

January 3, 2019

Rockville Centre, New York

The Board of Trustees held a Briefing Session at 6:00pm on the above date in the Mayor's Office.

PRESENT: Mayor Francis X. Murray, Trustees Kathy Baxley, Edward J. Oppenheimer and Michael Sepe. Emilio F. Grillo arrived at 6:12pm.

ALSO PRESENT: Village Administrator Kathleen Murray, Village Attorney A. Thomas Levin, Police Commissioner James Vafeades, Superintendent of Buildings Patrick D. O'Brien, Superintendent of Electric Philip Andreas, Recreation Department Karen Polito, Superintendent of Water Kevin Reilly, Director of Public Works Administration Gwynne Feiner, Director of Public Works Operations John Thorp, Deputy Clerk Wendy Weinstock, Community Development Director Suzanne Sullivan, Director of Senior Services Chris O'Leary, Deputy Treasurer Marie Simmons, Public Relation Counsel Julie Grilli, Secretary to the Board Lisa Butler

ATTENDANCE: 2 people

On motion of Trustee Oppenheimer, duly seconded by Trustee Sepe and carried by a vote of four to none the Board approved the attendance of five Electric Department staff members to attend the Apprentice Linemen Training Program on various dates, conducted by Northeast Public Power Association at a cost not to exceed \$36,000.00-.

On motion of Trustee Oppenheimer, duly seconded by Trustee Sepe and unanimously carried the Board amended the resolution adopted at the December 3, 2018 Board of Trustees meeting with respect to purchase of Volunteer Fire Fighter Enhanced Cancer Disability Benefits Program, to approve the purchase of enhanced, rather basic, coverage, at a cost not to exceed \$36,660.00 for enhanced coverage, and to purchase such insurance through Volunteer Fireman's Insurance Service, Inc. (VFIS).

On motion of Mayor Murray, duly seconded by Trustee Baxley and unanimously carried the Board voted to convene in executive session at 6:19pm to discuss pending litigation and obtain legal advice from counsel, and to discuss matters leading to the termination of a particular employee.

On motion of Trustee Grillo, duly seconded by Trustee Sepe the Board approved, and authorized the Mayor or his designee to sign, a settlement agreement as prepared by special counsel, for the termination of employment of a particular employee.

On motion of Trustee Sepe duly seconded by Trustee Oppenheimer and unanimously carried the Board voted to return to public session at 7:00pm and adjourned the meeting.

January 7, 2019

Rockville Centre, New York

The Board of Trustees held a Public Session at 6:00pm on the above date in the Mayor's Office.

PRESENT: Mayor Francis X. Murray, Trustees Kathy Baxley, Michael Sepe and Emilio F. Grillo.

ABSENT: Trustee Edward J. Oppenheimer

ALSO PRESENT: Village Administrator Kathleen Murray and Village Attorney A. Thomas Levin.

On motion of Trustee Grillo, duly seconded by Trustee Sepe and carried by a vote of four to none the Board voted to convene in executive session at 6:01pm to discuss pending litigation and obtain legal advice from counsel.

No action was taken in executive session.

On motion of Trustee Baxley, duly seconded by Trustee Grillo and carried by a vote of four to none the Board voted at to return to public session at 6:53pm and recess the meeting until 7:00pm.

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The Regular Meeting of the Board of Trustees was held on the above date in Village Hall. Mayor Francis X. Murray opened the meeting at 7:00pm.

PRESENT: Mayor Francis X. Murray, Deputy Mayor Kathy Baxley, Trustees Michael Sepe and Emilio F. Grillo

ABSENT: Trustee Edward J. Oppenheimer

ALSO PRESENT: Village Administrator Kathleen Murray, Village Attorney A. Thomas Levin, Village Comptroller Dennis Morgan, Police Commissioner James Vafeades, Fire Chief Brian Cook, Superintendent of Buildings Patrick D. O'Brien, Superintendent of Water Kevin Reilly, Director of Senior Services Chris O'Leary, Director of Public Works Administration Gwynne Feiner, Director of Public Works Operations John Thorp, Deputy Clerk Wendy Weinstock, Community Development Director Suzanne Sullivan, Public Relations Counsel Julie Grilli, Secretary to the Board Lisa Butler

ATTENDANCE: Approximately 11 people

Mayor Murray led the Pledge of Allegiance.

Mayor Murray spoke about the passing of his 12 year old niece Kimi Schroder on January 6, 2019. Kimi fought a long and hard battle against Neuroblastoma. Kimi lived in California but spent time in hospitals all over the country. Every September Barbara Murray would speak at the Village Board meetings recognizing September as Pediatric Cancer Awareness Month. The Mayor thanked the entire community for embracing Kimi's father Peter Schroder and his family while Kimi was on her journey for a cure.

Mayor Murray spoke about Deputy Mayor Kathy Baxley being presented with a 2018 Make a Difference Award on December 13, 2018 by Laura Gillen, Supervisor of the Town of Hempstead. Mayor Murray spoke on her many accomplishments, founding RVC Moms, being a breast cancer survivor who sits on the Board of the Rockville Centre Breast Cancer Coalition, which provides counseling and guidance for those struggling with the disease. Kathy Baxley is a member of the Rockville Centre Community Fund, donating time and raising funds for village residents and is also involved with the RVC Sponsors of the Arts, which raises awareness and funds for scholarships for local students pursuing their passions in the arts.

ACB Case #09-2018 1 Reeve Rd.

Superintendent of Building Patrick D. O'Brien introduced Victoria Morelli Architect. The owners Matthew and Sandra Molinari, are seeking approval for a second floor addition and interior alterations. Victoria Morelli presented the plans to the Board for their review and questions.

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After hearing all persons who wished to be heard, on motion of Trustee Sepe, duly seconded by Trustee Baxley and carried by a vote of four to none, the Board closed the Public Hearing with respect to 1 Reeve Road.

On motion of Trustee Sepe, duly seconded by Trustee Grillo and carried by a vote of four to none, the Board approved the Exterior Design Review Case #09-2018.

For details of the comments and discussions from the Board and public please refer to the DVD.

Village Administrator Kathleen Murray opened a public hearing which was a continuation of the December 3, 2018 public hearing regarding proposed Bill RVC 1809. A local law to amend the Code of the Village of Rockville Centre, in relation to block parties and special events. For details of the comments and discussions from the Board and public please refer to the DVD.

After hearing all interested persons in attendance, on motion of Trustee Grillo, duly seconded by Trustee Baxley and carried by a vote of four to none, the Board closed the Public Hearing regarding proposed Bill RVC 1809.

On motion of Trustee Grillo, duly seconded by Trustee Baxley and carried by a vote of four to none, the Board adopted proposed Bill RVC 1809 as Local Law 1 of 2019. A copy of the local law is on file with these minutes.

On motion of Trustee Baxley, duly seconded by Trustee Grillo and carried by a vote of four to none, the Board authorized publication of the following Legal Notice for a Public Hearing to be held on February 4, 2019 regarding the Community Development Block Grant Program Year 45.

NOTICE OF PUBLIC HEARING

INCORPORATED. VILLAGE OF ROCKVILLE CENTRE

Community Development Block Grant

Program 2019-2020 45th Program

Year

Notice is hereby given that a Public Hearing will be held at the Board of Trustees meeting on Monday, February 4, 2019 at 7:00 PM in the Court Room, Municipal Building, One College Place, Rockville Centre, New York. The Hearing will be held to explain Community Development Block Grant Program Guidelines for activities associated with the 45th Program Year. Past activities will be reviewed and an opportunity for proposals from the public will be offered.

The U.S. Dept. of Housing & Urban Development and the Code of Federal Regulations require that Community Development funds primarily benefit low and moderate income persons in Rockville Centre and assist in the prevention and/or elimination of blight.

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To accomplish this, a wide range of activities are available such as Acquisition of real property, Disposition of property, Improvement of Public Facilities, Public Services, Interim Assistance - alleviation of emergency or harmful conditions in public or private property, Removal of Architectural Barriers to the handicapped, Housing Rehabilitation, Commercial Rehabilitation, Relocation, Code Enforcement, Special Economic Development relating to physical or economic distress, Historic Preservation, Planning and Administration.

Not Eligible - General improvement of government buildings as defined in CFR 570.3(d), schools, stadiums, cultural and art centers, purchase of equipment or furnishings, operating and maintenance expenses, government expenses or political activities associated with these facilities.

All interested persons will have the opportunity to be heard at the public hearing and may submit their program or funding requests to the Village of Rockville Centre Community Development Agency, One College Place, P.O. Box 950, Rockville Centre, New York 11571.

The Village complies with the Americans with Disabilities Act. Disabled persons with special needs should contact the Village Clerk's office at 516-678-9212 at least three business days prior to the hearing, so that reasonable efforts may be made to accommodate such needs.

On motion of Trustee Grillo, duly seconded by Trustee Baxley and carried by a vote of four to none, the Board approved the attendance of Electric Department Lineman to attend the 2019 Lineman Safety Program in Freeport NY at a cost not to exceed \$17,280.00-.

On motion of Trustee Baxley, duly seconded by Trustee Grillo and carried by a vote of four to none the Board approved a Professional Service Agreement with D&B Engineers and Architects, P.C. for engineering and inspection services related to the rehabilitation of Tank 3 located at 10 Sunrise Highway for a cost not to exceed \$122,000.00-.

On motion of Trustee Grillo, duly seconded by Trustee Baxley and carried by a vote of four to none, the Board approved a Personal Service Agreement with Concord Management Services LLC d/b/a Concord Environmental to provide engineering services to specify the replacement of the catalyst for engine 14 in an amount not to exceed \$4,600.00-.

On motion of Trustee Baxley, duly seconded by Trustee Grillo and carried by a vote of four to none the Board approved a Professional Service Agreement with CSA Engineering Services LLC for the design of substations 3&4 at a cost not to exceed \$182,500.00-.

On motion of Trustee Baxley, duly seconded by Trustee Grillo and carried by a vote of four to none the Board accepted a bench and table donation from friends of Lee Kopman, the square dance caller at the Recreation Center who passed away in November of 2018.

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On motion of Trustee Baxley, duly seconded by Trustee Grillo and carried by a vote of four to none the Board approved a compensation increases for a Managerial and Confidential employee, Superintendent of Building at \$110,500.00 per annum, effective January 1, 2019.

On motion of Trustee Baxley, duly seconded by Trustee Sepe and carried by a vote of four to none the Board adopted the following SEQRA Type II Resolution with respect to the replacement of the Field House Roof at Fireman's Field.

RESOLUTION

RESOLVED, that the Board of Trustees hereby finds and concludes that:

(a) the Board of Trustees is the Lead Agency with respect to environmental review of the proposed replacement of the Field House Roof ("Action");

and

(b) the Action consists of replacement of the existing roof, in kind, on the same site, without exceeding any of the thresholds in 6 NYCRR 617.4; and

(c) the Action is a Type II Action pursuant to 6 NYCRR 617.5(c)(1) and (2), which requires no further environmental review.

On motion of Trustee Baxley, duly seconded by Trustee Sepe and carried by a vote of four to none, the Board authorized the Mayor, Village Administrator and Village Attorney to execute any and all required documents relating to the DASNY Grant for the replacement of the Field House Roof at Fireman's Field.

On motion of Trustee Grillo, duly seconded by Trustee Baxley and carried by a vote of four to none, the Board confirmed the purchase of various insurance policies through Salerno Brokerage Corporation for renewal effective 12/31/18 through 12/31/19, including Public Entity, Property, Boiler & Machinery, Cyber Liability, Fire Department Package and Umbrella at a cost not to exceed \$453,772.60-.

On motion of Trustee Sepe, duly seconded by Trustee Grillo and carried by a vote of four to none the Board determined that the adoption of Policies and Standards Governing the Implementation of Small Cell Sites throughout the Village is a Type II matter which requires no environmental impact review pursuant to the State Environmental Quality Review Act, and adopted the following Policies and Standards:.

Policies and Standards for Small Cell Wireless Facility Siting Permits

The following policies and standards are established for the Village of Rockville Centre, with respect to any application for installation of small cell ("Small Wireless Facility" or "Distributed Antenna Systems" as defined by the Federal Communications Commission ["FCC"]) hardware on any existing or new structure (including a tower, pole, boxes or cabinets, cylinders, antennae, equipment, or any other structure as defined in the Village Zoning Code). These

policies are intended to supplement and clarify the provisions of Village Code Chapter 340, and are applicable to any permit application made pursuant to that Chapter, or as required by any other provision in the Village Code.

CONTENT AND FILING OF APPLICATIONS

All applications for small cell facilities shall be submitted to the Village Building Department. No application shall be considered “complete” until it is received by the Building Department, together with all required application fees, and conforms to the established permit applications requirements.

In addition to any other information or documentation required for a building permit application, a permit application for a small cell site must conform to the following requirements, at a minimum:

- Each application may include a maximum of five (5) proposed facilities. Each application requires payment of an application fee as determined by the Board of Trustees, but not less than \$500 for each unit proposed in each application for location on existing poles or structures, and \$1000 for each unit proposed to be located on a new pole or structure. In addition to any required paper copies, the application, and all attachments, shall be submitted to the Building Department in an electronic format, unless this requirement is waived by the Building Department for good causes shown. All applications must be fully complete before the review process will begin.
- The Applicant’s name, address, telephone number, and e-mail address, including emergency contact information for the Applicant.
- The names, addresses, telephone numbers, and e-mail addresses of any and all consultants acting on behalf of the Applicant with respect to the filing of the Application.
- A description of the proposed work and the purposes and intent of the proposed facility sufficient to demonstrate compliance with the provisions of the Village Code (including, but not limited to Chapter 340), and applicable regulations of the Federal Communications Commission and the New York State Public Service Commission. The application and drawings shall describe and depict the use of a side mount or top of pole antennae at each location where applicable.
- The Application shall state whether the proposed permit is subject to Administrative Review (building permits issued by the Building Department where no special permit is required from the Zoning Board of Appeals) or Discretionary Review (special permit required from the Zoning Board of Appeals).
- If the Applicant is not the owner of the property where the facility is proposed to be located, the application must include documentation as to the identity of the owner of such property, and written authorization, acknowledged in the same manner as require for a deed, from the owner of such property. If the facility is proposed to be located on a property or structure, or portion thereof, which is subject to a lease, such documentation and consent is required from the owner and the lessee of the property.
- Detailed construction drawings regarding the proposed facility. Drawings shall be prepared by a licensed design professional and shall include structural analysis to demonstrate compliance with applicable codes, including, without limitation, all imposed loads (e.g. bending, shear and high wind loads).
- To the extent the proposed facility involves co-location on an existing pole, tower or support structure, a structural report performed by a duly licensed engineer evidencing that the pole, tower or support structure will structurally support the co-location (or that the pole, tower or support structure will be modified to meet structural requirements) in accordance with all applicable Codes. These drawings

shall include clear notation of any requested changes to the elevation of RVC Electric facilities and the clearance to communications facilities.

- The application shall also include at least two (2) representative pictures of each existing pole, or other proposed antennae structure location, and the immediate surrounding area.
- When two or more sites are being proposed,, the application shall also include an aerial photograph or depiction, and a map, of the proposed locations with the addresses of each such site clearly shown in a legend or depicted on the aerial plan or map.
- Specifications must include RF power ratings (intermittent or steady), radiation patterns, and availability of an appropriately labeled local kill switch for the communications equipment when work on the pole or other supporting structure is required by Line Workers.
- The application shall include documentation that the RF signals will conform to and be in compliance with applicable FCC regulations. In any case where FCC regulatiosn to not apply, the application shall include documentation that the RF signals shall not adversely impact residents and other personnel that may be in proximity to the cell site equipment.
- **For any new aboveground facilities (including additions or extensions to existing facilities), accurate visual depictions or representations, if not included in the construction drawings.**
- **Completed New York State Department of Environmental Conservation Long Form Environmental Assessment Form.**
- **Traffic Control Plans.** In the event that applicant is planning to close any road or public property for construction purposes, the plan shall include (a) a requirement that the Applicant notify RVC Police and DPW Departments at least 5 business days in advance of any proposed closing, and (b) a plan for the Applicant to notify the Town of Hempstead, Nassau County or NYSDOT for work on any roads or properties subject to their respective jurisdictions, and for compliance with the applicable regulations of each such government or agency.

POLICIES AND REQUIREMENTS FOR APPLICATIONS AND PERMITS

- The design of the cell antenna and other facilities, along with the selection of the equipment, shall minimize the aesthetic impacts to the community. The design shall include descriptions and depictions of facades or disguises to minimize the visual impact of the antenna and other equipment. The color, size, and shape of the equipment shall be consistent with surrounding structures.
- In approving an application, the Village may impose reasonable conditions with respect to co-location, camouflage design, color, shape, and size of the proposed facility. Where reasonably feasible, all facilities and equipment, whether located on public or private property or easements, must be camouflaged or concealed or otherwise designed to blend in with the surrounding landscape and existing structures.
- No antennae or equipment, may be located where sight triangles at driveways or intersections, or curb cuts, will be blocked or interfered with.
- There shall be no lighting of any tower, pole, antennae, or support structure.
- No more than one (1) node may be located on any individual pole or similar structure.
- Antennae and related facilities located on or under the ground are preferred.
- No antennae, together with any structure on which the antennae are mounted, shall exceed a height of 50 feet, measured from the ground level at the base of the structure.
- No antennae shall be mounted on any structure so as to have a height greater than 10% higher than any adjacent structure.

- No antennae may be located so as to extend the height of any existing structure to a height greater than 50 feet above the ground level at the base of the structure, or greater than 10% higher than the existing structure, whichever is greater.
- No individual antennae shall exceed 3 cubic feet in volume. All other equipment or facilities associated with the wireless installation deployment shall not exceed 28 cubic feet in volume.
- All required spacing requirements with respect to other existing utilities and antennae shall be met. No more than one antennae facility may be located on any single pole or structure except where the Building Department determines that doing so complies with all safety and other regulatory codes, and is reasonable necessary to provide service consistent with FCC regulations.
- Considering the power of the cell site equipment and proximity to existing residential structures or other structures which are customarily occupied, the application shall include satisfactory documentation that the new equipment will not conflict or cause issues with existing high frequency systems in the area including residential and Cable Company Wi-Fi equipment, and that the proposed facility will operate within FCC requirements with respect to RF emissions.
- Cell radios and antennae shall not be attached to “rear property” poles or similar structures, unless they can be accessed by a truck (driveway, road, etc.). Cell site radios and antennae shall not be installed in locations within five pole sections of each other.
- Permits may be granted for reasonable periods of time. Permits issued pursuant to these requirements or issued prior to these requirements, may be renewed for additional reasonable periods of time. Permit renewal applications require an application fee of \$270 per facility, and shall be supported by documentation as required for an initial application, but only with respect to any proposed changes in the facility. Prior to issuing any renewal permit, In appropriate cases where there is insufficient, or no, documentation for an existing facility, the Village may require any or all documentation as would be required for a new facility.
- The Applicant will also be responsible for payment of a “pole attachment fee” to the owner of any pole on which a facility is being located.
- Following the completion of construction work, Applicant will be required to arrange for a post-construction installation inspection and shall provide a “stamped” letter from a licensed NY State Professional Engineer (PE) that the work was completed as designed and is in compliance with all applicable codes and regulations. Any work required to be performed to correct a deficiency will be at the expense of the Applicant. No facility will be permitted to operate without first having received a letter of completion or other similar certification from the Building Department

Applications will be processed on a timely basis, in accordance with State law, FCC Regulations and Village Zoning Code requirements.

All proposed work must be in accordance with the current version of the National Electric Safety Code (NESC) to protect residents, utility workers, communications workers as well as utility equipment. The National Electric Safety Code is a set of standards used by Electric Utilities to determine how they design their systems to protect the public as well as the equipment and to help ensure the reliability of the electric system. The installation of the cell radios and antennas shall NOT comprise the integrity of RVC Electric System.

Upon a determination by the Building Department that an application is complete, the Applicant promptly shall arrange for a joint walk down of the proposed locations with all concerned utilities that are currently on the pole or structure, to identify potential issues and determine the required “make ready” work.

Following the walk down, the applicant shall coordinate the determination costs for “make ready” work. All make ready work shall be completed before the cell radios and any antennae are installed. The Applicant is responsible for all “make ready” work costs to accommodate the cell radio and antenna. Based on existing pole agreements with New York Telephone (now Verizon), Verizon is responsible for replacing RVC poles to accommodate new equipment; in the event Verizon is not responsible for such replacement, the Applicant shall be responsible for all costs and expenses for such replacement costs.

All work shall be performed in compliance with all federal, State and local regulations including OSHA. Personnel installing all equipment shall have the appropriate training, skills, knowledge experience to perform the work in a safe manner. Contractors installing the equipment shall demonstrate that they shall have the appropriate insurance as determined by the Village in accordance with customary Village requirements.

Upon approval of a permit application, the applicant shall promptly apply for electric service from the Village of Rockville Centre for each location and provide manufacture’s information on the power consumed by each type of radio or other communications unit.

No construction work shall be performed pursuant to any permit unless the Applicant, or the Applicant’s contractor, shall have given written notice to the Village Building Department, and all residents and businesses located within three hundred feet of the location where construction is to be performed, at least three business days in advance of commencement of such construction work. Such notice shall include a reasonable description of the work to be done, and the dates and times when such work will be done, and the duration of such construction. No work shall be performed at dates or times which are prohibited by the Village Code, or which are not included in the aforesaid notices.

Permit conditions may require insurance consistent with customary Village requirements, including liability insurance documentation naming the Village, its officers, employees, agents and volunteers as additional named insureds.

THE FOREGOING POLICIES AND STANDARDS SHALL BE EFFECTIVE IMMEDIATELY UPON APPROVAL BY THE VILLAGE BOARD OF TRUSTEES, AND SHALL BE APPLICABLE TO ANY APPLICATIONS PENDING ON THE DATE OF APPROVAL.

THE FOREGOING POLICIES AND STANDARDS SHALL REMAIN IN EFFECT UNTIL MODIFIED BY FURTHER APRPOVAL BY THE BOARD OF TRUSTEES

COMPLETE APPLICATIONS FILED ON OR AFTER THE DATE OF APPROVAL OF THE FOREGOING POLICIES AND STANDARDS, WILL BE GOVERNED BY THE POLICIES AND STANDARDS IN EFFECT UPON THE DATE OF FILING THE COMPLETE APPLICATION.

DATE OF APPROVAL BY THE BOARD OF TRUSTEES: January 7, 2019.

On motion of Trustee Sepe, duly seconded by Trustee Baxley and carried by a vote of four to none, the Board approved the following minutes for filing:

- Executive Session----- November 19, 2018
- Briefing Session ----- November 29, 2018
- Executive Session ----- December 3, 2018
- Board Meeting ----- December 3, 2018

January 7, 2019

Rockville Centre, New York

Village Administrator Kathleen Murray advised that Bid No. 1809W1(886) Merrick Road By-Pass Water Main Replacement Phase II had previously been awarded to A.I.I Allen Industries, Inc. on October 7, 2018 for a not to exceed cost of \$271,125.00. During the construction of the replacement water main along Merrick Road, unforeseen circumstances were encountered which required additional work to complete the connection in an amount not to exceed \$39,080.00. The Change Order for the additional work was approved on motion by Trustee Sepe, seconded by Trustee Grillo and adopted by a vote of four in favor and none opposed.

Village Administrator Kathleen Murray announced that the Fire Department had the following changes. Former Captain Robert Hennessy of Woodland Engine Co. No. 4 passed away, Michael Long joined Alert Engine Co. No. 2, and department membership is now 329 members. On motion of Trustee Baxley, duly seconded by Trustee Grillo and carried by a vote of four to none, the Board voted to approve the Fire Department Membership report.

There being no further business, on motion of Trustee Sepe, duly seconded by Trustee Baxley and carried by a vote of four to none the Board voted to adjourn the meeting at 7:55pm.

Kathleen Murray
Village Administrator/
Clerk-Treasurer

KM/lb