

BOARD OF TRUSTEES  
April 11, 2016

PRESENT: Mayor Monachino Lapey  
Trustee Annunziata  
Trustee McLaughlin  
Trustee Cataldi DeLillo  
Trustee Senerchia  
Attorney Cornachio  
Manager Pierpont

PLEDGE OF ALLEGIANCE AND FIRE SAFETY ANNOUNCEMENT

Mayor Monachino Lapey led those assembled in the Pledge of Allegiance and notified those in attendance where the fire exits were located.

The Mayor had a few announcements before moving forward with the official agenda. She said that she has been working diligently in the last year to increase community outreach. She and the Village Manager met with Sydney MacInnis from EcoPel for their second face to face meeting about some of their initiatives. The Mayor said that it was fair to say that Sydney MacInnis was pleasantly surprised by the Village's recycling program and the work at Spring Road. The Mayor thought that this was a great opportunity to showcase the work we do in sustainable resources. The Mayor also spoke about meeting with the Pelham Business Club with representatives from the real estate community. The Mayor also noted that a collaborative meeting was held last Thursday with School Board President Lisa Kiernan, School Board Vice President Mary Anne Gillan, School Superintendent Peter Giarrizzo, Village of Pelham Mayor Michael Volpe, Administrator Yamuder and Pelham Police Chief Joseph Benefico and Village of Pelham Manor Manager John Pierpont.

She spoke about two unfortunate incidents on Colonial Avenue that highlighted the need to get together. The Village of Pelham has added posts and additional signage, more clearly marked crosswalks, and is looking into various initiatives such as a painted strip west to east from Wolfs Lane to Stellar and promulgating a cross walk there. John Pierpont came up with a thought at this meeting. The Village of Pelham Manor secured a trailer mounted speed monitor through Safe Routes to School. The device can be posted next to signage so people can see how fast they are going and it stores data for future analysis. The Village would be happy to share that equipment with the Village of Pelham and the School district. The Mayor said that the School Board and the Village of Pelham will be issuing comments and have more announcements on this issue.

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MINUTES FROM THE MARCH 28, 2016 REGULAR MEETING AND APRIL 4, 2016 ANNUAL MEETING

The Mayor asked that the March 28, 2016 minutes reflect that the Village has been diligent and reduced our reliance on savings in accordance with recommendations from the State Comptroller's office.

After discussion and upon motion duly made and seconded, it was unanimously

RESOLVED, That the minutes from the Regular Meeting on March 28, 2016 and the Annual Meeting on April 4, 2016 be and hereby are approved as amended.

The Mayor asked Deputy Mayor Annunziata to comment on the community outreach effort he witnessed when he attended a PACT meeting that was called by member Marta Elena Wisdom. At the meeting potential sites for a teen center, or virtual teen center, were discussed. They were looking for input from people in the Town of Pelham. The Village of Pelham Manor offered the use of Shore Park for a teen event as long as a resident requested the use of the park and chaperones or parental supervision was provided. Trustee Annunziata said that they were happy to hear about the offer.

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## REPORTS

Police Commissioner Annunziata discussed the monthly report with Police Chief Carpenter. It was noted that the number of domestic incidents increased.

Commissioner Annunziata spoke about the larceny of fire extinguishers from two different gas stations. The Chief said he didn't know what they do with them, but said that the detectives have been working on this incident. They know who the person is and will be speaking with him shortly. The Chief said that everything else was routine. The month had steady, but routine, work.

Mayor Monachino Lapey said that a lot of calls have been to Dave & Buster's. The Chief said that area accounted for the large number of domestic incidents. He said that any verbal argument or family altercation is considered to be a domestic incident.

The Mayor and Board thanked the Police Chief for his report.

The Fire Chief Ruggiero welcomed new Fire Commissioner Matthew McLaughlin and Trustee Senerchia.

Two structural fires were listed on the report. One was at 915 Wynnewood Road in the storage room and the other was at Kinetic, in the finished pool area, where a light fixture in the ceiling caught fire. The Chief said that there was about one thousand dollars worth of damage.

Trustee Cataldi DeLillo asked about the alarm at Canal Road and was told that it was a rubbish fire which included wood pallets, papers and brush at the rear of 5 Canal Road. It was in the empty space between buildings. Trustee Cataldi DeLillo asked if the fire was investigated and was told that there was no investigation, but that a cigarette could have been thrown in the area.

The Mayor and Board thanked the Fire Chief for his report.

The Village Clerk reported that twenty two dog licenses, thirty eight building permits and eighteen letters in lieu of a certificate of occupancy were issued during the month of March.

Trustee Annunziata asked what a letter in lieu does and was told that many homes predate certificates of occupancy. When properties trade, the title company wants some certification that it is able to be used. The letter says that the property predates a certificate of occupancy and that there are no violations of record on the property. Certificates of occupancy came into use in the 1950's so a lot of homes predate C of O's. The key phrase in the letter of lieu is that there are no violations on record.

Trustee Senerchia asked how many building permits were issued last March to compare with the thirty eight that were issued this March.

The Village Clerk said that he would check on the number and get that information to Trustee Senerchia.

The Mayor and Board thanked the Village Clerk for his report.

After discussion and upon motion duly made and seconded, it was unanimously

RESOLVED, that the Police, Fire and Village Clerk's reports be and hereby are approved.

The Mayor asked Trustee Cataldi DeLillo, the new DPW liaison, to talk about an incident that happened this past weekend. There was a sewer back up in the basement of an older home located on a corner property. The plumber could not get the line through to clean the blockage. The DPW popped the manhole and it was not surcharged. The problem was on the property. The plumber came back out and tried to break through again and was successful.

Mayor Monachno Lapey said that Trustee Cataldi DeLillo and the Village Manager were successful and followed through on this situation.

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ADMINISTER OATH OF OFFICE TO NEW ZONING BOARD MEMBER KATHRYN  
CONNORS SODERBERG

The Mayor said that she knows Kathryn Connors Soderberg to be a very talented attorney and a very engaged citizen. When Mayor Lapey was on the Citizens' Committee on Re-Zoning the Four Corners, she said that she was struck by Ms. Connors Soderberg's research and how she was up to speed on legal issues. The Mayor said that Deputy Mayor Annunziata, who has many years of experience on the Zoning Board both as a member and chairman, spoke with Kathryn Connors Soderberg about the protocols.

Trustee Annunziata said that Kathy was absorbing all the information he shared and said that he thinks that she will be fabulous on the Board.

The Mayor administered the Oath of Office to Kathryn Connors Soderberg.

All in attendance congratulated the new Zoning Board of Appeals member.

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SCHEDULE PUBLIC HEARING ON LOCAL LAW 1 OF 2016 – LIMITING DISTANCES  
BETWEEN RESTAURANT ESTABLISHMENTS, AMENDING ARTICLE XVI OF CHAPTER  
210 OF THE VILLAGE CODE

Manager Pierpont was asked to give some background on Local Law 1 of 2016. He said that he had been approached by the owners of BJ's shopping center about the possibility of having a Chipotle Mexican Grill come into Pelham Manor Shopping Center. It would be where Sleepy's mattress center is currently located. This is an opportunity to allow one fast food place in addition to 5 Guys. Time is of the essence. They are eager and have been pressing for this for a while. We tried to accommodate them under fast casual dining, but that didn't work for them.

Trustee McLaughlin said that they would have to put in kitchens in that space and it would be a pretty profound change in the building.

This could be put before the Board at its next meeting. The local law would have to be circulated to Westchester County for comment and the Board could not take action on the local law for thirty days.

The Mayor said that she supports good business development and thinks that this is encouraging.

Trustee Cataldi DeLillo said that she thought Chipotle would be supported and embraced by the community. She said that her children love Chipotle. She said this is a minor modification to the Village Code and that she supported this change.

Maggie Klein asked if this would apply to other parts of the shopping center and was told that the provisions are in the B2 Zone. If Chipotle takes over Sleepy's space, no other fast food location would be allowed. Chipotle would be the one additional fast food location.

Trustee Cataldi DeLillo said that by reducing the distance between restaurants, you are increasing the allowed density.

Trustee Senerchia said that they are a very strong company. They are financially sound and they have a great model. They would be appealing to the neighborhood and said that he thought it would be a good decision to allow the modification.

The Mayor said further comment would be taken at the public hearing.

After discussion and upon motion duly made and seconded, it was unanimously

RESOLVED, That a Public Hearing on Local Law 1 of 2016 – Limiting distances between restaurant establishments, amending Article XVI of Chapter 210 of the Village Code be and hereby is scheduled for April 25, 2016 at 8:15 p.m.

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**INTERMUNICIPAL AGREEMENT – AUTHORIZING THE VILLAGE MANAGER TO SIGN  
SANITARY SEWER SYSTEM EVALUATION STUDY**

The Village has been working hard on this issue from many angles including an agreement with Westchester County.

The DPW Superintendent said that the Village is committed to evaluating its sewer system, along with the City of New Rochelle, the Village of Larchmont and the Town of Mamaroneck. This is an opportunity for us to work together to have our sewer system evaluated as a group. There is an economy of scale. The DPW Superintendent said that people from those other three communities met this morning. This is a municipal agreement based on population. The Village would pay six percent of the cost and we will come in under our budget number for next Fiscal Year's budget. The Superintendent recommended the Board of Trustees authorize the Village Manager to sign the Sanitary Sewer System Evaluation Study.

Trustee Annunziata said that Pelham Manor is the only one in the group that has cleaned and televised/ video-taped its sewers and was told that was correct.

The DPW Superintendent said that those costs outlined in the SSES that were already paid for by the Village will not be charged to the Village again. The Village has to do flow monitoring, flow isolation, review of video information, manhole inspection and reviewing flow monitoring. No design service is included in this agreement.

Trustee Annunziata asked if the Village already signed an Inter Municipal Agreement and was told that an IMA was signed with Westchester County. This agreement is with a consortium. This agreement is to share costs that will allow the consortium to be in compliance with an agreement with Westchester County.

Trustee Cataldi DeLillo said that this is very favorable because of the cost per capita. It is strictly for professional services. All four of the municipalities go to the same waste water plant. We are a common drainage area.

Trustee Senerchia said that he has worked with Dolph Rotfeld Engineering before and he is very confident with their skills.

After discussion and upon motion duly made and seconded, it was unanimously

**RESOLVED, That the Village Manager be and hereby is authorized to sign the Inter  
Municipal Agreement for the Sanitary Sewer System Evaluation Study.**

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**TAX CERTIORARI – SECOR LANE ENTERPRISES, INC. ( 5 SECOR LANE)**

The Mayor said that this is a court ordered settlement. She said that assessments have gone down and this judgment is legally binding . The motion is to ratify a legally binding judgment.

After discussion and upon motion duly made and seconded, it was unanimously

**RESOLVED, that the legally binding judgment in favor of Secor Lane Enterprises, Inc. ( 5  
Secor Lane ) be and hereby is ratified.**

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**REQUEST FROM MAR-CAN TRANSPORTATION TO RENEW ITS PERMIT TO USE  
PROPERTY AT 5 SECOR LANE**

Mar-Can Transportation had a permit to allow school buses to park at the corner of Secor Lane and

Pelham Parkway. They are looking to renew the permit. Manager Pierpont said if the Board is disposed to renew, they may want to consider conditions of approval with penalties if they don't comply with the conditions. Conditions might include routes, times and penalties if they violate the conditions.

The Mayor said that hard parameters could be put in place.

Trustee Annunziata said the fee structure should be revisited.

Trustee Cataldi DeLillo asked if the Village could regulate where they go over public roads.

Manager Pierpont said it could be done through an agreement.

Trustee McLaughlin said that they would be surrendering that entitlement (to travel over public roads) based on an agreement.

Trustee Senerchia asked if the agreement could be for one year versus the request for multiple years.

The Manager said that it was whatever the Board wanted to do.

Trustee Annunziata asked how many bus companies are down there and how many parcels are affected, and was told that there are two bus companies on two separate parcels.

Mayor Monachino Lapey said that if they had a longer lease they might be willing to make more of an investment.

Trustee Annunziata said that development in the area could be delayed if a longer lease were offered.

Trustee McLaughlin said that was a reason for a one year term.

The Mayor said that the Village Manager will prepare some information with respect to possible fees, time periods, and possible conditions.

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**RESOLUTION AUTHORIZING THE MAYOR TO SIGN ABSTRACT OF VOUCHERS  
NUMBERS 22548-22585**

After discussion and upon motion duly made and seconded, it was unanimously

RESOLVED, That the Mayor be and hereby is authorized to sign Abstract of Vouchers  
Numbers 22548-22585.

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**PUBLIC COMMENT**

Anthony Marrella, 103 Iden Avenue, asked for the name of the owner of 5 Secor Lane and was told the owner is listed as 5 Secor Lane, LLC.

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**EXECUTIVE SESSION**

After discussion and upon motion duly made and seconded, it was unanimously

RESOLVED, That the Board be and hereby is authorized to conduct an Executive Session to  
discuss the following:

Personnel Matter

No action was taken in Executive Session.

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ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned.

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Clerk