

Minutes of the Village Board Meeting held at Town Hall on October 25, 2018 at 7PM

Present: Michael Queenan, Mayor  
Neil Crouse, Timothy Egan and Thomas Flood, Trustees  
Absent: Anthony Mickolajczyk, Trustee  
Also Present: Ashley Torre, Attorney for the Town; Sandra Capriglione and Maria Hunter, Planning Board; Robert Hunter, Town Council; John Smith, Parks Commissioner

**I. Administrative Business:**

a. Acceptance of Minutes:

Motion was offered by Trustee Flood, seconded by Trustee Egan, to accept receipt of the minutes of the meeting held October 11, 2018.

**ADOPTED** AYES 4 Queenan, Crouse, Egan, Flood  
NOES 0

b. Approval of Abstract:

Motion was offered by Trustee Crouse, seconded by Trustee Egan, to approve Abstract 10 containing vouchers 180860 - 180922 and totaling \$185,015.05.

**ADOPTED** AYES 4 Queenan, Crouse, Egan, Flood  
NOES 0

c. Renewal of IT Hours:

Motion was offered by Trustee Egan, seconded by Trustee Flood, to authorize the Mayor to sign a renewal agreement PC Surgeon for a 100 hour block of IT services at a cost of \$8500 (\$85 per hour).

**ADOPTED** AYES 4 Queenan, Crouse, Egan, Flood  
NOES 0

**II. Old Business:**

a. Task Order Modification – HDR Wireless Transmission Facility Code:

Motion was offered by Trustee Flood, seconded by Trustee Crouse, to authorize the Mayor to sign Task Order 2016-14 (Modification #1) with HDR Engineering as it relates to the wireless code review and updates. This modification is an increase of \$5200 based on additional work discussed at the August 23 worksession.

**ADOPTED** AYES 4 Queenan, Crouse, Egan, Flood  
NOES 0

**III. New Business:**

EXTRA ITEM - Change of Location - Village Board Meetings:

Motion was offered by Trustee Egan, seconded by Trustee Crouse, change the location of all Board of Trustees meetings effective November 1, 2018 to be held at Village Hall, 455 Route 32, Highland Mills.

**ADOPTED** AYES 4 Queenan, Crouse, Egan, Flood  
NOES 0

**IV. Public Comment:** *There were no public comments received.*



Mr. Musso went over the proposed next steps. He will circulate a revised code to Kelly Naughton (Attorney for the Village) and Dennis Lindsay (Village Engineer) and will discuss potential revisions for FCC orders with the attorneys.

Trustee Crouse asked about a timeline for the next steps. Mr. Musso responded that he plans to circulate the revised Code for final discussion with the internal team in early November, and a final draft to the Board will probably be sent a week or 2 later (mid/end of November). He explained that the Board will need to schedule a public hearing and proceed with SEQRA.

Mr. Musso noted that he had spoke with Kelly Naughton (Attorney for the Village) about the 6-month moratorium in effect, and that she is looking into extending it. He told the Board that this is common with wireless moratoria to make sure that everything is included, as things are changing on a day-to-day basis that he continues to monitor. The moratorium will be extended not too far into the distant future,

Mayor Queenan noted that he wants the Code Enforcement Officers (Village Building Inspector Gary Thomasberger and Asst. Building Inspector John Hand) to get a copy of the draft because they have a lot of good input. Mr. Musso agreed.

Mr. Musso asked if the Village has other broader planning documents besides the 2011 Comprehensive Plan. Mayor Queenan mentioned the Hotel Overlay District and Senior Housing Overly District that can be rolled out. He noted that the last Comprehensive Plan resulted in litigation from adjoining municipalities that lasted for years. He looks at the Comprehensive Plan as something that is fluid; you can't foresee the future and need to be willing to make amendments, similar to this wireless law that needs to be modified as things keep changing. Trustee Crouse noted that the Comprehensive Plan itself states itself that it is not stagnant but is ever changing. Mr. Musso stated that he does not see a cellular district being added.

Mayor Queenan further noted that the Village is always dealing with green energy issues – wind turbines, solar, etc. Mr. Musso responded that wind turbine siting is similar to cell citing. Mayor Queenan discussed the escrows that are necessary to dismantle abandoned solar farms. Mr. Musso explained that he does not see the existing conventional towers becoming obsolete but you never know. He noted that there is something in the Code that addresses bonds.

Mr. Musso discussed the criteria of a pole where small cells can be sited. He noted that the idea of collocating on pole is important and proliferation.

Mayor Queenan explained the Village does not object to free enterprise but that the federal government rules make it distracting. They are not against it but want to have regulations that allow some kind of control. He thinks that companies should be required to work together and collocate to mitigate aesthetic impacts. Trustee Egan agreed and noted that it is difficult to maintain aesthetics. Mr. Musso stated that the Code encourages collocation.

Mayor acknowledged potential health issues and how the public is concerned despite the FCC saying otherwise. Trustee Egan asked if Mr. Musso could provide something about the health ramifications of 5G vs. 4G, relative to distance from ground, power transmission, etc. Mr. Musso responded that some of this is speculative on frequencies but he will prepare something to present. Trustee Egan noted that 4G and the height on existing towers is well regulated and well planned, but 5G is not out yet and everything is going to change again. Mr. Musso stated that it is based on the line of site and power.

Mayor Queenan asked when the Board would be able to schedule a public hearing. Mr. Musso responded probably in December. The Board decided that December 13th is the target date for a public hearing. Mayor Queenan noted that once they have a clean draft of the law, they will talk about scheduling a public hearing. Mayor Queenan also asked about GML review and Mr. Musso responded that the Code revisions will have to be referred to the County. They had discussions about the County's reviews elsewhere and how they had prohibited small cells.

Ms. Torre advised the Board that once we have the new Code revisions the Board can proceed with SEQRA and setting a public hearing, and that the Board will need to extend moratorium before then. The Board can extend the moratorium for a period of 3 months to be safe, so that another extension will not be necessary.

**Motion was offered by Trustee Egan, seconded by Trustee Flood, to adjourn the meeting at 7:38 p.m.**

**ADOPTED      AYES 4  
                    NOES 0**