

**VILLAGE OF MATINECOCK  
PUBLIC HEARING ON PROPOSED LOCAL LAW B-2023  
AND  
REGULAR BOARD OF TRUSTEES' MEETING  
NOVEMBER 28, 2023**

A public hearing on Proposed Local Law B-2023 and a regular Trustees meeting were held by the Board of Trustees of the Incorporated Village of Matinecock, Nassau County,, was held at the Portledge School on Duck Pond Road in the Village, on Tuesday, November 28, 2023, at 6:30 P.M.

Present:	Kenneth J. Goodman, MD	Mayor
	Carol E. Large	Trustee
	William R. Denslow, Jr.	Trustee
	William I. Hollingsworth	Trustee
	Albert Kalimian	Trustee
	Robert Marmorale	Trustee

Absent:	Linda Berke	Trustee
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Also Present:	Douglas Johnson - Village Resident
	James Wellington - Public Works Commissioner
	Jennifer A. Zoufaly, Village Clerk/Treasurer
	Peter P. MacKinnon, Esq., of
	Humes & Wagner, LLP Attorneys for the Village

**HEARING ON PROPOSED LOCAL LAW B-2023**

The Mayor called the hearing on proposed Local Law B-2023, entitled "*Moratorium on Approval and Construction of Telecommunication Facilities*" to order. The affidavits of publication of the notice of hearing and mailing of the local law and notice were presented. The Village Attorney stated that the Village had received the Nassau County Planning Commission resolution number 10551-23, which referred consideration of Local Law B-2023 for local determination by the Village, the Commission having no modification or objections. The Nassau County resolution was ordered annexed to the minutes of this hearing.

The Village Attorney explained that proposed Local Law B-2023, entitled "*Moratorium on Approval and Construction of Telecommunication Facilities*" allows the Board of Trustees adequate time and opportunity to explore all issues and concerns and receive input from the residents regarding the Village approval process for new telecommunication facilities and expansion of existing telecommunication facilities. Proposed Local Law B-2023 will impose a moratorium for a six (6) month period from its effective date, prohibiting official Village action in connection with all future and pending applications for the construction, erection, or expansion of telecommunications tower facilities and systems, including accessory uses. The proposed Local Law allows the Board of Trustees by resolution to extend the moratorium for an additional two 90-day periods, or alternately after a public hearing terminate the moratorium prior to its expiration.

The Mayor then called for comments in favor of, or in opposition to, the proposed local law. The Village Attorney noted that his office had received a letter from Extent dated November 27, 2023, which outlined their concerns and objections to the legislation. The letter was directed to be made part of the hearing record and a copy was directed to be attached to the Trustees minutes of the hearing.

Mr. MacKinnon stated that Extent is a national company that provides facilities for wireless providers. On November 9, 2023, the company had filed with the Village Building Inspector, four

applications to place four small cell wireless facilities on the right of way of Piping Rock Road and Chicken Valley Road, all sites being within the Village. Extent request is to be deemed exempt from the moratorium based upon its application filing date. The Board agree that it would reserve decision on whether Extent is exempt from the moratorium pending a meeting with the company's representatives to review what is being proposed and the specific locations within the Village.

After discussion, the Mayor closed the hearing and called to order the regular meeting of the Board of Trustees.

## **MINUTES**

The Mayor called for approval of the minutes of the Trustees' meeting held on October 17, 2023, which, on motion duly made and seconded, were unanimously approved, with Trustee Large abstaining as having not been present.

## **PUBLIC WORKS REPORT**

Commissioner of Public Works Wellington reported that at the triangle at the intersection of Chicken Valley Road and Oyster Bay Road, a commercial truck destroyed the Village's entrance sign and all plantings on the Island. The Board authorized the replacement of the Village entrance sign and planting, depending on the winter weather conditions. Commissioner Wellington also reported that a large tree limb fell from a tree located 50 ft. north of 250 Yard Drive and Piping Rock Road and damaged a passing car. The owner of the vehicle has made a claim against the Village and the Village's carrier is investigating the ownership of the tree. The Village Clerk reported that the Brookville Police report located the tree on the westerly side of Piping Rock Road which places the tree wholly within the Village of Old Brookville and not the Village of Matinecock. The Village Clerk stated she is working with the Village's insurance carrier on the matter.

## **BUILDING DEPARTMENT**

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

## **CLERK/TREASURER'S REPORT**

### **BILLS**

The Village Clerk presented revised Warrant No.712 dated September 1-30, 2023, in the amount \$320,695.39; and Warrant No. 713 dated October 1 - 17, 2023 in the amount of \$65,921.31. The Village Clerk also presented for the Trustees review, all vouchers with supporting documentation for said claims which are listed on Warrants 712 and 713. After discussion and an opportunity to review all claims, the Board on duly motion made and seconded, approved all claims on Warrants 712 and 713 and directed the Village Clerk/Treasurer to make payment.

## **TREASURER'S REPORT**

The Treasurer's Report for the month ending October 31, 2023, with Budget Transfers, were presented, examined, approved and ordered filed, subject to audit. The Village Clerk/Treasurer requested approval to transfer \$73,515 from the Street Maintenance Reserves to the Checking Account and transfer \$107,000 from the General Savings to the Checking account to maintain the Collateral Balance of \$600,000 as required by FNBLI. After discussion, on motion duly made and seconded, the Board approved the requested transfer. Lastly, the Village Clerk reported that the savings accounts at FNBLI received an interest rate of 5.12% for the month of October for a total of \$16,759.74.

## **BUILDING DEPARTMENT**

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

## **PART TIME BUILDING DEPARTMENT CLERK**

The Village Clerk reported that the Nassau County Civil Service Commission has approved the establishment of the Village position of Part Time Building Department Clerk/Typist. Accordingly, the Village Clerk requested approval to hire Laurie Dooney for the Village position of Part Time Building Department Clerk/Typist, effective November 1, 2023. After discussion, the Board unanimously approved the hiring of Laurie Dooney as Part Time Village Building Department Clerk/Typist at the hourly \$55 of per hour, effective November 1, 2023. The Village Clerk noted that this is a part time position with no employee benefits. The Village Clerk was directed to coordinate the appointment and final approval of Nassau County Civil Service Commission to the hiring of Ms. Dooney.

## **POLICE**

The Mayor reported that crime is low. He also reported that the Brookville Police Department, along with several other departments have received a \$113,000 grant, which will be used for the purchase of 36 license plate readers. The readers will be installed at the various locations and it is anticipated that they will be fully operational by the each Department by January 1, 2024.

## **ADOPTION OF LOCAL LAW 2-2023**

The Board considered the adoption of Local Law 2-2023, entitled "*Moratorium on Approval and Construction of Telecommunication Facilities*" allows the Board of Trustees adequate time and opportunity to explore all issues and concerns and receive input from the residents regarding the Village approval process for new telecommunication facilities and expansion of existing telecommunication facilities. Proposed Local Law B-2023 will impose a moratorium for a six (6) month period from its effective date, prohibiting official action in connection with all future and pending applications for the construction, erection, or expansion of telecommunications tower facilities and system, including accessory uses. The Board of Trustees may by resolution extend the moratorium for an additional two 90-day periods, or alternately after a public hearing terminate the moratorium prior to its expiration. After discussion, and on motion duly made and seconded, the Board unanimously

**RESOLVED**, that in accordance with Article 8 of the State Environmental Quality Review Act, the adoption of Local Law 2-2023 "*Moratorium on Approval and Construction of Telecommunication Facilities*" shall be classified as a Type II action and shall require no further environmental review, and further

**RESOLVED** that Local Law 2-2023 "*Moratorium on Approval and Construction of Telecommunication Facilities*" be, and the same hereby is, enacted by the Board of Trustees of the Incorporated Village of Matinecock as follows:

**VILLAGE OF MATINECOCK  
PROPOSED LOCAL LAW B-2023  
MORATORIUM ON APPROVAL AND CONSTRUCTION OF**

## TELECOMMUNICATION FACILITIES

A local law entitled "*Moratorium on Approval and Construction of Telecommunication Facilities*" which allows the Board of Trustees adequate time and opportunity to explore pertinent issues and concerns of the Board of Trustees with input from the residents of the Incorporated Village of Matinecock regarding the local approval of telecommunication facilities within the Village.

**BE IT ENACTED** by the Board of Trustees of the Incorporated Village of Matinecock as follows:

### SECTION 1. Purpose.

- A. The Federal Telecommunications Act (the "*Telcom Act*") was signed into law in February of 1996. The passage of the Telcom Act was in response to new wireless technology and the resulting increased demand for wireless communication services created by the Federal Communications Commission ("FCC") that arose in consequence of the sale of airwave rights and the issuance of additional licenses to new carriers. Limited authority of local governments, including the Village of Matinecock, were preserved under the Telcom Act to regulate the placement, construction, and modification of telecommunication towers, facilities and equipment in local communities.
- B. The Village Trustees have concerns over the presence and location of current and future telecommunication facilities within the Village. The Village desires to ensure that the future siting, installation and expansion of all telecommunication facilities, equipment and accessory uses and equipment, including existing facilities in the Village, be reviewed in light of current law and technology in a manner that will further minimize any adverse impacts, while allowing communication services to be provided in accordance with the provisions of the Telcom Act. In order to conduct this review without any undue pressure, the Village must maintain the status quo in order to allow adequate time to investigate, study, and consider the science and law and then weigh the input from its residents on all issues under the Village's purview as permitted under Federal and State regulations.
- C. Accordingly, in order to maintain the status quo to allow the Village to conduct a thorough review, this law will prohibit 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.

### SECTION 2. Imposition of Moratorium.

- A. For a period of six (6) months from and after the effective date of this law, no application for the siting, construction, erection, modification, or expansion of any current or future telecommunication tower, facility and related equipment, or to any accessory wireless equipment or structure, may be filed, accepted or processed. For the purpose of this local law, an application will be deemed to be any request for official action by the Building Inspector, Board of Trustees, Board of Zoning Appeals or other municipal board, or Village agent or employee, whether it be to commence, continue, or finalize the approval process.
- B. The Board of Trustees may in its sole discretion by resolution, extend the moratorium provided for herein for two (2) ninety (90) day periods or, alternatively, terminate the moratorium prior to its expiration.

**SECTION 3. Validity.**

If any section, sentence, clause or phrase of this law is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding will in no way affect the validity of the remaining portions of this law.

**SECTION 4. Effective Date.**

This law shall become effective immediately.

Votes in favor of adoption:	Kenneth J. Goodman	Aye
	Albert Kalimian	Aye
	William R. Denslow, Jr.	Aye
	Carol E. Large	Aye
	William I. Hollingsworth III	Aye
	Robert Marmorale	Aye

Not voting as being absent: Linda Berke

Votes against adoption: None

**INTRODUCTION OF PROPOSED LOCAL LAW C-2023 - AMENDMENT TO CHAPTER 185, "VEHICLES & TRAFFIC LAW"**

The Mayor noted that the Attorneys for the Village had circulated proposed Local Law C-2023, amendment to Chapter 185, "*Vehicles and Traffic Law*." The proposed local law will amend Section 185-2, "*Though highways and stop intersections*," by adding the following to the Code: (5) Planting Fields Road is hereby designated as a through highway, except for commercial traffic, which is prohibited unless such commercial traffic is making a delivery or pickup of merchandise or other property to any resident that is located on any portion of Planting Fields Road, including those residences located in the Village of Upper Brookville. After further discussion, and upon motion duly made and seconded, it was unanimously

**FURTHER RESOLVED**, that the Village Attorneys be, and they hereby are, directed to schedule a public hearing for the December 19, 2023 Trustees meeting to consider Proposed Local Law C-2023.

**FIRE REPORT**

The Village Attorney stated that a public hearing is required to be held prior to December 31, 2023 to renew the fire protection contract for the 2024 calendar year. He stated that the proposed 2024 Fire Protection Contract with the Locust Valley Fire Department is for a yearly cost of \$108,128. After discussion, and on motion duly made and seconded, it was unanimously

**RESOLVED**, that the Attorneys for the Village be, and they hereby are, authorized to publish a legal notice in the official Village newspaper for a public hearing to be held at the December 19, 2023 Trustees' meeting to consider renewal of the fire protection contract with the Locust Valley Fire District for the 2024 calendar year.

## **THORNE LANE DRAINAGE PROJECT**

The Mayor reported that the Village received Nassau County Legislative approval for the \$1.8 million grant, needed to fund the Thorne Lane project. However, the Village has now been advised that the actual receipt of those funds from Nassau County will require approval of additional Nassau County departments, which may take several months before receiving the funding. The Village requested that RFPs be prepared for the project components of title, survey and engineering work, that will be needed for the final bidding packet for the actual project construction.

## **VILLAGE WEBSITE UPDATE**

The Mayor reported that the Village's website is need of an upgrade. The Mayor asked the Trustees to review other websites to see how the Village's website can be improved.

## **EXECUTIVE SESSION**

The Mayor requested the Board enter into Executive Session to discuss pending personnel matters. On motion duly made and seconded, the Board unanimously resolved to enter into Executive Session. After the conclusion of the Executive Session, the Board re-entered the public session.

## **NEXT MEETING**

The next meeting of the Board of Trustees is scheduled for December 19, 2023.

There being no further business, the meeting was closed.

  
Village Clerk