

**VILLAGE OF MATINECOCK
PUBLIC HEARING ON EXTENT'S APPLICATION TO INSTALL FOUR WIRELESS
TELECOMMUNICATION EQUIPMENT IN THE ROW
AND
REGULAR BOARD OF TRUSTEES' MEETING
MAY 16, 2024**

A public hearing on Extent's application and regular Trustees' meeting was held by the Board of Trustees of the Incorporated Village of Matinecock, Nassau County, New York, at Portledge School on Duck Pond Road in the Village, on Tuesday, May 21, 2024 at 6:30 P.M.

Present:	Kenneth J. Goodman	Mayor
	Linda Berke	Trustee
	William R. Denslow, Jr.	Trustee
	Carol Large	Trustee
	William I. Hollingsworth, III	Trustee
	Robert Marmorale	Trustee

Absent:	Albert Kalimian	Trustee
---------	-----------------	---------

Also Present:	Jessica Zalin, Esq., Cuddy & Feder LLP
	Chris Fisher, Esq., Cuddy & Feder LLP
	Peter Gaglio, Senior Construction Manager, Extenet Systems
	Chad Schwartz, PE, Ahead Engineering
	Chris Fridrich, Principal RF Engineer, Fridrich Consulting
	James F. Wellington, Commissioner of Public Works
	Jennifer A. Zoufaly, Village Clerk/Treasurer
	Peter P. MacKinnon, Esq., of Humes & Wagner, LLP Attorneys for the Village

EXTENET APPLICATION

The Mayor called the public hearing on the application of Extenet Systems, LLC to order at 6:30 p.m. He noted that Extenet Systems, LLC has submitted an application to the Village to install four (4) Wireless Nodes on new and existing utility poles within the Village of Matinecock. Jessica Zalin, Esq., of the law firm Cuddy & Feder, LLP addressed the Board. Ms. Zalin explained that the new four (4) Wireless Nodes facilities' equipment will consist of a 48" x 24" x 20" shroud, which will be placed on the side of the pole, and a 18" x 14.61" canister type antenna, which will be placed on the side of the 3 existing utility poles and on top of the new utility pole. All four (4) telecommunication facilities will be within the Village's public right of way at the following four (4) locations:

1. 860 Chicken Valley Road. (Immediately adjacent to Section 23 Block B Lot 429.)
2. 230 Piping Rock Road. Immediately adjacent to Section 23 Block B Lot 7.
3. 3 Valley Road. Immediately adjacent to Section 23 Block B Lot 510. New Utility Pole.
4. 530 Chicken Valley Road. (Immediately adjacent to Section 24 Block E Lot 1.)

The Village Attorney reported that Extent had requested exemption from the Village's moratorium under Local Law 2-2023, based upon Extent's building permit application filing date with the Village Building Department. At the January 2024 Trustees meeting, the Trustees unanimously voted to exempt the application of Extenet Systems, LLC to install four (4) Wireless Nodes in the Village from the provisions of Local Law 2-2023.

Ms. Zalin stated that at the request of the resident at 230 Piping Rock Road, Extenet was able to relocate its proposed small wireless facility from the original proposed location at 230 Piping Rock Road, to a new location at the intersection of Piping Rock Road and Frost Pond Road.

The Mayor noted that the Trustees are fully aware of the proposed wireless sites, the equipment to be installed and the benefits to its resident to provide enhanced wireless communication in the Village, and therefore, unanimously,

RESOLVED, that the application of Extenet Systems, LLC to install four (4) Wireless Nodes on new and existing utility poles within the Village of Matinecock for the above locations is approved, subject to the following conditions:

1) If additional sites are proposed in the future, the Applicant must submit a new application and comply with all rules and regulations of the Village as shall then be applicable. There shall be no further installations in the Village other than at the above four sites with the designated equipment without Village approval.

2) On each of the four installations, the equipment cabinet to be installed shall be limited to the stated size and dimensions proposed. If further carriers are to be added which requires a larger equipment cabinet, an application shall be submitted to the Village for its review and approval, and

FURTHER RESOLVED, that the Mayor, or in his absence the Deputy Mayor, be, and they hereby are, authorized to execute a non-exclusive Right-of-Way Use Agreement for the installation of the four units within the public right-of-way for the proposed sites as set forth on the annexed Right-of-Way Use Agreement.

Votes in favor of resolution:	Kenneth J. Goodman, MD	Aye
	Linda Berke	Aye
	William R. Denslow, Jr.	Aye
	Carol Large	Aye
	William I. Hollingsworth, III	Aye
	Robert Marmorale	Aye

Not voting as not having been present:	Albert Kalimian
---	-----------------

MINUTES

The Mayor called for approval of the minutes of the Trustees' meeting held on April 16, 2024, which, on motion duly made and seconded, were unanimously approved as presented.

COMMISSIONER OF PUBLIC WORKS REPORT

Commissioner Wellington reported that in the past month he has issued one tree removal permit. He also reported that he received a proposal from Scheblein Plumbing for installing an irrigation system at the triangle at Town Cocks Lane and Piping Rock Road in the amount of \$12,593, which includes the Locust Valley WD fees. The Board discussed the project and requested that Commissioner Wellington solicit 2 additional proposals. He further reported that the street light at 250 Yard Drive and Piping Rock Road was installed by Anker Electric for a cost of \$445, and that Testa Landscaping is working on replacing missing or damaged reflectors along the easterly side of Piping Rock Road.

BILLS/ABSTRACT OF CLAIMS

The Village Clerk presented revised Warrant No. 719 dated April 30, 2024, in the amount of \$56,959.01 and Warrant No. 720 dated May 21, 2024 in the amount \$53,402.95. The Village Clerk also presented for the Trustees review, all vouchers with supporting documentation for said claims which are listed on Warrants 719 and 720. After discussion and an opportunity to review all claims presented on Warrants 719 and 720, the Board on duly motion made and seconded, approved all claims on Warrants 719 and 720 and directed the Village Clerk/Treasurer to make payment.

TREASURER'S REPORT

The Treasurer's Report for the month ending April 30, 2024, with the requested Budget Transfers noted, were presented, examined, approved and ordered filed, subject to audit. The Village Clerk/Treasurer requested approval to transfer \$42,000 from the General Savings Account to the Checking Account as required by FNBLI to maintain the Collateral Balance of \$600,000. After discussion, on motion duly made and seconded, the Board approved the requested transfer.

The Village Clerk/Treasurer then circulated a copy of the current Village Account balances as of May 21, 2024, for all of the Village's accounts, copy attached. She further reported that for the month of April, the Village received interest on its FNBLI accounts at the rate of 5.10%, which generated \$13,597.33 of interest earned for the month.

SMALL CLAIMS ASSESSMENT REVIEW - TAX REFUNDS - 2023/24

The Village Clerk circulated to the Trustees a report on the Small Claims Assessment Review (SCAR) proceedings held for the tax year 2023/24 (*copy attached*). The report sets forth both the assessments that were sustained and those assessments for which reductions were awarded by the SCAR hearing Officer. The report also noted the Village tax refunds due to the property owner based upon the reduced assessments were awarded. The Village Attorney noted that the cases that were settled were based on a combination of factors, including purchase/sales price, moratorium/carry forward value from the previous year, or a Nassau County assessment reduction. After discussion, and on motion duly made and seconded, with Trustee Hollingsworth abstaining from voting, the Board

RESOLVED, that the Village Clerk/Treasurer be, and she hereby is, directed to reduce the Village assessment for the properties (noted on the attached) on the Village's 2023/24 assessment roll and she is further authorized to pay to the owners and/or representative the below Village tax refunds, without interest, provided the current Village taxes had been paid in full.

CONSTANT CONTACT

The Village Clerk requested authorization to enroll the Village in Constant Contact marketing program, which would allow the Village to send email blasts to Village residents. Constant Contact offers accessible marketing automation, e-commerce, and social media marketing integrations. She noted that in the past, when she attempted to notify Village Residents by an email blast, the email server prevented the communication, detecting the Village emails as spam. Constant Contact program allows for 500 emails a month for a fee of \$12.00 per month. After discussion, the Board unanimously authorized the Village Clerk/Treasurer to enroll in the Constant Contact plan at a cost of \$12.00 per month.

PROSECUTING ATTORNEY SALARY INCREASE

The Village Clerk circulated an email from Dwight Kennedy, Village Court Prosecutor, requesting a \$100 increase for his appearance fee at Village Court for the 2024/25 fiscal year. Mr. Kennedy's letter explained that he hasn't received an increase in his per diem attendance fee at Village Court since 2016. After discussion, the Board unanimously approved Mr. Kennedy's request for the appearance fee for the 2024/25 Village fiscal year be increased to \$450 per month, commencing June 1, 2024.

APPOINTMENT OF ASSOCIATE VILLAGE JUSTICE

The Village Attorney reported that Village Justice Rubine recommended that the Village appoint an Associate Village Justice, to fill this position, which is currently vacant. Judge Rubine noted that it would be most helpful to have an Associate Justice to seat at Village Court when he is not able to attend. Judge Rubine highly recommended Ernest Jones, Esq., who resides in Mineola. Mr. Jones' resume was circulated to the Board and is attached. After discussion, the Board unanimously appointed Mr. Jones as Associate Village Justice, to fill the vacancy which term shall expire on the first Monday of July 2024.

BUILDING DEPARTMENT

The Building Inspector's Report on the status of current building permits and projects in the Village, along with the revenue report for the month of April was reviewed and discussed, copies are annexed.

RENEWAL OF LL 2-2023 - "MORATORIUM ON THE APPROVAL AND CONSTRUCTION OF TELECOMMUNICATION FACILITIES"

The Village Attorney advised that Local Law 2-2023, which imposed a temporary moratorium on the approval and construction of Telecommunication Facilities in the Village, and prohibiting the Building Inspector and other agencies of the Village from considering any such request is set to expire on June 18, 2024, unless further extended. Because the Village is still in the process of reviewing the requirements and regulations for Telecommunication Facilities, the Attorneys for the Village recommended that the term of the moratorium be extended for an additional ninety (90) days pursuant to Section II (B) of Local Law 2-2023. This extension will allow the Board of Trustees additional time to evaluate the Village's planning and environmental study with its Zoning Code and Subdivision Rules and Regulations. Thereafter, on motion duly made and seconded, it was unanimously

RESOLVED, that all provisions of Local Law 2-2023 imposing a temporary moratorium prohibiting the filing of new applications and the consideration of any pending application for the siting, installation, and expansion of wireless telecommunication facilities, equipment and accessory uses and equipment, while the Trustees research the issues, consider available options and, if the Village deems it appropriate, to adopt legislation consistent with the current technologies and legal requirements under Federal and State regulations and prohibiting the Building Inspector and other agencies of the Village from considering any such request, which will expire on June 18, 2024, be, and it hereby is, extended an additional ninety (90) day period to now expire on September 18, 2024.

WESTSIDE ENGINEERING PROPOSAL/STORMWATER PROGRAM

The Village Clerk noted that James Antonelli of West Side Engineering, P.C., advised the Village that NYSDEC has issued a new General Permit for the Stormwater Discharges to surface water, effective January 3, 2024, copy attached. The intent of the new permit procedure is to require the further reduction of potential surface water pollutants from municipal storm systems to the maximum extent practical. Mr. Antonelli's noted the Village is a regulated municipality and currently has a compliant stormwater management program. Mr. Antonelli's fee to file for the annual General Permit will be \$5,400 due to the additional information and details which is now required to be provided. After discussion, the Board approved the \$5,400 proposal from Westside Engineering for the preparation of the Stormwater Management Report under the new State regulations.

POLICE

The Mayor reported that the Brookville Police Chaplin recently passed away. He further reported that police activity has been quiet and reported crime in the 4 Villages is minimal. The police patrols continue to provide an effective visual presence in the Villages and are more effective due to the installation of the license plate readers. Moral amongst the police officers continues to be strong.

Mayor Goodman also reported that each of the 5 Villages, previously protected by the Village of Old Brookville, have been served with a Summons with Notice by Old Brookville, claiming a breach of the 6 Village Police Protection Contract. Counsel for Old Brookville has proposed to each of the 5 Villages, a stipulation extending the Village of Old Brookville's time to serve a complaint on each Village. The Village Attorney recommended that while the final accounting of the termination of the 6 Village Protection agreement is being reviewed and considered by all Villages, that Matinecock consent to the extension of time to save legal expense in answering the lawsuit, that may be unnecessary.

The Mayor noted that the Village Attorney has prepared a proposed resolution authorizing the stipulation, and articulating the conditions for its execution and affirming the position that the Village does not believe that the protection contract was breach by the Village. After discussion, the Board unanimously authorized the following:

WHEREAS, the Villages of Old Brookville, Brookville, Upper Brookville, Cove Neck, Matinecock, and Mill Neck had previously contracted for joint police protection by the Old Brookville Police Department under an Inter-Municipal Agreement ("6 Village Police Protection Agreement"), which agreement expired on midnight of May 31, 2022, and

WHEREAS, the 6 Village Police Protection Agreement was not renewed or extended beyond May 31, 2022, and

WHEREAS, under Paragraph **M - Post Agreement Obligations** of the 6 Village Police Protection Agreement, each of the 6 Villages are deemed to remain obligated to pay its respective pro-rata share as provided herein for all joint police protection services costs, liabilities and obligations incurred prior to such expiration, but paid or becoming due and payable after such expiration, and

WHEREAS, pursuant to Paragraph **M**, these costs, liabilities and obligations are to be determined by an independent certified public accounting firm, which final accounting is presently under review and has not been accepted by the 5 Villages, and

WHEREAS, on January 16, 2024, the Village of Old Brookville filed a Summons with Notice commencing an action for breach of contract against the Villages of Brookville, Upper Brookville, Cove Neck, Matinecock, and Mill Neck ("5 Villages"), and

WHEREAS, the Villages of Brookville, Upper Brookville, Cove Neck, Matinecock, and Mill Neck deem that until the final accounting is completed and approved by all 6 Villages that there is no breach of contract accruing to the Village of Old Brookville, and

WHEREAS, the parties are engaged in good faith efforts to resolve their respective claims, and to avoid unnecessary litigation during the settlement negotiations, have authorized their counsels to enter into the attached Stipulation for the sole purpose of accepting service of the Summons with Notice and extending the Village of Old Brookville time to serve a complaint, and

WHEREAS, the Village of Mill Neck hereby agrees to authorize Humes & Wagner, LLP, on its behalf to execute said Stipulation, provided said Stipulation shall not be construed or interpreted as an admission of any liability, or a waiver or limitation on the rights or defenses of any party.

NOW, THEREFORE, BE IT,

RESOLVED, that firm of Humes & Wagner, LLP, is hereby authorized on behalf of the Village of Matinecock to execute the attached Stipulation for the sole purpose of accepting service of the Summons with Notice and extending the Village of Old Brookville time to serve a complaint, which shall not be construed or interpreted as an admission of any liability, or to waive or limit the rights or defenses of the Village of Matinecock.

MAYOR'S REPORT

The Mayor reported that the Village will be moving forward with Blue Label Communications in updating the Village's website.

The Mayor discussed the replacement of the Village street signs. He requested that the Trustees look at the street signs in the surrounding villages and provide their thoughts on what style of street sign they would want the Village to install.

THORNE LANE DRAINAGE PROJECT

The Mayor reported that as of May 17, 2024, the Village claim has been approved by the DPW Construction Management Unit, the DPW Commissioner's office and the DPW Financial Unit, however, the Comptroller's office approval is still required before the grant funds will be disbursed to the Village.

11 HIGH RIDGE LANE LITIGATION

The Village Attorney reported that special counsel has accepted a settlement with 11H, and a Judgement has been entered at the Nassau County Clerk's office that 11 H, its shareholders, members, managers, employees, agents and all others acting by or through 11H are hereby permanently enjoined and restrained from directly or indirectly renting, leasing, licensing or letter the property in violation of Village Code Section 195-10(E)(1) and (4) of the Village Code.

The next meeting of the Board of Trustees is scheduled for June 18, 2024.

There being no further business, the meeting was adjourned.


Village Clerk