MINUTES OF THE LEGISLATIVE MEETING OF THE TOWN BOARD OF THE TOWN OF PELHAM HELD ON MONDAY, AUGUST 14, 2023 COMMENCING AT 7:00 PM

PRESENT: TOWN SUPERVISOR DANIEL MCLAUGHLIN, DEPUTY TOWN SUPERVISOR RAE SZYMANSKI, COUNCILWOMAN KRISTEN BURKE, COUNCILWOMAN MAURA CURTIN, COUNCILWOMAN KARA MCLOUGHLIN

RECORDING SECRETARY: TOWN CLERK ANTOINETTE CLEMENTE; DEPUTY TOWN CLERK MOLLY GIROLAMO

OTHERS PRESENT: TOM KLEINBERGER – TOWN ATTORNEY, CONFIDENTIAL SECRETARY TO THE TOWN SUPERVISOR-RUTHANN DESIMONE, AUGUSTA TURNER – LIBRARY DIRECTOR, MEMBERS OF THE PUBLIC

CALL TO ORDER- Town Supervisor Daniel McLaughlin opened the meeting at 7:00 PM.

1. APPROVAL OF MINUTES

Town Supervisor Daniel McLaughlin asked the Board to review and approve the minutes from the meeting held on July 10, 2023.

Legislative meeting minutes:

Motion by: Councilwoman Curtin
Seconded by: Councilwoman Burke

Vote Taken:
Supervisor McLaughlin- Aye
Deputy Town Supervisor Szymanski- Aye
Councilwoman Burke- Aye
Councilwoman Curtin- Aye
Councilwoman McLoughlin - Aye

Motion passed unanimously

COMMITTEE REPORTS

1) DEPUTY TOWN SUPERVISOR SZYMANSKI

a. There was a meeting on July 31st with two community members who have attended Town Board meetings to go in depth about EMS statistics and what they really mean with an emphasis on what they will look like going forward. There was a focus on what Eastchester plans to do to with the numbers including participation on social media platforms and other explanations to the community. It was a productive meeting and the community members agreed to support the initiative. Fundraising was also brought up at the meeting.

b. FLY CAR REPORT
Month of July 2023
Village of Pelham - 40
Pelham Manor- 37
HRP- 8
I95 – 1

Average response time for the ambulance units that back up the flycar was 8 minutes and 51 seconds.

There was a long response time on July 3 due to a new employee not being familiar with the area. It was discussed with Empress that anyone assigned to our flycar must be familiar with Pelham.

65% of the fly car calls were answered in under 6 minutes. 82% of the fly car calls were answered in under 7 minutes.

Deputy Supervisor Szymanski received the following information from Chief Benkwitt:

20 mutual aid ambulances were provided by Westchester EMS and 2 each from Eastchester, New Rochelle and Mount Vernon.

c. Supervisor McLaughlin added that Boston Post Rd. is being repaved soon and may cause disruptions for the flycar. He provided Pelham Manor with the email address for Empress so they can keep them apprised of any closures.

d. Empress has been told that we will be terminating our contract with them at the end of the year.

2) COUNCILWOMAN MCLOUGHLIN- RECREATION/SENIORS

a. Summer recreation camps have been completed. It was a very successful year with record numbers. Week long clinics continue through the end of summer.

b. Fall schedule is being finalized. Rec soccer sign ups are underway. For more information refer to the Recreation website.

c. The Senior van did 54 round trips for appointments in July. Transportation will be provided to the county-wide senior dance party at Glen Island on August 23rd. There will be another casino trip on August 16.

d. The Village bocce court is being dedicated to former Pelham resident, Gerald Russillo, who passed away in 2021. He was part of the bocce league and part of Knights of Columbus.

3) COUNCILWOMAN BURKE – LEGAL

a. Courts are closed for two weeks for vacation. They are still interviewing for a Court Clerk position.

b. Monthly Tax Receiver's Statement – July 2023

Town/County 2023	$23,092.80
Town/County 2022	$0
School Taxes	$0
School Collection Fee	$0
Duplicate Payments	$0
Duplicate Refunds	$0
Penalties and Interest	$1,324.08
Liens	$8,471.56
Taxpayers Agreement	$702.36
Misc.	$534.00
Pro-Ratas	$0
Total	**$34,124.80**

c. Justice Report –
July 2023

Justice Kagan - $23,205.00

Justice Gardner - $38,320.00

4) COUNCILWOMAN CURTIN – LIBRARY

a. The library had 255 participants in the summer reading program. The program ended with a visit from the Pelicones ice cream truck. K-day will take place on September 16. Residents are encouraged to bring incoming Kindergartners to register for a library card.

b. The Friends of the Library fundraiser, Novel night, sold out (900 tickets) in 19 minutes.

SUPERVISOR'S REPORT

1) Supervisor McLaughlin and Councilwoman Burke had a meeting with Village Sustainability board member, Tom White, Town Comptroller, Samantha Vitarello and Facilities Manager, Philip DeSimone. The Town Hall is reported as being very energy efficient. There will be continued discussions about next steps to make some of the other buildings more efficient. Putting LED lights at Glover field was discussed as well.

2) Supervisor McLaughlin will be signing a representation letter with PFK O'Connor Davies. It is a standard audit letter acknowledging that both parties are using standard practices.

3) Supervisor McLaughlin gave a deposition for a slip and fall that occurred in January 2022.

OLD/NEW BUSINESS

1) Councilwoman Burke reported that we have completed the sustainability benchmarking report and will be doing so annually. Reports will be posted on the website. The following resolution was proposed:

RESOLUTION - TOWN BOARD OF THE TOWN OF PELHAM

ESTABLISHING ENERGY BENCHMARKING REQUIREMENTS FOR CERTAIN MUNICIPAL BUILDINGS

WHEREAS, buildings are the single largest user of energy in the State of New York. The poorest performing buildings typically use several times the energy of the highest performing buildings—for the exact same building use; and

WHEREAS, collecting, reporting, and sharing building energy data on a regular basis allows municipal officials and the public to understand the energy performance of municipal buildings relative to similar buildings nationwide, and equipped with this information the Town of Pelham is able to make smarter, more cost-effective operational and capital investment decisions, reward efficiency, and drive widespread, continuous improvement; and

WHEREAS, the Town Board of the Town of Pelham desires to use Building Energy Benchmarking - a process of measuring a building's energy use, tracking that use over time, and comparing performance to similar buildings - to promote the public health, safety, and welfare by making available good, actionable information on municipal building energy use to help identify opportunities to cut costs and reduce pollution in the Town of Pelham; and

WHEREAS, the Town Board of the Town of Pelham desires to establish procedure or guideline for Town of Pelham staff to conduct such Building Energy Benchmarking; and

NOW THEREFORE, IT IS HEREBY RESOLVED AND DETERMINED, that the following specific policies and procedures are hereby adopted;

BUILDING ENERGY BENCHMARKING POLICY/PROCEDURES

§1. DEFINITIONS

(A) "Benchmarking Information" shall mean information generated by Portfolio Manager, as herein defined including descriptive information about the physical building and its operational characteristics.

(B) "Building Energy Benchmarking" shall mean the process of measuring a building's Energy use, tracking that use over time, and comparing performance to similar buildings.

(C) "Commissioner" shall mean the head of the Department.

(4) "Covered Municipal Building" shall mean a building or facility that is owned or occupied by the Town of Pelham that is 1,000 square feet or larger in size.

(5) "Department" shall mean the Office of the Comptroller.

(6) "Energy" shall mean electricity, natural gas, steam, hot or chilled water, fuel oil, or other product for use in a building, or renewable on-site electricity generation, for purposes of providing heating, cooling, lighting, water heating, or for powering or fueling other end-uses in the building and related facilities, as reflected in Utility bills or other documentation of actual Energy use.

(7) "Energy Performance Score" shall mean the numeric rating generated by Portfolio Manager that compares the Energy usage of the building to that of similar buildings.

(8) "Energy Use Intensity (EUI)" shall mean the kBTUs (1,000 British Thermal Units) used per square foot of gross floor area.

(9) “Gross Floor Area” shall mean the total number of enclosed square feet measured between the exterior surfaces of the fixed walls within any structure used or intended for supporting or sheltering any use or occupancy.

(11) “Portfolio Manager” shall mean ENERGY STAR Portfolio Manager, the internet-based tool developed and maintained by the United States Environmental Protection Agency to track and assess the relative Energy performance of buildings nationwide, or successor.

(12) “Utility” shall mean an entity that distributes and sells Energy to Covered Municipal Buildings.

(13) “Weather Normalized Site EUI” shall mean the amount of Energy that would have been used by a property under 30-year average temperatures, accounting for the difference between average temperatures and yearly fluctuations.

§2. APPLICABILITY

(1) This policy is applicable to all Covered Municipal Buildings as defined in Section 2 of this policy.

(2) The Commissioner may exempt a particular Covered Municipal Building from the benchmarking requirement if the Commissioner determines that it has characteristics that make benchmarking impractical.

§3. BENCHMARKING REQUIRED FOR COVERED MUNICIPAL BUILDINGS

(1) No later than **August 31, 2023**, and no later than **May 1** every year thereafter, the Commissioner or his or her designee from the Department shall enter into Portfolio Manager the total Energy consumed by each Covered Municipal Building, along with all other descriptive information required by Portfolio Manager for the previous calendar year.

(2) For new Covered Municipal Buildings that have not accumulated 12 months of Energy use data by the first applicable date following occupancy for inputting Energy use into Portfolio Manager, the Commissioner or his or her designee from the Department shall begin inputting data in the following year.

§4. DISCLOSURE AND PUBLICATION OF BENCHMARKING INFORMATION

(1) The Department shall make available to the public on the internet Benchmarking Information for the previous calendar year:

(a) no later than **September 1, 2023** and by September 1 of each year thereafter for Covered Municipal Buildings; and

(2) The Department shall make available to the public on the internet and update at least annually, the following Benchmarking Information:

(a) Summary statistics on Energy consumption for Covered Municipal Buildings derived from aggregation of Benchmarking Information; and

(b) For each Covered Municipal Building individually:

(i) The status of compliance with the requirements of this Policy; and

(ii) The building address, primary use type, and gross floor area; and
(iii) Annual summary statistics, including site EUI, Weather Normalized Source EUI, annual GHG emissions, and an Energy Performance Score where available; and
(iv) A comparison of the annual summary statistics (as required by Section 5(2)(b)(iii) of this Policy) across calendar years for all years since annual reporting under this Policy has been required for said building.

§5. MAINTENANCE OF RECORDS
The Department shall maintain records as necessary for carrying out the purposes of this Policy, including but not limited to Energy bills and other documents received from tenants and/or Utilities. Such records shall be preserved by the Department for a period of three (3) years.

§6. ENFORCEMENT AND ADMINISTRATION
(1) The Commissioner or his or her designee from the Department shall be the Chief Enforcement Officer of this Policy.

(2) The Chief Enforcement Officer of this Policy may promulgate regulations necessary for the administration of the requirements of this Policy.

(3) Within thirty days after each anniversary date of the effective date of this Policy, the Chief Enforcement Officer shall submit a report to the Town Board of the Town of Pelham including but not limited to summary statistics on Energy consumption for Covered Municipal Buildings derived from aggregation of Benchmarking Information, a list of all Covered Municipal Buildings identifying each Covered Municipal Building that the Commissioner determined to be exempt from the benchmarking requirement and the reason for the exemption, and the status of compliance with the requirements of this Policy.

§7. EFFECTIVE DATE
This policy shall be effective immediately upon passage.

§8. SEVERABILITY
The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of the aforementioned sections, as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase, which shall remain in full force and effect.

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Pelham shall establish and adopt energy benchmarking requirements for buildings or facilities that are owned or occupied by the Town of Pelham that are 1,000 square feet or larger in size.

Dated: Pelham, New York
August 14, 2023

TOWN OF PELHAM – TOWN BOARD

Motion by: Councilwoman McLoughlin
Seconded by: Deputy Supervisor Szymanski

Vote Taken:
Supervisor McLaughlin- Aye
Deputy Town Supervisor Szymanski- Aye
Councilwoman Burke- Aye
Councilwoman Curtin- Aye
Councilwoman McLoughlin - Aye

2) Councilwoman Burke presented a proposal from Circuit electric vehicle company (it was recently piloted in New Rochelle). The goal would be to relieve some of the parking issues in Town and increase sustainability. The vehicles would be similar to Uber but with up to five passengers at a time to travel within an area with set boundaries. There are different variabilities to change the pay structure– the current proposal included 6 cars.

Deputy Supervisor Szymanski asked about the ease of use, especially for senior citizens and asked if it could be summoned via phone. Councilwoman Burke replied that it is an App, but that New Rochelle reported that 1/3 of their users are seniors and that the APP is user friendly.

A six-month pilot for the program is recommended. The opportunity also exists to defray costs by local advertising. Challenges include finding parking for the vehicles – Circuit provides the charging stations.

The Board will continue to explore the possibility of a pilot program.

3) Councilwoman Curtin worked with Facilities Manager, Philip DeSimone, to submit paperwork for the $280,000 state and municipal facilities capitol program grant. She also suggested a discussion about the best usage of our facilities with the departure of the police department. Supervisor McLaughlin responded that public facing offices will be moving down stairs in order to be ADA compliant (rather than installing an elevator).

PUBLIC COMMENT

- A representative from NY State Senator Nathalia Fernandez's office explained that their office would be conducting an end of session recap and she would send information to the Board when the details are finalized.

Motion to adjourn the Legislative meeting at 7:45 PM and move to Executive Session for contract discussions.

Motion by: Councilwoman Curtin
Seconded by: Deputy Supervisor Szymanski

Vote Taken:
Supervisor McLaughlin- Aye
Deputy Town Supervisor Szymanski- Aye
Councilwoman Burke- Aye
Councilwoman Curtin- Aye
Councilwoman McLoughlin - Aye

Respectfully Submitted,
Antoinette Clemente, Town Clerk
Molly Girolamo, Deputy Town Clerk