

VILLAGE OF PELHAM BOARD OF TRUSTEES
REGULAR MEETING
TUESDAY, NOVEMBER 19, 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

Agenda Items:

Non-Recurring Items		
7.	Resolution Authorizing an MOU Between Westchester County and the Village of Pelham to Allow the Village Access to Westchester County Records Online	Tabled
8.	Parking Fee Discussion	Approved
9.	Discussion of Water Billing Issues	Discussed
10.	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
11.	Other Business	Discussed
Recurring Items		
12.	Authorizing Accounts Payable	Approved
13.	Authorizing Minutes of: October 15, 2013	Approved
14.	Adjournment to Executive Session	Approved

Next Regularly Scheduled BOT Meetings:
Tuesday, December 3, 2013
Tuesday, December 17, 2013
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 McGoldrick, Senerchia, Mutti, Marty, Volpe, and Kagan

The following members of the Board of Trustees were absent:

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 that some residents experienced difficulty watching the November 6th Board meeting on TV saying a portion of the meeting blacked out during the Extenet discussion. He said he hopes the issue has been resolved.

The Mayor said Pelham hosted the Westchester Municipal Officials Association dinner last Thursday night. He said it was a very interesting event and noted that many of the same issues Pelham is dealing with are prevalent throughout the County. He said he would plan on attending more in the future.

He stated that he continued to hear complaints about speeding at certain intersections in the Village. He said it is distressing that many of these speeders are local residents rushing to the train or to the schools. The Mayor said the Board would look into ways of alleviating the speeding around town.

Trustees Reports:

Trustee Kagan

Trustee Kagan followed up with United Water and they have a tentative discussion planned for Tuesday, December 3rd.

Trustee Marty

None

Trustee McGoldrick

None

Trustee Mutti

Trustee Mutti stated that the Tree Committee has posted some information on the Town of Pelham website.

She mentioned that Trotta Park is nearing completion. The construction fences have come down and the furniture will be arriving sometime in January.

There has been some flower bulb planting with over 700 bulbs planted this fall. She expects for next spring to have a significant increase in flower decorum.

Trustee Mutti stated a tree brochure is available on the Town website.

She said Trotta Park is nearing completion. She thanked everyone for their patience, particularly Bangkok City and Framed by the Judge for respecting the construction vehicles and personnel that were posted out in front of their businesses for the duration of the work.

She stated she attended a sculpture recognition event at the Pelham Art Center which was an interesting event one piece was installed in the courtyard of the Art Center. She said she hopes to promote more public art in Pelham.

Trustee Senerchia

Trustee Senerchia stated the Village has been awarded two new FEMA stormwater management grants to assist in the overall flooding remediation efforts of the Village. These grants from the office of Homeland Security and will be assigned to two specific sections of the project. He said Administrator Yamuder has done a great job of administrating these projects thus far and will have more to report on these grants as information becomes available.

He commented that the Pelham Gift Exposition at TD Bank on November 13th was not as well attended event as hoped for. He said he would be speaking with the Chamber about how to better market these events.

He added that he would like to welcome the Cheese Steak Café at the corner of Lincoln Avenue and 5th Avenue.

Trustee Volpe

Trustee Volpe that the Board is awaiting a decision by Judge Zambeli regarding a temporary restraining order in relation to the Extenet lawsuit. He said he has not heard of any decision as of yet but will be sure to update the Board when more information is available.

Village Administrator's Report

Administrator Yamuder stated that United Water of New Rochelle is going to be performing meter work under the Metro-North railroad bridge. He confirmed that local merchants were notified and traffic would be detoured around the site.

He wished residents a Happy Thanksgiving and added that loose leaf collection will continue until December 15th.

He finished his report by saying that the two grants Trustee Senerchia mentioned require a contractual agreement between the Village and the granting entity. The Village is awaiting the receipt of those contracts.

Item #6–Public Comment

John Cassone of 7th Avenue thanked the Board for moving ahead with the Trotta Park improvements. He said he hopes to have the commemorative plaque available for installation.

He asked if the Board had done any research on the traffic light cameras for speeding intersections in Pelham. He said Lincoln Avenue and 8th Avenue is a particularly bad intersection for speeding.

Administrator Yamuder stated that he had contacted Police Chief Benefico about the logistics of placing cameras on traffic lights. He added that he would reach out to New Rochelle about how they installed these cameras as Lincoln Avenue is a County road.

Item #7– Resolution Authorizing an MOU Between Westchester County and the Village of Pelham to Allow the Village Access to Westchester County Records Online

Administrator Yamuder said this resolution pertains to a memorandum of understanding with Westchester County of the shared use of records. He stated that although neither he nor his staff utilize this tool often, he would recommend passing the resolution to make these records available to the authorized Village staff if need be.

He added that there is some language in the agreement which the Village Attorney felt was a liability for the Village. It stated that if there is a breach of security regarding the sensitive information available through this record sharing that the County could hold the municipality liable for that breach even if it does not originate from the Village itself.

Trustee Kagan this could potentially be a big liability for the Village for a service that it does not use consistently.

Village Attorney Cathy Woods-King said this language may be generic for all County memorandums however in speaking with their attorney's the County will not change the language in question.

Mayor Cassidy stated that he is not hearing reasons why the Board should accept this memorandum as written. He said if the Village finds it needs this agreement or the language changes, the Board can revisit it at a later time.

The Board tabled this resolution until a later meeting.

RESOLVED, that the MOU between Westchester County and the Village of Pelham to allow the Village access to Westchester County Records Online is hereby accepted and the agreement is authorized by the Board of Trustees of the Village of Pelham; and

BE IT RESOLVED, that the term of this agreement is for a period commencing on November 19, 2013 and terminating on December 31, 2014 with the County Clerk's option to extend the license for up to four additional one-year periods on the same terms and conditions; and

THEREFORE BE IT FURTHER RESOLVED, that the Mayor, Village Administrator and Village Clerk are authorized to take the necessary and appropriate actions to effect this agreement.

Item #8– Parking Fee Discussion

Trustee Volpe stated that he had been tasked with looking into the parking situation with the assistance of Administrator Yamuder and Village Clerk Terri Rouke. The purpose was to increase parking patronage and better market the availability of parking in Pelham.

Trustee Volpe said the Village recently put a map on the website to indicate the locations of commuter parking lots and spaces. He added that the goal is to fill the inventory of empty spaces in these lots and generate additional revenue for the Village.

He said however that he has received reports of merchants parking at meters on 5th Avenue and Wolfs Lane all day, depriving visitors and patrons of those spaces. Mayor said this issue has come up at Chamber meetings before and it is a problem.

Trustee Kagan added that the answer to this issue may be stricter enforcement rather than a financial incentive for these merchants to park elsewhere.

Mayor Cassidy said there are a fair number of open spots in the municipal lots which provide a service for Village residents and merchants as well as a revenue source for the Village.

Trustee Volpe suggested a decrease in the resident, commuter, and merchant parking rates in hopes of filling more of this inventory. He added that a 10% discount could also be employed for residents or merchants who would buy a second space from the Village for a second vehicle.

Mayor Cassidy said he was not as confident about the 10% discount however they can revisit it later on if they feel it will entice more permit buyers.

Trustee Marty said initially the experience with municipal lot #1 the market responded favorably in the beginning but has since cooled off on that particular lot despite its proximity to the train station. He said he would be in favor of reducing the cost in hopes of coaxing more people into the lot.

Lester Kravitz of Wolfs Lane suggested the Board make it possible for people to pay by credit card at the Village Hall. He also suggested paying online as another way of generating interest.

Trustee Volpe responded that Pelham does need to conduct an online advertising plan to induce more residents and commuters to the lots. He said the Board can look into the feasibility of credit cards and online payments.

Mayor Cassidy stated that the Village is only at approximately 68% of its parking capacity and with the current prices as they are; the Village has priced itself out of the market. Village Clerk Rouke added that the Village has seen a drop in commuter permit parkers.

Trustee Volpe recommended the Village arrange its parking prices as such:

<u>Residential:</u>	<u>Merchant Lots 2 and 7:</u>	<u>Lots 1 and 7:</u>
Monthly= \$1,020	Annually: \$400	Lot 1= \$1,500
Quarterly= \$900		Lot 7= \$1,250
Semi-Annually= \$800		
Yearly= \$700		

Village Clerk Rouke stated that if a resident or commuter wishes to purchase a permit in the middle of the month, the Village can pro-rate in certain cases.

Trustee Kagan said the Village is taking a risk by reducing the prices because it may not make up the revenue it has budgeted for parking. Village Clerk Rouke responded that the Village may not make up the shortfall if prices remain as they are and do not sell more spaces. She said she has some potential targets that she can reach out to in hopes of generating interest.

Bob Keller of Wolfs Lane requested additional police presence to prevent break-ins to vehicles. He asked Village Clerk Rouke if she felt a \$50 decrease would make a difference in attracting more people. Clerk Rouke responded that she believed it would contribute to bringing more parkers into the municipal lots.

Trustee Volpe responded that there have been recent burglaries in the Village which the Board will pursue through the Police Department. He said however, that the Village can move forward with this

initiative tonight. He said the Board can revisit this issue during budget time if further adjustments are needed.

John Cassone said that historically in past years when the Village wrestled with this same problem, former Trustee Henry Irochi recommended lowering the parking rates and it did solve the problem.

A motion was made by Trustee Volpe and seconded by Trustee Marty to adopt the resolution. The vote was approved by a vote of seven in favor, none opposed.

Item #9– Discussion of Water Billing Issues

Mayor Cassidy stated that the Village is opening a dialogue with United Water to transfer control of the Pelham Water District under their control. He said he recently had become aware of some issues within the Pelham Water District regarding water bills, subsequent penalties fees, and Village Code language.

The Mayor stated some residents on a specific block reported they did not receive their water bill and first became aware of this fact when they received a penalty notice for non-payment. A Pelham Water District resident in the Pelham Heights read the Code section pertaining to penalty fees and claimed the language of the Code gave a sixty day window to submit payment as opposed to thirty days. These three issues were brought to the Board's attention and require clarification.

Administrator Yamuder stated that he researched other municipality's water department's codes. He found in his research that generally the penalties fees assessed by the municipalities investigated ran from 5% to 10%. The Mayor said that Pelham's penalty appears to be on the higher end of acceptable fees.

The Mayor stated, in regard to the mailing issue, that Pelham uses a small, outside vendor to process these water bills. He said he is not aware of any persistent or regular problems with the mailing so this may be an isolated incident. The Village has a long relationship with this particular vendor and does not feel that a change is necessarily required.

Trustee Kagan stated he felt the Village should price this service out and get a competitive quotation. He said based on what he has seen from other municipalities; he sees support for a 5% penalty fee.

Peter Wies of 230 Ancon Avenue stated that he was one of the residents who received a penalty notice without received a water bill. He said working through the Mom's of Pelham Facebook page, he ascertained approximately 20-25 people did not receive their original water bills. With regard to the Code's language, he said the Village Code is clear that water customers in the Heights have sixty days to pay their water bill based on the language as written.

Mayor Cassidy responded that the Code is written incorrectly but is not unclear. The original intent of the Code was to give water customers thirty days to pay their bill or be assessed a penalty and that is the way business has been conducted in the Village for more than ten years.

Trustee Volpe said it would be unfair to assess a penalty to resident who did not receive their original water bill. He said the Code needs to be clarified to clear up any ambiguity in the language. Administrator Yamuder stated this process would involve scheduling and holding a public hearing once new Code language is proposed to the existing statute.

Mr. Wies stated that he was unable to receive a copy of his original bill through the Village office, only a handwritten sheet with the balance due on it. He urged the Board to reexamine their current vendor. He added that he felt he and his wife's inquiries were not greeted with

Administrator Yamuder responded that being a small vendor, receiving a hard copy is not always easy either for the vendor or the Village. The handwritten receipt provided is considered a valid receipt. Trustee Senerchia stated that a copy of the original bill should be provided upon request by a Village water customer even if it takes some time to provide.

Trustee Mutti asked if the Village would be refunding water customers who did not receive their initial water bill. Mayor Cassidy said that would be difficult to monitor and administrate. Trustee Kagan added that the Board can discuss this in Executive Session.

Item #10– 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

Administrator Yamuder said the consortium that the Village belongs to was successful in bringing this proposal before the Public Service Commission. He suggested however that the Board table this discussion as the P.S.C. has not provided the necessary legal documentation to the municipalities involved in the consortium.

The Board tabled 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 #11– Other Business

Trustee Kagan asked about several revenues and expenditures on the monthly financial report provided by Financial Director Shirley Brown and Administrator Yamuder. He said the Village has accrued some savings but also took an unexpected hit with the metrics of the FEMA reimbursement through Hurricane Sandy.

Administrator Yamuder said the Village achieved \$20,000 in savings through receipt of some outstanding grants and other anticipated revenues. He said however that through a miscalculation on the part of FEMA on the Hurricane Sandy reimbursement, the Village would not receive approximately \$106,000 of the anticipated funds. The remaining balance of the reimbursement is still going to be awarded to the Village. Mayor Cassidy said although this is a disappointment there are ups and downs during the budget year.

Trustee McGoldrick asked if there is any recourse on the part of the Village. Administrator Yamuder said unfortunately there is not. FEMA drafted a letter admitting the error with an explanation of the mistake and confirmed that it cannot award based on an error.

Trustee Volpe stated that Pelham should be mindful of its intergovernmental relations in the future when dealing with awarded funds. He added that Village staff is expected to treat all incoming inquiries with respect.

Item #12– Authorizing the Accounts Payable

Trustee Volpe audited the Accounts Payable.

A motion was made by Trustee Volpe and seconded by Trustee Senerchia 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	\$263,208.76
Water Fund	\$70,558.50
Capital Projects Fund	\$3,262.56
Trust and Agency Fund	\$0.00
CD NYS Main Street Fund	\$0.00
H3 Fund	\$0.00
TE Expand Trust Fund	\$0.00
<hr/> Grand Total	<hr/> \$337,029.82

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

Item #13– Authorizing Minutes of: October 15, 2013, November 6, 2013

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

October 15, 2013- Approved

November 6, 2013- Tabled

Item #14– Adjournment to Executive Session

A motion was made by Trustee Volpe with a second by Trustee Kagan to adjourn the public portion of the Board meeting at 9:50 pm and go into Executive Session to discuss a personnel matter at 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