

VILLAGE OF PELHAM BOARD OF TRUSTEES
REGULAR MEETING
TUESDAY, DECEMBER 3, 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

Agenda Items:

Non-Recurring Items		
7.	Continuing a Public Hearing To Petition The Public Service Commission For Approval To Allow The Charge For Hydrant Rental Fees From United Water Of New Rochelle To Be Spread Across The Rate Payer Base	Approved
8.	Discussion of Water Billing Issues	Discussed
9.	Resolution Authorizing the Additional Pension Benefits of Section 375-l of the Retirement and Social Security Law for Police Officers and Paid Firefighters	Tabled
10.	Authorizing A Local Pre-Disaster Mitigation Contract Between The Village Of Pelham And New York State Division Of Homeland Security and Emergency Services For Stormwater Remediation On Sixth Street between Sixth Avenue And Seventh Avenue	Approved
11.	Authorizing A Local Pre-Disaster Mitigation Contract Between The Village Of Pelham And New York State Division Of Homeland Security and Emergency Services For Stormwater Remediation On Fourth Avenue between Third Street And Lincoln Avenue	Approved
12.	Other Business- AFG 2013 Grant Application	Approved
Recurring Items		
13.	Authorizing Accounts Payable	Approved
14.	Authorizing Minutes of: November 6, 2013	Approved
15.	Adjournment to Executive Session	Approved

Next Regularly Scheduled BOT Meetings:
Tuesday, December 17, 2013
Tuesday, January 7, 2014
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 McGoldrick, Senerchia, Mutti, Volpe

The following members of the Board of Trustees were absent:

Trustees Marty and Kagan

Village staff in attendance:

Village Administrator Robert Yamuder, 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 stated the Town of Pelham Christmas Tree Lighting Ceremony will take place on Saturday, December 7th beginning at 4:00 p.m.

The Mayor stated that the Village held a discussion on its parking rates at the last meeting. He said this is significant because the Board wants to make parking in Pelham more affordable and increase its revenue through the sale of municipal parking spaces. After this discussion, the Board resolved to decrease the parking rates for residents, commuters, and some merchants.

He said he received a report from Police Chief Benefico regarding Corlies Avenue related to speeding issues. He said of the cars that were counted and their speed quantified, approximately 24% were above the speed limit. He said this is distressing news since many of these people would likely be Pelham residents.

He said however that he felt that traffic calming devices such as speed bumps were not necessarily the answer. The Mayor stated he had asked the Police Chief to increase enforcement in that to see if that has an effect.

The Mayor stated the Board intends to tighten up the Village Code section dealing with Wireless Communications Facilities. He said he hopes to bring it up to date with modern technical developments.

Mayor Cassidy congratulated John Cassone on his recent award and added that Mr. Cassone has been an asset to past and present Boards.

Trustees Reports:

Trustee Kagan

Absent

Trustee Marty

Absent

Trustee McGoldrick

None

Trustee Mutti

Trustee Mutti reported that the Village is in the midst of loose leaf collection season. There is no set day for pickup which has caused some frustration among residents who may feel that their organic waste has been sitting outside for too long. She said however, that the DPW is picking up until December 15th and thanked the residents for their patience.

She stated that she had done some preliminary investigation into mulching leaves for residences. She said would encouraged residents to learn more about this new trend in disposing of yard waste.

Trustee Senerchia

Trustee Senerchia said there had been some public comments at past Board meetings regarding red light cameras going up on intersections in New Rochelle. After conferring with Police Chief Benefico, the Board has determined that these are only security cameras used for counting cars and researching the timing of lights. He said however the Board will continue to investigate the implementation of red light cameras in Pelham.

Trustee Volpe

Trustee Volpe stated that on November 26th a decision was rendered regarding the Extenet lawsuit. The Court denied the request for a temporary restraining order and injunction. He added that the Village did not oppose the plaintiffs application. He said he expects this case will go on and the Board will be discussing legal strategies in Executive Session.

He added that the timeline of this matter is such: the record will be due on December 20th with responses and answers to be given on January 17th and fully submitted on January 20th. After these steps are complete, the Board can expect a final answer to the lawsuit probably in a few months.

Trustee Volpe stated that Pelham resident, John Cassone, is being honored by Westchester County in their Senior Hall of Fame. He said Mr. Cassone has been very active in the community and knows a lot about Pelham. He said this is a much deserved award and his work as an advocate for the seniors has been important for Pelham.

Village Administrator's Report

Administrator Yamuder stated that loose leaf pickup will cease after Sunday, December 15th. After that time, all organic waste must be held by the residents until spring when pickups resume.

He added there will be a luncheon in Tarrytown for the honorees of the Senior Hall of Fame reward including Mr. Cassone. Mr. Cassone added that unfortunately he would not be in attendance at that function.

Item #6–Public Comment

Peter Resillo of 156 Cliff Avenue stated that he works with traffic calming devices and that generally the average speed is measured from the 85th mark of the cars that are clocked at or below the speed limit. He said the 70% or 75% quoted is not the commonly accepted standard.

He spoke to the Board regarding some newspaper racks along Harmon and 5th Avenue. He said some municipalities have code regulations regarding the placement and appearance of these racks. He asked if the Village has any language related to these news racks currently.

Mayor Cassidy said he did not think there was any such language in the Village Code. Administrator Yamuder advised before taking any action before consulting counsel as there may be First Amendment issues with any restriction on newspapers.

Item #7– Continuing a Public Hearing To Petition The Public Service Commission For Approval To Allow The Charge For Hydrant Rental Fees From United Water Of New Rochelle To Be Spread Across The Rate Payer Base

Administrator Yamuder suggested the Board vote to continue the public hearing on this matter as the Public Service Commission has not yet provided any language for the Board to consider.

Mayor Cassidy summarized the matter as Assemblywoman Amy Paulin's proposal regarding the redistribution of hydrant rental fees among all water rate payers including non-profits such as schools

and houses of worship. Pelham belongs to a consortium of municipalities that are working with the Public Service Commission to obtain regulation language to implement in the Village Code.

Trustee McGoldrick asked how the effect on non-profits could be quantified. Mayor Cassidy responded that the amount normally charged to the municipality would be distributed amongst the entire water rate paying base so the effect would most likely not be substantial.

John Cassone of 7th Avenue stated this is a double edged sword because with the property cap imposed by the state on municipalities has forced municipalities to cut financially and now a utility monopoly like United Water is proposed to impose a 19% increase in water rates across the board. He stressed the need for greater control over this company through the municipalities exerting influence on the Governor in Albany.

Mayor Cassidy stated that the Village does not have as much leverage with United Water as the community as a whole would. He said he could not justify a 19% increase from United Water and residents should seek strength in numbers.

A motion was made by Trustee Volpe and seconded by Trustee McGoldrick to adopt the resolution. The vote was approved by a vote of five in favor, none opposed. Trustees Marty and Kagan were absent.

WHEREAS, earlier this year the New York State Legislature adopted legislation which Governor Cuomo signed that would allow a municipality serviced by a private water company to petition the State Public Service Commission to require that a private water Company (in the Village's case United Water) spread the costs of public safety infrastructure (fire hydrants) across the water system rate base rather than directly billing municipalities for the costs;

WHEREAS, such action would more fairly pay for these costs as all water users, including those that do not pay property taxes, would share the cost rather than have the entire burden placed upon property tax payers;

WHEREAS, the legislation requires a local municipality wishing to take this action to hold a public hearing and adopt local legislation to formally petition the Public Service Commission;

BE IT RESOLVED, that the Mayor and Board of Trustees authorize the Village to petition the Public Service Commission for approval to allow the charge for hydrant rental fees from United Water Of New Rochelle to be spread across the rate payer base; and

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

Item #8– Discussion of Water Billing Issues

Administrator Yamuder the Village is moving ahead with changing the Code language related to water billing and is working with the Village Prosecutor Martha Conforti to draft changes and appropriate language for this section.

Trustee Volpe asked if these changes would be posted to the public. Administrator Yamuder responded that once the language is ready, the Board can call for and schedule a public hearing to give the public a chance to review and comment on the proposed changes.

Peter Wies of 230 Ancon Avenue asked if the Board would refund any residents who were charged a penalty despite not receiving their water bills. Mayor Cassidy stated the Board has not had a chance to discuss this measure but will do so. Trustee McGoldrick said this is a fair question and the Board will have to review that issue.

Item #9– Resolution Authorizing the Additional Pension Benefits of Section 375-I of the Retirement and Social Security Law for Police Officers and Paid Firefighters

Administrator Yamuder said this resolution pertains the retirement plan for Firefighters and Police officers. The Village currently has a 384-D plan however it has the choice to change this to a 375-I plan which could allow for more options and the Village's contribution rate would be lower for the municipality.

He said he is still discussing the pros and cons of this arrangement with the New York State Local Retirement System (NYS-LRS) and finding out more information. He said he hopes to have more to report in future meetings. This resolution comes up annually before the Board.

Trustee McGoldrick stated that once the Village resolves to make this change it cannot go back to its original plan. Trustee Volpe added that there is a 37 page actuarial statement attached to the documentation provided.

The Board decided to table this resolution until a later meeting.

BE IT RESOLVED that the Board of Trustees of the Village of Pelham does hereby elect to provide the additional pension benefits of Section 375-I of the Retirement and Social Security Law for police officers and paid firefighters, as presently or hereafter amended.

BE IT FURTHER resolved that the effective date of such shall be the 3rd day of December 2013.

Item #10—Authorizing A Local Pre-Disaster Mitigation Contract Between The Village Of Pelham And New York State Division Of Homeland Security and Emergency Services For Stormwater Remediation on Sixth Street between Sixth Avenue and Seventh Avenue

Administrator Yamuder stated the Village received two flooding remediation grants through FEMA in the office of Homeland Security as part of the Local Pre-Disaster Mitigation Program. The Federal grant share for the first one is for \$50,000.00 with a total anticipated project cost of \$149,700.00 and the second grant is for \$425,400.00 with a total anticipated project cost of \$585,400.00. Both of these grants carry Village matching requirements of 25% (\$99,700.00 and \$150,000.00 respectively) of the total anticipated project cost. He added that design costs are included in the costs for both of these grants.

These projects are in the contract stage where the Board must authorize the Administrator to proceed by signing and returning the contracts to the Homeland Security Office. He said these resolutions will keep the process moving but the Board will have to make a final decision in a few months after the granting agency have completed their review.

Mayor Cassidy stated that this is a large investment for the Village. The first tier project along 3rd Street has already been delayed as a result of high bids received for the proposed work. He stressed that the Village will have to confirm that their estimates are still accurate before making any final decisions.

Trustee Volpe said the Village Board must expect that in the next budget cycle to have to make arrangements for approximately \$250,000 in funds to execute these projects. He said he is not opposed to the proposed projects however there is a substantial layout for the Village.

A motion was made by Trustee Volpe and seconded by Trustee Senerchia to adopt the resolution. The vote was approved by a vote of five in favor, none opposed. Trustees Marty and Kagan were absent.

BE IT RESOLVED, that the Board of Trustees of the Village of Pelham hereby authorize a contract agreement between the Village of Pelham and the New York State Division Of Homeland Security and Emergency Services per the agreement provided for by NYDHSES (attached hereto and made a part hereof), which will allow for a project to replace a 24 inch diameter storm drainage pipe with a 48 inch culvert at Sixth Street between Sixth Avenue and Seventh Avenue; and

BE IT FURTHER RESOLVED, that funding has been made available in an amount not to exceed the total project cost of \$149,700.00 with the Federal Share of \$50,000.00 and a required 25% non-Federal matching share of \$99,700.00;

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 #11—Authorizing A Local Pre-Disaster Mitigation Contract Between The Village Of Pelham And New York State Division Of Homeland Security and Emergency Services For Stormwater Remediation On Fourth Avenue between Third Street And Lincoln Avenue

A motion was made by Trustee Volpe and seconded by Trustee Senerchia to adopt the resolution. The vote was approved by a vote of five in favor, none opposed. Trustees Marty and Kagan were absent.

BE IT RESOLVED, that the Board of Trustees of the Village of Pelham hereby authorize a contract agreement between the Village of Pelham and the New York State Division Of Homeland Security and Emergency Services per the agreement provided for by NYDHSES (attached hereto and made a part hereof), which will allow for a project to replace a 40 inch diameter storm drainage pipe with a four foot by ten foot box culvert at Fourth Avenue between Third Street and Lincoln Avenue; and

BE IT FURTHER RESOLVED, that funding has been made available in an amount not to exceed the total project cost of \$585,400.00 with the Federal Share of \$435,400.00 and a required 25% non-Federal matching share of \$150,000.00;

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 #12— Other Business

Mayor Cassidy stated that the lawsuit regarding Extenet is ongoing. He said the Board will receive any comments from the public however the Board is limited in what it can respond to in light of the litigation.

Heidi Carey of 145 Harmon Avenue asked if the Extenet node installed on telephone pole by her home is powered at this time.

Mayor Cassidy responded that he believed all the nodes have been electronically powered since their installation however the question he was not sure whether they are transmitting at this time. He said however the Judge ruled against the temporary restraining order to restrict the operations involving these nodes.

Ms. Carey asked if the Board could tell whether they are transmitting.

Trustee Volpe said the Board can communicate her concerns to Extenet through the Village attorneys to the Extenet’s attorneys.

The Administrator stated the Fire Department plans to submit an application to the Assistance to Firefighters Grant program (AFG). He said this application was spearheaded by Fire Lt. Benkwitt. He asked the Board to approve the initial submittal of the grant proposal of a 95% AFG grant with a 5% Village matching contribution of approximately \$6,300.

The Mayor said he would like to encourage this type of fundraising among the Village departments.

A motion was made by Trustee Volpe and seconded by Trustee Senerchia to adopt the resolution. The vote was approved by a vote of five in favor, none opposed. Trustees Marty and Kagan were absent.

Item #13– Authorizing the Accounts Payable

Trustee Marty audited the Accounts Payable.

A motion was made by Trustee McGoldrick and seconded by Trustee Volpe to adopt the resolution. The vote was approved by a vote of five in favor, none opposed. Trustees Marty and Kagan were 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	\$1,497,185.72
Water Fund	\$967.00
Capital Projects Fund	\$0.00
Trust and Agency Fund	\$707.50
CD NYS Main Street Fund	\$0.00
H3 Fund	\$0.00

TE Expand Trust Fund	\$0.00
Grand Total	\$1,498,860.22

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

Item #14– Authorizing Minutes of: November 6, 2013

A motion was made by Trustee McGoldrick and seconded by Trustee Volpe to adopt the resolution. The vote was approved by a vote of five in favor, none opposed. Trustees Marty and Kagan were absent.

November 6, 2013- Approved

November 19, 2013- Tabled

Item #15– Adjournment to Executive Session

A motion was made by Trustee Volpe with a second by Trustee McGoldrick to adjourn the public portion of the Board meeting at 8:30 pm and go into Executive Session to discuss a personnel matter and a contractual matter at which time the Board would adjourn for the evening. The motion was approved by vote of five in favor, none opposed. Trustees Marty and Kagan were absent.

Respectfully submitted,
Peter Bonington, Secretary to the Village Administrator