

VILLAGE OF PELHAM BOARD OF TRUSTEES  
 REGULAR MEETING  
 TUESDAY, APRIL 9, 2013, 7:30 PM  
 VILLAGE HALL – 195 SPARKS AVENUE, PELHAM, NY

**Minutes**

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

Approximate  
Starting Time  
of Discussion

# Agenda Items:

<b>Organizational Meeting Business</b>		<b>7:45 p.m.</b>
7.	Oath of Office for Elected Trustees by Judge John DiChiaro, Annual Organizational Meeting and Mayoral Appointments to Land Use Boards, Appointments of Committee Chairpersons, and Assignment for Board Liaisons	<b>Oath Given Organizational Tabled</b>
<b>Non-Recurring Items</b>		
8.	Public Hearing on a Local Law on Property Tax Cap Override	<b>Approved</b>
9.	Authorizing IMA Between Village of Pelham and New Rochelle for Disposal of Organic Yard Waste	<b>Approved</b>
10.	Resolution Authorizing the Payment of Accrued Leave to Police Officer Richard Vasami, upon his Retirement effective on Friday, March 11, 2013	<b>Approved</b>
11.	Other Business	<b>None</b>
<b>Recurring Items</b>		
12.	Authorizing Accounts Payable	<b>Approved</b>
13.	Authorizing Minutes of: March 5, 2013, March 20, 2013	<b>Approved</b>
14.	Adjournment	

Next Scheduled Board Meetings are:  
 Monday, April 15, 2013- Public Hearing on Preliminary Budget  
 Tuesday, April 23, 2013- Budget Adoption  
 Tuesday, May 7, 2013

All meetings start at 7:30 p.m. unless otherwise noted.

Item #1 – Meeting called to order: The meeting of the Board of Trustees was called to order by Mayor Cassidy at 7:30 p.m.

The following members of the Board of Trustees were present:

Mayor Cassidy, Trustees Kagan, McGoldrick, Senerchia, Mutti, and Marty

The following members of the Board of Trustees were absent:

Trustee Volpe

Village staff in attendance:

Village Administrator Robert Yamuder and Secretary to the Village Administrator Peter Bonington

Item #2 – Pledge of Allegiance:

The Pledge of Allegiance was led by Mayor Cassidy.

Reports:

Mayor Cassidy Report

Mayor Cassidy said he is honored to have the opportunity to serve the Village of Pelham. He is looking forward to the coming year and is glad to have a good group on the Board of Trustees.

The Mayor said the Board will be postponing the administrative and land use appointments until the April 23<sup>rd</sup> meeting. He said the most important item the Board will be discussing is resolution concerning the property tax cap override.

The Village is in the midst of its budget workshops and has worked the proposed property tax rate down from 6.6% to 2.5% which is below the mandated tax cap rate of 2.67%. He said although budget is currently below the tax cap, the Board intends to pass the resolution to enact the override as a precaution.

Trustees Reports:

Trustee Kagan

Trustee Kagan welcomed the new Mayor and Trustees to the Board.

Trustee Marty

Trustee Marty added his welcome to the new Mayor and Trustees.

Trustee McGoldrick

Trustee McGoldrick said he had a meeting with Building Inspector Russo and Village Prosecutor Martha Conforti on an issue with the Village Code regarding sidewalk cafés and the restrictive nature language of the Village Code. He said there are some issues that need to be worked out and may require Board approval to change the existing local law.

Trustee Mutti

Trustee Mutti stated she is looking forward to serving on the Village Board. She encouraged residents to participate in the discussions in the coming meetings.

Trustee Senerchia

Trustee Senerchia thanked the residents of Pelham for allowing him to serve on the Board. He said they have a great team on the Board.

Trustee Volpe

Absent

Village Administrator's Report

None

Item #6–Public Comment

John Cassone of 7<sup>th</sup> Avenue congratulated the new Mayor and Trustees. He thanked them for delivering a budget that came in under the property tax cap and said he had informed of that fact at the seniors at their last meeting.

Item #7–Oath of Office for Elected Trustees by Judge John DiChiaro, Annual Organizational Meeting and Mayoral Appointments to Land Use Boards, Appointments of Committee Chairpersons, and Assignment for Board Liaisons

Oath of Office performed by Judge John DiChiaro for elected Trustees as follows:

Mayor Timothy S. Cassidy

Oath of Office performed by Judge John Gardner for elected Trustees as follows:

Trustee Susan Mutti

Trustee Joseph Senerchia

The Board decided to table the organizational appointments until a later meeting.

Item #8– Public hearing on A Local Law on Property Tax Cap Override

Mayor Cassidy said the Board has worked hard to deliver a balanced and fair budget. Trustee Mutti said the passage of the tax cap override is a fail-safe against any unforeseen expenditures that could push the budget above the property tax cap.

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

**Local Law No. 1-2013**

**Village Of Pelham, New York**

**A local law to override the real property tax levy limit established in General Municipal Law §3-c**

**BE ENACTED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF PELHAM AS FOLLOWS:**

**SECTION 1**

**Local Law 2 of 2012 of the Village of Pelham is repealed, and the following new Chapter 18 OVERRIDE OF THE REAL PROPERTY TAX LEVY LIMIT is adopted as follows:**

**CHAPTER 18 OVERRIDE OF THE REAL PROPERTY TAX LEVY LIMIT**

**§18-1. Legislative Intent**

It is the intent of this local law to allow the Village of Pelham to adopt a budget for the fiscal year 2013-2014 that requires a real property tax levy in excess of the “tax levy limit” as defined within General Municipal Law §3-c

**§18-2. Authority**

This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes the local government’s governing body to override the property tax cap for the coming fiscal year by the adoption of a local law approved by a vote of sixty percent (60%) of said governing body.

**§18-3. Tax Levy Limit Override**

The Board of Trustees of the Village of Pelham, County of Westchester, is hereby authorized to adopt a budget for the Village of Pelham for the Fiscal Year 2013-14 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c.

**§18- 4. Severability**

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance, is invalid or unconstitutional, the court’s order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

**SECTION 2. Effective Date**

This local law shall take effect immediately upon filing with the Secretary of State.

3/15/13

Item #9– Authorizing IMA between Village of Pelham and New Rochelle for Disposal of Organic Yard Waste

Administrator Yamuder said this resolution will renew an existing inter-municipal agreement between New Rochelle and Pelham for the disposal of organic waste. He said the dumping fee involved has

increased slightly but it has been figured into the budget and recommended the Board approve the renewal of the IMA.

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

RESOLUTION  
AUTHORIZING RENEWAL OF AN AGREEMENT  
BETWEEN THE CITY OF NEW ROCHELLE AND THE VILLAGE OF PELHAM  
FOR THE DISPOSAL OF ORGANIC WASTE  
INCLUDING YARD WASTE AND FALL LEAVES  
AT THE CITY OF NEW ROCHELLE'S WASTE TRANSFER STATION

BE IT RESOLVED, that the Board of Trustees of the Village of Pelham hereby authorize the renewal of an agreement between the Village of Pelham and the City of New Rochelle for the Disposal of Organic Waste, including Yard Waste, Leaves, Brush, Logs and other similar acceptable organic waste, at the City of New Rochelle Waste Transfer Station, per the agreement provided for by the City of New Rochelle (attached hereto and made a part hereof), which will cost the Village of Pelham \$21.36 per ton dumped effective January 1, 2013 through December 31, 2013; and

BE IT FURTHER RESOLVED, that the Mayor and the Village Administrator are authorized to sign this agreement and to take the necessary and appropriate actions to effect this agreement.

Item #10– Resolution authorizing the payment of accrued leave to Police Officer Richard Vasami, upon his retirement effective on Friday, March 11, 2013.

Administrator Yamuder stated Police Officer Richard Vasami is retiring after twenty years of service to the Village of Pelham Police Department. He said as part of the Police Union contractual agreement, Officer Vasami is entitled to payment for accrued compensated absences. He said is the payment is in the amount of \$13,024.40.

Trustee Kagan asked if there were five holidays this year that Officer Vasami was absent for that he is now due compensation for. Administrator Yamuder said he will look into that inquiry further with the Police Department for confirmation.

Trustee Marty stated that his understanding is that Police Officers can donate a certain amount of compensation time that they can later be compensated for. Administrator Yamuder said there is a cap at 240 hours that officers are allowed to accrue after that the compensated time does not accrue.

Mayor Cassidy asked if Trustee Kagan was comfortable approving the resolution pending the confirmation by the Administrator. Trustee Kagan said that he was comfortable with that.

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

### RESOLUTION

#### AUTHORIZING PAYMENT OF POOLED COMPENSATORY TIME TO POLICE OFFICER RICHARD VASAMI UPON HIS RETIREMENT

BE IT RESOLVED, that the Board of Trustees of the Village of Pelham acknowledge the retirement of Police Officer Richard Vasami, effective Monday, March 11, 2013, after completion of twenty years of employment as a police officer, and authorizes the reduction of police officer compensatory time banks by a day each as recommended by the Police Chief and Lieutenant in the total amount of Thirteen thousand twenty four dollars and forty cents (\$13,024.40).

#### Item #11– Other Business

None

#### Item #12– Authorizing Accounts Payable

Trustee Kagan audited the Accounts Payable.

Mayor Cassidy stated that in reviewing of the Accounts Payable during the meeting, the Administrator will advise the Board of any outstanding items in the bills. He encouraged the members of the Board to reach out to the Administrator if they have any questions on a particular bill before the meeting. Administrator Yamuder stated he was comfortable with that proposal.

Trustee Kagan said that in reviewing the bills for this meeting he became aware that Senerchia Electric had completed some work at the Firehouse prior to the election. He said this was not a conflict of interest because the work was awarded and performed before Trustee Senerchia was elected, however he still wanted to disclose these facts to the public to avoid the appearance of impropriety.

Mayor Cassidy said the Board can review the Code of Ethics laws for further clarification on this matter. He said however that he does not want to discourage Village merchants from becoming Trustees and should not prevent them from doing business with the Village. He said he did not have a problem with this specific case but said the Board will look at the matter more closely going forward.

Trustee Kagan responded that the performance of work by a company owned by a Trustee was a violation of New York State Law.

Trustee Senerchia said his company has been in the Village for a long time and has worked for the Village periodically in the past. He said in the most recent case, timing was a factor and the location of his business allowed for a speedy resolution to the work.

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

RESOLUTION

**WHEREAS**, pursuant to Section 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	\$ 127,446.88
Water Fund	\$ 415.00
Capital Projects Fund	\$ 14,419.72
Trust and Agency Fund	\$2,100.00
H3 Fund	\$0.00
TE Expandable Trust Fund	<u>\$0.00</u>
Grand Total	\$ 144,381.60

**NOW, THEREFORE, BE IT RESOLVED**, that this Board hereby approves payment of the above-mentioned claims and authorizes payment thereof.

Item #13– Authorizing Minutes of: March 5, 2013, March 20, 2013

Trustee Kagan said the Board does not have a quorum to approve the outstanding minutes due to the turnover in the recent election. Administrator Yamuder responded that after checking with the New York Conference of Mayor's (NYCOM) and said there is no State requirement for minutes to be

approved by the Board. He said the municipal boards can formalize the procedure by requiring a quorum to approve minutes but in this case, a quorum is not required.

March 5, 2013- Approved

March 20, 2013- Approved

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

Item #14– Adjournment to Executive Session

A motion was made by Trustee McGoldrick with a second by Trustee Mutti to adjourn the public portion of the Board meeting and would adjourn for the evening at 8:03 p.m. The motion was approved by vote of six in favor, none opposed.

Respectfully submitted,  
Peter Bonington, Secretary to the Village Administrator