

**MINUTES OF THE LEGISLATIVE MEETING OF THE TOWN BOARD OF THE
TOWN OF PELHAM HELD ON MONDAY, APRIL 9, 2018 AT TOWN HALL,
COMMENCING AT 7:00 PM**

PRESENT: SUPERVISOR PETER DIPAOLA, DEPUTY TOWN SUPERVISOR DANIEL MCLAUGHLIN, COUNCILMAN BLAKE BELL, COUNCILMAN TIMOTHY CASE, COUNCILWOMAN RAE SZYMANSKI, AND TOWN COUNSEL THOMAS KLEINBERGER

TOWN COUNSEL THOMAS KLEINBERGER LEFT AT 7:46 PM.

ABSENT: NONE

RECORDING SECRETARY: TOWN CLERK AMY RIOS

OTHERS PRESENT: CONFIDENTIAL SECRETARY TO THE SUPERVISOR RUTHANN DESIMONE AND A FEW MEMBERS OF THE PUBLIC

CALL TO ORDER- Supervisor Peter DiPaola called the Legislative Meeting to order at 7:00 P.M.

1) Approval of Minutes

- a) Deputy Town Supervisor Daniel McLaughlin noted some errors in the Minutes of the Legislative meeting on March 5, 2018.

1. Deputy Town Supervisor McLaughlin moved to approve the minutes of the Legislative Meeting contingent upon revision of the errors.

Motion by: Deputy Town Supervisor McLaughlin
Seconded by: Councilman Bell

Voting taken

Supervisor DiPaola- Aye
Deputy Supervisor-McLaughlin- Aye
Councilman Bell- Aye
Councilman Case- Aye
Councilwoman Szymanski- Aye

Motion carried unanimously.

2) COMMITTEE REPORTS

1) Councilwoman Szymanski - Fly Car

- a) Empress did provide an ambulance at the rowing event at the Y. Councilwoman Szymanski had called Scott and he said absolutely. Jeff was very appreciative that there was an ambulance there. Councilwoman Szymanski sent him a thank you note.
- b) Scott reached out on 3/28 because there was an incident on 3/27 where the fly car was called to 711 Pelhamdale Avenue. They have installed GPS' into the Empress phones that they give to the Empress drivers. The drivers are all supposed to use that system. This time they didn't. The driver used his own personal phone and was sent to the wrong side of Pelhamdale. There was a big delay. No untoward affect to the patient. The patient was stabilized, it was just that the backup ambulance did not get there in a timely fashion. Chief DiNapoli reached out to Scott for an explanation, he did not include Pete and I in the email. This is the second time this has happened. We just want to be included so we know what is going on, so that if people ask us we have the answers. Scott answered very quickly, they discussed that it will be reiterated that this is a performance issue and that the GPS provided on the Empress phone is the only GPS to be used. Chief DiNapoli has said that he will let the Board know the same time he is letting Empress know in the future.
- c) They have put the extra ambulance over here with the construction that is going on over on the Hutchinson River Parkway.
- d) March 2018 Report – Total 97 Calls
 - Pelham 47 calls
 - Pelham Manor 50 calls
 - Hutchison River Parkway 4 calls
 - 95 1 call
 - 44% answered in 5 minutes or less and 56% answered between 5 and 9 minutes. It is the backup ambulance that continues to be slow. The average continues to be about 8 minutes, which is not horrible as long as the patient is stabilized. This is why we got the Fly Car.
- e) Someone has asked for the Empress Contract. Amy emailed Tom Kleinberger and Councilwoman Szymanski today. A FOIL request should be made. Have him fill out the form.
 - (a) Maggie Klein asked about whom this individual is and does the person work for a newspaper. Amy Rios could not determine from the email if the individual works for a newspaper.

- f) Councilwoman Szymanski was at a workgroup that the Westchester Association did and she sat next to Jim O'Conner who now works for Empress. He used to work for TransCare. They want to do a ceremony for the police officers that were there for the incident at the gym. More details to come.

2) Town Clerk Amy Rios paused the Committee Reports in order to hold the Public Comment that was not opened to the floor before the Approval of the Minutes.

- a) Detective John Hynes 316 3rd Avenue wanted to express his interest in serving on the Town Board when someone on the Board was ready to step down. He does not want to, nor will he run against anyone that is on the current Board. He wanted to let everyone know that he has wanted to serve on the Board for years, but that due to personal issues he has not pursued his interest, now that the personal issues have been resolved he would like to become more involved. He is the PBA president of the Pelham PD. I have spoken to a few attorneys, I can run. What does one have to do to start running?

Conversation ensued over whom to contact and how to get on the ballot.

When is the next position and when will it be up?

In 2019 the Town Supervisor, two Councilmen and the Town Clerk will be up for election. Councilmen have a four-year term and the Town Supervisor and Town Clerk have a two-year term.

Detective Hynes has spoken to attorneys. There is no conflict because as a Police officer he works for the Village not for the Town. The only conflict would be rent for the Police Department, and if that comes up he can just recuse himself from voting.

3) Councilman Bell – Legal

- A) Town Attorney Tom Kleinberger, Councilman Bell and the Supervisor have spoken to our General Municipal Law (GML) Expert. The Board will have a discussion in Executive Session to discuss legal personnel issues.
- B) Tax Receiver Report- Monthly Statement from the Receiver of Taxes.
 - a. The report for the month of March 2018 is below:
 - i. Town/County Taxes 2017 Received: \$ 451.39

- ii. Town/County Taxes 2016 Received: \$0.00
- iii. School Taxes Received: \$103,530.56
- iv. School Collection Fee: \$662.36
- v. Credit Card Fee: \$0
 - 1. Town- \$0
 - 2. School- \$0
- vi. Duplicate Payments- \$0
- vii. Penalties & Interest: \$10,473.51
(T) \$54.16

(L) \$0.00

(S) \$10,419.35

- viii. Liens: \$0.00
- ix. Taxpayers Agreement: \$1,014.19
- x. Misc. \$149.00
- xi. Pro-Ratas: \$2,377.63
- xii. Total: \$118,638.64

C) Town Court Justice Fund Internal Reporting

- a. February 2018:
 - i. Justice Gardner remitted \$36,508.50 filed 3/14/2018
 - ii. Justice DeChiaro remitted \$42,544.50 filed 3/23/2018
- b. March 2018:
 - i. Justice Gardner remitted \$40,055.25 filed on 4/6/2018

Councilman Case asked if the Tax bills went out yet. Confidential Secretary to the Supervisor Ruthanne DiSimone said yes, the Town and County have gone out.

4) Tax Certiorari

While Town Attorney Tom Kleinberger looked over the Certiorari, Councilman Bell has been working with the school district and the Villages and explained the process that may be followed by the local taxing authorities according to New York State's new statutes.

(1) Two new statutes have become law.

- (a) One statute allows local taxing authorities to create the nonprofits to which donations can be made in an effort to circumvent President Trump's efforts to minimize the reduction in New York for real property taxes.
- (b) Second statute allows employers to handle the same issue through a payroll tax rather than requiring the employees to pay the real property taxes.

(2) Councilman Bell, the school district and the Villages are looking into if there is a way to leverage these new statutes to benefit the tax payers. The worry is that the IRS is going to stop the first statute very quickly and that will be unlikely to be an avenue for our tax payers, but the second statute may not be so easy to shut down. Discussion ensued on the matter.

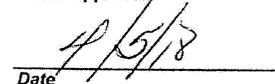
RESOLVED THAT THE TAX CERTIORARI PROCEEDING RELATING TO THE SP HHF SUB BROOK AVENUE LLC PROPERTY (166.26-1-8.2) LOCATED AT 798-858 PELHAM PARKWAY PELHAM MANOR BE CORRECTED AND ACCEPTED BY THE TOWN'S SPECIAL COUNSEL AS FOLLOWS.

Assessment Year	Tax Year	Current AV	Corrected AV	Net Reduction	Town Tax Rate	Refund
2014	2015	7,000,000	6,000,000	1,000,000	0.7171	\$717.10
2015	2016	7,500,000	7,000,000	500,000	0.6955	\$347.75
2016	2017	7,500,000	7,500,000	0	0.6793	\$0.00
					Total Refund	<u>\$1,064.85</u>

Approved by the Town Board upon condition that all taxes are paid and subject to School Board approval.

Taxes paid:


Tax Receiver


Date

Motion by – Councilman Bell
Second by - Councilwoman Szymanski

Voting taken

Supervisor DiPaola- Aye
Deputy Supervisor-McLaughlin- Aye
Councilman Bell- Aye
Councilman Case- Aye
Councilwoman Szymanski- Aye

Motion carried unanimously.

5) Deputy Town Supervisor McLaughlin- Library

- A) There was a meeting at the library on 3/14/18. We have the ability to get funds to do some alterations at the library. Both Senator Jeff Klein and Assemblywoman Amy Paulin are very supportive. However, the issue is that we don't get the money up front, the Town has to be liquid in order to do the renovation. It can take 3 – 4 years to be reimbursed. The Supervisor and Deputy Town Supervisor McLaughlin feel that is a large burden to put on the tax payers. There have to be local libraries that have gotten this done. The Library Board is working on putting a committee together to see how other Towns have managed this. The problem is that the Town does not own the building that houses the Library, the Friends of the Town Library does, so it is not an asset that the Town can use to borrow against. Conversation ensued about how to remedy the issue.

“What do you want the money for?” Maggie Klein

One of the things that has been talked about is increasing the space of the Children's Center because that is the most used program. The Library could be pushed out to Sanford Blvd/Colonial Avenue to increase the space of the reading room. At this time, programs have been denied because there is not enough space. The other thing, depending on how much money the Town gets, would be putting a second floor on. The other idea that came up at the Library board meeting was trying to do something in the basement, but it is in a flood zone, and the Library Board hasn't been successful in coming up with a solution for that. The Library doesn't want to invest in architectural plans until we can figure out how we can pay for the project.

“So that's lots of money” Maggie Klein

The money we could get is not insignificant and the cost is not insignificant. The problem is not the cost, the problem is having the money up front to do the work. There is grant money that is available to us for this project.

- B) ConEdison work is completed. They have not finished fixing the road.

6) Councilman Case – Recreation Department

A) Events

- (1) 4/14 Little League Parade Starts at 9 am at the Art Center and they will march down to Ingalls field.
- (2) 4/9 Recreation meeting tonight at 7 pm I will try to make the end of it. The Recreation Board are voting on the winner for the Marshall award tonight.
- (3) 5/14 Recreation Meeting 7 pm the Marshall Award will be awarded.
- (4) 4/18 PACT Town Hall – DA will be conducting a course on Sexting and Internet Safety. It is adults only.
- (5) 5/1 PACT Teen Adult event – Transitioning to college.
- (6) 5/12 PACT Field Fest – 3 pm-6pm Ingalls field.

B) Recreation is running really well. Fred Fiorito (Doc) is very pleased with the online system. It is getting the word out sooner, getting people in programs sooner and more efficiently, bringing revenue up and revenue is coming in sooner.

Councilman Bell said it would be good to know the metrics of how the software has impacted the Recreation Department.

So far 60% of the revenue has come in on the online system.

C) Summer Programs – Space is looking good. The programs are filling up. If the bond for the schools goes through it may throw the summer programs off for next year.

7) Deputy Town Supervisor McLaughlin – Solarize Pelham

a) There were two presentations by Solarize Pelham. Solarize Pelham is a group of Pelham residents that are very concerned with the environment. Councilman Case attended the first presentation because neither Supervisor DiPaola nor Deputy Town Supervisor McLaughlin could make it. The first one had 40 people in attendance. Mayor Mike Volpe, Supervisor DiPaola and Deputy Supervisor McLaughlin attended the second presentation but it did not have the same turnout as the first one.

(1) If you have a 3,000 sq. ft. house you could probably save \$157/month by spending about \$9,000 up front. It starts out at \$22,000, but there are all these credits and incentives and the final cost is about \$9,000. You could pay it off in about 10 years.

(i) It was specifically said that you did not have to use that particular contractor. Which was of great concern to the

Town Board. We were supporting this program, but we were not supporting that particular contractor.

- (ii) They will come to your house and do a free appraisal. You will need to sign up by June 4th. The program wants to make sure there is enough interest to have this program happen. They want 40-60 houses to be involved.
 - a. Councilman Case had them out to his house. They were very good, but his house is not conducive to the panels.
- (iii) Batteries – People were most interested in the Tesla Battery Wall. The battery costs an additional \$7,000 - \$10,000 and there are no reductions for it. The battery will act as a generator and store the power that your solar panels generate. If there is a storm, then the generator will power your house and the generator will be recharged the next day by the solar panels.
- (iv) There will be a presentation 4/26 2 pm at the Library and 7 pm at the Manor Club.
- (v) There have already been 50 inquiries into the project. The Town has supported it and the Village of Pelham has supported it. The Village of Pelham Manor has not, that is the reason why the Town did support it, so that Manor residents could take advantage of this program.
- (vi) Confidential Secretary to the Supervisor Ruthanne DeSimone said that Solarize Pelham have asked to get a mailing list from the Assessor's office so they can send out a mailer and they want the Town's letterhead. Councilman Blake will follow up with them to find out what they want the letterhead for. The mailing list is public information and they can get it off the Town website. Conversation ensued about postage, generating of the list and the contents of the letter.

8) Supervisor's Report – Supervisor Peter DiPaola

- A) Assessment going on by New York State into the Court Security. They have requested to sit in and audit what we do. 4/26 is the day it will happen.
- B) Emergency Coordinator – When we have an emergency and the shelter needs to be ready, we need someone to coordinate the constables and coordinate the Resident Emergency Assistance List (REAL). Sometimes

you open up the shelter and nobody comes, but we need to open it in case that someone in the community needs the service. For the last storm, we knew the areas that were out of power and we were able to concentrate our efforts for the REAL list first. Perhaps a Constable would be the best suited for this position. Though it may not be feasible for a Constable to be the coordinator because they may get held at their jobs when there is an emergency.

9) Motion to go into Executive Session at 7:57 pm

A) Purpose

(1) To discuss legal matters concerning an employee

Motion by: Deputy Town Supervisor McLaughlin

Seconded by: Councilman Case

Voting taken

Supervisor DiPaola- Aye

Deputy Supervisor-McLaughlin- Aye

Councilman Bell- Aye

Councilman Case- Aye

Councilwoman Szymanski- Aye

Motion carried unanimously.

Respectfully Submitted,

Amy Rios

Town Clerk