

VILLAGE OF PELHAM BOARD OF TRUSTEES  
 REGULAR MEETING  
 TUESDAY, FEBRUARY 21, 2012, 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:

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	<b>Non-Recurring Items</b>	<b>7:40 p.m.</b>
7.	Public Hearing On A Draft Proposed Local Law On Property Tax Cap Override	Approved
8.	Authorizing the Renewal of the Sanitation Contract Between the Village of Pelham and AAA Carting for One Year, at Prices and Provisions Included in the Contract as Amended	Approved
9.	Authorizing an Inter-Municipal Agreement (IMA) with Westchester County Dept. of Public Safety for TraCS (Traffic and Criminal Software)	Approved
	<b>Reports and other Business</b>	<b>8:30 p.m.</b>
10.	Monthly Budget Review	Discussed
11.	Grants- Status Report	Discussed
12.	Other Business	Discussed
	<b>Recurring Items</b>	<b>9:15 p.m.</b>
13.	Authorizing Accounts Payable	Approved
14.	Authorizing Minutes of: January 17, 2012, February 7, 2012	Tabled
15.	Adjournment to Executive Session	<b>9:30 p.m.</b>

Next Scheduled Board Meetings are:

Tuesday, March 6, 2012

Wednesday, March 21, 2012

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 Edward Hotchkiss at 7:30 p.m.

The following members of the Board of Trustees were present:

Mayor Hotchkiss, Trustees Lewis, McGoldrick, and Morris

The following members of the Board of Trustees were absent:

Trustees Marciona, Marty, and Mohan

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 Hotchkiss.

Reports

Mayor Hotchkiss's Report

Mayor Hotchkiss said the Village Police Department is collaborating with other departments on the recent muggings taking place around Westchester County. He reminded residents maintain their level of alertness when walking home at night.

The Mayor stated that due to a relatively light winter, the DPW's budget for snow and ice removal has not been utilized as much. He said the DPW has begun working on clearing Village parks and cleaning catch basins throughout the Village. He stated the DPW have noticed dog waste bags and other rubbish being dropped into the catch basins. He told residents that these pipes are not intended for disposal of any kind as the storm water pipes lead directly to the Hutchinson River.

He finished his report by saying that a cap at the end of the stone wall that runs along Wolfs Lane Park fell off recently. He said Trustee Morris noticed the break and the Administrator was notified and the DPW repaired the stonework promptly. He thanked the DPW for their good work around the Village.

Trustees Reports:

Trustee Lewis

None

Trustee Marciona

Absent

Trustee Marty

Absent

Trustee McGoldrick

None

Trustee Mohan

Absent

Trustee Morris

Trustee Morris added to the matter of the stone repair that the DPW Foreman had requested money for stone work repair in the past.

#### Village Administrator's Report

Administrator Yamuder stated that Senator Jeff Klein's Office will be hold a free lead blood screening on Thursday, February 23<sup>rd</sup> at 21 5<sup>th</sup> Avenue between 4 and 7 p.m. He said any interested residents should contact the Senator's Office for reservations.

#### Item #6– Public Comment-

None

#### Item #7– Public Hearing On A Draft Proposed Local Law On Property Tax Cap Override

Mayor Hotchkiss said this public hearing would allow the Village to override the proposed 2% property tax cap. He said this local law would give the Village flexibility to raise taxes above the proposed 2%. The Mayor added, however, that the Village would only invoke this local law if the determined they could not maintain the level of services within a 2% budget.

Trustee Lewis stated he was concerned with some of the language in the resolution. He said it sounded like a political statement made by the New York Conference of Mayor's (NYCOM). The Administrator stated this resolution is a model taken from NYCOM. He said it is similar to other resolutions passed by municipalities who have also passed the override.

Trustee McGoldrick said the local law is not unfair to Village residents as it is referenced in the resolution. He said he hoped the Village will not have to exceed the 2% cap, however, he said that the Board will have to act responsibly with the Village's finances. Trustee Lewis stated the resolution must be in place ahead of time for the Board to invoke it if necessary.

Mayor Hotchkiss said the Village must begin looking towards to budget for the next Fiscal Year. He said the Board should have two budgets; one for staying within the 2% cap and another that is above the 2% cap. Administrator Yamuder said he would begin putting some additional information together for the Board's review.

A motion was made by Trustee McGoldrick and seconded by Trustee Lewis to close the public hearing. The vote was approved by a vote of four in favor, none opposed. Trustees Marciona, Marty, and Mohan were absent.

Village Of Pelham, NY  
Public Hearing On A Draft Proposed  
Local Law On Property Tax Cap Override

Be it enacted by the Mayor and Board of the Village of Pelham as follows:

A Local Law to override the tax levy limit established in General Municipal Law 3-c

**Section 1. Legislative Intent**

It is the intent of this Local Law to override the limit on the amount of the real property taxes that may be levied by the Village of Pelham within the Village of Pelham pursuant to General Municipal Law §3-c.

It is the determination of the Village Board of the Village of Pelham that the property tax cap recently enacted by the State Legislature is unfair to the residents of the Village of Pelham and would severely curtail the ability of the Village of Pelham to provide necessary services to the Village residents. It also is the determination of the Village of Pelham Board that to meet the dates by which the Fiscal Year 2012-13 budget must by State law be adopted, the Village Board of the Village of Pelham requires the flexibility which this Local Law would provide. Thus, it is in the best interests of the Village of Pelham and its residents, that the within Local Law be enacted.

**Section 2. Authority**

This Local Law is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes the Village Board to override the tax cap for the Village of Pelham by the adoption of a local law approved by vote of sixty percent (60%) of the Village Board.

**Section 3. Tax Levy Limit Override**

The Village Board of the Village of Pelham, County of Westchester, is hereby authorized to adopt a budget for the Village of Pelham for the Fiscal Year 2012-13 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c.

**Section 4. Severability**

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjudicated by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, 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 5. Effective Date**

This Local Law shall take effect immediately upon filing with the Secretary of State.

Item #8—Authorizing the Renewal of the Sanitation Contract Between the Village of Pelham and AAA Carting for One Year, at Prices and Provisions Included in the Contract as Amended

Mayor Hotchkiss said this resolution is for a one year renewal of the Village's sanitation contract with AAA Carting and Rubbish Removal. He said the prices and provisions of the contract were established two years ago when the Village bid out their sanitation contract.

Administrator Yamuder cited a change to the provisions of the contract. He said after working with AAA principal, Pat Carteleme Jr., the Village has determined it can generate approximately \$8,000 cost savings by moving organic waste pickup to Wednesday's as opposed to the current pickup arrangement where Area A is picked up on Monday's and Area B is picked up on Tuesday's.

Trustee McGoldrick asked if the Board had considered reducing the number of pickups or having garbage be placed curbside at the residences. Mayor Hotchkiss stated that substantial changes to the current schedule would change the level of services that residents have become used to in Pelham. He advised against changing more provisions to the contract without substantial cost savings as a result.

Trustee McGoldrick stated that the Village must look hard at its options for the coming Fiscal Year. He said residents will have to understand that some services may have to be curtailed and compromises have to be made.

Mayor Hotchkiss stated that the Village will work with AAA Carting to determine if there are any savings in changing the provisions in the future. Administrator added that the Village is pleased with the level of service by AAA Carting.

A motion was made by Trustee Lewis and seconded by Trustee Morris to adopt the resolution. The vote was approved by a vote of four in favor, none opposed. Trustees Marciona, Marty, and Mohan were absent.

RESOLUTION

AUTHORIZING THE RENEWAL OF CONTRACT NUMBER 2010-01  
GARBAGE TRASH, RECYCLING AND ORGANIC WASTE COLLECTION  
FOR A ONE-YEAR PERIOD (FIRST OF TWO EXTENSION OPTIONS)  
FOR A NEW CONTRACT PERIOD OF MARCH 1, 2012 THROUGH FEBRUARY 28, 2013  
TO AAA CARTING OF CORTLANDT MANOR, NY

WHEREAS, on February of 2010, the Board of Trustees of the Village of Pelham awarded Contract 2010-01 for Garbage, Trash, Recycling and Organic Waste Collection, advertised and bid as a qualifications based bid and contract in the Village Of Pelham to AAA Carting of Cortlandt Manor, NY; and

WHEREAS, the first two years of the contract have been completed to a satisfactory level of service, and the Village seeks to extend the contract based on the terms and provisions of the extensions within the contract as amended; and

WHEREAS, Village Trustees and AAA Carting have agreed to reduce organic pick up from two days a week on Monday and Tuesday to one day a week Wednesday, village wide; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Board of Trustees of the Village of Pelham hereby authorize the first of two (2) one year extensions, for contract 2010-01, at an amended annual contract price for year three of five hundred seventy-two thousand, one hundred forty dollars and fifty-nine cents (\$572,140.59), plus continuing contractual costs-per-container for the dumping of large containers of materials for the Public Works Department; and be it

FURTHER RESOLVED, that the Mayor, Village Administrator, Village Attorney and DPW General Foreman are authorized to take the necessary and appropriate actions to advise AAA Carting of this contract extension to continue this contract for these services.

Item #9—Authorizing an Inter-Municipal Agreement (IMA) with Westchester County Dept. of Public Safety for TraCS (Traffic and Criminal Software)

Administrator Yamuder stated this TRaCS program is part of an inter-municipal agreement between the Village and Westchester County. He said this program is similar to the LiveScan which the Village participated in as well. He said the program duration is five years and Police Chief Benefico is in favor of participating in it.

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

RESOLUTION

AUTHORIZING AN INTER-MUNICIPAL AGREEMENT (IMA) WITH WESTCHESTER COUNTY DEPT. OF PUBLIC SAFETY FOR TRACS (TRAFFIC AND CRIMINAL SOFTWARE)

BE IT RESOLVED, that the Board of Trustees of the Village of Pelham hereby authorizes an agreement with a term effective upon execution of the agreement and to remain in effect for a period of five years, between the Village of Pelham and the Westchester County Dept. Of Public Safety for the Village to participate in the Traffic and Criminal Software program for electronic capture and transfer of ticket and accident report data to DMV and Courts; and

BE IT FURTHER RESOLVED, that there is no charge to the village for this service; and

FURTHER RESOLVED, that the Mayor, Village Administrator and Police Chief are authorized to take the necessary and appropriate actions to effect and execute this contract for these services.

Item #10– Monthly Budget Review

Administrator Yamuder said there is a new spreadsheet which gives a forecast of the budget leading to the next Fiscal Year. Mayor Hotchkiss said the intent of the spreadsheet is to give a representation of “where we were and where we are.”

Trustee Lewis asked where the adopted budget is represented on the sheet. The Mayor said the Board can add columns to the spreadsheet as the budget review process continues. Trustee Lewis said this spreadsheet will be beneficial for seeing what is left in the fund balance at the end of the Fiscal Year.

Mayor Hotchkiss stated that the expenses are estimated on the sheet but the revenues are based on what the Village has received thus far. He said the forecast sheet will become more accurate as the year progresses.

The Administrator reviewed the Police and Fire Department overtime. He said the spreadsheet gives a snapshot which can be reviewed over the course of the year. Mayor Hotchkiss said the Board should also monitor the amount of compensation time accrued by the Police.

The Mayor said that six items of interest are which the Board can review. He said new items can be added if the Board wishes. This process will become automated once the Village installs the KVS accounting software.

Trustee McGoldrick asked if there was anyway to reduce the overtime for some of the Village Department's. Mayor Hotchkiss said some of the overtime can be attributed to contractual obligations. He said the Village will continue to negotiate with the unions to find an acceptable compromise on the management of the overtime. Administrator Yamuder added that some of the overtime is reimbursed by Con-Ed and other utility companies.

#### Item #11– Grants- Status Report

Secretary Bonington gave the grants status report. He stated the Village has a \$340,000 grant being administered through the EPA for the installation of a stormwater pipe along Third Street between Fourth Avenue and First Avenue leading out to the Hutchinson River. He said this project is one of three which require a survey. The Secretary stated that the Administrator and he had compiled a survey bid for the project and sent it out to several survey companies. He said the bid opening will take place at 11 a.m. on Thursday, March 1, 2012.

The three Local Pre-Disaster Mitigation grants from years 2008, 2009, 2010 are still under review by FEMA and SEMO. The Secretary said the Mayor has been following up with the Village's contacts at the Federal level to see if the process can be moved forward. The Mayor stated he hoped to get a response soon on the progress of the Village's applications.

Secretary Bonington stated that the funds for the First Street Parking Lot project are still under review by the Senate Finance Committee. He said he has been diligently following up with Senator Klein's Office and the Dormitory Authority, who are administering the grant.

The Wolfs Lane Park grant for \$647,000 is still under review by the Dormitory Authority. The Village is waiting for a response to its proposal to complete the Village Green and Memorial Garden portion of the project. This project requires a survey which the Village Administrator bid out last week. The bid opening will be Thursday, March 1, 2012 at 11 a.m.

The Secretary finished his report by saying the Westchester County Community Development Block Grant program requires a survey of the Seventh Avenue area. The Administrator and Secretary sent out an RFP for this project along with two others last week and the bid opening will also take place on March 1, 2012.

Item #12– Other Business

The Administrator mentioned that the Secretary along with Village cameraman Dan Gilkes were successful in purchasing some new audio and visual equipment with the Verizon P.E.G. funds. He said Dan and fellow technician Keith Reilly will be performing the installation in time for the March 6, 2012 Board of Trustees meeting.

Secretary Bonington and the Administrator spoke briefly about the Village Safety Committee, which the Secretary serves as Chairman. Secretary Bonington said since the Committee formed in November 2010, it has been very successful in reducing accidents and injuries among Village employees. He mentioned that several work zone safety measures were implemented for the DPW after an informational presentation given by Lovell Safety Management, the Village’s workers compensation provider.

Item #13– Authorizing the Accounts Payable

Trustee McGoldrick audited the Accounts Payable.

A motion was made by Trustee McGoldrick and seconded by Trustee Morris to adopt the resolution. The vote was approved by a vote of four in favor, none opposed. Trustees Marciona, Marty, and Mohan 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	\$ 265,009.49
Water Fund	\$25,934.08
Capital Projects Fund	\$1,585.00
Trust and Agency Fund	\$2009.07
CD NYS Main Street Fund	\$ 0.00

H3 Fund	\$0.00
TE Expand Trust Fund	\$ 0.00
<b>Grand Total</b>	<b>\$294,537.64</b>

**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: January 17, 2012, February 7, 2012

The Board decided to table these minutes until a later meeting.

January 17, 2012- Tabled

February 7, 2012- Tabled

Item #15– Adjournment to Executive Session

A motion was made by Trustee McGoldrick with a second by Trustee Morris to adjourn the public portion of the board meeting and go into Executive Session to discuss personnel and sale of real estate matters at 9:15 p.m. after which time the Board would adjourn for the evening. The motion was approved by vote of four in favor, none opposed. Trustees Marciona, Marty, and Mohan were absent.

Respectfully submitted,  
Peter Bonington, Secretary to the Village Administrator