

VILLAGE OF PELHAM BOARD OF TRUSTEES
REGULAR MEETING
TUESDAY, OCTOBER 15, 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.	Discussion of Extenet Concerns	Discussed
8.	Request for Site Plan Approval by Green for an addition to a one family house for 50 Linden Avenue	Discussed
9.	Resolution Establishing a Standard Work Day for Elected and Appointed Officials	Approved
10.	Other Business	None
Recurring Items		
11.	Authorizing Accounts Payable	Approved
12.	Authorizing Minutes of: October 1, 2013	Approved
13.	Adjournment	Approved

Next Regularly Scheduled BOT Meetings:

Tuesday, November 5, 2013
Tuesday, November 19, 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 reported that he had scheduled a meeting with a representative from New Rochelle regarding the Glenwood Lake boundary with Pelham. He said there were some issues that he wished to discuss regarding the lake and the boundary.

He said the Board is working on the two committees dedicated to development in Pelham: the Business Development Committee and the Business Improvement Committee. He said these committees are designed to generate increased patronage to the downtown area by developing Village owned property and improving current businesses.

Mayor Cassidy added that he received a request from the Chamber of Commerce requesting four weeks of free parking during the holiday months between Thanksgiving and Christmas. The Mayor stated that given the Village's budgetary situation, they could not accommodate that request.

He said however that the Chamber is considering allowing for the Chamber's usual request of two weeks to be divided between November 29th and December 6th and December 17th to the 24th.

Trustees Reports:

Trustee Kagan

Trustee Kagan reported that there has been no response from United Water despite attempts to contact them regarding the Pelham Water District.

Trustee Marty

None

Trustee McGoldrick

None

Trustee Mutti

Trustee Mutti reported that 24 trees were planted by the Village on the right-of-way between the street and the sidewalk last week. She said this planted was made possible by the New York Power Authority (NYPA) Tree Program and was administered by Village Administrator and DPW Foreman Michael Shriman.

She said this year residents who would receive a tree were given a letter drafted by the Tree Committee as well as a tree brochure with helpful information about tree maintenance and selection. She said any residents who could not be accommodated with the planting of a tree due to limited space or the proximity of utilities were also given a letter stating why a tree cannot be planted there.

She stated that anyone who wants to be added onto the Village tree list should call the main office at 738-2015. She added that the Tree Committee will be posting additional information about trees on the Town of Pelham's Green page.

Trustee Mutti stated that tomorrow would be the ground-breaking at Trotta Park. She said this has been a long awaited project will advise the public on when they can expect completion. She has been corresponding with Joe Trotta's sister, Marion.

Trustee Senerchia

Trustee Senerchia stated that he had spoken to Police Chief Benefico and received a status update that car break-ins have dropped dramatically in recent weeks. He said two recent arrests of suspects and residents becoming more vigilant in locking their cars doors has contributed to this drop in break-ins.

He stated the Police Department has conducted undercover monitoring of establishments in Pelham that serve alcohol. He said these monitoring operations have resulted in a number of summonses. He wanted business owners to be aware that these operations are ongoing.

Trustee Senerchia mentioned the Gift Exposition to be held at TD Bank on Lincoln Avenue on Wednesday, November 13th. He said numerous Pelham merchants will be there. He advised visitors who have an interest in attending to contact Ruby Rose Motiff at (914) 637-7673 or email Tom@rubyroseny.com. The Pelham Chamber of Commerce website also has details.

He welcomed the new store at 112 5th Avenue, Island Quest.

Trustee Senerchia finished his report by saying that he is working with the Chamber and Village staff on a Welcome Packet for new residents and businesses in Pelham. He said he hoped to have more to report in the next few weeks.

Trustee Volpe

Trustee Volpe reported he was working with Administrator Yamuder and Village Clerk Rouke on making parking options more accessible through the Village website. He added that he is considering a proposal to lower the monthly charge for parking permits in some of the municipal lots. He said he would have more to discuss at coming meetings on this proposal.

Village Administrator's Report

Administrator Yamuder commented that the 5K Race and Fun Run as well as the Pumpkin Festival were successful, well attended events.

He said loose leaf collection season has begun as of Tuesday, October 15, 2013. He said leaves may be left loose in a pile at the curb. He said that all other organic material must be bagged or bundled as per the sanitation schedule/calendar. The organic will be collected by the Village DPW in sections throughout the week.

Administrator Yamuder stated that the Fire House parking lot was repaved and pitched last week. He said the parking lot was in poor condition and was not allowing rainwater to flow towards the storm grates. He said the repaving and pitching has not only restored the parking lot but will keep it in better condition in coming years.

He reminded the public that there will be a street fair on Sunday, October 20, 2013.

He finished his report by saying the Village Police Department received a traffic safety award from AAA. He said he attended the ceremony with Police Chief Joe Benefico.

Item #6–Public Comment

John Cassone of 7th Avenue spoke to the Board about traffic concerns on Lincoln Avenue. He said there has been a substantial increase in the number of people who run the red lights and it creates a hazard especially for the residents who live nearby. He said New Rochelle is experimenting with placing cameras on traffic lights to capture some of these speeders. He asked if the Board could do anything similar to help alleviate unsafe drivers.

Mayor Cassidy said the Village can look into the options available for deterring speeders and red light runners. Trustee Mutti said she recognized and has seen the hazards that Mr. Cassone referenced.

Mary Hefner 242 Highbrook Avenue explained a similar situation on Highbrook Avenue saying people are speeding through a residential area where many families live. She said the Police are also responsible for some of the speeding. She stated the STOP sign at Highbrook Avenue and Irving Place has been a site of considerable speeding where motorists drive through the sign without stopping. She asked if there was anything the Board could do to help alleviate the speeding on Highbrook Avenue.

Mayor Cassidy said that speeding on streets like Highbrook in particular is pervasive and it has been happening for a long time. He said however that speed humps are not always the answer to this issue.

Trustee Kagan said in his experience there is a process to installing speed humps that requires data collection of how many cars and how fast they are going prior to placing humps on a residential street. He said these humps do create noise when driven over and said that is a consideration most homeowners do not think of when they request them.

Ms. Carrera from 61 Highbrook Avenue asked to Board about any plans for a park in the Pelham Heights district. Trustee Mutti responded there are basic plans for a Children's Adventure Park in Wolfs Lane Park which will follow a woodland theme rather than the traditional city park model. This project is part of an overall rejuvenation of the park through a state-funded grant opportunity.

Mayor Cassidy said this is an extensive proposal regarding Wolfs Lane Park which in the Village current budget is not as viable an option as it might have been several years ago. He said however, that the Board intends to review and research ways to make the best use of its open spaces and will be looking into that in the future.

Item #7– Discussion of Extenet Concerns

Mayor Cassidy said this item was added to the agenda due to concerns regarding the recent installation of a utility pole by Extenet. He said this issue has not resolved the way the Village would have wanted. He said the Village Board was first contacted about this project on June 18, 2013 by Jeffrey Binder, an attorney representing Extenet.

In subsequent meetings in September, the Board addressed the question of whether Extenet could avoid putting a new utility pole in the Village. Extenet's engineers stated that they were able to install two of the three nodes on existing telephone poles at specific locations. At the third location however, there are existing Con Ed transformers which, by law, Extenet cannot impinge on. It is therefore necessary for the third node to be placed on a new utility pole on Cliff Avenue.

The Village investigated its rights with regard to what other municipalities are doing about this same issue as well as what the Federal statues are under the Federal Communications Commission (FCC). The Mayor stated the Board did the best it could to obtain the best result for Pelham however, in

dealing with utility companies like Con Ed and Metro-North and others; there are instances where the Village has little or no leverage and does not have the final say in the placement and installation of utilities.

He stated the Village does have a telecommunications law that went into effect in 2002. He said although it states the Village's policy towards obtrusive cellular towers, these nodes are a more recent development and the Code must be updated to reflect that development.

The Mayor said he received several letters and numerous comments regarding this matter and invited the public to comment on it. He asked that any comments be constructive and for commenters to state their name and address for the record.

Matthew Kaplan of 203 Cliff Avenue spoke to the Board about the recent installation of the utility pole at the corner of his property. He said he understood that municipality's cannot push these utilities companies off based purely on zoning restrictions due to the protections afforded to them by Federal law. He said however that municipalities have at times successfully contested the placement of utilities particularly telecommunications towers based on aesthetics and property devaluation. He said this can require the utility companies to take on the burden of proof and state why they need these poles in certain locations. He stressed the need for a balance between defending the community and allowing utility companies to install their equipment.

Mayor Cassidy responded that although the current Pelham telecommunications law doesn't provide sufficient defense for these nodes; the Village would still not have the authority to regulate the placement of these nodes or the poles they go on. He said Extenet presented their placement to the Board based on their specific need for the location not in generalizations.

Administrator Yamuder added that he had reached out to many of his colleagues regarding their telecommunications laws and circumstances. Trustee Mutti added that Trustee Marty circulated an email amongst the Board concerning Scarsdale's negotiations in a telecommunications matter and even in that case, the municipality would be required to erect the utility pole.

Matthew Carey of 145 Harmon Avenue said his property was one of the locations where a node was placed on a telephone pole. He cited examples of municipalities requiring Land Use Board review and SEQR examination where the utility company must prove the necessity and location of the pole. He added that he was surprised that he received no prior notification that these devices would be installed.

Mayor Cassidy said he feels responsible for the fact that the residents who would be affected by the installation of these nodes were not notified. He said the Board confirmed several times that Extenet would handle the notification process. The Board realized soon after the installation took place that residents were not notified and he apologized to the residents even though the Village had delegated that responsibility to Extenet.

The Mayor did say however that there were several public meetings which were open to the public on this issue. He added that there was notification on the Village website and in the Pelham Weekly prior to the meetings taking place. Susan Mutti added that the specific addresses where the nodes would be placed were discussed at the meetings.

Susan Spawn-Desmond spoke to the Board as a private resident and not as a representative of the Pelham Preservation and Garden Society. She said as a lawyer that the lack of oversight by the Board has opened up room for other utility companies to bring more of their infrastructure into Pelham. She stated the minutes of the meetings did not reveal any studies or statistics that showed Extenet had done research and concluded these were the only viable spots for these devices.

She added that there are built in defense clauses that the Village could have called on in their telecommunications law to require more studies and proof that the nodes and pole were necessary at the locations specified by Extenet. She said she had consulted with former Trustee Mia Homan who was a guiding force behind the law when it was incorporated into the Code in 2002.

Trustee McGoldrick said he felt the Board was pushed into making a decision on this matter. He apologized for the inconvenience caused to the residents and urged the Board to think of ways that the situation could be remedied within reason to the satisfaction of the residents affected.

Mayor Cassidy said he had spoken with former Trustee Homan as well and ascertained from her that the original intent of the telecommunications law was to protect Pelham from cell towers. He said the law in its present form did not give the Village sufficient leverage to contest Extenet. Going forward, the Mayor said he supported firming up the law, gaining insight from residents and counsel, and pursuing the possibility of moving the node and pole.

Trustee Mutti added that the minutes of the meetings do not include all comments and documents shown at the meetings. She said there are videos of each meeting which are available if residents choose to review them further. Trustee Kagan added that the minutes do not reflect the three rounds of changes made to the agreement that show the extent of the negotiation on the Village's part.

Heidi Carey of 145 Harmon Avenue asked if the Board could do anything about the node that was placed on the utility pole in front of their property.

Mayor Cassidy said he did not feel that the Village's telecommunications law can prohibit Extenet from installing and maintaining the nodes.

Trustee Volpe suggested said in light of the fact that Extenet did not inform the residences as instructed by the Board, that the Village ask Extenet not to energize the nodes until they have given more information to the Board and the residents affected regarding the reasons for their installation. Trustee Volpe asked if Village Administrator Yamuder would begin that discussion with Extenet.

Mayor Cassidy said he wished to formally convene a committee to review the telecommunications law and bring it up to date with technical and legal realities of today.

Item #8– Request for Site Plan Approval by Green for an addition to a one family house for 50 Linden Avenue

Danny Green of 50 Linden Avenue presented some changes to the Board of Trustees that differed slightly from the plans in their packages from the previous week. He said the major difference was in relation to property density and the use of vinyl siding on the house.

Mr. Green said he had attended several meetings with the Architectural Review Board (ARB) and there had been some disagreement over the use of vinyl siding. Mr. Green asserted that all the materials he is proposing in his design are approved by the Village Code.

Mayor Cassidy said that the Village land use boards such as Planning, ZBA, and ARB are advisory boards for the Board of Trustees as well as the applicant. He said if the ARB has not seen; he would be more comfortable having him submit them to the ARB and have them weigh in. Without having the approval of the ARB, Mayor Cassidy stated he was reluctant to approve the design as proposed.

Mr. Green stated he had appeared before the ARB twice and their objections seemed to stem from aesthetics rather than material or substantive changes to the design. He said he has been trying to begin construction since last February and timing the construction is a factor.

Trustee McGoldrick stated that although he is sympathetic to the applicant, the ARB does have an important function in this process. He asked how soon the next ARB is and whether Mr. Green's design could be deliberated at the forthcoming meeting.

Administrator Yamuder asked ARB Chairman Ron Czajka, seated in the audience, if this matter could go before the ARB at the next meeting. Mr. Czajka responded that the ARB could look at it but final approval from the Board of Trustees would have to come at the next scheduled Trustee meeting which would be in two weeks.

Mayor Cassidy stated that he believes the ARB wants to give the approval for this project. Trustee Volpe said there is a resident who is trying to work within the Village's framework and it behooves the land use boards as well as the Trustees to work with him to move forward.

Mr. Green asked what his next steps are after he meets with the ARB again. Trustee Volpe responded that if the ARB looks at and approves the design changes as proposed, he did not see any obstacle why the Board of Trustees could not approve at the next meeting on Wednesday, November 6, 2013.

WHEREAS, the applicant Green is seeking final site plan approval of the BOT without recommendation from the Architectural Review Board as the result of the review by the ARB. After two meetings there was a no action and therefore the applicant is seeking BOT review and approvals to obtain a building permit;

BE IT RESOLVED THAT, the application for a site plan approval for Green is submitted for approval by The Board of Trustees based upon the review and recommendations by the Planning Board (hereinafter) Planning which the Planning memo is attached and made part of this submission;

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 March 1, 2013 as prepared by Michael Mastregiacomo, PE;
2. All plantings for addition be as per approved plans;
3. The addition will be built in accordance with revised plans that were re-submitted to ARB for the second of such meetings held on September 18, 2013 and the Plans approved by the Planning Board of the Village of Pelham at a meeting on July 9, 2013;

BE IT FURTHER RESOLVED, that this application for a site plan to include a an addition to a one family house and landscaping at 50 Linden 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.

Item #9– Resolution Establishing a Standard Work Day for Elected and Appointed Officials

Administrator Yamuder stated this resolution pertains to an annual accounting of employee work hours. He said the attached chart shows an accounting of a three month record of Village employees, both elected and appointed, hours. He said this is done in part because municipal retirement is based on service credits which are in part based on the number of hours worked by an employee.

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

Standard Work Day and Reporting Resolution

BE IT RESOLVED, that the Village of Pelham hereby establishes the following as standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by these officials to the clerk of this body:

Title	Name	Standard Work Day (Hrs/day)	Term Begins/Ends	Participates in Employer's Time Keeping System (Y/N)	Days/Month (based on Record of Activities)
Village Trustee	Adam Kagan	6	April 2012- March 2014	N	4.62
Village Administrator	Robert Yamuder	8	April 2013 to March 2014	Y	N/A
Village Clerk	Terri Rouke	8	April 2013 to March 2014	Y	N/A
Deputy Treasurer	Deborah DelGrosso	8	April 2013 to March 2014	Y	N/A
Deputy Village Clerk	Sandra Shriman	8	April 2013 to March 2014	Y	N/A
Secretary to the Village Administrator	Peter Bonington	8	April 2013 to March 2014	Y	N/A

Item #10– Other Business

None

Item #11– Authorizing the Accounts Payable

Trustee Kagan audited the Accounts Payable.

A motion was made by Trustee Kagan and seconded by Trustee Senerchia to adopt the resolution. The vote was approved by a vote of six in favor, none opposed. Trustee Marty 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	\$ 99,452.68
Water Fund	\$310.00
Capital Projects Fund	\$14,900.00
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	\$114,662.68

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: October 1, 2013

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

October 1, 2013- Approved

Item #13– Adjournment to Executive Session

A motion was made by Trustee Volpe with a second by Trustee Senerchia to adjourn the public portion of the Board meeting at 9:30 pm at which time the Board would adjourn for the evening. The motion was approved by vote of six in favor, none opposed. Trustee Marty was absent.

Respectfully submitted,
Peter Bonington, Secretary to the Village Administrator