



VILLAGE OF PELHAM BOARD OF TRUSTEES  
 REGULAR MEETING  
 TUESDAY, SEPTEMBER 29, 2015, 7:30 PM  
 VILLAGE HALL – 195 SPARKS AVENUE, PELHAM, NY 10803

**MINUTES**

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

# Agenda Items:

<b>Non-Recurring Items</b>		
7.	Presentation on Audited Financial Statement for Fiscal Year 2014-15 by O'Connor Davies LLP.	<b>Discussed</b>
8.	Public Hearing on Establishing a Community Choice Aggregation (Energy) Program	<b>Held Open</b>
9.	Public Hearing on Amending Chapter 68 Article V of the Village Code Entitled Law Maintenance Equipment	<b>Closed</b>
10.	Resolution Designating Sterling National Bank as Depository of Village Funds	<b>Approved</b>
11.	Resolution Adopting the 2015 Adjusted Base Proportions using the 2014 Final Assessment Roll and Rates provided by the Town Assessor for the Village of Pelham 2016 Tax Levy	<b>Approved</b>
12.	Resolution Authorizing the Installation of a Village Wide Video Surveillance System	<b>Approved</b>
13.	Discussion on Affordable Care Act Reporting	<b>Discussed</b>
14.	Discussion on Nyac Avenue Drainage	<b>Discussed</b>
15.	Other Business	<b>Discussed</b>
<b>Recurring Items</b>		
16.	Authorizing Accounts Payable	<b>Approved</b>
17.	Authorizing the Minutes of: September 8, 2015	<b>Approved</b>
18.	Adjournment to Executive Session	<b>Approved</b>

Next Regularly Scheduled BOT Meetings:

**Tuesday, October 6, 2015**  
**Tuesday, October 20, 2015**

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 Volpe at 7:30 p.m.

Present were Trustees Ferrara, Kagan, Mutti and Reim.

Absent were Trustees Cassidy, Marty and Village Administrator Yamuder.

Also present was Assistant to the Village Administrator Scelza.

**Item # 2 – Pledge of Allegiance:**

The Pledge of Allegiance was led by Mayor Volpe.

**Mayor's Report:**

Mayor Volpe reported that the new Village website is up and running and it is a vast improvement from the previous website.

The Pelham Picture House held an event on September 19<sup>th</sup> and it was a great success and he apologized that he could not attend.

Mayor Volpe participated on WVOX where he discussed Woodland Park, Sustainable Westchester and the Pelham Civics Association dinner dance.

Also on September 19<sup>th</sup> there was a community color run where over 500 runners participated and he thanked the event organizers.

Mayor Volpe reminded residents that Fall Leaf Collection will begin on October 15<sup>th</sup> and run through December 15<sup>th</sup>.

**Trustees' Report:**

Trustee Cassidy was absent.

\*\*\*\*\*

Trustee Ferrara will be attending the Chamber of Commerce meeting with the Chief of Police on September 30<sup>th</sup>. On October 7<sup>th</sup> the Village will be hosting a meet the Mayor event in association with

the Pelham Business Club. Trustee Ferrara thanked the DPW for their quick response in cleaning the graffiti on Highbrook Avenue under the MTA bridge. The 4<sup>th</sup> annual Oktoberfest will be held on October 3<sup>rd</sup> conducted by the Junior League of Pelham.

\*\*\*\*\*

Trustee Kagan mentioned residents from Pelham Heights should have received their first water bill from United Water and probably noticed their bill was higher due to a 14 week billing cycle and hot summer months. The rates are described in detail on the back of the water bill. If anyone is interested in seeing what their consumption was for last year please email [adam.kagan@pelhamgov.com](mailto:adam.kagan@pelhamgov.com). Any questions regarding your current bill contact United Water at 877-266-9101.

\*\*\*\*\*

Trustee Marty was absent.

\*\*\*\*\*

Trustee Mutti thanked Chris for all his hard work on getting the new Village website up and running and specifically mentioned the cost savings achieved by using Vimeo to stream Board meetings on the new site.

\*\*\*\*\*

Trustee Reim echoed the Mayor's comments regarding the Pelham Picture House event. In addition the Pelham Children's Center Pumpkin sale will be on October 3<sup>rd</sup>. Please continue to support Katie Rosell who is selling T-shirts she designed herself in order to raise funds to buy inflatable bags for rescue operations of the Pelham Fire Department. The monetary goal is \$4,300.00. The Fire Inspectors are issuing annual permits and the Department has responded to requests for mutual aid from Mount Vernon and Greenville. The mold remediation in the basement of the firehouse has been completed. Welcome back Firefighter Mike Mullen.

**Village Administrator's Report:**

Village Administrator Yamuder was absent.

**Item # 6 – Public Comments**

**John Cassone**, 312 7<sup>th</sup> Avenue, stated the new website is fantastic and congratulated everyone involved.

<b>Non-Recurring Items</b>
----------------------------

**Item # 7 – Presentation on Audited Financial Statement for Fiscal Year 2014-15 by O’Connor Davies LLP.**

Tom Kennedy and Yulia Kelly of O’Connor Davies gave the Village financial presentation. Mr. Kennedy stated his firm has conducted past reports for the Village as their independent auditing firm. He said O’Connor Davies has been working in the Village for six years. He thanked Village Administrator Yamuder and Financial Advisor 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 included a control deficiency related to compensated absences and the tracking of same. Mayor Volpe responded that this deficiency is in the process of being addressed.

Yulia Kelly detailed the Village finances noting the Village’s fund balance. She said at year’s end through prudent spending and increased revenues, the Village added approximately \$500,000 to the fund balance which relates to 17.4% of appropriated general fund expenditures.

Trustee Kagan asked if the Water Fund Balance was included in O’Connor Davies’ calculations.

Mayor Volpe stated the Board will post the financial report on the Village website. Hard copies will be available at Village Hall.

**Item # 8 – Public Hearing on Establishing a Community Choice Aggregation (Energy) Program**

Mayor Volpe stated that this is a public hearing to discuss Pelham getting involved in a Sustainable Westchester community choice aggregation program. The state now allows certain communities to pass laws allowing people to aggregate demand, through this program, for the purchase of energy to bring down the cost. It appears to have been successful in other communities. Sustainable Westchester provides suggested legislation to be approved by the Mayor and Board.

Mayor Volpe entertained a motion to open the public hearing respecting Introductory Local Law #1 of 2015, which is an introductory local law to create a new chapter of our village code entitled, Community Choice Aggregation (Energy) Program.

A motion was made by Trustee Ferrara and seconded by Trustee Mutti to open the public hearing. The vote was approved by a vote of five in favor, none opposed. Trustees Cassidy and Marty were absent.

Trustee Kagan stated he would be more comfortable keeping the hearing open for at least one more meeting, as he was not prepared to vote yet. He took issue with whether residents would have to opt-in and/or opt-out of the program, and if there was automatic opt-in. He also sought clarification on the allotted time period for opting out.

Mayor Volpe expressed his support for the idea of a community choice aggregation program, but agreed with Trustee Kagan that the board was not ready to vote. He opened the floor to the public.

**Mike Gordon**, co-chair of Sustainable Westchester offered a lengthy and in-depth description of the particulars of the program, including clarification of the opt-in/opt-out programs. He stated the deadline for municipalities to be guaranteed acceptance to the program is October 5, 2015. He made himself available to answer any questions from the public or the board.

Trustee Reim expressed his support and excitement for a program like this one, and suggested local environmental groups such as Eco-Pel get involved and offer their opinions on the program.

**Chris Cohen**, 304 Seventh Avenue, expressed support for the concept, but provided drafting commentary on the legislation suggested by Sustainable Westchester. He suggested the clarification of some of the defined terms in the legislation and the consistency of the definitions. He and Mike Gordon of Sustainable Westchester entered into a discussion of Mr. Cohen's concerns. Mr. Cohen offered to share his edits with the Board and Sustainable Westchester for their reference.

**David Brown**, 134 Cliff Avenue, expressed concerns regarding blackouts and who would service those who opt-in to the program if one were to occur. Mike Gordon of Sustainable Westchester assured him that Con-Ed would still provide assistance to residents who take part in the community aggregation program, should there be a blackout or similar situation. Discussion of the issue continued between Mr. Brown, Mr. Gordon, the Mayor and Board.

**John Cassone**, 312 7<sup>th</sup> Avenue, expressed concerns over residents having to enter into contracts and fixed rates. Mike Gordon of Sustainable Westchester explained the tri-party contract process in depth, stating individual homeowners will not enter into the contract, but will have terms of service, similar to those Con-Ed has. He provided an in-depth overview of the different rates for those who opt-in to the program.

Trustee Kagan, Mr. Gordon of Sustainable Westchester and Mayor Volpe entered into a discussion over the process for residents to opt-out of the program, and how the default provider is chosen.

Mike Gordon explained the deadline for Pelham to be included in Sustainable Westchester's RFP for a default supplier, is October 5, 2015. The Board did not feel comfortable voting on the law and will revisit it on October 6. Mr. Gordon of Sustainable Westchester stated that if the law was passed on October 6, Pelham could still be included.

The Mayor and Board continued discussion with Mr. Gordon over fees, communication, and governance. Mayor Volpe stated that the Board would consult with the Village Attorney and re-visit the topic on October 6. Sustainable Westchester will provide the Board and Village Attorney with versions of legislation from towns similar in demographic. The Public Hearing will remain open until then.

Mike Gordon, Co-Chair of Sustainable Westchester is available to answer questions and can be reached at (914)-282-7000.

**Item # 9 – Public Hearing on Amending Chapter 68 Article V of the Village Code Entitled Lawn Maintenance Equipment**

A motion was made by Trustee Reim to, and seconded by Trustee Mutti to open the public hearing. The vote was approved by a vote of five in favor, none opposed. Trustees Cassidy and Marty were absent.

**Shaun Breidbart**, 336 Eighth Avenue, spoke in favor of requiring mufflers on leaf blowers. He also spoke in favor of stronger enforcement of the leaf blower law, and in favor of ticketing the companies using the leaf blowers, instead of the homeowner.

**Clayton Bushong**, 29 Franklin Place, spoke in opposition to the school using leaf blowers to remove snow early in the morning.

**James Weyndling**, 237 Nyac Avenue, spoke in opposition to the school using leaf blowers out of season and in opposition to extending the season for leaf blower use, he favors the season being shortened instead.

**Eric Wessman**, 723 Pelhamdale Avenue, spoke in favor of stricter enforcement of the ban, and in opposition to extending the season.

**Peppard**, 1929, spoke in opposition to allowing the use of any leaf blowers for environmental reasons.

**Susan Reische**, 319 Corlies Avenue, spoke in opposition to extending the season for leaf blower use, and in opposition to the schools using leaf blowers to remove snow.

**Donald Dickson**, 340 Corlies Avenue, spoke in opposition to the schools using leaf blowers

**Kirk Reische**, 319 Corlies Avenue, spoke in opposition to the use of back pack leaf blowers before 8AM.

**Mark McNulty**, 346 Corlies Avenue, spoke in opposition to the school using leaf blowers for snow removal.

**David Brown**, 134 Cliff Avenue, spoke in favor of stricter enforcement of the leaf blower ban and in opposition to the school using leaf blowers to remove snow. He also spoke in favor of the Village doing more to limit their use of gas powered leaf blowers during the ban.

A motion was made by Trustee Reim and seconded by Trustee Ferrara to close the public hearing.

The Village Code Entitled Lawn Maintenance Equipment will remain in place, unchanged. The village will look into ways to monitor noise levels and bring up constituent concerns with the school board.

**Item # 10 – Designating Sterling National Bank as Depository of Village Funds**

Mayor Volpe stated that Hudson Valley Bank, where the Village of Pelham previously had accounts was recently bought by Sterling National Bank. He stated that by using a smaller bank, the Village gets a lower interest rate. Trustee Kagan pointed out that is the reason we do not use local banks in Pelham. Additionally, most banks in Pelham do not offer municipal banking.

A motion was made by Trustee Reim and seconded by Trustee Mutti to approve the resolution. The vote was approved five in favor, none opposed. Trustees Cassidy and Marty were absent.

**Resolution Designating Sterling Bank as Depository of Village Funds**

**Whereas**, pursuant to Village Law § 4-412 (3)(2), the Board of Trustees must designate, by resolution, banks or trust companies for the deposit of all Village monies; and

**Whereas**, Hudson Valley Bank was designated as a depository of Village monies at the April 7, 2015 Organizational Meeting; and

**Whereas**, on July 1, 2015 Hudson Valley Bank merged with Sterling National Bank; and

**Whereas**, it is necessary to sign a Deposit Account Agreement with Sterling National Bank.

**Now, therefore, be it resolved:**

1. that Sterling National Bank (“Bank”) is designated a depository of funds for the Village of Pelham (“Village”);
2. that any prior resolutions remain in effect except as changed by those adopted today. The Village ratifies all transactions purportedly done on its behalf with the Bank before the delivery of this resolution to the Bank. Any change(s) to these resolutions will take effect only after the Bank has received written certification of the change(s) and has had a reasonable time to verify and act on the change(s);
3. that the Village agrees to be bound by the Bank’s Commercial Deposit Account Agreement for each account permitted by these resolutions;
4. that the Bank is authorized to honor, pay and charge the Village’s account(s) for any item purporting to have been signed on behalf of the Village with a facsimile signature that resembles a specimen the Village has certified to the Bank, no matter by whom or by what means the actual or purported signature may have been made;

5. that the persons named, whose manual and/or facsimile signatures are provided next to their respective names, are authorized to sign and authorize checks, drafts, withdrawal slips, and any other orders for the payment of money, whether by paper, electronic, or other means, even if payable to the signer or used to discharge or reduce any obligation of the signer. The Bank has no duty to inquire into any such action, even if the action benefits the signer individually;

6. that the Mayor, the Deputy Mayor, the Village Administrator, and the Deputy Village Treasurer are hereby authorized to sign checks on behalf of the Village of Pelham.

**Item # 11 – Adopting the 2015 Adjusted Base Proportions using the 2014 Final Assessment Roll and Rates provided by the Town Assessor for the Village of Pelham 2016 Tax Levy**

Mayor Volpe stated that each year we pass a resolution to adopt the adjusted proportions. The Town Assessor, Michelle Cassandra, values property and comes up with the assessment role, which allows the Village to tax against the value of homes and commercial businesses. Each year that changes based on value.

A motion was made by Trustee Mutti and seconded by Trustee Ferrara to approve the resolution. The vote was approved by a vote of five in favor, none opposed. Trustees Cassidy and Marty were absent.

**Resolution Adopting the 2015 Adjusted Base Proportions using the 2014 Final Assessment Roll and Rates provided by the Town Assessor for the Village of Pelham 2016 Tax Levy**

**Be it resolved**, that the Board of Trustees of the Village of Pelham hereby adopts the 2015 Adjusted Base Proportions using the 2014 Final Assessment Roll and Rates provided by the Town of Pelham Assessor for the Village of Pelham 2016 Tax Levy, at the rates of 82.178397% for Homestead, and 17.821603% for Non-Homestead; and

**Be it further resolved**, that the Mayor, Village Administrator/Treasurer and the Town Assessor are authorized to take the necessary steps to effect this action.

**Item # 12 – Authorizing the Installation of a Village Wide Video Surveillance System**

Money was budgeted three budgets ago, to pay for the installation of cameras in various public parts of the community for the purpose of police surveillance and crime prevention. The project was put out to bid, and the lowest bidder was selected.

Trustee Kagan stated he discussed this at length with the Chief of Police and the chosen vendor and understands why a vendor who provides home security systems at a significantly lower cost such as Dropcam would not meet law enforcement purposes.

A motion was made by Trustee Reim and seconded by Trustee Ferrara to approve the resolution. After additional discussion the vote was approved by a vote of five in favor, none opposed. Trustees Cassidy and Marty were absent.

**Resolution Authorizing the Installation of a Village Wide Video Surveillance System**

**Whereas**, the Village wishes to proceed with the installation of a Village-wide video surveillance system; and

**Whereas**, a video surveillance system can be a deterrent to criminal activity; and

**Whereas**, funding is available in the Villages Capital Budget Account # H.3120.206; and

**Whereas**, the Village received three (3) written quotes for the purchase and installation of video surveillance equipment as follows:

	Per Camera
1. Guardian Security & Surveillance Corp.	\$1,895.00
2. Westchester Lock & Alarm Co, Inc.	\$2,675.00
3. Montgomery Electrical Contracting Corp.	\$2,950.00

**Whereas**, the Chief of Police recommends awarding the lowest qualified bidder Guardian Security & Surveillance Corp.

**Now, therefore, be it resolved**, that the Board of Trustees of the Village of Pelham authorizes the Village Administrator to execute an agreement with Guardian Security & Surveillance Corp of Pelham, NY for the purchase and installation of ten (10) video surveillance cameras and ancillary equipment in an amount not to exceed \$18,950.00 incorporating the terms of the attached proposal; and

**Be it further resolved**, that the Mayor, Village Administrator and Chief of Police are authorized to take the necessary and appropriate actions to effect this resolution.

**Item # 13 – Discussion on Affordable Care Act Reporting**

The Village has an obligation under the Affordable Care Act to do certain reporting. Requirements come into effect under the law shortly. The cost of reporting is not a lot. There were several bidders and the low bidder will offer expertise on the subject. This will be an agenda item on October 6, 2015.

**Item # 14 – Discussion on Nyc Avenue Drainage**

There is a drainage problem on Nyc Avenue, and there have been resident complaints. One resident stated he had complained for some time, but nothing was done. There was a meeting between this resident and the Mayor. There is also a drainage issue on Irving Place, where a storm drain needs to be replaced.

Michael Shriman has been asked to get quotes for the work. It is important to address the issue before winter, and there is a problem with ice. It is not being voted on at this meeting, but will be voted on in the next meeting.

**Item # 15 – Other Business**

There are no updates on 101 Wolfs Lane and transit overlay. Trustee Marty, Mayor Volpe, and Building Inspector Russo have met to determine the process of developing the property.

**Recurring Items**

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

Trustee Reim audited the Accounts Payable.

A motion was made by Trustee Reim and seconded by Trustee Ferrara to approve the resolution. The vote was approved by a vote of five in favor, none opposed. Trustees Cassidy and Marty were absent.

**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 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	\$269,224.70
Water Fund	\$0.00
Capital Projects Fund	\$0.00
Trust and Agency Fund	\$0.00
<u>TE Expand Trust Fund</u>	<u>\$0.00</u>
Grand Total	\$269,224.70

**Now, therefore, be it resolved**, that this Board hereby approves payment of the above mentioned claims and authorizes payment thereof.

**Item # 17 – Authorizing the Minutes of: September 8, 2015**

A motion was made by Trustee Kagan and seconded by Trustee Mutti to approve the minutes of September 8, 2015 as amended. The vote was approved by a vote of five in favor, none opposed. Trustees Cassidy and Marty were absent.

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

A motion was made by Trustee Reim and seconded by Trustee Ferrara to adjourn the public portion of the Board meeting at 9:45 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 a vote of five in favor, none opposed. Trustees Cassidy and Marty were absent.

Respectfully submitted,

Christopher Scelza  
Assistant to the Village Administrator