

VILLAGE OF PELHAM BOARD OF TRUSTEES REGULAR MEETING
TUESDAY, FEBRUARY 23, 2010– 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
Discussion

Agenda Items:

#	Agenda Items:	Approximate Starting Time Discussion
	Non-Recurring Items	8:00 p.m.
7.	Continued Public Hearing to Change Local Law Regarding Cold War Veterans Exemption to Maximum Levels and to Extend the Exemption to Property Held in Trust for the Benefit of the Veterans	Approved
8.	Resolution to approve Police union contract.	Approved
9.	Authorizing the Renewal of the Contract Between the Village of Pelham and NRNRC for a One Year Extension on the Current Contract	Approved
10.	Authorizing the award of Contract #2010-01 – Solid Waste Collection	Approved
11.	Resolution of intent to name Brick Park as Trotta Park	Approved
	Grants, Projects & Other Business	9:00 p.m.
12.	Grants- Status Report	Discussed
13.	Other Business-Little League Parade, Verizon FIOS	Discussed
	Recurring Items	9:30 p.m.
14.	Authorizing Accounts Payable	Approved
15.	Authorizing Minutes of: January 5, 2010	Approved
16.	Adjournment to Executive Session	10:00 p.m.

Next Regular Board of Trustee Meetings are:

Tuesday, March 2, 2010

Tuesday, March 23, 2010

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

*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 Edward Hotchkiss, Trustees Bullock, Lewis, Homan, Potocki, Breskin

The following members of the Board of Trustees were absent:

Trustee Morris arrived at 9:10 p.m.

Village staff in attendance:

Administrator/Treasurer Robert Yamuder, Administrative Intern Peter Bonington

Item #2 – Pledge of Allegiance:

The Pledge of Allegiance was led by Mayor Hotchkiss

Reports

Mayor Hotchkiss Report

Mayor Hotchkiss commented on the large snowstorms that the Village experienced on February 10th and 16th stating that the Department of Public Works for the excellent job they did on keeping the roads and Village sidewalks clear. He then mentioned that two members of the Village municipal community had experienced losses in their families and that he wanted to extend the Board's condolences to Lt. Julian Keiser for the loss of his mother and to former Fire Chief Glover on the loss of his son.

Trustees Reports:

Trustee Breskin-None

Trustee Homan-None

Trustee Lewis-None

Trustee Morris-None

Trustee Potocki-

Trustee Potocki reported that after hearing the public comment of a Pelham Manor resident, Susan Suppouto, The Village will be installing a No Parking/No Stopping/No Standing sign by the Hutchinson and Colonial School to prevent cars from waiting on the street. He also stated that a sign is being taken down which instructs children from the schools to cross when there is no crosswalk nearby.

Trustee Bullock-None

Village Administrator's Report

Administrator Yamuder reported that the U.S. Census is coming into Village Hall to establish a work station in the Board room. They will be available to assist residents in completing their census information. He reported that he had contacted Metro-North regarding the flooding in the underpass. He stated that Metro-North was doing work to clear out the drainage system and that the problem has been fixed. He closed his report by saying that the consortium for opposing the United Water rate increase has hired a lawyer to represent several municipalities.

Item #6– Public Comment

Brett Bell of the Pelham School Health and Wellness Committee asked if there were any updates on his proposal to prohibit smoking near the Pelham Schools. Trustee Potocki stated that he believed the Village Attorney was looking into the matter. Mayor Hotchkiss stated that if Mr. Bell supplied his phone number the Attorney will get into contact with him.

Item #7- Public Hearing to Change Local Law Regarding Cold War Veterans Exemption to Maximum Levels and to Extend the Exemption to Property Held in Trust for the Benefit of the Veterans

Mayor Hotchkiss stated that this resolution is designed to give a small tax break to veterans of the Cold War. He stated that the resolution does not apply to the National Guard units of that time. Administrator Yamuder stated that there are only about 8 residents in Pelham who apply for this tax exemption. Mayor Hotchkiss suggested that they close the public hearing on this matter.

A motion was made by Trustee Homan and seconded by Trustee Lewis to close the public hearing for the resolution. The vote was approved by a vote of six in favor, none opposed. Trustee Morris was absent.

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

RESOLUTION
TO AMEND A LOCAL LAW TO INCREASE THE
COLD WAR VETERANS REAL PROPERTY TAX EXEMPTION
AND TO EXTEND THE EXEMPTION TO COOPERATIVE APARTMENTS
AND PROPERTY HELD IN TRUST FOR THE BENEFIT OF A VETERAN

LOCAL LAW NUMBER OF 2010

A local law to amend Article IV of Chapter 73 to increase the Cold War Veterans real property tax exemption authorized by Section 458-b of the Real Property Tax Law and to extend the exemption to cooperative apartments and property held in trust for the benefit of a veteran.

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

SECTION 1

In Section 73-14 of the Code of the Village of Pelham, the definition of LATEST STATE EQUALIZATION RATE is repealed and the following new definition is adopted:

LATEST STATE EQUALIZATION RATE – means the latest final state equalization rate or special equalization rate established by the New York State Board of Real Property Tax Services pursuant to article twelve of the New York State Real Property Tax Law. The New York State Board of Real Property Tax Services shall establish a special equalization rate if it finds that there has been a material change in the level of assessment since the establishment of the latest state equalization rate, but in no event shall such special

equalization rate exceed one hundred. In the event that the state equalization rate exceeds one hundred, then the state equalization rate shall be one hundred for the purposes of this section. Where a special equalization rate is established for purposes of this section, the assessor is directed and authorized to recompute the Cold War veterans exemption on the assessment roll by applying such special equalization rate instead of the latest state equalization rate applied in the previous year and to make the appropriate corrections on the assessment role, notwithstanding the fact that such assessor may receive the special equalization rate after the completion, verification and filing of such final assessment roll. In the event that the assessor does not have custody of the roll when such recomputation is accomplished, the assessor shall certify such recomputation to the local officers having custody and control of such roll, and such local officers are hereby directed and authorized to enter the recomputed Cold War veterans exemption certified by the assessor on such roll.

SECTION 2

Subsections A and B of Section 73-15 of the Code of the Village of Pelham are repealed and the following new Subsections A and B are adopted:

- A. Qualifying residential real property shall be exempt from taxation to the extent of fifteen percent (15%) of the assessed value of such property; provided, however, that such exemption shall not exceed fifty-four thousand dollars (\$54,000) or the product of fifty-four thousand dollars (\$54,000) multiplied by the latest state equalization rate for the assessing unit, or, in the case of a special assessing unit, the latest class ratio, whichever is less.
- B. In addition to the exemption provided by Subsection A of this section, where the Cold War veteran received a compensation rating from the United States Veterans Affairs or from the United States Department of Defense because of a service related disability, qualifying residential real property shall be exempt from taxation to the extent of the product of the assessed value of such property, multiplied by fifty percent (50%) of the Cold War veteran disability rating; provided, however, that such exemption shall not exceed one hundred eighty thousand dollars (\$180,000) or the product of one hundred eighty thousand dollars (\$180,000) multiplied by the latest state equalization rate for the assessing unit, or, in the case of a special assessing unit, the latest class ratio, whichever is less.

SECTION 3

Sections 73-16 and 73-17 of the Code of the Village of Pelham are renumbered Sections 73-18 and 73-19 respectively.

SECTION 4

A new Section 73-16 of the Code of the Village of Pelham is adopted as follows:

§73-16 Property Held in Trust

The provisions in this article shall apply to any real property held in trust solely for the benefit of a person or persons who would otherwise be eligible for a real property tax exemption, pursuant to this article, were such person or persons the owner or owners of such real property.

SECTION 5

A new Section 73-17 of the Code of the Village of Pelham is adopted as follows:

§73-17 Cooperative Apartments

- A. For the purposes of this article, title to the portion of real property owned by a cooperative apartment corporation in which a tenant-stockholder of such corporation resides and which is represented by his or her share or shares of stock in such corporation as determined by its or their proportional relationship to the total outstanding stock of the corporation, including that owned by the corporation, shall be deemed to be vested in such tenant-stockholder.
- B. Provided that all other eligibility criteria of this article are met, that proportion of the assessment of such real property owned by a cooperative apartment corporation determined by the relationship of such real property vested in such tenant-stockholder to such real property owned by such cooperative apartment corporation in which such tenant-stockholder resides shall be subject to exemption from taxation pursuant to this Article and any exemption so granted shall be credited by the appropriate taxing authority against the assessed valuation of such real property; the reduction in real property taxes realized thereby shall be credited by the cooperative apartment corporation against the amount of such taxes otherwise payable by or chargeable to such tenant-stockholder.
- C. Notwithstanding Subsection B of this section, a tenant-stockholder who resides in a dwelling that is subject to the provisions of Article Two, Four, Five or Eleven of the Private Housing Finance Law shall not be eligible for an exemption pursuant to this section.

SECTION 6. Effective Date

This Local Law shall take effect immediately upon filing in the office of the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law

Item #8- Resolution to approve Police union contract

Trustee Potocki reported on the closing of negotiations between the Village and the Police Department. Mr. Potocki stated that it had taken almost 2 ½ years between the time of the Police arbitration award and the final negotiations taking place a few weeks ago. He stated that this is a four year contract between 2006 and 2010 which will expire as of May 31st of this year. He stated that there would be some work schedule changes and that the tours would be fixed. He wanted to thank former Village attorney Bob Tracy, former Village Administrator Richard Slingerland, and numerous police officers who participated in the negotiations. Mr. Potocki stated that no matter how contentious the negotiations became because of a struggling economy, the police continued to conduct themselves professionally regardless of the situation of the contract. Mr. Potocki wanted to thank the members of the Police Department for their committed service to the community.

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

RESOLUTION

Authorizing the Village to enter into an agreement
with the PBA bargaining unit of the Village of Pelham Police Department
for the time period of June 1, 2006 through May 31, 2010

RESOLVED, that the Mayor and the Board of Trustees authorize the Village to enter into a settlement agreement between the Village and the PBA, and authorize the signature of the settlement agreement and replacement contract by all participating parties including the Mayor, Trustee Liaison and the Village Administrator, and authorizes the payment of the negotiated raises and other related payments as provided for in the agreement.

Item #9- Authorizing the Renewal of the Contract Between the Village of Pelham and NRNRC for a One Year Extension on the Current Contract.

Mayor Hotchkiss stated that this is a contract renewal with the Section 8 Housing office in Village Hall. Mayor Hotchkiss stated that the auditors had suggested that the contract be formalized. He stated that the prices are the same as last year's contract and that nothing has changed in the terms of the contract financially.

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

RESOLUTION

Authorizing the Renewal of the Contract Between the Village of Pelham and NRNRC for a One Year Extension on the Current Agreement

BE IT RESOLVED, that the Mayor and Board of Trustees hereby authorize a Renewal of the Agreement Between The Village Of Pelham And NRNRC For A One Year Extension On The Current Contract April 1, 2009 Ending March 31, 2010; and

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

Item #10- Authorizing the award of Contract #2010-01 – Solid Waste Collection

Mayor Hotchkiss recapped a decision that the Board had made back in January to competitively bid out the sanitation contract for 2010. He said that in exploring different options that the Village could potentially acquire the same level of service while generating some savings for the taxpayers. He then suggested to Village Administrator Yamuder that he recap the main options that were laid out for the contract. Administrator Yamuder stated that after a competitive bid and the subsequent checking of references by the various companies that applied he had come to the determination that AAA Carting and Rubbish Removal Incorporated is the lowest qualified bidder. Mr. Yamuder said that this is a base two year contract with two year long extensions that can be exercised by the Village if they are happy with the service that they are being provided. He therefore recommended to the Board to adopt AAA Carting and Rubbish Removal Incorporated as the Village's new sanitation provider.

Trustee Lewis asked where else AAA Carting and Rubbish Removal Incorporated has contracts. Administrator Yamuder stated that AAA Carting and Rubbish Removal Incorporated is the provider in Putnam, Southeast, Rye Brook, as well as Westchester County Parks. Trustee Breskin stated that the potential savings for the first year of the contract alone were to the tune of \$310,000. Trustee Homan stated that she had doubts about the curbside pickup of garbage citing quality of life issues. She stated that she preferred rear-yard garbage pickup and recycling every other week. Trustee Homan stated that Scarsdale operates on this schedule and Pelham Manor does as well. Trustee Potocki stated that having curbside garbage pickup does not generate any savings so it does not make sense to change that aspect of the current pickup schedule.

Based upon the options submitted to the Board, Mr. Potocki stated that the choice that needs to be made is whether to choose, according to the spreadsheet, Alternative I Option A or Alternative IV Option A. Trustee Homan said to the general public that there will be some transitional discomfort with this switch and asked the Village for its patience during this time.

Trustee Potocki suggested putting out a notice right away to inform the residents of this change. Trustee Breskin stated that the projected savings from accepting this contract with AAA Carting and Rubbish Removal Incorporated is substantial and that he was happy with the savings that have attained. Mayor Hotchkiss stated that the savings were what they were looking for in re-bidding this contract but he asked after the feasibility of residents holding onto their recycling for an extra week. Trustee Breskin said that he believed it was an acceptable alteration to the schedule.

Administrator Yamuder stated that they would be working on the schedule to attempt to make the transition as smooth as possible. Trustee Homan stated that this change is going to require inconvenience and education. The Board appeared ready to vote on the alternatives placed before them. John Cassone wished for the Board to elaborate which options that they were voting on. Mayor Hotchkiss stated that the preferred option was; twice a week, rear-yard Garbage pickup and bi-monthly, curbside Recycling and Bulk Trash pickup. The Organic schedule will remain seasonal. Trustee Potocki stated that the resulting savings from this new contract could relate to a 3 to 3 ½ percent reduction in taxes for next year's budget. Trustee Bullock added that in the past years the Village has received excellent service from the CRP Sanitation Company.

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

RESOLUTION

AUTHORIZING THE AWARD OF CONTRACT NUMBER 2010-01 GARBAGE, TRASH, RECYCLING AND ORGANIC WASTE COLLECTION, ADVERTISED AND BID AS A QUALIFICATIONS BASED BID AND CONTRACT

WHEREAS, the Village Of Pelham Issued A Notice to Bidders and Request For Bids for 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; and

WHEREAS, a public notice was duly published on Wednesday, January 20, 2010 in the Gannett Westchester Newspaper, an official newspaper of the Village of Pelham; and

WHEREAS, during the notice period three (3) companies stopped in to Village Hall to pick up copies of the contract documents; and

WHEREAS, at 11 a.m. E.S.T., on Thursday, February 11, 2010, the Village of Pelham publicly opened and read three (3) proposals; and

WHEREAS, on reviewing the proposals, the base bids and provisions for two one-year extensions (total 4 years) were as follows:

Total Bid

-
- | | |
|---|-------------|
| 1. AAA Carting and Rubbish Removal of Cortlandt Manor, NY | \$2,323,527 |
| 2. Suburban Carting of Briarcliff Manor, NY | \$3,039,684 |
| 3. CRP Sanitation Services of Cortlandt Manor, NY | \$3,580,000 |

WHEREAS, Administrator Robert Yamuder has determined that the lowest responsible bid that meets requirements is AAA Carting and Rubbish Removal Incorporated of Cortlandt Manor, NY.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of the Village of Pelham hereby award 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 and Rubbish Removal Incorporated of Cortlandt Manor, NY, at the calculated two-year bid cost of \$1,132,951.78 and the grand total bid price (base bid and 2 year extension for Alternative IV Option "A") of \$2,323,527.00 plus containers for DPW waste as provided in the bid and contract; and

BE IT FURTHER RESOLVED, that the Board of Trustees of the Village of Pelham hereby acknowledge the provisions in the bid for two (2) one year extensions at stated prices in the bid and contract documents, which are hereby declared to be reserved for future consideration at the sole discretion and determination at a future date by the Mayor and Board of Trustees upon the recommendation of the appropriate village staff; and be it

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

Item #11-Resolution of intent to name the plot of land known as "Brick Park" as Trotta Park

Mayor Hotchkiss stated that the purpose of this resolution is to rename the plot of land known as "Brick Park" after former Pelham Mayor and Supervisor Joe Trotta. Mayor Hotchkiss then invited resident John Cassone, who first brought this proposal to the Board, to speak about the impending resolution. Mr. Cassone stated that he was sorry that Marion, Mr. Trotta's sister, could not be present at this meeting. Mr. Cassone remarked that it was interesting that this resolution should fall on the anniversary of Mr. Trotta's death.

Trustee Homan suggested that the renaming should take place now but that the actually dedication should take place after the area has been renovated. Trustee Breskin stated that it would be nice to include Marion in any dedication that may take place. Mr. Cassone said that Marion's collection for the park had reached \$1300 for any renovation of the park. Trustee Potocki stated that he would like to make a donation to that fund. Administrator

Yamuder stated that the Town had obtained a 50/50 matching grant for the renovation of the land.

Mayor Hotchkiss asked if the Board was certain that the area known as "Brick Park" was actually park land. Trustee Lewis suggested re-writing the resolution to state that "the resolution of intent to name the plot of land known as "Brick Park" as Trotta Park."

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

RESOLUTION

BE IT RESOLVED, that the Board of Trustees of the Village of Pelham hereby authorizes the honorary designation of Brick Park on 5th Avenue as Trotta Park, in honor of Joseph Trotta's memory and as a reminder of his service to the Village of Pelham.

Item #12- Grants- Status Report

Mayor Hotchkiss reported that thus far the Village of Pelham has been very successful at obtaining grants for flooding remediation. He stated however, that it has been proving difficult to receive the actual funds from those grants. He asked that Administrator Yamuder and Administrative Intern Peter Bonington continue to focus on obtaining the awarded monies.

Administrator Yamuder reported that New York State had received the signed contract for a 10% reimbursement of the FTA Intermodal Parking Lot. Mr. Yamuder stated that he hopes to bid this project out in the coming weeks. Additionally the 1st Street Parking Lot behind the old Post Office is coming close to being ready to bid. The plans are currently being revised with the recent omission of a parking deck. Mr. Yamuder stated he hoped to have this project ready to bid in a similar time frame as the Intermodal parking lot.

Item #13- Other Business

Mayor Hotchkiss stated that he had received a letter from the Pelham Little League stating their intention to hold their annual parade. The parade route is along 5th Avenue with 3rd Street and 4th Avenue also incorporated into the march. The issue that confronted the Board was their decision to have organizations in Pelham that wish to hold events pay for their own police overtime. The Board had intended to notify all usual organizations that this change was to take effect. However, the Board had not yet officially notified the organizations of this impending change.

Trustee Homan said that the Board had made a decision and that they cannot let it slide now while Trustee Potocki opinioned that under the circumstances and lack of notice that they should let the matter go in this case. Trustee Breskin agreed with Trustee Homan that the Board came to a decision some months ago and the wave it now looks ill resolute. Trustee Potocki stated that they cannot spring this on the Little League Parade with such short notice. Mayor Hotchkiss asked if there would be a substantial cost to paying for the overtime. Trustee Lewis stated that they should now send something to the organizations that states the intention of the Board to have these groups pay for their police overtime in the future. Trustee Potocki stated that as of the fiscal year 10/11 this change would take place. Mayor Hotchkiss said that they Board should post this decision on the Village website.

Trustee Homan said that she has been talking to some of her neighbors who are very interested to know if there is a possibility of Verizon FIOS coming into Pelham to provide healthy competition with Cablevision. Trustee Lewis stated that the Board is interested in restarting negotiations but Verizon made it clear that the past offer would not be viable in any new talks. Trustee Breskin stated that with Dish and Direct TV there is ample competition already available to residents. Trustee Homan stated that the Verizon package is attractive right now and people want it specifically. Trustee Lewis stated that concerned residents should write into Verizon and ask them to reopen negotiations. John Cassone stated that the Town of Harrison is in the same position as Pelham in this matter. Mayor Hotchkiss stated that it might be worthwhile talking to Senator Jeff Klein and Amy Paulin about exerting their influence in this case.

Item #14– Authorizing the Accounts Payable

Trustee Morris audited the Accounts Payable.

Trustee Morris arrived at 9:10 p.m.

After some discussion, a motion was made by Trustee Morris and seconded by Trustee Bullock to adopt the resolution. The vote was approved by a vote of seven in favor, none opposed.

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	\$ 252,259.84
Water Fund	\$ 370.00
Capital Projects Fund	\$0.00
Trust and Agency Fund	\$ 0.00
H3 Fund	\$ 0.00
<u>TE Expand Trust Fund</u>	<u>\$ 0.00</u>
Grand Total	\$252,629.84

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

Item #15-Authorizing Minutes of: January 5, 2010, January 19, 2010, and February 2, 2010

After some discussion, a motion was made by Trustee Bullock and seconded by Trustee Homan to adopt the minutes from the January 5th, 2010 Board of Trustees meeting. The vote was approved by a vote of seven in favor, none opposed.

January 5, 2010-Approved

January 19, 2010-Tabled

February 2, 2010-Tabled

Item #16 -Adjournment to Executive Session

A motion was made by Trustee Breskin with a second by Trustee Homan to adjourn the public portion of the board meeting at 9:20 p.m. and go into Executive Session to discuss legal and contractual matters, after which the Board would adjourn for the evening. The motion was approved by vote of seven in favor, none opposed.

Respectfully submitted,
Peter Bonington, Administrative Intern

