

VILLAGE OF PELHAM BOARD OF TRUSTEES
REGULAR MEETING
TUESDAY, FEBRUARY 5, 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:

	Non-Recurring Items	7:45 p.m.
7.	Authorizing the Use of Village Streets and Assistance for Traffic Control for the Annual Little League Parade	Approved
8.	Authorizing a Settlement Agreement with New York City Police Department	Approved
9.	Authorizing the Renewal of the Sanitation Contract	Approved
	Committee and Community Liaison Reports	9:00 p.m.
10.	Site Plan Review	None
11.	NYW & B	Discussed
12.	Employee Benefits/HR Manual	Discussed
13.	Tree Committee	None
14.	Park Improvements	None
15.	Development (including 3 rd Street RFP)	None
16.	Parking	Discussed
17.	KVS Accounting Software	Discussed
18.	United Water of New Rochelle	None
19.	Fire Task Force	None
20.	Other Business	None
	Recurring Items	9:30 p.m.
21.	Authorizing Accounts Payable	Approved
22.	Authorizing Minutes of: January 2, 2013	Approved
23.	Adjournment to Executive Session	9:45p.m.

Next Scheduled Board Meetings are:

Tuesday, February 19, 2013

Tuesday, March 5, 2013

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 Hotchkiss at 7:30 p.m.

The following members of the Board of Trustees were present:

Deputy Mayor Lewis, McGoldrick, Marty, Morris

The following members of the Board of Trustees were absent:

Mayor Hotchkiss, Trustees Kagan, and Marciona

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 Hotchkiss

Reports:

Mayor Hotchkiss's Report

Absent

Trustees Reports:

Deputy Mayor Lewis

Deputy Mayor Lewis said there had been a letter written to the Pelham Weekly by a resident regarding the rates for the Pelham Water District which is located in the Pelham Heights area of the Village. He said he wanted to clarify some of the points that were raised in this letter stating that the Village does not generate any revenue from administering this water district. Deputy Mayor Lewis stated the Village assumed this water district a long time ago and it actually costs the Village money to maintain the system and make repairs. He said any rate increases are passed from United Water to the Village which then bills the residents in the water district.

He said the Village has a tentative date for a meeting with United Water to discuss the possible transfer of the Heights Water district to United Water.

Deputy Mayor Lewis added that there were some notable cases of the outstanding work by the Pelham Police Department. He said Officer DeSisto administered the Hemlich maneuver on a resident who was choking in a nearby household while the Police and Fire Departments were responding to an accident on Pelhamwood Avenue. The second incident occurred when Officer Sousa was able to reunite a mother with her young son who had gotten off at the Pelham train station

while the mother remained on the train. He said these incidents exemplify the dedication and professionalism of the Pelham Police Department.

Trustee Marciona

None

Trustee Marty

None

Trustee McGoldrick

None

Trustee Kagan

None

Trustee Morris

None

Village Administrator's Report

None

Item #6–Public Comment

None

Item #7– Authorizing the Use of Village Streets and Assistance for Traffic Control for the Annual Little League Parade

Deputy Mayor Lewis said the resolution authorizes the Little League Parade on April 13, 2013. He said the Little League will be responsible for all overtime and other direct costs associated with the event.

Administrator Yamuder said he was looking into any additional insurance requirements that may be necessary for events of this kind. He said he did not expect them to be too onerous on the organizations running events.

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

RESOLUTION
AUTHORIZING THE ANNUAL PELHAM LITTLE LEAGUE PARADE ROUTE
AND VILLAGE ASSISTANCE (POLICE, FIRE, DPW) AS NECESSARY

BE IT RESOLVED, that the Board of Trustees of the Village of Pelham authorizes use of Village streets and assistance for traffic control for the Annual Pelham Little League Parade on Saturday, April 13, 2013, with streets closed from 8 a.m. to 11 a.m., for the parade to take place from 8:30 a.m. until 10:30 a.m. on 5th Avenue from Lincoln Avenue through Wolfs Lane to the High School, with a staging area on 3rd Street between 4th Avenue and 7th Avenue; and

BE IT FURTHER RESOLVED, that the Little League Organization will be responsible for all Village Of Pelham overtime costs and all other direct costs that are incurred by this event; and

BE IT RESOLVED, that the Village Administrator, Police Chief, Fire Chief and General Foreman are authorized to take the necessary and appropriate actions to implement the plan and make arrangements for this parade.

Item #8—Authorizing a Settlement Agreement with New York City Police Department

Deputy Mayor Lewis stated this resolution is to end a dispute between the Village and the City of New York over compensation that the City sought for training expenses for a New York Police officer who left to become a Pelham firefighter. A recent change in the law allows the City to recoup training expenses from the new government employer if a new recruit leaves the department within a prescribed period of time.

Administrator Yamuder said the Village Attorney handled the negotiations with the NYPD. Trustee Marty said the Board wants to make clear that the firefighter did nothing wrong. He said the Village's position was that it should not pay for the training of a police officer who has been hired as a firefighter because the Village did not benefit from the training provided by the City of New York. However, he noted that it was deemed less costly to settle for a portion of what the City sought than to enter into open-ended litigation. He added that there are other municipalities that are in a similar

situation who are settling with the NYPD.

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

RESOLUTION
AUTHORIZING A SETTLEMENT AGREEMENT WITH
NEW YORK CITY POLICE DEPARTMENT

WHEREAS on November 19, 2012 the city of New York served a notice of claim against the Village of Pelham seeking reimbursement of \$51,770.97, pursuant to New York General Municipal Law 72-c, for expenses of training former New York Police Department police officer Ralph Magliulo, who graduated from the NYPD Police Academy on December 22, 2011, resigned from the NYPD on March 28, 2012, and subsequently commenced employment with the Pelham Fire Department; and

WHEREAS, Pelham disputes the City's assertion and does not admit liability; and

WHEREAS, the parties now desire to compromise fully the dispute between them; and

BE IT RESOLVED the parties agreed that the Village of Pelham will pay \$14,000.00 to the City of New York within 30 days of the execution of this agreement, by check or wire transfer payable to the City of New York; and

BE IT FURTHER RESOLVED that this resolution authorizes Mayor, Village Administrator/Treasurer and Village Attorney to take the necessary and appropriate actions to effect this payment.

Item #9– Authorizing the Renewal of the Sanitation Contract

Administrator Yamuder said this is the fourth year of a four-year contract with AAA Carting and Rubbish Removal, the Village's sanitation provider. He said this resolution will authorize the fourth contract extension available to the Village which is the final extension for this contract.

The Administrator addressed the recent news that two principles of AAA have been indicted. He said that the Sanitation Commissioner for Westchester County has confirmed that AAA sanitation license is still in good standing and that AAA remains a viable company. Administrator Yamuder said that the County is monitoring the activities of AAA and other carting services whose principals are under indictment, but added that there have been no issues regarding service to the Village. He further added that in the event of any difficulties with the company itself, there are protections built into the

contract to allow the Village time make new arrangement. He said he would advise the Board not to cancel this contract despite these allegations.

Trustee Marty asked what the resident reaction has been to AAA Carting's service. Administrator Yamuder said he has not received a significant volume of complaints since the calls were re-routed to the AAA main office. He said reports from the main office are that the complaints have been minimal.

The Administrator said there will be a 4.9% increase in the contract price for this extension and said the Village would be publically rebidding this contract when it expires next year.

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

RESOLUTION

AUTHORIZING THE RENEWAL OF CONTRACT NUMBER 2010-01
GARBAGE TRASH, RECYCLING AND ORGANIC WASTE COLLECTION
FOR A ONE-YEAR PERIOD (SECOND OF TWO EXTENSION OPTIONS)
FOR A NEW CONTRACT PERIOD OF MARCH 1, 2013 THROUGH FEBRUARY 28, 2014
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 three 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.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Board of Trustees of the Village of Pelham hereby authorize the second of two (2) one year extensions, at stated prices in the bid and contract documents for contract 2010-01, at an annual contract price for year four of six hundred nine thousand nine hundred twenty-five dollars and eighty-three cents (\$609,925.83), 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.

Committee and Community Liaison Reports

Item #10– Site Plan Review

None

Item #11– NYW &B

Trustee Marty said the Committee has been working on the options paper for the Board's review. He said he will be resuming Committee meetings in the coming weeks.

Susan Mutti of 62 Highbrook Avenue said the Highbrook Highline group would like to write grant applications on behalf of the Village to explore new features for the Highbrook Bridge such as new fencing, tree work, concrete work, and road feasibility study for Young Avenue. She said based on the 2012 Modjeski and Master Report the estimated cost of work such as this could be \$300,000. She said upgrading this two-acre piece of property would allow the community to enjoy this site more.

Ms. Mutti referenced the March 1, 2011 resolution pertaining to a non-binding expression of interest regarding Site A or the Greenspace which would allow the NYW&B Committee to research funding sources. She said she wanted to revisit that resolution to see if there was room to include the Highbrook Bridge in this investigation of funding sources or at least open up the dialogue about including it.

She said the group would like to share the responsibility of finding funding sources with the Board and that if the Board can re-evaluate its resolution from March 1, 2011 regarding the researching of funding sources that would allow the group to move forward. She added that looking into grants and applications for funding may answer questions that the options paper may not.

Trustee Marty said the resolution the Board passed in March 2011 was a non-binding expression of interest in converting the Greenspace to a public space. He said the Board did not want to send a message that they are intending to remediate the bridge for use as a public space with that resolution however. He said based on the Modjeski and Masters Report it would be a future liability for the Village Board to open up the Bridge until further measures are taken to make it safe for public use. Trustee Marty said he did not want grant opportunities to steer the decision making process regarding

the Bridge.

Ms. Mutti asked Trustee Marty what he thought the options were for the Bridge. Trustee Marty responded that the essentially the Board could leave the Bridge as it is, demolish it, or convert it into a public space but said all of those options have long-term financial ramifications for the Village. He said the Modjeski and Masters estimate in the report was an early appraisal to reach a certain plateau but was not a total, long-term cost evaluation.

Trustee Marty said the Board would need to have an open discussion before committing any of these options and would rely on the Committee options paper will address most of these avenues for the Highbrook Bridge.

Ann Dumas-Swanson said she agrees with Ms. Mutti and requested the Board allow the Highbrook Highline group to proceed on a parallel track with the completion of the options paper.

Trustee Marty said the Committee will continue to work to complete the options paper.

Item #12– Employee Benefits/HR Manual

None

Item #13– Tree Committee

None

Item #14– Park Improvements

None

Item #15– Development (including 3rd Street RFP)

None

Item #16– Parking

Trustee McGoldrick suggested the Board look into putting parking spaces along Pelhamwood Avenue. He said this may increase the number of cars able to park at that location. Trustee Morris thought this would be problematic as people wait there to pick up train passengers. John Cassone of 7th Avenue said there are safety considerations with changing the parking space structure.

Item #17– KVS Accounting Software Implementation

Administrator Yamuder said the Village staff is preparing for the budget for Fiscal Year 2013-2014. He said the KVS modules are going to be implemented for this year’s budget process.

Item #18– United Water of New Rochelle

None

Item #19– Fire Task Force

Trustee Marty said the Board is looking for funding and opportunities to share services with other departments.

Item #20– Other Business

None

Item #21– Authorizing Accounts Payable

Trustee Lewis 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. Mayor Hotchkiss and Trustees Kagan and Marciona 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	\$ 227,595.52
Water Fund	\$50,398.72
Capital Projects Fund	\$ 13,858.00
Trust and Agency Fund	\$700.00

H3 Fund	\$0.00
TE Expandable Trust Fund	<u>\$0.00</u>
Grand Total	\$ 292,552.24

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

Item #21– Authorizing Minutes of: Authorizing Minutes of: January 2, 2013, January 15, 2013

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

January 2, 2013- Approved

January 15, 2013- Tabled

Item #22– 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 at 8:26 p.m. after which time the Board would adjourn for the evening. The motion was approved by vote of seven in favor, none opposed.

Respectfully submitted,
Peter Bonington, Secretary to the Village Administrator