

VILLAGE OF PELHAM BOARD OF TRUSTEES
REGULAR MEETING
TUESDAY, SEPTEMBER 8, 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:

Non-Recurring Items		
7.	Discussion on NYW&B Property with Westchester Land Trust	Discussed
8.	Resolution Rescheduling Public Hearing on a Local Law to Establish a Community Choice Aggregation (Energy) Program	Approved
9.	Resolution Authorizing the Appointment of a Part Time School Crossing Guard	Approved
10.	Resolution Establishing a Policy on Unclaimed of Street Opening Deposits	Tabled
11.	Resolution Authorizing Forfeiture of Unclaimed Street Opening Deposits	Approved
12.	Resolution Authorizing Emergency Mold Remediation Services at Fire Headquarters	Approved
13.	Resolution Authorizing the Execution of a Collective Bargaining Agreement with the Pelham Police Benevolent Association	Approved
14.	Resolution Designating Sterling National Bank as Depository of Village Funds	Tabled
15.	Discussion on DASNY Grant at Wolfs Lane Park Regarding SEQRA Issues	Discussed
16.	Discussion on Proposed 101 Wolfs Lane Development Project	Discussed
17.	Other Business – Resolution Authorizing Street Closure for Pelham Post 50 Dedication, Resolution Calling for a Public Hearing on Amending Chapter 68 Article V of the Village Code Entitled Lawn Maintenance Equipment	Approved Approved
Recurring Items		
18.	Authorizing Budget Amendments & Transfers for Fiscal Year 2015-16	Approved
19.	Authorizing Accounts Payable	Approved
20.	Authorizing the Minutes of: August 18, 2015	Approved
21.	Adjournment to Executive Session	Approved

Next Regularly Scheduled BOT Meetings:

Tuesday, September 29, 2015
Tuesday, October 6, 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 Cassidy, Ferrara, Kagan, Marty, Mutti (left meeting at 8:15 p.m.) and Reim.

Also present were Village Administrator Yamuder and 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 announced over the past few weeks Police Department employees have been visiting local businesses handing out notices on the Village's sign code. The sign code has been in existence for many years. The purpose of the code is to enhance the physical appearance of the community and public safety. Mayor Volpe stated he would be willing to meet with local business owners, groups, individuals etc. to discuss the sign code in detail.

Mayor Volpe stated recently in the community items have been placed at the curb that shouldn't be there because there is no garbage pick up the following morning. The Police Department will be enforcing the existing codes to maintain the cleanliness and safety in the community. If any resident has question regarding the sanitation schedule they visit the Village's website or contact Village hall directly.

Mayor Volpe invited all members of the public to attend the 9/11 memorial service on Friday, September 11th 8:30 a.m. at the gazebo on Harmon Place.

Mayor Volpe stated the Village's independent financial auditors made a recommendation to centralize the system of tracking compensatory time for union and non-union employees. Village staff are looking into implementing this suggestion.

Mayor Volpe reminded everyone that the Pelham Picture House will be holding its Picnic in the Park event on September 19th and urged all who are available to attend.

Trustees' Report:

Trustee Cassidy had no report.

Trustee Ferrara reminded everyone that the ribbon cutting ceremony for Woodland Park will take place on Thursday, September 10th at 5 p.m. She will also be meeting with the Pelham Chamber of Commerce and the Pelham Business Club on September 30th to discuss any concerns they may have.

Trustee Kagan had no report.

Trustee Marty had no report.

Trustee Mutti mentioned the Pelhamwood Neighborhood Association will be having its annual block party on Saturday, September 12th from 4 p.m. to 7 p.m. with a rain date of Sunday, September 13th. Trustee Mutti reported with the help of Town Historian Blake Bell the Village is developing a comprehensive historical section on the new Village website which is scheduled to go live on September 21st. Trustee Mutti thanked Maggie Klein for her work on the 2015-16 Directory & Business Guide. Trustee Mutti also thanked the Department of Public Works and the Police Department for their response and cleanup of a fallen tree on Benedict Place.

Trustee Reim reported for the month of August the Fire Department responded to 61 calls for service, 20 of them requiring advanced life support. Trustee Reim congratulated those who responded on August 30th to an EMS call requiring CPR. Trustee Reim had an opportunity to spend the day with members of the Fire Department and participated in physical training and thanked all involved. Lastly Trustee Reim reminded everyone that school is now open and please drive carefully.

Village Administrator's Report:

Village Administrator Yamuder had no report.

Item # 6 – Public Comments

Louise Podszus, 59 Clifford Avenue, stated she came before the Board on July 7, 2015 to report a sidewalk violation in front of 65 Clifford Avenue. Two months have passed and the homeowner has not cleared his section of the sidewalk.

Additionally Ms. Podszus reported a parking violation occurring in front of 91 Clifford Avenue and her interactions with the Police Department on this topic.

Mayor Volpe responded that these issues will be addressed at the next Village staff meeting.

Non-Recurring Items

Item # 7 – Discussion on NYW&B Property with Westchester Land Trust

Trustee Mutti read the following statement:

“Pleased to have representatives from Westchester Land Trust here us tonight. Board members from FHH were in contact with WLT 5 years ago and have hosted a couple of site visits and meetings. We appreciate this opportunity for the board and public to hear first-hand about their work and perspective on our parkland proposal.

The goal of parkland designation is for both funding and preservation. The first phase of the highline concept was launched with a generous grant from the JLP and we were able to open one third of the space to the public for the first time in many years”.

Kara H. Whelan

Director of Conservation Programs

Kara works closely with landowners and conservation partners on conservation projects spanning Westchester and Putnam Counties.

Susan Carpenter

Susan is Westchester Land Trust’s legal counsel and director of land preservation. She oversees the Land Trust’s conservation easement and land stewardship programs.

Thanks Ann Duma-Swanson, outreach liaison, FHH.

Representatives from Westchester Land Trust presented a power point to the Board on the services they could offer

This item was informational only and discussed with no action taken. Hard copy on file.

Item # 8 – Rescheduling Public Hearing on a Local Law to Establish a Community Choice Aggregation (Energy) Program

Mayor Volpe stated this resolution is simply moving the public hearing originally scheduled for September 22, 2015 to September 29, 2015 due to the Yom Kippur holiday. A presentation was made by Sustainable Westchester at the August 18th meeting on this program which is aimed at saving money on energy costs for the residents of those municipalities that decide to join the program.

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

Resolution Rescheduling Public Hearing on a Local Law to Establish a Community Choice Aggregation (Energy) Program

Be it resolved, that the public hearing scheduled for September 22, 2015 with respect to Introductory Local Law No. 1 of 2015 to establish a Community Choice Aggregation (Energy) Program in the Village of Pelham is hereby cancelled; and

Be it further resolved, that the Board of Trustees of the Village of Pelham hereby calls for a Public Hearing on September 29, 2015 at 7:30 pm or soon thereafter in Village Hall to consider Introductory Local Law No. 1 of 2015 on establishing a Community Choice Aggregation (Energy) Program in the Village of Pelham.

Item # 9 – Authorizing the Appointment of a Part Time School Crossing Guard

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

Resolution Authorizing the Appointment of a Part Time School Crossing Guard

Whereas, a position for part time school crossing guard is needed to fill a vacancy in the Police Department; and

Whereas, Beatrice Cosentino of 39 Willow Avenue, Pelham NY has applied for this position among other applicants; and

Whereas, the Chief of Police has recommended that Beatrice Cosentino be hired to fill this position.

Now, therefore, be it resolved, that the Mayor and Board of Trustees of the Village of Pelham hereby appoints Beatrice Cosentino, Pelham, New York, effective September 8, 2015, to the position of School Crossing Guard (Part Time) reporting to the Chief of Police, at an annual salary of \$9,543.00, subject to the requirements of Westchester County Civil Service, the Village of Pelham's Employee Handbook, and in accordance with the attached subject hiring letter, including a one year probationary period; 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 appointment.

Item # 10 – Establishing a Policy on Forfeitures of Street Opening Deposits

This item was tabled as it requires a modification to the Village code.

Resolution Establishing a Policy on Forfeitures of Street Opening Deposits

Whereas, the Board of Trustees of the Village of Pelham would like to establish a policy on unclaimed street opening deposits.

Now, therefore, be it resolved, that any unclaimed street opening deposit exceeding three (3) years shall be forfeited to the General Fund.

Item # 11 – Authorizing Forfeiture of Unclaimed Street Opening Deposits

After a brief discussion a motion was made by Trustee Cassidy and seconded by Trustee Marty to approve the resolution. The vote was approved by a vote of six in favor, none opposed. Trustee Mutti was absent.

Resolution Authorizing Forfeiture of Unclaimed Street Opening Deposits

Be it resolved, that the Board of Trustees of the Village of Pelham hereby authorizes the forfeiture of \$14,750.00 of unclaimed street opening deposits issued between 6/1/2007 and 5/31/2013 to the General Fund Account # A.2620.

Item # 12 – Authorizing Emergency Mold Remediation Services at Fire Headquarters

Mayor Volpe reported the Village received a report stating that there was mold in the basement of the firehouse. The mold tests revealed very high spore counts that are considered unsafe. After consulting with Village staff an executive decision was made to have the remediation done as quickly as possible. The remediation was considered an emergency which does not require formal bids or quotes under New York State General Municipal Law.

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

Resolution Authorizing Emergency Mold Remediation Services at Fire Headquarters

Whereas, the Village of Pelham (“Village”) operates and maintains Pelham Fire Department Headquarters located at 219 5th Avenue; and

Whereas, on August 3, 2015 the Villages Worker’s Compensation Insurance carrier PERMA performed a mock PESH safety inspection on all Village owned buildings; and

Whereas, PERMA recommended that the Village conduct immediate mold and air quality testing in the Firehouse; and

Whereas, on August 7, 2015 the Village retained Mold Inspection and Testing, a professional mold testing company who provided a report on August 11, 2015 based on laboratory testing specifying the need to remediate mold in the basement of the firehouse immediately; and

Whereas, the Mayor, Village Administrator and Acting Fire Chief determined this to be an emergency situation that required immediate action; and

Whereas, pursuant to § 103 (4) of the New York State General Municipal Law procurements that require immediate action that cannot wait for competitive bidding are permitted.

Now, therefore, be it resolved, that the Board of Trustees of the Village of Pelham authorizes the emergency remediation of mold in the firehouse to Hometown Restoration, LLC., at a total cost of Seventeen thousand five hundred and twenty dollars (\$17,520.00); and

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

Item # 13 – Authorizing the Execution of a Collective Bargaining Agreement with the Pelham Police Benevolent Association

After a brief discussion led by Mayor Volpe a motion was then made by Trustee Kagan and seconded by Trustee Ferrara to approve the resolution. The vote was approved by a vote of six in favor, none opposed. Trustee Mutti was absent.

Resolution Authorizing the Execution of a Collective Bargaining Agreement with the Pelham Police Benevolent Association

Whereas, the Village of Pelham (“Village”) and Pelham Police Benevolent Association (“PBA”) are parties to a Collective Bargaining Agreement that expired on May 31, 2010; and an Interest Arbitration Award (PERB Case No. IA 2011-011; M2010-245) for the period of June 1, 2010 through May 31, 2012; and

Whereas, changes to the terms and conditions of employment were agreed upon by the parties and placed in the form of a Memorandum of Agreement dated September 3, 2015 (attached hereto and made apart hereof); and

Whereas, the membership of the PBA ratified the terms and conditions contained in the Memorandum of Agreement on September 7, 2015.

Now, therefore, be it resolved, that the Memorandum of Agreement between the Village and PBA dated September 3, 2015 regarding the terms and conditions of employment for the period of June 1, 2012 through May 31, 2016 is hereby approved; and

Be it further resolved, that the Mayor and Village Administrator are hereby authorized to execute a Collective Bargaining Agreement for the period of June 1, 2012 through May 31, 2016 between the Village and the PBA incorporating the terms and conditions of said Memorandum of Agreement.

Item # 14 – Designating Sterling National Bank as Depository of Village Funds

This item was tabled to the September 29, 2015 meeting so staff can get a copy of the Bank's Commercial Deposit Account Agreement and have it reviewed by the Village Attorney.

Resolution Designating Sterling National 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 # 15 – Discussion on DASNY Grant at Wolfs Lane Park Regarding SEQRA Issues

Mayor Volpe stated DASNY issued a SEQRA Type II Determination on the proposed NY Economic Development Grant Program for Wolfs Lane Park . Type II actions are not subject to review under State Environmental Quality Review Part 617. These actions have been determined not to have a significant impact on the environment or are otherwise precluded from environmental review.

The Village’s outside legal counsel agrees with the determination by DASNY. Village staff will look into what the next steps are in the process.

Item # 16 – Discussion on Proposed 101 Wolfs Lane Development Project

Mara Kravitz Project Manager for MatriArch Development stated on August 28, 2015 she submitted the Declaration of Intent to Develop and Site Plan Applications to the Village. Mara reviewed a power point on the proposed development project with the Board along with Frank Fish of BFJ Planning. Ms. Kravitz proposed a Transit Oriented Development (“TOD”) Overlay Zoning amendment to the Village code that would have included all parcels within 200 feet of the Pelham train station. The zoning overlay proposal would have eliminated the need for at least some of the zoning variances needed for the project. After a lengthy discussion over the proposed TOD, Ms. Kravitz decided to withdraw the proposal to pursue acquiring any zoning variances needed. The applicant will need to submit a new Declaration of Intent to Develop Form without the proposed TOD to the Zoning Board of Appeals.

This item was informational only and discussed with no action taken. Hard copy on file.

Item # 17 – Other Business

After a brief discussion led by Mayor Volpe a motion was then made by Trustee Cassidy and seconded by Trustee Ferrara to approve the resolution. The vote was approved by a vote of six in favor, none opposed. Trustee Mutti was absent.

Resolution Authorizing Street Closure for Pelham Post 50 Dedication

Be it resolved, that the Board of Trustees of the Village of Pelham herein authorizes the closing of Fifth Avenue between Harmon Avenue and 2nd Street on Sunday, September 20, 2015 from 10:30 a.m. to 12:00 p.m. for the dedication and unveiling of a POW/MIA Monument in Veterans Park; and

Be it further resolved, that the Mayor and Board authorize the appropriate Village officials and staff to take the necessary and appropriate actions to allow the dedication to take place.

After a brief discussion led by Trustee Marty a motion was then made by Trustee Marty and seconded by Trustee Ferrara to approve the resolution. The vote was approved by a vote of six in favor, none opposed. Trustee Mutti was absent.

Resolution Calling for a Public Hearing on Introductory Law Law No. 2 of 2015 to Amend Chapter 68 Article V of the Village Code Entitled Law Maintenance Equipment

Whereas, the Village Board is considering an amendment to Chapter 68 Article V of the Pelham Village Code; and

Whereas, Pelham Village Code § 68-17 limits the use of leaf blowers to the time period between March 15 and April 30, inclusive, and October 15 and December 15, inclusive, of each calendar year; and

Whereas, the Village Board is proposing to change the operation of leaf blowers powered by internal-combustion engines to be prohibited from June 1 to September 30 of each year.

Now, therefore, be it resolved, that the Board of Trustees of the Village of Pelham herein calls for a Public Hearing on Tuesday, September 29, 2015 at 7:30 pm or soon thereafter at Village Hall, 195 Sparks Avenue, Pelham NY 10803 to consider Introductory Local Law No. 2 of 2015 amending Chapter 68.

Recurring Items

Item # 18 – Authorizing Budget Amendments & Transfers for Fiscal Year 2015-16

Village Administrator Yamuder led the Board through the 2015-16 budget amendments and transfers as requested by Finance Director Shirely Brown.

After a discussion a motion was then made by Trustee Ferrara and seconded by Trustee Cassidy to approve the resolution. The vote was approved by a vote of six in favor, none opposed. Trustee Mutti was absent.

Resolution Authorizing Budget Amendments & Transfers for Fiscal Year 2015-16

Whereas, pursuant to the provisions of § 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 appropriation accounts, excess revenues or fund balances available to cover the amendments and transfers.

Now, therefore, be it resolved, that pursuant to New York State Village Law § 5-520, the Board of Trustees of the Village of Pelham hereby authorizes and directs the proper Village officers to modify the 2015-16 Budget by making the following amendments and transfers (attached hereto and made part hereof).

2015/16 BUDGET AMENDMENTS AND TRANSFERS - VILLAGE BOARD MEETING SEPTEMBER 8, 2015**2015/16 BUDGET AMENDMENTS****To: GENERAL FUND**

A.5110.400	Street Maintenance - Contractual Expense	\$ 123,752.00
Note: Appropriate Fund Balance for 2015 street paving per 6/16/15 BOT resolution		

A.8560.479	Community Environment - Plantings	\$ 1,992.00
Note: Re-allocate balance of donation from PPGS for Wolfs Lane Park plantings		

A.9049.949	Employee Benefits - Workers Compensation	\$ 62,014.00
Note: Appropriate Fund Balance for Workers Compensation premium		

A.3120.453	Police Department - Equipment Maintenance	\$ 434.00
Note: Allocate reimbursement for damaged police car		

A.3410.424	Fire Department - Building Maintenance	\$ 5,520.00
Note: Appropriate Fund Balance for mold remediation at Fire House		

From: GENERAL FUND

A.4000	Fund Balance	\$123,752.00
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A.4000	Fund Balance	\$ 1,992.00
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A.4000	Fund Balance	\$ 62,014.00
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A.2690	Other Comp for Losses	\$ 434.00
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A.4000	Fund Balance	\$ 5,520.00
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2015/16 BUDGET TRANSFERS**To: GENERAL FUND**

A.1230.404	Village Administrator - Professional Dues	\$ 1,000.00
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A.1410.107	Village Clerk - P/T Salary Records Management	\$ 5,000.00
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A.1640.201	Central Garage - Equipment	\$ 6,950.00
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A.3410.424	Fire Department - Building Maintenance	\$ 8,000.00
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A.5110.201	Street Maintenance - Equipment	\$ 1,600.00
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A.7110.201	Parks - Equipment	\$ 1,500.00
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A.7110.415	Parks - Materials & Supplies	\$ 1,000.00
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		\$ 2,500.00
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From: GENERAL FUND

A.1325.400	Village Treasurer - Audit Fees	\$ 1,000.00
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A.1210.101	Mayor - Personal Services	\$ 5,000.00
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A.1640.415	Central Garage - Material & Supp	\$ 6,950.00
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A.3410.452	Fire Department - Building Repair	\$ 8,000.00
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A.1640.451	Central Garage - Vehicle Repairs	\$ 1,600.00
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A.5112.400	Street Maintenance - Perm Improv	\$ 2,500.00
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Grand Total of Exchanged Funds:		\$ 218,762.00
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Grand Total of Exchanged Funds:		\$218,762.00
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Item # 19 – Authorizing the Accounts Payable

Trustee Ferrara audited the Accounts Payable.

A motion was made by Trustee Ferrara and seconded by Trustee Cassidy to approve the resolution. The vote was approved by a vote of six in favor, none opposed. Trustee Mutti was 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	\$112,770.50
Water Fund	\$0.00
Capital Projects Fund	\$0.00
Trust and Agency Fund	\$0.00
TE Expand Trust Fund	\$80.10
Grand Total	\$112,850.60

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

Item # 20 – Authorizing the Minutes of: August 18, 2015

A motion was made by Trustee Cassidy and seconded by Trustee Kagan to approve the minutes of August 18, 2015 as amended. The vote was approved by a vote of six in favor, none opposed. Trustee Mutti was absent.

Item # 21 – 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 10:05 pm and go into Executive Session to discuss personnel and labor relations matters after which time the Board would adjourn for the evening. The motion was approved by a vote of six in favor, none opposed. Trustee Mutti was absent.

Respectfully submitted,

Christopher Scelza
Assistant to the Village Administrator