

VILLAGE OF PELHAM BOARD OF TRUSTEES  
REGULAR MEETING  
TUESDAY, NOVEMBER 18, 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:

<b>Non-Recurring Items</b>		
7.	Continuing a Public Hearing on ExteNet's Wireless Telecommunication Application	<b>Discussed</b>
8.	Resolution Approving Woodland Park Children's Play Area in Wolfs Lane Park	<b>Approved</b>
9.	Other Business	<b>Discussed</b>
<b>Recurring Items</b>		
10.	Authorizing Accounts Payable	<b>Approved</b>
11.	Authorizing Minutes of: November 6, 2014, November 12, 2014	<b>Tabled</b>
12.	Adjournment to Executive Session	<b>Approved</b>

Next Regularly Scheduled BOT Meetings:  
Tuesday, December 2, 2014  
Tuesday, December 16, 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 Deputy Mayor Volpe at 7:30 p.m.

The following members of the Board of Trustees were present:

Deputy Mayor Volpe, Trustees Senerchia, Mutti, Reim, and Kagan, and Marty

The following members of the Board of Trustees were absent:

Mayor Cassidy

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 Deputy Mayor Volpe.

Reports:

Mayor Cassidy Report

Absent

Trustees Reports:

Trustee Kagan

None

Trustee Marty

Trustee Marty reported that the

Trustee Mutti

Trustee Mutti stated that the Village has been working with the New York Power Authority (NYPA) Tree Program in past years which typically delivers trees in the fall. She said however due to a mix up in the ordering, the Village will receive its trees in the spring.

She said the DPW is collecting loose leaves around the Village. She thanked them for keeping the Village clean and added that these pickups will take place until Monday, December 15<sup>th</sup>.

Trustee Reim

Trustee Reim said there will be an event at the Pelham Public Library called Novel Night. He said it is a good example of the type of events the Village would like to encourage in the municipality.

Trustee Senerchia

Trustee Senerchia stated this month is Fire Safety month and asked residents to make sure all smoke and carbon monoxide detectors are working properly.

He stated that Detective Rick Deere will be retiring shortly so the Village will begin searching for Police candidates to fill spots in the upcoming Academy class.

Trustee Volpe

Deputy Mayor Volpe stated that the Board received a memo regarding some zoning issues which the Board will be looking at in the future.

Village Administrator's Report

None

Item #6– Public Comment

None

Item #7– Continuing a Public Hearing on ExteNet's Wireless Telecommunication Application

Deputy Mayor Volpe stated that although the public hearing is open for discussion and questions, the Board has received more information from ExteNet as of late today. The information is on the website for the public to review however the Board has not had time to fully digest the material. He said the Board will hear comments tonight and continue the public hearing until the next meeting on December 2<sup>nd</sup>.

Rich Morrell of 111 Cliff Avenue stated that he was alerted by one of his neighbors that the proposed site for moving a recently installed node equipped utility pole was in front of their property. He said eh corresponded with the Trustees and they were responsive in supplying information regarding this present discussion.

He said he was concerned about this alternate proposal due to the proximity of the node to his home and the fact that this location offers inferior quality service as stated in the documents provided him by the Board. He stated that he understands the Code specifies the least intrusive means be utilized when installing these nodes and in his opinion ExteNet has done that with the present location of the node equipped utility pole.

Deputy Mayor Volpe said the Board is aware of the concerns of the public. He stated that this alternative location was proposed at the prior public hearing for the ExteNet matter. He stated that this is not a compromise but a proposal which the Board will have to consider when all the information regarding the application has been received.

Christina Vindikian of 107 Cliff Avenue stated she is opposed to the movement of the node to this alternate location. She said the current application does not conform to the law on telecommunications specifically related to the inferior quality of service in addressing the gap in service and the least intrusive means to address that gap in service. She stated she felt it was a non-starter under the current Code.

Trustee Senerchia reiterated the Deputy Mayor's comments stating that this is a proposal that has not been outlined in the current application before the Board.

Mike Carpenter of Central Avenue read a letter from the Pelham Preservation and Garden Society (PPGS) stating that they would like the nodes confined to the commercial district.

Mark McNulty a new Pelham resident stated that there is a significant gap in service in the area. He said he is a T-mobile customer and has experience difficulty with reception.

Helen McCarol of Harmon Avenue stated that she has not experienced any problems with cell service.

Carol Spawn-Desmond of the PPGS stated that it is her interpretation that the municipality has the right to determine the placement of these nodes based on aesthetics, community character, and property values. She added that she felt ExteNet is not a credible provider of information. She stated that the Board has relied on them for information but should consider pursuing its own experts and studies. She concluded by saying that if there is a significant gap, ExteNet must prove that fact and show the least intrusive means to address that gap.

Heidi Carey of Harmon Avenue stated that she felt that these nodes are intrusive and there is no gap in service.

Christian Privat of Young Avenue said that ExteNet has exercised an aggressive strategy to have these nodes placed in Pelham. He said they have not shown any consideration towards the community and they have not presented a clear picture of why these nodes are required. He added that they have not even shown up to this public hearing.

Deputy Mayor Volpe reminded Mr. Privat and the public that ExteNet had requested additional time to provide information for the Board to review. He said this extension was authorized by the Judge who made the initial ruling of 150 days for the Board to review the special permit for ExteNet. He said ExteNet is not here tonight because they have requested and received more time to make their case at the next public hearing on December 2<sup>nd</sup>.

Stacy Kaplan of 5<sup>th</sup> Street said she appreciates that more time is being devoted to this discussion. She said however that residents should not begin invoking the Code to say that the pole should not be placed in front of their house.

Deputy Mayor Volpe stated that more information regarding the application will be posted on the website and the Board will be continuing the public hearing on the December 2<sup>nd</sup> meeting.

Item #8– Resolution Approving Woodland Park Children’s Play Area in Wolfs Lane Park

Trustee Mutti gave some background on what has led to this resolution. She said in 2012 the initial concept for this type of park was put forward. She said an MOU was signed with the Junior League which would allow the League to fund raise for the park project. She said she feels that the Board and League have been responsive to public comments and concerns.

Mary Veith of Nyac Avenue stated she believes that area was setup to always be an open space. She cited concerns regarding noise, trash, police patrolling, and speeding cars.

Trustee Mutti responded that she and the Board had spent extensive time speaking with the Veith family and other residents in the area. She said she feels that the Board has addressed many of the concerns but if the resolution passes tonight, they will continue to listen to feedback.

Carol Spawn-Desmond stated that when the presentation on this proposed park was made there was no public outreach or engagement. She said the area has always been a passive park in a small community.

Trustee Mutti stated that she agreed with Ms. Desmond about the importance of community engagement however she stated that there had been significant outreach throughout the discussions relating to this proposed park.

Deputy Mayor Volpe said the Board has an MOU with the Junior League that they will be assuming the costs of construction, amenities, and other associated costs.

Trustee Reim said the responsibility of the Board is to balance the interests of the community. He said he feels that this concept is broadly supported around the community and concerns have been addressed.

Administrator Yamuder stated that he and Village Attorney Cathy Woods-King drafted the resolution before the Board.

Trustee Kagan thanked Trustee Mutti for her efforts in bringing this proposed project to fruition.

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

WHEREAS, the Village of Pelham proposes to install a children’s play area in Wolf’s Lane Park, located on the east side of the 100 block of Wolf’s Lane, in the Village of Pelham, NY; and

WHEREAS, Environmental Design, LLC, a design/build contractor was retained by the Village of Pelham to provide design/build services for the proposed Woodland Park children's play area; and

WHEREAS, Environmental Design, LLC, provided a design which was approved by the Board of Trustees on April 2, 2014; and

WHEREAS, the Village of Pelham Board of Trustees determined on June 3, 2014 that the proposed playground is a Type II Action under SEQRA pursuant to §617.5(c)(7), and no further environmental review is required; and

WHEREAS, Environmental Design, LLC will furnish insurance as required by the Village of Pelham; and

WHEREAS, Environmental Design, LLC, will perform the construction services for an amount not to exceed \$79,400 (including \$5,000 contingency); and

WHEREAS, the Junior League of Pelham is the fiscal sponsor of the proposed Woodland Park children's play area and has agreed to raise funds sufficient to cover the cost of the construction (\$79,400), additional insurance policies as required by the Village of Pelham, additional garbage receptacles, landscape architect design fee, additional fencing and gates as required, additional pathways and landscaping, and safety audit of play equipment for an approximate cost of \$42,000; and

WHEREAS, Environmental Design, LLC, is providing construction services in accordance with Section 1. Item j. of the Village of Pelham's Procurement and Purchasing Policy; and

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Board of Trustees hereby authorize a contract to Environmental Design, LLC to proceed with the construction phase of the Woodland Park children's play area in Wolf's Lane Park, in the Village of Pelham, NY.

Item #9– Other Business

Deputy Mayor Volpe said the Administrator has a report on the Village's financials for the Board to review.

Administrator Yamuder commented that the Village appears to be on a good trend with revenues being collected and expenses generally down.

Item #10– Authorizing the Accounts Payable

Trustee Mutti audited the Accounts Payable.

A motion was made by Trustee Senerchia and seconded by Trustee Marty to approve the resolution. The vote was approved by a vote of six in favor, none opposed. Mayor Cassidy 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	\$38,266.27
Water Fund	\$64,683.39
Capital Projects Fund	\$0.00
Trust and Agency Fund	\$0.00
CD NYS Main Street Fund	\$0.00
H3 Fund	\$0.00
<u>TE Expand Trust Fund</u>	<u>\$0.00</u>
Grand Total	\$102,949.66

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

Item #11– Authorizing Minutes of: November 6, 2014, November 12, 2014

The Board decided to table these minutes until a later meeting.

November 6, 2014- Tabled

November 12, 2014- Tabled

Item #12– 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 8:41 pm and go into Executive Session to discuss a personnel matter after which time the Board would adjourn for the evening. The motion was approved by vote of six in favor, none opposed. Mayor Cassidy was absent.

Respectfully submitted,  
Peter Bonington, Secretary to the Village Administrator