

VILLAGE OF PELHAM BOARD OF TRUSTEES
REGULAR MEETING
WEDNESDAY, NOVEMBER 6, 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 The Successful Completion Of Probation For Lieutenant Vincent D'Onofrio	Approved
8.	Request For Site Plan Approval By Labhaus LLC For A Proposed One Family House For 131 Third Avenue	Approved
9.	Authorizing The Village-Wide Bagging Of Short-Term 2 And 3-Hour Limit Parking Meters For Holiday Shopping Starting On Wednesday, November 27 th Through Friday, December 6 th And Again Bag Meters Wednesday, December 18 th Through Friday, December 27 th	Approved
10.	Parking Fee Discussion	Tabled
11.	Schedule 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
12.	Resolution Authorizing Wilson Elser To Provide Legal Counsel To The Board Of Trustees Regarding Issues Arising From The Extenet Matter And Telecommunication Law Review Services	Approved
13.	Discussion Of Proposed Revisions To The Wireless Telecommunication Law	
14.	Resolution To Accept The Following Donations Of Funds From The Pelham Preservation And Garden Society For The Purchase Of Eleven Trees To Be Planted In The Park At The Corner Of Pelhamdale And First Street	Approved
15.	Other Business	None
Recurring Items		
16.	Authorizing Accounts Payable	Approved
17.	Authorizing Minutes of: October 15, 2013	Tabled
18.	Adjournment to Executive Session	Approved

Next Regularly Scheduled BOT Meetings:

Tuesday, November 19, 2013
Tuesday, December 3, 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 began his report by saying STAR exemption forms were mailed out recently. He said through an error in the mailing, these forms were not identified clearly and as a result several residences have thrown them out inadvertently. He said the deadline for filing for a STAR exemption is December 31, 2013. He said residents can find more information at www.tax.ny.gov.

The Mayor stated he met with a New Rochelle councilman and discussed a variety of issues including Glenwood Lake, flooding problems between the two communities, and the Lincoln Avenue development. He said it was a constructive dialogue and he hopes to keep the lines of communication open.

Mayor Cassidy commented on the recent passing of David Daly who served as Village Attorney for a number of years. He stated in the past Mr. Daly had served on the ZBA as well as being locally known for scoring the first touchdown at Glover field.

He finished his report by saying there have been some questions related to the Village's water billing stating they have not been receiving their bills. He said the Board would be looking into these inquiries.

Trustees Reports:

Trustee Kagan

Trustee Kagan reported he had spoken with representatives from United Water regarding the data that was submitted to them by the Village. He said they are crunching the numbers and will get back to him when they are done. He said he would like to make this an agenda item when United Water responds.

Trustee Marty

Trustee Marty reported that there is a Cub Scout troop at the meeting which will question the Board during public comment in fulfillment of a merit badge.

Trustee McGoldrick

Trustee McGoldrick stated that he had met with Building Inspector Russo regarding his revenues and can report that the Building Department is currently \$30,000 ahead of where it was last year in revenues.

Trustee McGoldrick stated there was a recent unfortunate incident in Pelham where a contractor's worker was injured badly on the job. He cautioned residents in Pelham to make sure that if they hire a contractor that he has accident insurance because if the contractor does not have insurance it becomes a liability for the homeowner.

Trustee Mutti

Trustee Mutti stated that Dan Dalton will be giving a tree lecture on the nature of trees after Hurricane Sandy. She said it will take place on Thursday, November 7th.

She stated volunteers had put in some additional plantings on the Young Avenue field.

Trotta Park is progressing and she hopes to have more to report on that in the coming meetings.

Trustee Mutti concluded her report by saying the Village will be planting 11 trees near a corner of Wolfs Lane Park.

Trustee Senerchia

Trustee Senerchia stated that a new business would be opening in Pelham at the corner of Lincoln Avenue and 5th Avenue. He said the establishment would serve barbecue food and the opening would take place on Wednesday, November 13 at 5:30 pm.

The same evening across the street at TD Bank, the Pelham Gift Exposition will begin at 6 pm and will feature local Pelham merchants. He encouraged residents to attend these events.

Trustee Senerchia stated that the Police were investigating the robbery at the Blue Dog Wines and Liqueurs. He asked for residents to remain vigilant and to make sure the doors to their homes are cars are locked at all times.

Lastly, he stated that the Village is moving forward with the flooding remediation projects. He said he had spoken with a resident who has contacts with some engineering firms and supplied them with copies of the RFP for the Third Street Project. He said he hopes when the Village rebids in the spring, there will be more of a turnout on returned bids.

Trustee Volpe

Trustee Volpe added the Trustee Senerchia's comments on recent burglaries in Pelham. He said, as a victim of a robbery himself that residents need to be vigilant. He said the Village has a very professional Police Department which may have captured a suspect linked to the robbery at his home and others. He said this was made possible by ongoing cooperation between the Pelham and Pelham Manor Police Departments.

Trustee Volpe stated that a lawsuit has been filed against the Village regarding the recent Extenet installations on the Village. He said suit was filed by two residents and the Village will have to retain counsel to answer the suit. The Board will discuss this further in Executive Session however during Public Comment it will be difficult to discuss this matter now that legal proceedings have begun.

Village Administrator's Report

None

Item #6–Public Comment

Tom Fear the Den Leader for the Cub Scouts present at the meeting told the Board the Scouts are working on a communications merit badge and have prepared a question each to ask the Board in pursuance of that badge.

Cub Scout Robert Bischoff asked the Board if there were any plans for a park with a jungle jim, benches, and increased lighting.

Trustee Mutti answered that there are plans for a Children's Adventure Park in Wolfs Lane Park. This park is being sponsored by the Junior League of Pelham as well as through a state awarded grant opportunity. Although the Village has already been awarded the grant, it may take over a year for the Village to successfully procure the money and begin the project.

Cub Scout Mark O'Gracie requested additional street lights and walkways for pedestrians.

Cub Scout Gavin Fear asked if air conditioning could be installed in the Colonial School.

Trustee Marty responded that there is a separate School Board that administers the school and he would encourage that the School Board about that issue.

Cub Scout Emmett Doyle asked about the status of the grant for the Village Green and Memorial Garden.

Trustee Mutti answered that there are plans for a Children's Adventure Park in Wolfs Lane Park. This park is being sponsored by the Junior League of Pelham as well as through a state awarded grant opportunity.

Administrator Yamuder added that although the Village has already been awarded the grant, it may take over a year for the Village to successfully procure the money and begin the project.

Cub Scout Nicholas Cross asked about Glover Field and what the status is on its restoration.

Mayor Cassidy said he understood that funds for the Field's restoration were donated privately and in addition Senator Jeff Klein sponsored a grant for \$250,000 to assist in the restoration.

Cub Scout Matthew Alexander asked if the Village could have recycling collection one-a-week.

Trustee Marty said the Village's sanitation contract is up this year and the Village will look at the various options again and assess their feasibility.

Cub Scout Michael Vertikay asked when Shore Park, located on Pelham Manor, will be open for use.

Mayor Cassidy responded that he understands it to be a complicated issue but he himself has wanted to make use of that field.

Robert Keller of NYS Crime Stoppers submitted a letter of request for support from the Village of Pelham Board. He said Crime Stoppers is searching for municipal support as a non-profit.

Item #7– Resolution Authorizing the Successful Completion of Probation for Lieutenant Vincent D’Onofrio

Administrator Yamuder stated that Fire Lt. D’Onofrio has successfully completed his probationary period to Fire Chief Stone’s satisfaction. He said Chief Stone requested the Board approve Lt. D’Onofrio’s completion and make his promotion to Fire Lt. and make it official.

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

BE IT RESOLVED, that the Mayor and Board of Trustees hereby authorize the acknowledgement of successful completion of probation for Vincent D’Onofrio as Fire Lieutenant, which is approved based on the positive evaluation and recommendation of the Fire Chief.

Item #8– Request for Site Plan Approval by Labhaus for a Proposed One Family House for 131 Third Avenue

Mayor Cassidy said the Board has been asked to review the site plan for 131 3rd Avenue. Sara Ann Logan and George Elap were present representing the contractors for the property.

Ms. Logan stated the site is a vacant lot which the owners intend to build a traditional colonial style home on. It is a modular which will be constructed on site for the owner. They have attended two Planning Board and three Architectural Review Board meetings.

Nigel Scott-Williams of the ARB said since the proposed design was submitted for land use board review there have been changes to the materials to be used. He said the designers have complied with instructions and the resulting design should raise the bar for the whole area around it.

Trustee Kagan asked how many days would the construction take. Mr. Elap stated it would most likely take one day to complete.

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

RESOLVED, that the application for a Site Plan by LABhaus LLC is approved, based on the review and recommendations by the Planning Board (hereinafter “Planning”), Architectural Review Board (hereinafter “the ARB”) which the Planning and ARB approval memos are attached to and made a part of this approval; and

BE IT FURTHER RESOLVED that the conditions applied by Planning are as follows:

1. All work shall be performed in compliance with Planning approval, NY State Building Code and Village of Pelham Zoning Code, as noted on plan drawings, dated January 22, 2013 as prepared by Sarah Ann Patterson, Architect;
2. All plantings for the one family house be as per approved plans;
3. The house will be built in accordance with the plans which are approved by the Planning Board and/or the Architectural Review Board of the Village Of Pelham And;

BE IT FURTHER RESOLVED, that this application for a site plan to include a one family house and landscaping at 131 Third Avenue is subject to the procedures, regulations and requirements of the Pelham Village Code and Pelham Building Department; and

BE IT FURTHER RESOLVED, that the Mayor, Village Administrator, Building Inspector and other appropriate Village officials are authorized to take the necessary and appropriate actions to effect this approval and authorize this remediation plan to proceed, including the imposition of additional conditions and requirements as may be necessary.

MEMO

Date: October 24, 2013

To: Village of Pelham Board of Trustees

From: Village of Pelham Planning Board

Re: 131 Third Avenue
Application for new 2 and ½ story single family residence (modular) with detached one car garage
Applicant: Jodi and Fernando Nainggolan

The Village of Pelham Planning Board (PB) recommends that the Village of Pelham Board of Trustees (BOT) approve the application for the construction of a new 2 and ½ story single family residence (modular) with detached one car garage at 131 Third Avenue

On October 8, 2013, the Planning Board unanimously (5-0) approved the application as submitted conditioned upon Applicant providing: a) confirmation that top of foundation for house not to be more than 3 feet higher than curb, b) excavation/demolition/construction schedule/time line, c) letter confirming that fence on southern boundary will be removed and d) confirmation that a grating will be installed to cover the open window well on the south side of the house.

The Planning Board had on 3/12/13 unanimously approved (5-0) an application previously submitted by the applicant, subject to the conditions a), b) and c) above.

The Applicant has provided the detail and information requested.

Work shall be performed as shown on Project Drawings Sheets A002, A003, A004, A005, A006, A007, A101(revised), A102, A201, A202, A301, A302, A311, A312, A401, A501, A502, A601, A602, A603, A604, A605, A606, A701, MEP1, MEP2, MEP3 - all dated January 22, 2013 prepared by Sara Ann Patterson, Registered Architect and Project Drawings Sheet S1.0, S2.0, S2.1, S3.0, S3.1, S4.0, S5.0 dated January 21, 2013, prepared by John Reese Leavitt, Licensed Professional Engineer -sealed January 26, 2013, and R. Dale Yarbrough, Profession Engineer - sealed January 24, 2013.

R Veith for the Planning Board

MEMO

Date: July 17, 2013

To: Village of Pelham Board of Trustees

From: Village of Pelham Architectural Review Board

Re: Application for proposed single-family dwelling at 131 Third Avenue

The Architectural Review Board (ARB) recommends that the Village of Pelham Board of Trustees (BOT) approve the application submitted by LABhaus LLC for a proposed single-family dwelling.

Work shall be performed as shown on drawings A002, A003, A004, A005, A006, A007, A101, A102, A201, A202, A301, A302, A311, dated 1/22/2013 and prepared by Sara Ann Patterson, Architect.

Item #9– Authorizing the Village-Wide Bagging of Short-Term 2 and 3-Hour Limit Parking Meters for Holiday Shopping Starting on Wednesday, November 27th through Friday, December 6th and again Bag Meters Wednesday, December 18th through Friday, December 27th

Administrator Yamuder said the Board normally approves bagging meters for two weeks during the holiday season as a courtesy to the local Pelham merchants in the Chamber of Commerce. This year the Chamber of Commerce is requesting those two weeks be divided between the week of November 27th and December 6th and from December 18th to December 27th.

The meters that will be bagged are the two and three hour meters along 5th Avenue. Administrator Yamuder stated has worked with the Village Police Department and DPW to ensure there is no overtime resulting from these bagging operations.

Mayor Cassidy stated that initially the Chamber requested four weeks of meter bagging. He said however due to the Village's tight financial conditions they could not accommodate that request this year. He said it the Village generates approximately \$6,000 in revenue a week from these meters however; the Village wants to assist during the merchants during the holiday season.

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

RESOLVED, that the Board of Trustees of the Village of Pelham hereby authorize the Public Works and the Police Departments to coordinate and implement the Village-wide bagging of on-street, short term, two & three-hour limit parking meters in the Downtown during the holidays, for holiday shopping from Wednesday, November 27th through Friday December 6th and again bag meters from Wednesday December 18th through Friday, December 27th. Vehicles may park free-of-charge at short-term two or three hour limit parking meters for a maximum of two hours.

Item #10– Parking Fee Discussion

Mayor Cassidy said the Board would delay this discussion until a later meeting.

Item #11– Schedule 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

Administrator Yamuder stated the Village will be holding a public hearing at the next Board of Trustees meeting on Tuesday, November 19th to discuss the legislation regarding the distribution of hydrant fees to all rate payers. The Village of Pelham is part of a consortium which has drafted a

letter to the Public Service Commission requesting that these fees be spread across of all rate payers. There would be a significant savings for the Village if this change were to be enacted.

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

**VILLAGE OF PELHAM
NOTICE OF PUBLIC HEARING**

PLEASE TAKE NOTICE that a public hearing will be held by the Village Board of the Village of Pelham on Tuesday, November 19, 2013 at 7:30 P.M. at The Village Hall, Pelham, New York, for the purpose of petitioning 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.

All interested persons will have the opportunity to be heard during the Public Hearing.

BY ORDER OF THE Mayor and Board of Trustees
Terri Rouke, Village Clerk

DATED: November 8, 2013

Item #12– Resolution Authorizing Wilson Elser to Provide Legal Counsel to the Board of Trustees Regarding Issues Arising From the Extenet Matter and Telecommunication Law Review Services

Trustee Volpe said the Village must hire counsel in response to the lawsuit that was filed regarding the Extenet installations. He said Mr. Spolzino of Wilson Elser is a good choice for this type of litigation. Trustee Volpe stated he has experience and background in this area and can assist the Board in strategizing for this suit.

Trustee Kagan stated he shared Trustee Volpe's confidence in this choice of counsel. Trustee Volpe added that he believes Mr. Spolzino will be as efficient as possible.

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

BE IT RESOLVED, that the Mayor and Board of Trustees hereby Authorize Wilson Elser to provide legal counsel for issues arising from the Extenet matter and telecommunication law review services with fees specified in the engagement letter; and

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

Item #13–Discussion of Proposed Revisions to the Wireless Telecommunication Law

Mayor Cassidy summarized the events that led to this discussion. He said the Village did not want these nodes placed on poles around the Village however; it did not have the authority to prohibit their installation. He said the Village Board asked and confirmed with Extenet that they would contact the residences affected prior to the installation but that did not happen and he apologized for that miscommunication.

He stated because of the recent lawsuit that was filed, it will be difficult for the Board to comment in this discussion. He asked residents to remember that we are all neighbors and to keep the comments constructive.

Matthew Carey of 145 Harmon Avenue read a statement drafted by a fellow resident at 156 Cliff Avenue, Pete Resillo, into the record.

Jennifer Laphey spoke first as a representative of the Pelham Preservation and Garden Society thanked the Mayor and Trustee Mutti for making them aware of this meeting's discussion. She stated that the Society opposes the installation of the nodes and has concerns that the Board has set a precedent for other utility companies to bring in more equipment in the future. She wanted to make the Board aware that the PPGS is willing to work with the Board to help shore up its defenses for future projects.

She spoke as a resident to say that she feels no one feels that the Board operated in an untoward manner but this does create a difficult situation for the Village.

Kathleen Friend of Cliff Avenue said that due to the fact that Extenet did not properly notify the residents as they had stated they would do should call the whole process by which they sought approval into question.

Christian Privat of 92 Young Avenue said the Board should be aware that there is a link between technology and health concerns saying children are especially susceptible. He offered several literary resources he owns for the Board's review.

Stacey Kaplan of 34 5th Street said she is also concerned about unknown effects of these nodes. She urged more investigation into these effects.

Chris Gallagher 153 Cliff Avenue read a list of concerns he has regarding the installation of these nodes. He cited public hearings, investigation, costs associated with the project, and issues of sovereignty. He added that the lack of notice did not help the Board's case.

Trustee Volpe stated that the Mayor and Board have addressed that issue in past meetings.

Carol Spawn-Desmond addressed an answer to Mr. Privat stating that a municipality cannot oppose the installation based solely on health concerns. It can however attempt to oppose it on aesthetic grounds and its effect on property values. Ms. Desmond stated that she had reviewed the meeting minutes and quoted Jeffrey Binder, the attorney for Extenet that Extenet would comply with any code regulations the Village had prescribed for them.

Ms. Desmond presented a FOIL Request to the Board and hand delivered it at the meeting.

Brian Veith representing the Chester Park Association stated that his group is opposed to the installation of these nodes.

Item #14—Resolution To Accept The Following Donations Of Funds From The Pelham Preservation And Garden Society For The Purchase Of Eleven Trees To Be Planted In The Park At The Corner Of Pelhamdale And First Street

Trustee Mutti stated Pelham resident Charles King had requested the Village plant some trees in Wolfs Lane Park to replace a chestnut that was damaged in Hurricane Sandy. With the assistance of the Tree Committee and landscape architect Hank White, the Village received tree donations from local donors so that now 11 trees can be planted in the specified area. She said the resolution is to accept the donations of these trees for planting in the park.

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

BE IT RESOLVED, that the Mayor and Board of Trustees of the Village of Pelham authorize the acceptance of the following donation, by the Pelham Preservation and Garden Society in the amount of \$1,768.00.00 for the purchase of eleven trees to be planted in the park at the corner of Pelhamdale and First Street.

Item #15— Other Business

None

Item #16–Authorizing the Accounts Payable

Trustee Mutti 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	\$179,727.76
Water Fund	\$92,152.19
Capital Projects Fund	\$37,781.24
Trust and Agency Fund	\$0.00
CD NYS Main Street Fund	\$0.00
H3 Fund	\$0.00
TE Expand Trust Fund	\$0.00
Grand Total	\$309,661.19

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

Item #17– Authorizing Minutes of: October 15, 2013

The Board tabled the minutes of October 15, 2013 until a later meeting

October 15, 2013- Tabled

Item #18– Adjournment to Executive Session

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 legal and personnel matters 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