

VILLAGE OF PELHAM BOARD OF TRUSTEES
REGULAR MEETING
TUESDAY, JANUARY 7, 2014, 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	Tabled
8.	Discussion On Amending Chapter 96 Of The Code Of The Village Of Pelham Regarding Water Bills And Late Penalties	Discussed
9.	Discussion On Amending Chapter 77 Of The Code Of The Village Of Pelham Regarding Portable Signs	Discussed
10.	Other Business	Discussed
Recurring Items		
11.	Authorizing Accounts Payable	Approved
12.	Authorizing Minutes of: November 19, 2013, December 3, 2013	Approved
13.	Adjournment to Executive Session	Approved

Next Regularly Scheduled BOT Meetings:
Tuesday, January 21, 2014
Tuesday, February 4, 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, Volpe, and Kagan

The following members of the Board of Trustees were absent:

Trustee 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 stated he and Administrator Yamuder will be attending the Westchester Municipal Conference of Mayor's (W.M.O.A.) event on Thursday.

The Mayor said thanked the Village DPW for their efforts during the recent snowfall for keeping the streets clean and passable.

He said one of the issues he would like to discuss at this meeting is municipal strategies for how to address ongoing issues with Metro-North. He said the Village has reached out to the MTA several times regarding concerns about noise and other complaints. The Village has received very little in the way of a response from the MTA. The Mayor hopes that by meeting with his colleagues in other municipalities it may help to generate some solutions.

Trustees Reports:

Trustee Kagan

Trustee Kagan stated that the Mayor, Administrator, DPW Foreman, and he will be attending a meeting in New Rochelle with United Water. The purpose of the meeting would be to continue the dialogue regarding Pelham's water system.

He advised residents to keep their car doors locked even in their own driveways as there have been some recent thefts reported to the Police.

Trustee Kagan said he was working on an updated draft of the language for the telecommunications chapter of the Village Code. He said he would disseminate the draft among the Administrator and Building Inspector and Trustees for their review when it is ready.

Trustee Marty

None

Trustee McGoldrick

Absent

Trustee Mutti

Trustee Mutti thanked the DPW saying they did a fantastic job with the snow removal.

She added that she was happy the furniture for Trotta Park arrived and is in place. She said she is thrilled with the way the park turned out.

Trustee Senerchia

Trustee Senerchia thanked the DPW as well.

Trustee Volpe

None

Village Administrator's Report

Administrator Yamuder thanked the DPW for their snow removal efforts during the recent snowfall.

He reminded the public that Christmas trees will be picked up at the curb until January 31, 2014. All other organic pickups have ceased for until April 2, 2014.

The Administrator stated that after consulting with the Town of Pelham, the Daronco Townhouse will be open all evening given the extremely cold weather conditions. He said any residents with difficulty heating their residences can use the Townhouse as an emergency shelter and warming station. He said the Townhouse would be open until 6 a.m. the following morning and a Town Constable would be on duty as well.

Item #6–Public Comment

Iris Kasten of 240 Carol Avenue said she received a ticket from the Police for having her car out on the street overnight during the recent snow storm. She claims that Police Officer she spoke with informed her that cars are not allowed to park overnight during blizzards to facilitate snow removal

Ms. Kasten stated however that there are cars that are able to park on the street, some through permitting with the Village with Handicap Overnight Parking Exception (HOPE) permits and others with the Clovelly resident association. She said this has been an ongoing issue and there has not been a satisfactory solution.

Mayor Cassidy reminded Ms. Kasten that this issue was under the supervision of the prior administration. He said that Board came up with a solution that he did was adequate and this issue requires more discussion. He said this is not an issue that can get fixed right away.

Trustee Volpe said he has been tasked by the Mayor with looking at parking options throughout the Village. He said he can speak to the rest of the Board and get the background details for this issue, discuss it further, and determine if there is a way forward.

Iris Kasten said she has requested a meeting with the Administrator in the past and has not received one with him yet.

Trustee Volpe responded that the Administrator is very busy and in the event he is unable to meet, he stated she can reach out through the Administrator to him directly on parking matters.

Mrs. Podzus of 59 Clifford Avenue said there is an ongoing dispute with her neighbor regarding cars parking and overhanging the sidewalk as well as overnight parking infractions. She provided pictures dating back to June 23, 2013 shortly before she came before the Board the first time on this issue.

She stated that this dispute has led to verbal disagreement with her neighbor and claims she was unable to file a claim of harassment because the Police refused to take the information down. She said the Police are not doing their job in enforcing the Village's and New York State laws on these cars overhanging the sidewalk.

Mayor Cassidy said that it is not fair to say the Police are not doing their job. He said this issue is much more complicated that it first appears. He added that he regrets Mrs. Podzus is in a very ugly dispute with your neighbor. He said he would speak with the Chief of Police and respond to her directly to give her an update.

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 Kagan stated the Village would be requesting more information from the Public Service Commission (P.S.C.) regarding the impact that this legislation will have on previously non-paying entities such as schools, houses of worship, and other non-profit organizations. He suggested

submitting a letter he drafted, requesting more information from them. He said however that the Board must make a decision in order to move forward.

Administrator Yamuder stated upon closing the public hearing and the Board approving the resolution, the Village must submit a petition letter to the PSC. There is a four month review period for the PSC after which the Village will receive more information regarding the implementation of the new legislation.

Mayor Cassidy said the Village has already requested this information from the PSC and stated that although the Village may not know all the details, the intention of the law is clear and the legislation makes sense as it has been currently presented. He said the Village must move forward as the other municipalities in this consortium have and work closely with elected officials to ensure the Village has input in the process.

Trustee Marty said he has not heard back from any of the non-profits and they were contacted prior to the past few meetings where this matter has been discussed.

Trustee Volpe said this letter nudges the PSC to provide more details but said the Board should be prepared to move forward with this resolution in order to submit the petition letter and get the clock ticking on the PSC's review of the Village's application.

Mayor Cassidy said the Board should be prepared by next meeting to close the public hearing and approve the resolution.

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

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 on Amending Chapter 96 of the Code of the Village of Pelham Regarding Water Bills and Late Penalties

Mayor Cassidy said there are several issues before the Board on this matter. The Board is attempting to clarify the Village Code pertaining to water billing and with regard to the amount charged in late penalties. He said this would require advertising any proposed changes to the law and then holding a public hearing to give the public a chance to comment.

The Mayor said the Board would like call for this hearing on Tuesday, January 21st meeting and hold the hearing on February 4th Board of Trustees meeting.

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

Ethan Miller of Eastland Avenue said he has been following this discussion on water billing closely and suggested the Board look into another vendor to perform the services for disseminating the water bills. He said there are inefficiencies with the current system that should be corrected. He said however that after a delay in receiving this quarter's water bill, he was able to get a copy from the Village office and eventually received his original bill on January 4th.

Mayor Cassidy said he understood there was a delay with this quarter's water bills. As a result of this delay, all bills will be due on January 31, 2014. He said the Village has operated with its current vendor for a number of years without incident until just recently in the past two billing cycles. He said the Board will continue to discuss feasibility but it cannot change immediately.

Peter Wies of 230 Ancon Avenue said there is still the issue from the last billing cycle for people who did not receive water bills and were charged a penalty. He asked if the Board has come to a decision on how to handle this matter.

Mayor Cassidy responded the he understood some residents did not receive their water bills however that alone does not absolve them of the obligation to pay the bill. He said each month or each quarter residents know they have bills due to other entities as well as the Village. He said that would be the prudent decision on the part of the Board but they have not decided as of yet.

Mr. Wies responded that he felt the Village Code does not permit the charging of a penalty within the time frame specified. He asked the Board to take that into account.

Mayor Cassidy stated that is Mr. Wies's interpretation of the Code. He stated that the original intent of the statute was always for the bills to be due within 30 days of the residents receipt.

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

Trustee Senerchia said he had been speaking further with Administrator Yamuder and the Village's insurance broker regarding the status of portable sandwich signs. Trustee Senerchia suggested that an alternative to changing the Code regarding these signs would be to require merchants who want to have a sandwich board sign issue the Village a certificate of liability and establish a hold harmless agreement with the Village in the event of any incident.

Mayor Cassidy said he worked on the Village Sign Code during his prior tenure as Trustee. He said that without definitively changing the Code it will be difficult to control the sandwich boards. He said guidelines or protocols can be pushed and a hold harmless agreement does not accomplish everything the Board is trying to regulate with these signs.

Trustee Kagan stated that he would like the Board to hear from the ARB and Building Inspector on this issue. He said requiring a low-cost permit gives the Board control over the aesthetic, placement, and type of these signs. Trustee Senerchia stated he had already reached out to Building Inspector Russo.

Trustee Volpe said the Board does need to amend the Code by requiring certain specifications and insurance coverage in case of accidents.

Trustee Senerchia said he does not feel comfortable charging for a permit. Trustee Volpe said he is not arguing for this permit as a revenue source.

Mayor Cassidy suggested the Board speak with their attorney on this matter. He said they can discuss further at the next Board meeting.

Item #10– Other Business- Garbage Contract Discussion

Trustee Marty told the Board that the Village is about to complete four years of a garbage contract that was awarded back in 2010. He said after speaking with the Village Administrator and Village Clerk they have pushed to bid out the contract shortly, hold a bid opening, submit them for Board

review and ideally have one of the bids accepted by the last meeting in February. He added that as suggested by the Village Administrator; that the Board should refine the options stated in the prior contract to make it easier for bidders to submit concise and affordable bids.

Trustee Marty said there are essentially four aspects of the current contract the Board could consider changing in hopes of generating savings. These are changing bulk rubbish collection to once-a-month and making recycling three times out of the month, having household trash placed curbside as opposed to being picked up in the rear yard, and once-a-week household trash collection. Trustee Marty stated there are pros and cons for each of these proposed changes however without hard bid numbers to look at the Board cannot evaluate effectively.

Trustee Marty added that several years ago there were variables that were true then that may not assist in bringing in a favorable bid. There was a bad economy, labor rates have increased since then, and there was aggressive bidding by the current carter AAA Carting and Rubbish Removal.

Mayor Cassidy agreed that without numbers the Board cannot evaluate effectively however he asked that the Village market this contract and reach out to more carters to obtain the best bid results possible. He added that additional information on the tonnage picked up in the Village would be helpful.

Administrator Yamuder responded he can get that information through Westchester County.

Trustee Mutti asked if there were any proposed changes to the commercial pickup schedule. Administrator Yamuder said aside from discussing possible earlier pickup times for the merchant there is not much that can be changed from the current arrangement. He added there are considerations to making pickup in the commercial district earlier anyway.

Trustee Mutti suggested the Board go further with educating the public regarding what is and what is not recyclable. She cited a common question about whether wet paper is recyclable or does it become garbage when it gets wet.

Administrator Yamuder stated in his conversations with Westchester County, wet paper is still recyclable. He said the added weight of the paper is what causes some difficulty among the recycling officials but it does not affect how it is collected.

Trustee Volpe said the window between the bidding of the contract and the end of the contract date on February 28, 2014 is tight. Mayor Cassidy stated the Board should be prepared to vote if necessary at the February 4, 2014 Board meeting on this contract if the Village has received favorable bids by the January 29, 2014 contract bid opening.

Administrator Yamuder said there are only a handful of carters that service the lower Westchester area. He said he would be reaching out to the County for assistance with generating more names to fully market this contract.

Ralph Acempora of Nyac Avenue stated as a resident he would support less garbage pickups per week, optimization of recycling with less Bulk Rubbish collections, and curbside collection.

David Brown of Cliff Avenue asked the Board if they can publicize the bid results prior to the February 4th meeting to give residents time to review the results and make comments to the Board. He suggested such forums as the Moms of Pelham Facebook page and EcoPel which is a green community group.

Trustee Volpe stated that after the public bid opening at Village Hall on January 29th the results can be publicized. Administrator Yamuder added that any and all bid results would be subject to further review and investigation to ensure the potential carters are capable of fulfilling their obligation to the Village.

Mark Rookwood of Corona Avenue said he is a member of EcoPel concerned about residents pushing household trash items into recycling collections if the number of household trash collections are decreased.

Mayor Cassidy said he is mindful of that concern although from his personal perspective it would most likely not change the routine in his own home. He said it would be difficult to gauge that but the Board would bear it in mind.

Item #11– Authorizing the Accounts Payable

Trustee Senerchia audited the Accounts Payable.

A motion was made by Trustee Volpe and seconded by Trustee Kagan to approve the resolution. The vote was approved by a vote of six in favor, none opposed. Trustee McGoldrick was 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	\$59,628.07

Water Fund	\$2,126.08
Capital Projects Fund	\$179.00
Trust and Agency Fund	\$00.00
CD NYS Main Street Fund	\$0.00
H3 Fund	\$0.00
TE Expand Trust Fund	\$0.00
<hr/> Grand Total	<hr/> \$61,933.15

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: November 19, 2013, December 3, 2013

A motion was made by Trustee Kagan and seconded by Trustee Marty to approve the resolution. The vote was approved by a vote of six in favor, none opposed. Trustee McGoldrick was absent.

November 19, 2013- Approved

A motion was made by Trustee Mutti and seconded by Trustee Senerchia to approve the resolution. The vote was approved by a vote of six in favor, none opposed. Trustee McGoldrick was absent.

December 3, 2013- Approved

Item #13– Adjournment to Executive Session

A motion was made by Trustee Kagan with a second by Trustee Senerchia to adjourn the public portion of the Board meeting at 9:00 pm and go into Executive Session to discuss a particular personnel matter and a litigation matter after which time the Board would adjourn for the evening. The motion was approved by vote of six in favor, none opposed. Trustee McGoldrick was absent.

Respectfully submitted,
Peter Bonington, Secretary to the Village Administrator