

VILLAGE OF PELHAM BOARD OF TRUSTEES
REGULAR MEETING
WEDNESDAY, MARCH 19, 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.	Authorizing the Annual Chamber Of Commerce Street Fair to Take Place on Saturday, June 7, 2014	Approved
8.	Discussion On Amending Chapter 77 Of The Code of the Village of Pelham Regarding Portable Signs	Tabled
9.	Resolution Authorizing Stantac Consulting Services To Update The Pelham Department Of Public Works Current Spill Prevention Plan	Approved
10.	Resolution Authorizing Transferring Funds For The Thomas Fenlon Memorial Tree Fund Account Within JP Morgan Chase	Approved
11.	Public Hearing Amending Chapter 87 Of The Code Of The Village Of Pelham Regarding Wireless Telecommunications Facilities	Continued
12.	Adoption of Lead Agency and SEQRA Neg. Dec For A Draft Local Law	Tabled
13.	Other Business	Discussed
Recurring Items		
14.	Authorizing Accounts Payable	Approved
15.	Authorizing Minutes of: February 18, 2014, March 4, 2014	Approved
16.	Adjournment to Executive Session	Approved

Next Regularly Scheduled BOT Meetings:
Tuesday, April 2, 2014 (Annual Organizational Meeting)
Monday, April 10, 2014 (Budget Public Hearing)
Tuesday, April 22, 2014 (Adopt Budget)

Proposed Meetings for Budget Work Sessions:
Monday, March 24, 2014- Building/PD
Wednesday, March 26, 2014- FD/DPW
Thursday, March 27, 2014- Revenue/Expense

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, McGoldrick, 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 he attended a Westchester Municipal Officials Association meeting last week. He said one of the main topics of discussion was the impending tax cap that many municipalities in Westchester will be facing this coming budget season. He said he understands from NYCOM that the State is proposing incentives to municipalities that remain within the cap.

He said that the discussions with United Water are progressing. He said although they have been productive thus far there is a lot more work ahead of the Village.

He finished his report by thanking Trustee Paul McGoldrick for his service. He said he was a pleasure to work with and always spoke his mind on the issues confronting the Village.

Trustees Reports:

Trustee Kagan

Trustee Kagan said the Mayor and DPW Foreman Shriman met with United Water to discuss the Pelham Heights Water district. He said he is pleased with the progress made.

He added that the DPW put up a new "No Parking" sign on Pine Avenue.

He finished by thanking Paul McGoldrick for his service on the Board of Trustees.

Trustee Marty

Trustee Marty thanked the DPW for their efforts at keeping the Village clean and obstruction free. He also thanked Paul McGoldrick for his service.

Trustee McGoldrick

Trustee McGoldrick stated that he had noticed traffic issues along Boulevard that are stemming from parents and caregivers parking or standing on either side of the street. He said a single car can barely get through when these conditions exist.

Trustee Mutti stated that this is a complex problem and it affects multiple blocks. Trustee Volpe said the Board should explore the feasibility of alternative side parking to accommodate parents and keep the roads passable.

Administrator Yamuder stated that after he was contacted about this matter, a police officer was dispatched to monitor and assist with traffic flow near the schools.

Trustee McGoldrick closed by saying that he had greatly enjoyed serving on the Board of Trustees and said that there is a good collection of people serving the Village. He stated he is sure the Village is in good hands.

Trustee Mutti

Trustee Mutti stated that the Junior League is working on a design for the Children's Adventure Park in Wolfs Lane Park.

She stated the DPW is preparing to install some new stop signs to help regulate traffic flow in the Village particularly in the Pelhamwood and Highbrook areas.

She said she is working on a dedication for Trotta Park which will mostly likely take place in May.

Trustee Mutti finished by saying she is working on having neighborhood friendly lighting bollards on the Young Avenue field.

Trustee Senerchia

Trustee Senerchia stated that he spoke to the Police Chief regarding the traffic conditions at the schools and said it is a systemic problem at all the schools.

He stated the Chamber of Commerce Street Fair will be held on Saturday, June 7th. He added that Welcome packets for Village merchants are available at Village Hall and those interested should inquire with the Village Clerk.

He added that there will be an Easter Extravaganza on April 27th sponsored by the Chamber of Commerce.

He stated he is working to link the Village's calendar with Burbio.com which is a calendar management site hosted by Pelham residents. He said several Village resources can be posted on the site.

Trustee Volpe

Trustee Volpe stated that there has been increased interest in the municipal parking lots since publishing the commuter map and advertising it around the Village. He said the Village Clerk provided him with updated figures to reflect the current level of spaces remaining in Village lots.

Village Administrator's Report

Administrator Yamuder thanked the DPW for the work they had done to patch potholes around the Village.

He reminded residents that loose leaf collection has begun as of March 15th with all other organic waste being collected bagged or bundled as per the collection schedule.

Item #6–Public Comment

John Cassone of 7th Avenue thanked Trustee McGoldrick for his service on the Board. He commended the Board on their efforts to keep taxes down and get in under the tax cap.

Item #7–Authorizing the Annual Chamber Of Commerce Street Fair to Take Place on Saturday, June 7, 2014

Administrator Yamuder stated that he had received a request from the Chamber of Commerce to hold the annual Street Fair on Saturday, June 7th. He said they are aware they are responsible for any overtime or other direct costs associated with the event.

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

Trustee Mutti said she is pleased that the Chamber is taking control of the fair back as opposed to a private vendor operating the event.

Trustee Volpe suggested visitors utilize the parking spaces at the Metro-North station and at some of the municipal metered spaces to attend the event.

Trustee Senerchia stated that he spoke to Town Supervisor Pete DiPaola and is pleased the Fair will be under Chamber control.

BE IT RESOLVED, that the Board of Trustees of the Village of Pelham authorizes the annual Chamber of Commerce Pelham Street Fair to take place on Saturday, June 7, 2014 from 9 am to 5 pm, and authorizes the closure of the following streets from 7 am to 7pm:

- 5th Avenue from First Street to Lincoln Avenue,
- the one-way part of 2nd Street, from 5th Avenue to 4th Avenue,
- the one-block portion on the one-way section of Harmon Avenue, east of 5th Avenue,
- the north side, westbound portion of Pelhamwood Avenue, for the staging of a classic car show (weather permitting),

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

AND BE IT FURTHER RESOLVED, that Mayor and Board authorize the appropriate Village officials and staff to take the necessary and appropriate actions to allow the Fair to take place, with the requirement that the Village of Pelham be provided with the insurance satisfactory to the Village's insurance carrier by the Pelham Chamber of Commerce.

Item #8– Discussion On Amending Chapter 77 Of The Code of the Village of Pelham Regarding Portable Signs

Trustee Senerchia stated that the Board is working on a revision to the local law that would allow portable "A" frame signs on a permitted basis. He said he has received some feedback from merchants and the ARB and is incorporating comments into the draft law.

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

Item #9– Resolution Authorizing Stantac Consulting Services To Update The Pelham Department Of Public Works Current Spill Prevention Plan.

Administrator Yamuder said this resolution is a follow up to the spill prevention plans for the two oil tanks located behind the DPW yardhouse. He said this plan will be available to the Department of Environmental Conservation (DEC). He said this was recommended by the DPW Foreman Michael Shriman.

Trustee Marty asked if this would complete the spill prevention procedures for the installed tanks. Administrator Yamuder responded that there is nothing on the horizon on these oil tanks after this resolution is passed.

Trustee Kagan asked if there were any other fees other than the \$2,500 the Board has before it in this resolution. Administrator Yamuder said the Board is only agreeing to the \$2,500 stated in the resolution.

Trustee Volpe said he wanted to make sure that any determinations made by Stantac or mediation or arbitration, a company based in Maine, would be pursuant to New York State laws.

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

BE IT RESOLVED, that the Board of Trustees authorize Santac Consulting Services to update the Pelham Department of Public Works Current Spill Prevention Plan for a total lump sum of \$2500.00; and

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

Item #10– Resolution Authorizing Transferring Funds For The Thomas Fenlon Memorial Tree Fund Account Within JP Morgan Chase

Administrator Yamuder said this resolution will transfer money that was donated to the Village to a different account with better interest and will allow easier access to the money. This account was originally donated by Thomas Fenlon to plant and maintain Village trees.

Trustee Kagan asked if a change was required to the Trust itself. Administrator Yamuder stated that no change was needed.

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

WHEREAS, The Village of Pelham previously established a special trust account in the name of Thomas B. Fenlon Memorial Street Tree Fund where funds bequeathed to the Village of Pelham are to be used to plant trees on Village property and streets which, will contribute to the general welfare and benefit the community;

BE IT RESOLVED, that the Board of Trustees authorize moving the funds known as the Thomas B. Fenlon Memorial Street Tree Fund from a Certificate of Deposit to a NOW account to make the funds more accessible when needed; and

BE IT FURTHER RESOLVED, that the Village Administrator/Treasurer and Deputy Treasurer are authorized to take the necessary and appropriate actions to effect this transaction.

Item #11– Public Hearing Amending Chapter 87 Of The Code Of The Village Of Pelham Regarding Wireless Telecommunications Facilities

Mayor Cassidy began the discussion by thanking Village Attorney Cathy Woods-King and Trustee Kagan for their work on the various revisions of the draft law. He also thanked the Village's outside counsel Robert Spolzino of Wilson Elser, the firm the Village hired to work on the revisions to its Telecommunications Code.

Mr. Spolzino stated that the nature of the telecommunications law is that in keeping with Federal law, Village can regulate the physical attributes of these telecommunications sites but not the flow of the waves going to and from each facility. He said the proposed law is consistent with Federal regulations and covers the gap that the Board sought to cover.

He advised however that the Village cannot be protected from all possible litigation but the Code has been substantially shored up by the revisions made. He added that the language is generic and not technology specific which will protect the Village longer.

Trustee Volpe asked if an incoming telecommunications provider fails to deliver the proper insurance requirements after receiving a permit from the Village is there any language in the draft of the law that states that the permit given is null and void.

Mr. Spolzino stated that the controls would be the accompanying permits and permissions from the Building Department and the land use boards. If the contractor failed to provide the insurance, the Village could withhold permission until it receives the necessary documentation.

Matthew Carey of 145 Harmon Avenue received two notices at his home stating that Extenet has not paid its electrical bill for the device installed on the telephone pole by his home. He asked the Board what course of action he should take.

Trustee Mutti asked if Mr. Carey had contacted Con Ed to explain that they had an incorrect billing address. Mr. Carey responded that he had not. Trustee Kagan added the Board can notify Extenet as well. Mayor Cassidy agreed that this matter should be cleared up and Mr. Carey should not be involved with bill payments stemming from Extenet.

Mr. Spolzino added that the new draft requires incoming contractors to investigate the least intrusive means of providing wireless service. He said a process has been identified which requires investigation and the presentation of evidence that the installation the contractor intends to place in the Village is necessary, fulfills a need, and all other less intrusive measures have been investigated and exhausted.

Trustee Kagan read several questions on the law into the record regarding remote wireless facilities, landscaping, notice time for Village residents, and eligible modifications by contractors on existing sites. He said these questions were answered and posted on the Village site for further clarity. He stated he feels this is a strong law and felt there is not much that has not been addressed. He said however that he did not object to leaving the discussion open for further meetings.

The Board determined to include revisions pertaining in the length of notice time for Village residences from 10 days to 15 days as well as requiring proof from the contractor that residents were duly notified prior to any installation of a site.

Aimee Kaplan of 5th Street asked how residents will know when issues such as these are up for discussions. Mayor Cassidy stated that they will be advertised in the local paper and posted on the website in addition to being publicly announced at the Board meetings.

Ms. Kaplan asked about effective screening for some of these devices on telephone poles. Trustee Mutti added that the ARB would be involved in aesthetic aspects of an installation.

Matthew Kaplan of 5th Street stated that he wanted to ensure that if all residents are not notified correctly prior to the public hearing by an incoming contractor that the permit is automatically null and void without discretion.

Attorney King asked Mr. Kaplan if he is proposing the whole process be restarted because one person didn't receive notice within the specified time frame. Mr. Spolzino stated that the integrity of the application process should be at the Board of Trustees discretion. Trustee Kagan agreed that the Board needs that discretionary power to oversee the process.

Village Attorney King and Mr. Spolzino suggested that if any changes need to be made, to keep the current public hearing open with the draft law as it currently exists while simultaneously calling for a

new hearing at the following meeting scheduled for Wednesday, April 2, 2014 and advertise a new draft with changes made.

Trustee Kagan stated the Board will continue this hearing and call for a new one to discuss a revised draft at the next scheduled meeting.

A motion was made by Trustee Kagan and seconded by Trustee Volpe to continue the public hearing. The vote was approved by a vote of seven in favor, none opposed.

A motion was made by Trustee Kagan and seconded by Trustee Volpe to schedule a public hearing for Wednesday, April 2, 2014. The vote was approved by a vote of seven in favor, none opposed.

Item #12– Adoption of Lead Agency and SEQRA Neg. Dec For A Draft Local Law

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

WHEREAS, the Village of Pelham Board of Trustees proposes to amend Chapter 87 “Wireless Telecommunications Facilities Siting Law for the Village of Pelham to make the Village Code more consistent with changes in the Federal Telecommunications Act and wireless telecommunication technology;

BE IT RESOLVED, that the Mayor and Board of Trustees hereby declare themselves Lead Agency under SEQRA, noting that the Village has received no objections to it acting as Lead Agency; and

BE IT FURTHER RESOLVED, that the Mayor and Board acting as Lead Agency declare this a Type 1 Action, find that there is no impact on the environment and hereby adopt a Negative Declaration and the EAF making these findings regarding updating the Village of Pelham’s Regarding Wireless Telecommunications Facilities.

Item #13– Other Business

Mayor Cassidy stated that he will be co-signing a letter from the Chamber of Commerce that invites new businesses into Pelham.

John Cassone of 7th Avenue said he had spoken to Joe Trotta’s sister regarding the dedication ceremony scheduled for May 4th or 18th. He wanted to make sure no insurance requirements need to be secured prior to the event.

Trustee Volpe said this event would be covered under the Village’s general liability coverage. He said the Village can declare the day in an official manner.

Item #14– Authorizing the Accounts Payable

Trustee McGoldrick audited the Accounts Payable.

A motion was made by Trustee McGoldrick and seconded by Trustee Volpe to approve 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	\$95,116.05
Water Fund	\$42,768.94
Capital Projects Fund	\$15,078.00
Trust and Agency Fund	\$1,235.00
CD NYS Main Street Fund	\$0.00
H3 Fund	\$0.00
<u>TE Expand Trust Fund</u>	<u>\$288.90</u>
Grand Total	\$154,486.89

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: February 18, 2014, March 4, 2014

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

February 18, 2014- 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 seven in favor, none opposed.

March 4, 2014- Approved

Item #16– Adjournment to Executive Session

A motion was made by Trustee Volpe with a second by Trustee Mutti to adjourn the public portion of the Board meeting at 9:00 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 seven in favor, none opposed.

Respectfully submitted,
Peter Bonington, Secretary to the Village Administrator