



VILLAGE OF PELHAM BOARD OF TRUSTEES  
 REGULAR MEETING  
 TUESDAY, SEPTEMBER 6, 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:

<b>Non-Recurring Items</b>		
8.	Presentation of NYCOM Certificate of Public Service for 35 Years to Michael Shriman	<b>Presented</b>
9.	Presentation of NYCOM Certificate of Public Service for 40 Years to Joseph Benefico	<b>Presented</b>
10.	Resolution Authorizing Tax Certiorari Settlement and Payment for Sandy Baccellieri at 161-163 Harmon Avenue	<b>Approved</b>
11.	Resolution Adopting Tax Exempt Bond Post Issuance Compliance Policy (Tabled from 8/16/16)	<b>Approved</b>
12.	Resolution Authorizing a Services Agreement Addendum with Operations, Inc., LLC to Assist the Village of Pelham with Affordable Care Act Compliance	<b>Approved</b>
13.	Resolution Accepting a Donation of \$550.00 from the Pelhamwood Neighborhood Association for the Painting of Railings at the Benedict Place Stairs	<b>Approved</b>
14.	Discussion on Parking Sign Regulations on 1 <sup>st</sup> Avenue and Ancon Avenue	<b>Discussed</b>
15.	Other Business – Floating Zone Legislation & Wolfs Lane Park	<b>Discussed</b>
<b>Recurring Items</b>		
16.	Authorizing Accounts Payable	<b>Approved</b>
17.	Authorizing the Minutes of: August 16, 2016	<b>Approved</b>
18.	Adjournment to Executive Session	<b>Approved</b>

Next Regularly Scheduled BOT Meetings:

**Tuesday, September 20, 2016**  
**Thursday, October 6, 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, Mutti, Reim and Reinke.

Trustee Kagan was absent.

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

**Mayor's Report:**

Mayor Volpe reminded the public that schools are open and he urged everyone to drive carefully and exercise extra caution and patience at school intersections and crosswalks for the safety of all our children and school staff alike. Mayor Volpe stated there is a 25 mph speed limit in effect for Wolfs Lane, Fifth Avenue, Nyac Avenue and Fourth Avenue.

Mayor Volpe briefly touched base on an incident that occurred at the Benedict Stairs and he mentioned that the Police Department was investigating. As a result of the incident improved lighting will be installed and increased patrols of the area will be taken place.

Mayor Volpe invited all members of the public to attend the 9/11 Memorial Service on Sunday, September 11<sup>th</sup> 8:30 a.m. at the gazebo on Harmon Avenue.

**Trustees' Report:**

Trustee Deere reported that he will be working with volunteers from Habitat for Humanity of Westchester and JP Morgan Chase on Saturday, September 10<sup>th</sup> at a property on Second Avenue near Third Street. The group of volunteers will be assisting an elderly homeowner with property maintenance.

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Trustee Ferrara reported that she met with members of the Chamber of Commerce and restaurant owners to discuss the idea of having a restaurant week event in the Spring.

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Trustee Kagan was absent.

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Trustee Mutti reported that the Pelhamwood Neighborhood Association will be having their 7<sup>th</sup> annual block party on Saturday, September 10<sup>th</sup>. She attended the opening of the outdoor sculpture exhibit at Bartow Pell Friday evening their Garden Centennial exhibition celebrates the design of the Delano & Aldrich gardens with 14 sculpture installations, 15 artists represented plus paintings that are site specific, excellent she viewed the exhibit with Lynn Honeysett, ED PAC and Annette Candido, former PAC board member. We will be working with their Executive director and exhibit curator to help us with our sculpture garden in Wolfs Lane Park, grateful for this collaboration. Trustee Mutti is working with the MTA to gain permission to plant some trees in the buffer across from Benedict fountain on Pelhamwood, funded by the neighbors. Completed our Garden mapping project, completed by our master gardener, Sue Seither, includes the islands at either side of Highbrook MTA bridge plus Clocktower and Benedict fountain and staircase which will assist with inventory, fundraising, volunteers, budgeting for maintenance and development, invaluable resource, post these and photos soon.

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Trustee Reim reported that August was a fairly quiet month for the Fire Department however they're responding on an average of three calls per day. He also encouraged all members of the public to attend the 9/11 Memorial Service.

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Trustee Reinke had nothing to report.

### **Village Administrator's Report:**

Village Administrator Yamuder reported that the four donated recycling bins from EcoPel have been installed by DPW. He also mentioned that the Village purchased LED warning lights for in front of the Firehouse. The lights notify pedestrians and drivers when the apparatus are responding to emergencies. Village Administrator Yamuder reported that the Village purchased a new high definition camera in an effort to improve the visual quality of Board meetings.

### **Item # 7 – Public Comments**

**John Cassone**, 312 Seventh Avenue, stated there has been very little progress on the billing errors with Con Edison under the Community Choice Aggregation program.

**Non-Recurring Items**

**Item # 8 – Presentation of NYCOM Certificate of Public Service for 35 Years to Michael Shriman**

Mayor Volpe presented Department of Public Works General Foreman Michael Shriman with a Certificate of Public Service from the New York State Conference of Mayors and Municipal Officials.

Deputy Mayor Mutti read the following statement regarding Michael Shrimans 35 Years of Service to the Community:

“We Worked together for 3 ½ years, just a small fraction of his tenure, but we are in contact most days.

He is deeply committed to his work and always advocates for what is best for the village. Having grown up here, he has the longest view and his perspective is invaluable.

He works the amount of time necessary to complete the job, as a salaried employee he clearly goes above and beyond, whether storm related or for emergencies of all sorts. He watches these meetings at home after a long day and sends his input via text message, which is so very helpful and creates efficient resolutions.

He is always available for ad hoc things and I ask for a lot of ad hoc things. I appreciate his patience with me and the time he takes explaining things. He is a skilled problem solver and I enjoy hearing about his solutions.

He completes tasks I ask him to do without looping back to me and it took me a while to figure this out. I would ask him to do something, I'd allow a reasonable amount of time to elapse, then check in with him only to find out the task was completed days ago. I am impressed by this work habit, he does not expect to be thanked, he simply moves on to the next item on the never ending list of things. He is judicious with his budget and capital requests, knowing that in a perfect world his list would be much longer and his staff much larger.

He is highly organized with his seasonal approach. He is quick to give credit to his crew, highlighting their skills and expertise. He graciously works with all of our volunteers.

It has been an honor to work with him, 35 years is quite a feat! Congratulations on this milestone!”.

**Item # 9 - Presentation of NYCOM Certificate of Public Service for 40 Years to Joseph Benefico**

Mayor Volpe stated Police Chief Benefico has been a dedicated public servant to the Village for forty plus years. He is a tremendous asset to the community and well known throughout Westchester County.

Mayor Volpe presented Chief of Police Joseph Benefico with a Certificate of Public Service from the New York State Conference of Mayors and Municipal Officials.

**Item # 10 – Authorizing Tax Certiorari Settlement and Payment for Sandy Baccellieri at 161-163 Harmon Avenue**

**Resolution Authorizing Tax Certiorari Settlement and Payment for Sandy Baccellieri at 161-163 Harmon Avenue**

**Be it resolved,** that the Board of Trustees of the Village of Pelham hereby authorize the Court Ordered settlement and payment for a refund of taxes and reduction in assessment to Sandy Baccellieri pursuant to the Court Order and Judgement for the property at the following address for the following amounts:

<b><u>Address:</u></b>	<b><u>Tax Lot ID #:</u></b>	<b><u>Assessment Years:</u></b>	<b><u>Amount:</u></b>
161-163 Harmon Avenue	164.29-1-50	2011	\$413.05
		2012	\$ <u>135.32</u>
<b>Total Refund:</b>			<b>\$548.37</b>

**Be it further resolved,** that the Mayor, Village Administrator/Treasurer and Village Attorney are authorized to take the necessary and appropriate actions to effect this Court Order and refund these taxes.

*Motion by: Trustee Ferrara*

*Seconded by: Trustee Reinke*

*Vote: 6-0*

*Absent: Trustee Kagan*

**Item # 11 – Adopting Tax Exempt Bond Post Issuance Compliance Policy (Tabled from 8/16/16)**

Mayor Volpe stated at the August 16<sup>th</sup> meeting the Board was asked to adopt a Tax Exempt Bond Post Issuance Compliance Policy on the recommendation of Bond Counsel Jeffrey Storch. The Board had some additional questions at the meeting and the item was tabled. Mr. Storch answered those questions and they were distributed to the Board.

Trustee Reim asked who will be the Bond Compliance Officer and should the Board consider an audit committee or liaison. Mayor Volpe responded that Village Administrator Yamuder will be the Bond Compliance Officer. Mayor Volpe discussed debt service with the entire Board.

**Resolution Adopting Tax Exempt Bond Post Issuance Compliance Policy**

**Whereas**, the Internal Revenue Service has issued new regulations requiring issuers of tax-exempt obligations to certify on Form 8038-G that they actively monitor compliance with federal tax rules following the issuance of such obligations; and

**Whereas**, the Village is an occasional issuer of tax-exempt obligations and thus is subject to the aforementioned compliance requirements which are critical for the preservation of preferential tax status of those obligations; and

**Whereas**, it is therefore in the best interest of the Village to adopt formal written procedures to ensure such compliance and to designate an official responsible for ensuring that such procedures are followed.

**Now, therefore, be it resolved**, that the Board of Trustees of the Village of Pelham hereby adopts the post-issuance compliance procedures attached hereto as “Schedule A” and resolves to be governed thereby; and

**Be it further resolved**, that this resolution shall take effect immediately upon its adoption.

*Motion by: Trustee Mutti*

*Seconded by: Trustee Reim*

*Vote: 6-0*

*Absent: Trustee Kagan*

**Item # 12 – Authorizing a Services Agreement Addendum with Operations, Inc., LLC to Assist the Village of Pelham with Affordable Care Act Compliance**

Village Administrator Yamuder explained that Operations, Inc., was hired in November 2015 to assist the Village with Affordable Care Act compliance for the 2015 calendar year reporting. The service agreement addendum carries forward the terms of the November 2015 agreement except for updated pricing for 2016.

Mayor Volpe would like to have a conference call with representatives from Operations, Inc., to discuss the reporting requirements as it relates to Governmental entities and would like to table the item. The Board and staff had a lengthy discussion on the topic and decided to approve the resolution subject to an understanding that there will actually be a filing requirement and pricing will be appropriate.

**Resolution Authorizing a Services Agreement Addendum with Operations, Inc., LLC to Assist the Village of Pelham with Affordable Care Act Compliance**

**Whereas**, the Village of Pelham (“Village”) is required to comply with the provisions of the Affordable Care Act; and

**Whereas**, Operations, Inc., LLC provides municipal consulting services related to the implementation and requirements mandated by the Affordable Care Act; and

**Whereas**, on November 17, 2015 the Village entered into an agreement with Operations, Inc., LLC to assist with Health Care Reform requirements for the 2015 calendar year reporting; and

**Whereas**, Village staff is highly satisfied with the Affordable Care Act consulting services of Operations, Inc., LLC; and

**Whereas**, the Village wishes to extend the contract for the 2016 calendar year reporting as required by the Affordable Care Act.

**Now, therefore, be it resolved**, that the Board of Trustees of the Village of Pelham herein authorizes the Village Administrator to execute a Service Agreement Addendum with Operations, Inc., LLC (attached hereto and made a part hereof) for Affordable Care Act consulting services in amount not to exceed \$3,500.00; and

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

*Motion by: Trustee Mutti*

*Seconded by: Trustee Ferrara*

*Vote: 6-0*

*Absent: Trustee Kagan*

**Item # 13 – Accepting a Donation of \$550.00 from the Pelhamwood Neighborhood Association for the Painting of Railings at the Benedict Place Stairs**

**Resolution Accepting a Donation of \$550.00 from the Pelhamwood Neighborhood Association for the Painting of Railings at the Benedict Place Stairs**

**Be it resolved**, that the Board of Trustees of the Village of Pelham herein authorizes the acceptance of a donation of \$550.00 from the Pelhamwood Neighborhood Association for the painting of railings at the Benedict Place Stairs with thanks to the donors for their contribution to the Village of Pelham community; and

**Be it further resolved**, the funds will be a budget amendment for budget line A.2705 Gifts and Donations to budget line A.5110.400 Street Maintenance Contractual expenses.

*Motion by: Trustee Reim*

*Seconded by: Trustee Mutti*

*Vote: 6-0*

*Absent: Trustee Kagan*

**Item # 14 – Discussion on Parking Sign Regulations on 1<sup>st</sup> Avenue and Ancon Avenue**

Village Administrator Yamuder stated it has been brought to his attention that commuters are parking on portions of First Avenue and on Ancon Avenue. The Board discussed the following proposals for First Avenue at length:

1. “No Parking Here to Corner” sign on the east side (northbound) of 1<sup>st</sup> Avenue at the intersection of 1<sup>st</sup> Street at a point 30 feet north of 1<sup>st</sup> Street.
2. Add parking regulations on the east side (northbound) of 1<sup>st</sup> Avenue from 1<sup>st</sup> Avenue (beyond the “No Parking Here to Corner” sign described above) to Lincoln Avenue: 1) 2-hour parking limit; 2) No Parking 9:00-10:00am and 2:00-3:00pm; 3) or install parking meters to allow commuter parking.

The Board asked for a resolution on September 20<sup>th</sup> limiting parking to two hours between 8:00 a.m. to 6:00 p.m. except on Saturdays, Sundays and Holidays on the East Side of First Avenue 40 feet north of the intersection with First Street to Second Street.

After a discussion about parking on Ancon Avenue the Board asked for a resolution on September 20<sup>th</sup> designating a no parking zone on the East and West Side from the intersection with First Street to a point 130 feet south as well as two hour parking between 8:00 a.m. to 6:00 p.m. except Saturdays, Sundays and Holidays on the East and West Side 130 feet south of the intersection with First Street to Elderwood Avenue.

**Item # 15 – Other Business**Discussion on Wolfs Lane Park Redesign

Presented by Trustee Mutti:

This item was informational only and discussed with no action taken.

Discussion on Downtown Floating Zone

Mayor Volpe highlighted the revisions made to the proposed Downtown Floating Zone legislation that was introduced to the Board and Community back in June. These revisions were made based on feedback received.

The purpose of both laws is to provide the Village with the modern zoning tools it needs to address desirable development proposals in a flexible and efficient manner.

The first of the two proposed local laws would amend the zoning chapter of the Village code to establish the Business District Floating Zone (BDFZ). It

- allows 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;
- promotes residential and commercial activity in the downtown area by relaxing yard, coverage and floor area ratio requirements;
- facilitates housing options for seniors by allowing additional height (but not more than existing heights in the downtown area) where a project provides first floor commercial space and housing for seniors;
- requires downtown projects to provide open space, parking and other amenities consistent with residential development in the vicinity of transportation facilities; and
- 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. Section 1 of the proposed law corrects that by requiring Village approval of subdivisions in accordance with the procedure established by state law. This is the norm in most communities. It provides an effective and efficient way to address subdivision design issues. Under the proposed law:

- subdivisions of land will have to be approved by the Village;

- the Board of Trustees will have the authority during the subdivision process to modify the strict dimensional requirements for lots set forth in the zoning code where it is reasonable to do so in order to
  - preserve natural features on the property that is being subdivided,
  - reduce environmental risk from the development,
  - improve the aesthetics or
  - protect the public safety.

**Recurring Items**

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

Trustee Mutti audited the Accounts Payable.

A brief discussion took place on voucher numbers 7463, 7471 and 7478.

**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	\$139,210.04
Capital Projects Fund	\$0.00
Trust and Agency Fund	\$0.00
<u>TE Expandable Trust Fund</u>	<u>\$3,473.45</u>
<b>Grand Total</b>	<b>\$142,683.49</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 Reinke*

*Vote: 6-0*

*Absent: Trustee Kagan*

**Item # 17 – Authorizing the Minutes of: August 16, 2016**

August 16, 2016 as amended.

*Motion by: Trustee Mutti*

*Seconded by: Trustee Ferrara*

*Vote: 6-0*

**Item # 18 – Adjournment**

The public portion of the Board meeting was adjourned at 9:30 pm to enter into Executive Session to discuss labor relation matters pertaining to the Police Department, Fire Department and CSEA after which time the Board would adjourn for the evening.

Respectfully submitted,

Christopher Scelza  
Assistant to the Village Administrator