seventh Avenue, asked if a proposed project is required to have some level of senior housing. The Mayor and Mr. Cassone had a discussion on the question.

Trustee Reim inquired about the 75% lot use coverage, town house definition and public hearing requirements. Mayor Volpe and Trustee Reim had a discussion.

Trustee Reinke asked what the definition of substantially complete was as it relates to the law.

Item # 11 – Amending § 90-52 Schedule XIII: No Parking Certain Hours, as Authorized by §90-19, Adding Portions of Ninth Avenue and Park Place

Mayor Volpe stated he received complaints from a residents on Ninth Avenue regarding commuter parking. Chief of Police Benefico and Assistant to the Village Administrator Scelza looked at the situation over the course of a couple days and confirmed the complaints received. The residents in the neighborhood submitted a petition in support of the proposed resolution.

The Mayor and Board had a lengthy discussion on the proposed resolution and parking throughout the Village.

Robert Lang, 325 Ninth Avenue, explained the origin of the complaint and expressed his support of the proposed resolution.

Thomas Ralph, 337 Ninth Avenue, thanked the Board and Village staff for their timely response and shared his observations of the increase in commuter parking in his neighborhood.

Resolution Amending § 90-52 Schedule XIII: No Parking Certain Hours, as Authorized by §90-19, Adding Portions of Ninth Avenue and Park Place

Whereas, the Board of Trustees has discovered an increase in commuter parking on residential streets; and

Whereas, the residents of Ninth Avenue and Park Place have submitted a petition supporting the parking amendments.

Now, therefore, be it resolved, that § 90-52 Schedule XIII: No Parking Certain Hours, as authorized by § 90-19 of the Code of the Village of Pelham is amended to add the following locations:

<u>Street Name</u>	<u>Side</u>	<u>Hours/Days</u>	<u>Location</u>
Ninth Avenue	Both	12:00 p.m. to 2:00 p.m. Monday through Friday	Entire Length
Park Place	Both	12:00 p.m. to 2:00 p.m. Monday through Friday	Entire Length

Motion by: Trustee Mutti

Seconded by: Trustee Ferrara

Vote: 7-0

Item # 12 – Adopting Procurement and Purchasing Policy for Fiscal Year 2016-17 (Tabled from 10/06/16)

Mayor Volpe stated this item was tabled at the September 20th and October 6th meetings to allow for further review. He also stated that New York State General Municipal Law requires the Board to review its procurement and purchasing policies on an annual basis and that Village staff have suggested changes to the existing policy.

Several Trustees participated in a discussion on Section 10 of the proposed policy.

Resolution Adopting Procurement and Purchasing Policy for Fiscal Year 2016-17

Whereas, New York State General Municipal Law § 104-b(4) requires the Village Board of Trustees to review its procurement policies and procedures on an annual basis; and

Whereas, staff reviewed and discussed the Purchasing and Procurement Policy and recommends modifications for Fiscal Year 2016-17.

Now, therefore, be it resolved, that the Purchasing and Procurement Policy be amended and adopted in accordance with the attached October 18, 2016 document, hereto referred to as “Procurement and Purchasing Policy and Procedures, Revised October 18, 2016”.

Motion by: Trustee Kagan Seconded by: Trustee Ferrara Vote: 7-0

Following additional discussion under Item # 16 Section 6 of the Procurement and Purchasing Policy, the Board of Trustees approved the transfer of language from Section 2 subsection 10 to the end of Section 6.

Motion by: Trustee Kagan Seconded by: Trustee Ferrara Vote: 7-0

Item # 13 - Authorizing the Award of Contract # 2016-02 Wolfs Lane Park Site Improvements (bid deadline and opening 10/13/16, 10:00 a.m.)

Mayor Volpe stated at 10:00 a.m. on October 13, 2016, the Village Administrator publicly opened and read aloud four proposals in Village Hall for Contract # 2016-02 Wolfs Lane Park Site Improvement Project. He further summarized a previously distributed memo which is outlined in the below resolution.

Village Administrator Yamuder stated he visited Perennial Gardens, Inc. in Bedford, NY to review their outfit, staff and past practices.

Trustee Mutti opined on the bidding process and explained the differences between the paving options. Several Trustees participated in the discussion on the paving material.

Resolution Authorizing the Award of Contract # 2016-02 Wolfs Lane Park Site Improvements

Whereas, the Village of Pelham solicited a bid for contract # 2016-02 Wolfs Lane Park Site Improvements; and

Whereas, the bid for contract # 2016-02 was advertised in the *Journal News* as the Official Newspaper of the Village of Pelham, the Blue Book Building Construction Network and was also made available on the Village's website; and

Whereas, at 10:00 a.m. E.S.T., Thursday, October 13, 2016, the Village Administrator publicly opened and read aloud four proposals in Village Hall; and

Whereas, the bids ranged from \$417,540 to \$623,500 as outlined in the attached Bid Result Comparison sheet; and

Whereas, the bids also included proposed costs for two (2) alternate bids items for Concrete Pavement and/or for KBI Flexi-Pave Pavement; and

Whereas, upon review of the proposed bids received, the Village Administrator recommends the Board of Trustees consider adding the alternate item to install KBI Flexi-Pave Pavement at a cost of \$30,170 in lieu of stone dust pavement to minimize maintenance in terms of labor and material costs and to ensure aesthetic features are consistently implemented while maintaining storm water permeability attributes using porous material; and

Whereas, the Village Administrator further recommends KBI Flexi-Pave Pavement also be installed around the Super Nova play equipment for \$5,060.

Now, therefore, be it resolved, that the Board of Trustees of the Village of Pelham hereby awards Contract # 2016-02 Wolfs Lane Park Site Improvements in the Village of Pelham to the lowest qualified bidder Perennial Gardens, Inc., at the total bid cost of Four hundred fifty-two thousand seven hundred seventy dollars (\$452,770), which includes the aforementioned base bid of \$417,540 and the add alternate item KBI Flexi-Pave Pavement for \$30,170 plus \$5,060 for KBI to be installed around the Super Nova play equipment; 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 contract for these services.

Motion by: Trustee Mutti

Seconded by: Trustee Reinke

Vote: 7-0

Project budget shown on Page # 11.

Wolfs Lane Park Site Improvement Project Budget 11/22/2016

Funding Source: Dormitory Authority State of New York **\$647,000.00**

Expenses:

Landscape Architect - Phase II Working Drawings	\$42,000.00
Phase III Construction Phase Observation	\$9,000.00
Additional Schematic Master Plan revisions	<u>\$9,998.30</u>
Landscape Architect Total	\$60,998.30

Construction Contractor – Base Bid (Perennial Gardens, Inc.)	\$417,540.00
Add Alternate item KBI Flexi-Pave	\$30,170.00
KBI Flexi-Pave installation around play equipment	\$5,060.00
Change Order # 2 Permadrive Paving	\$10,500.00
Change Order # 3 Utility Line Trench	<u>\$1,685.00</u>
Construction Contractor Total	\$464,955.00

Contingency 10% of Total Base Bid with additions (recommended)	\$45,277.00
Less Change Order # 2	(\$10,500.00)
Contingency Balance	\$34,777.00

Park Site Furnishings	<i>Quantity</i>	<i>Unit Price</i>	<i>Total Price</i>
Windmere Curved Bench	4	\$1,920.58	\$7,682.32
Windmere Double Curved Bench	2	\$3,509.80	\$7,019.60
Larchmont Picnic Table	4	\$1,542.35	\$6,169.40
Larchmont Picnic Table (ADA Accessible)	2	\$1,758.17	\$3,516.34
Supernova	1	\$7,502.00	\$7,502.00
Water Fountain	1	\$1,498.07	\$1,498.07
Water Fountain Utility Work	1	\$18,315.00	\$18,315.00
Outdoor Concrete Tennis Table	1	\$10,365.00	<u>\$10,365.00</u>
Site Furnishings Total			\$62,067.73

Available Balance: \$24,201.97

Item # 14 – Authorizing Contract Amendment for Supplemental Architectural Design Services with Sean Jancski Landscape Architect, LLC. for the Wolfs Lane Park Site Improvement Project

Mayor Volpe stated this resolution authorizes the supplemental architectural services performed by Sean Jancski in connection with the project.

Resolution Authorizing Contract Amendment for Supplemental Architectural Design Services with Sean Jancski Landscape Architect, LLC. for the Wolfs Lane Park Site Improvement Project

Whereas, via resolution dated April 19, 2016, the Village Board of Trustees retained the professional landscape architectural services of Sean Jancski Landscape Architect, LLC (“SJA”), for the Wolfs Lane Park Site Improvement Project for a fee not to exceed \$42,000.00 for the design; and

Whereas, SJA performed supplemental design services totaling \$9,998.30.

Now, therefore, be it resolved, that the Board of Trustees of the Village of Pelham hereby amends the aforementioned contract from \$42,000.00 to \$51,998.30.

Motion by: Trustee Mutti

Seconded by: Trustee Ferrara

Vote: 7-0

Item # 15 – Authorizing Multi-Space Parking Meter Warranty Services

Mayor Volpe stated a service agreement is needed for the Village's two pay stations.

Resolution Authorizing Multi-Space Parking Meter Warranty Services

Be it resolved, that the Board of Trustees of the Village of Pelham herein authorizes the Village Administrator to execute the attached Multi-Space Parking Meter Warranty Service agreement with Integrated Technical Systems, Inc. in the amount of \$9,328.00 for a two year period expiring on December 25, 2018.

Motion by: Trustee Mutti

Seconded by: Trustee Ferrara

Vote: 7-0

Item # 16 - Authorizing Payment of Certain Expenditures in Advance of Board of Trustees Audits

Resolution Authorizing Payment of Certain Expenditures in Advance of Board of Trustees Audits

Whereas, New York State Village Law §5-524(6) provides that a Village Board of Trustees may authorize, by resolution, payments in advance of an audit of the following categories of expenses subject to them being presented at the next regular meeting for audit: public utility services (electric, gas, sewer, and telephone services), postage, freight, and express charges, provided that any such payments are presented to the Board of Trustees at their next regularly scheduled meeting for review and approval.

Now, therefore, be it resolved, that pursuant to New York State Village Law §5-524(6) the Board of Trustees of the Village of Pelham hereby authorizes the Village Administrator/Treasurer to pay the following categories of invoices in advance of regularly scheduled Board of Trustee meetings: public utility services (electric, gas, sewer, and telephone services), postage, freight, and express charges; and

Be it further resolved, that any such payments made pursuant to New York State Village Law §5-524(6) in advance of a regularly scheduled meeting be presented to the Board of Trustees at their next regularly scheduled meeting for review and approval.

Motion by: Trustee Mutti

Seconded by: Trustee Ferrara

Vote: 7-0

Item # 17 – Other Business

Mayor Volpe highlighted some areas of the Statement of Revenues and Expenditures previously distributed for the period ending September 30, 2016.

Recurring Items

Item # 18 - Authorizing the Accounts Payable

Trustee Reinke audited the Accounts Payable.

A brief discussion took place on voucher 7703 and voucher 7728 was held.

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	\$79,864.98
Capital Projects Fund	\$11,536.30
Trust and Agency Fund	\$0.00
TE Expandable Trust Fund	\$0.00
Grand Total	\$91,401.28

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

Motion by: Trustee Mutti

Seconded by: Trustee Ferrara

Vote: 7-0

Item # 19 – Authorizing the Minutes of: September 20, 2016

September 20, 2016 as amended.

Motion by: Trustee Mutti

Seconded by: Trustee Kagan

Vote: 7-0

Item # 20 – Adjournment to Executive Session

The public portion of the Board meeting was adjourned at 10:46 pm to enter into Executive Session to discuss a labor relations topic after which time the Board would adjourn for the evening.

Respectfully submitted,

Christopher Scelza
Assistant to the Village Administrator