

VILLAGE OF PELHAM BOARD OF TRUSTEES
REGULAR MEETING
THURSDAY, JANUARY 23, 2014, 7:00 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. | Scheduling a Public Hearing to Amend Chapter 96 Of The Code Of The Village Of Pelham Regarding Water Bills And Late Penalties | Approved |
| 9. | Discussion On Amending Chapter 77 Of The Code Of The Village Of Pelham Regarding Portable Signs | Discussed |
| 10. | Other Business-Discuss Garbage Contract | Discussed |
| Recurring Items | | |
| 11. | Authorizing Accounts Payable | Approved |
| 12. | Authorizing Minutes of: December 17, 2013, January 7, 2013 | Approved |
| 13. | Adjournment to Executive Session | Approved |

Next Regularly Scheduled BOT Meetings:
Tuesday, February 4, 2014
Tuesday, February 18, 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 Senerchia, Mutti, Marty, and Kagan

The following members of the Board of Trustees were absent:

Trustees Volpe and McGoldrick

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 began his report by thanking the DPW for their efforts clearing the streets in the aftermath of the snow.

He stated the Village continues to reach out to Metro-North regarding outstanding issues with maintenance and other issues raised by residents regarding the train station.

The Mayor said the Village is working to revise and update its telecommunications law to bring it in line with modern technology. He said this will provide a solution however it may not be a final solution as the Code will have to be reviewed from time to time for improvements.

Mayor Cassidy finished his report by saying that Governor Cuomo made his budget announcement recently. He said there will be a lot of pressure to stay under the property tax cap which has been decreased from last year from 2.4% to 1.6%. He said the Board is still committed to keeping the Village under the cap.

Trustees Reports:

Trustee Kagan

Trustee Kagan stated that the Mayor, Administrator, DPW Foreman, and he had held a meeting with United Water of New Rochelle continuing the discussion on the water district in the Pelham Heights. He said he hopes to continue this dialogue.

Trustee Marty

Trustee Marty said the Board will be discussing the garbage contract later in the meeting.

Trustee McGoldrick

Absent

Trustee Mutti

Trustee Mutti thanked the DPW for their efforts in keeping Pelham's street clear of snow.

She stated she attended a Chamber of Commerce meeting and was pleased to hear that the Chamber intends to organize the Street Fairs themselves. She encouraged residents to attend these functions.

Trustee Mutti said she is working with the Junior League on the Children's Adventure Park portion of the Wolfs Lane Park project.

Trustee Senerchia

Trustee Senerchia stated that the next Chamber of Commerce meeting is scheduled for January 27th at 6 pm.

He reiterated Trustee Mutti's thanks to the DPW for their street cleaning efforts. He said there is a marked difference between the state of other municipal streets and those of Pelham.

He said that the Pelham Police have been conducting training in the event of an incident at the Pelham Schools. He said although these training procedures are professional and impressive he hopes they will never have to be employed.

Trustee Senerchia stated that there have been some complaints regarding the use of snow blowers in the early morning hours. He said he would like to begin a discussion to incorporate this device into the regulations currently employed for leaf blowers.

He added that there have been reports of heavy traffic conditions at the schools. He said he would speak to the Police about possible enforcement measures.

Trustee Volpe

Absent

Village Administrator's Report

The Administrator thanked the DPW for their snow clearing and street cleaning operations.

He stated that after consulting with RJ Impastato of FOA and Son regarding the Village's insurance policy he is recommending changing coverage in light of some new information. The Village's current carrier was recently downgraded from an A- rating to a B-9. He said Mr. Impastato recommendation was in light of this change that the Village change coverage to Ace Insurance.

He said there would be no extra cost or penalty associated with this change. The effective date of the new contract would be January 13, 2014. He stated that Village is covered and there has been no lapse in coverage by this change.

The Administrator stated that two new firefighters have completed their training from the Academy and are being trained in house in the use of the equipment. He said after the next two weeks of in-house training the firefighters will be fully operational.

He reminded residents that Christmas trees can be picked up from the curb until January 31, 2014.

Administrator Yamuder stated the Village has swapped out two burnt out light bulbs in two separate street lights with LED bulbs. These are more efficient in terms of energy and longer lasting. He said he hopes the Village can begin installing these LED bulbs as the others expire. He added he is looking into grant opportunities to fund this change.

The Administrator finished his report by saying that the Village's sanitation contract has been bid out and as of now eight bidders have picked up bid packages.

Item #6–Public Comment

John Cassone of 7th Avenue wished the Board a happy new year. He spoke to the Board briefly about consolidation of services and the proposed property tax cap for the coming budget year.

He requested if senior parking could be included on the Village's parking map available on the website.

Mr. Cassone asked about the Board's investigation into red light cameras and their possible placement in the Village.

Administrator Yamuder stated that he had reached out to his fellow manager in New Rochelle, Chuck Strome, and confirmed that the cameras referenced at a prior meeting in the City of New Rochelle were traffic monitoring cameras not specific red light cameras. Mayor Cassidy stated the Board can look into this request but it may not be the answer. He stated greater enforcement could also be a possibility.

Mr. Cassone thanked the Village Police and Fire departments for their conduct during a family emergency at his home.

Michael Blaustein introduced himself as the new representative from Senator Jeff Klein's office.

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

Trustee Mutti stated this is an extensive discussion and would like to move forward on this resolution.

Trustee Kagan said he had contacted the Public Service Commission (PSC) for more details regarding the impact to previously non-paying non-profits in the Village but has not received any communication from them. He stated he did not want to pass this resolution without knowing that impact.

Mayor Cassidy responded that it is irresponsible not to pass this resolution heading into a tight budget season. He said most communities in Westchester already operate in this way and the Village can have more input as a participating member in this discussion as opposed to acting as a holdout.

The Mayor stated that the Village has reached out to the non-paying entities and of a consortium of 10 municipalities, 7 have already voted on this resolution and moved onto the next steps in this process. He said although he would like to have more information, the Village should pass the resolution tonight and continue to request additional details from the PSC.

Trustee Kagan stated he is attempting to find out from the PSC if these incoming entities will be billed based on usage. He asked if the Board is satisfied with its current reading of the agreement with usage billing as the basis. Mayor Cassidy responded that he is as other municipalities including Assemblywoman Paulin's office in the County have already decided based on their interpretation of the law.

Trustee Kagan advocated submitting a letter to the PSC specifically requesting this information. Mayor Cassidy said the Village can submit a letter but waiting for a response that could take several months is not prudent.

Trustee Marty stated that even with Village input it may not change the PSC's decision; the Village will find out when that decision is made. He said however that absolutely knowing one way or the other will not change the vote.

John Cassone asked if these eight entities had been contacted. Administrator Yamuder said he had spoken with representatives of four of the entities and left messages for the other four. Mr. Cassone said he would hope for more of a response from these entities before the Board approves this motion.

Trustee Kagan said he wants to make sure the Village can sustain this change. Mayor Cassidy responded that this new law creates an arrangement that is fair and on par with numerous other municipalities around the County.

A motion was made by Trustee Mutti and seconded by Trustee Senerchia to approve the resolution. The vote was approved by a vote of four in favor, Trustee Kagan was opposed. Trustees Volpe and McGoldrick 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 infrastructure maintenance and access (including but not limited to 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 affect this petition.

Item #8—Scheduling a Public Hearing to Amend Chapter 96 Of The Code Of The Village Of Pelham Regarding Water Bills And Late Penalties

Mayor Cassidy stated the Board has to schedule a public hearing for proposed changes to the water billing section of the Village Code. The date of the public hearing will be the next Board date on Tuesday, February 4, 2014.

Administrator Yamuder stated the after speaking with the Village Prosecutor, there are two aspects of the Code that need to be changed; the language currently in the Code and the amount specified as a

penalty with language that allows the Board to change the amount by resolution rather than changing the law.

A motion was made by Trustee Mutti and seconded by Trustee Senerchia to schedule the public hearing. The vote was approved by a vote of four in favor, none opposed. Trustees Volpe and McGoldrick were absent.

Administrator Yamuder commented that the Village is working to prevent any further disruption in the water billing. He said the responsibility of mailing has been taken in house and the Village will now have hard copies of the actual bills to provide residents upon request.

Mayor Cassidy discussed the nature of reimbursing residents who claimed they did not receive their water bills. He said after having looked at the number of residents who did not receive their bills and the relatively small amount of money associated with these penalties assigned, the Mayor said the Village could consider a small remedy in this matter. He noted that this is an extreme case.

Trustee Kagan thanked the Mayor for reconsidering on this matter.

Village Of Pelham, NY

Scheduling a Public Hearing for Local Law #1-2014 Amending Chapter 96 of the Code of the Village of Pelham regarding water bills and late penalties

The Board of Trustees of the Village of Pelham hereby schedules a public hearing to be held at 7:30 p.m. on Tuesday, February 4, 2014 in Village Hall at 195 Sparks Avenue, Pelham, NY, on a draft proposed Local Law that would amend the Code of the Village of Pelham, as follows:

A Local Law amending Chapter 96 of the Code of the Village of Pelham to clarify when bills must be paid and to set penalties for late payment

A copy of the draft proposed Local Law is on file in the offices of the Village Clerk and may be viewed during normal business hours of 8 a.m. to 4:30 p.m., or an electronic copy may be obtained from the opening page of the Village's website www.pelhamgov.com.

By Order of the Mayor and Board of Trustees
Terri Rouke, Village Clerk
Publication date: January 24, 2014

Item #9– Discussion On Amending Chapter 77 Of The Code Of The Village Of Pelham Regarding Portable Signs

Trustee Senerchia stated he spoke to numerous parties regarding the discussion on the merchant's use of portable signs despite their prohibition by the Village Code. Trustee Senerchia stated that he has been discussing the possibility of requiring merchants to provide hold harmless agreements for these signs as well as permits and approval stickers for the signs themselves.

Mayor Cassidy said permitting this form of advertisement would give the Village some control over their proliferation and appearance. He suggested reaching out to the ARB for their input for language that could be used in changing the law as it currently stands. He added that any permit fee would not be considered a revenue source by the Village.

Trustee Mutti asked if the Village can bridge this gap between the Code and allowing these signs on a permitted basis.

Trustee Kagan stated that the Village would have to change the law to allow for this new arrangement. He said the language should be altered with the proper changes.

Trustee Senerchia stated he would speak with the Building Inspector on this matter.

Item #10–Other Business -Discuss Garbage Contract

Trustee Marty said the Board is preparing to hold a discussion at the Tuesday, February 4th meeting regarding the garbage contract bids. He said the Board will have the bid numbers by that meeting and should consider three main questions regarding curbside garbage collection, increased recycling, and once-a-week garbage collection.

Mayor Cassidy stated that once the Board has the numbers from the incoming bids, it should be prepared to vote on the 4th for the new contract. He said if need be, the Board can vote at the February 18th meeting.

Trustee Mutti asked if there have been any considerations on altering the current commercial pickup guidelines. Administrator Yamuder responded there is not much that can be feasibly changed within the commercial district. He said the Village has discussed making pickup times earlier but there are factors regarding merchant's schedules and garbage placement times that would have to be addressed before this change to an earlier morning pickup could be put into place.

Trustee Mutti responded that the complaint she hears most often is that the pickups in the Commercial District are taking place long after the 11 a.m. mandated pickup time.

Trustee Senerchia stated the Board can work with the Village departments to enforce this guideline more regularly.

Ralph Acampora representing EcoPell stated that increased recycling would be more cost efficient and would ensure savings for the Village.

John Cassone stated that pickup in the commercial district has always been difficult debate between noise, late pickups, and garbage being put out the night before. Trustee Senerchia agreed it is a tough issue to address.

Item #11– Authorizing the Accounts Payable

Trustee Kagan audited the Accounts Payable.

A motion was made by Trustee Mutti and seconded by Trustee Senerchia to approve the resolution. The vote was approved by a vote of five in favor, none opposed. Trustees Volpe and McGoldrick 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 | \$260,049.50 |
| Water Fund | \$380.00 |
| Capital Projects Fund | \$00.00 |
| Trust and Agency Fund | \$350.00 |
| CD NYS Main Street Fund | \$0.00 |
| H3 Fund | \$0.00 |
| <u>TE Expand Trust Fund</u> | <u>\$0.00</u> |
| Grand Total | \$260,779.50 |

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

Item #12– Authorizing Minutes of: December 17, 2013, January 7, 2013

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

December 17, 2013- Approved

A motion was made by Trustee Mutti and seconded by Trustee Kagan to approve the resolution. The vote was approved by a vote of four in favor, none opposed. Trustees Volpe and McGoldrick were absent. Mayor Cassidy abstained.

January 7, 2014- Approved

Item #13– Adjournment to Executive Session (if needed)

A motion was made by Trustee Kagan with a second by Trustee Marty to adjourn the public portion of the Board meeting at 9:30 pm and go into Executive Session to discuss a particular personnel matter after which time the Board would adjourn for the evening. The motion was approved by vote of four in favor, none opposed. Trustees Volpe and McGoldrick were absent.

Respectfully submitted,
Peter Bonington, Secretary to the Village Administrator