

VILLAGE OF PELHAM BOARD OF TRUSTEES
SPECIAL MEETING
TUESDAY, SEPTEMBER 30, 2014, 6:45 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.	Adjournment to Executive Session- 6:45 p.m.	Approved
8.	Review of ExteNet's Wireless Telecommunication Permit Application	Tabled
Reports and Other Business		
9.	No Items	None
Recurring Items		
10.	No Items	None
11.	Adjournment to Executive Session	Tabled

Next Regularly Scheduled BOT Meetings:
Tuesday, October 7, 2014
Tuesday, October 21, 2014

Item #1 – Meeting called to order: The meeting of the Board of Trustees was called to order by Mayor Cassidy at 6:45 p.m.

The following members of the Board of Trustees were present:

Mayor Cassidy, Trustees Mutti, Marty, Volpe

The following members of the Board of Trustees were absent:

Trustees Senerchia, Reim, and Kagan

Village staff in attendance:

Village Administrator Robert Yamuder, Secretary to the Village Administrator Peter Bonington

Item #7–Adjournment to Executive Session

A motion was made by Trustee Volpe with a second by Trustee Marty to adjourn the public portion of the Board meeting at 6:45 pm and go into Executive Session to discuss a pending litigation matter after which time the Board would reconvene at 7:30 p.m. The motion was approved by vote of four in favor, none opposed. Trustees Reim, Kagan, and Senerchia were absent.

Item #8–Review of ExteNet’s Wireless Telecommunication Permit Application

The Board decided to table this resolution until 7:30 p.m. at the following meeting.

Item #9–Reports and Other Business

None

Item #10– Recurring Items

None

Item #11– Adjournment to Executive Session

The Board decided to table this resolution until after the following meeting at 7:30 p.m.

VILLAGE OF PELHAM BOARD OF TRUSTEES
SPECIAL MEETING
TUESDAY, SEPTEMBER 30, 2014, 7:30 PM
VILLAGE HALL – 195 SPARKS AVENUE, PELHAM, NY

AGENDA

7. Call To Order
8. Pledge of Allegiance
9. Mayor's Report
10. Trustees' Reports
11. Village Administrator's Report
12. Public Comment

Agenda Items:

	Non-Recurring Items	
8.	Review of ExteNet's Wireless Telecommunication Permit Application	Discussed
	Reports and Other Business	
9.	No Items	None
	Recurring Items	
10.	No Items	None
11.	Adjournment to Executive Session	Approved

Next Regularly Scheduled BOT Meetings:
Tuesday, October 7, 2014
Tuesday, October 21, 2014

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, Reim, and Kagan

The following members of the Board of Trustees were absent:

All Present

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

None

Trustees Reports:

Trustee Kagan

None

Trustee Marty

None

Trustee Mutti

None

Trustee Reim

None

Trustee Senerchia

None

Trustee Volpe

None

Village Administrator's Report

None

Item #8– Review of ExteNet's Wireless Telecommunication Permit Application

Mayor Cassidy said the purpose of tonight's meeting is to discuss the completeness of the permit application by ExteNet under the new Chapter 87 section of the Village Code. He summarized the events leading to this discussion by saying ExteNet originally submitted its application in April 2013. He said the Board discussed the application initially at the June 18th meeting and again on September 3rd. The permit was approved and signed at the September 17th meeting.

The Mayor stated that the original Chapter 87 section of the Code which related to Telecommunications Facilities did not adequately protect the Village and so, in response to

resident's concerns, drafted a new law under the direction of Trustee Kagan and Village Attorney Cathy Woods-King.

He said the question before the Board is whether the permit that has been resubmitted by ExteNet meets the requirements of the updated Chapter 87 and can proceed to the next steps in this process.

Robert Spolzino, counsel for the Village, stated that was an accurate summarization of the events leading to this meeting. He said by the Court's order, ExteNet has until November 18th or 19th to submit a final application for Board consideration and approval. He said the Board must tonight decide if the application is complete and they prepare to schedule a public hearing for that application.

Mr. Spolzino stated that some deficiencies were identified in the initial submission; specifically a map showing the existing and partial sites in the Village which will illustrate the need for these facilities. The Board is also requesting an emissions report signed by a certified New York State licensed engineer to show that the emissions from the nodes are consistent with Federal regulations.

Tony Gioffre, ExteNet's attorney, stated his client will respond to all requests and address all code requirements. He said although ExteNet would like to hear any comments on the merits of the application later in the public hearing process, he sees the application as procedurally complete.

Matt Kaplan of 203 Cliff Avenue said the current application is not complete because the requested documents are not in the hands of the Board. He said ExteNet still must provide substantial evidence to prove a need for these nodes.

Aimee Kaplan of 203 Cliff Avenue asked how ExteNet can argue a specific need or gap in service without providing the map and emissions report.

Carol Spawn-Desmond of the Pelham Preservation and Garden Society stated that the Board is within its rights to state that this application is not complete. She said primary sections under the new code are missing.

Trustee Kagan asked Mr. Gioffre if the requested documentation would be provided to the Board.

Mr. Gioffre stated he believes the application is procedurally complete under the Village's new code however his clients have received the Village's request as of late last week and are taking the Board's requests under advisement. He said whether the Board deems the application complete under its new Chapter 87 guidelines will be seen later on in the public hearing process.

Trustee Volpe responded to Mr. Gioffre's comment about the term "procedurally" complete. He stated the application could be considered "provisionally" complete at this meeting to give ExteNet time to supply the requested documents if they choose prior to the public hearing. He said this is a path forward and gives the public time to review these documents prior to the public hearing. He said there would be no cutoff period for comments from the public leading up to the scheduled public hearing.

Mr. Gioffre responded that he did not want to hinder any public comment in preparation of the hearing. He stated his requests were to allow ExteNet to be as responsive as possible.

Mayor Cassidy stated the Board has worked hard to develop a strong code. He stated this application will have to be judged on its merits later in the public hearing process. He said although an engineer's report and site map have been requested, the application could be viewed as "provisionally" complete in order to move forward. The Mayor stated the Board wants to provide the best information available to make sure everyone feels that they can look at the same material.

Matt Kaplan stated he said more technical data should be asked for by the Board for the application well in advance of the public hearing scheduled for early November.

Trustee Volpe said that while Board is prepared to accept the application provisionally, a submission made just before the public hearing without adequate time for the public to review would create problems.

Carol Spawn-Desmond stated the next steps in this process will set a precedent for future submissions by utility companies and the Board has already acknowledged that this application has documents pending.

Mayor Cassidy said the Board has been given a timeline by a judge in which to make a decision. He said the Board wants to make a timely decision on this matter with the best information possible. He said the application has not been determined to be incomplete. He said the Board has asked for more documentation and will be judged at the public hearing.

Trustee Volpe added that the Board could vote down the application at the public hearing if it is not considered complete at that time.

Trustee Kagan stated the provisional approval should be conditioned on the requirement that the missing documentation be presented to the Board by the time of the public hearing.

Mayor Cassidy said he did not want to commit the application's approval based on the receipt of these two documents alone.

Trustee Reim stated if the documents provided are not up the Board's standards then the project will be judged on its merits at the proper time.

A motion was made by Trustee Volpe and seconded by Trustee Mutti to approve the resolution. The vote was approved by a vote of six in favor, Trustee Kagan was opposed.

BE IT RESOLVED, that the Board of Trustees accept the application as provisionally complete and will be properly noticed by ExteNet for the public hearing at the next meeting on Thursday, November 6, 2014.

Item #9– Reports and Other Business

None

Item #10– Recurring Items

None

Item #11– 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 8:24 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