

**Board of Trustees
Special Meeting
Minutes
April 3, 2017**

Meeting called to order at 8:12pm

MEMBERS PRESENT: Mayor Dennis Siry, Deputy Mayor Kevin Smith, Trustee Jessica Bernius, Trustee Nick LaLota, Trustee Thomas Whalen

ALSO PRESENT: Chief of Police, Glenn Slack
Superintendent of Public Works, Bruce S. Hopper
Code Enforcement Officer, Robert Alweis
Chief of Fire Department, Jeff Erath
Village Attorney, Bruce Kennedy
Clerk Treasurer, Dina Shingleton
Administrative Assistant, Katie DeGraff

Mayor Siry explained he took a 5-minute break for the room to clear out and quiet down after the organizational meeting and continued on with the items on the agenda:

MOTION to OPEN special meeting was made by Trustee LaLota and seconded by Deputy Mayor Smith

Vote on Motion:	Mayor Siry	aye
	Deputy Mayor Smith	aye
	Trustee Bernius	aye
	Trustee LaLota	aye
	Trustee Whalen	aye
Motion Carried:	5 aye	0 nays

Resolutions:

Resolution 17-03-27-02 regarding the installation of telecommunication equipment in the right-of-way at: 101 Carmen Place, 88 Coles Avenue, 33 Central Avenue, 29 Anita Place, 266 Ocean Avenue, 17 Carleton Avenue, and 65 Braham Avenue with remaining two locations located on Lebrun and Swartout pending further Board of Trustees Approval.

RESOLUTION 17-03-27-02

WHEREAS, in December, 2015, Crown Castle N.G. East, LLC (Crown Castle) submitted a proposed Right-of-Way Use Agreement to the Village of Amityville to authorize potential installations along the Village Right-of-Way for nine (9) nodes located intermittently

**Board of Trustees
Special Meeting
Minutes
April 3, 2017**

from 101 Carmen Place and running south in divers directions to 64 Lebrun Avenue, per the attached Map; and

WHEREAS, during an eight (8) month intervening period until the Agreement was signed on August 9, 2016, the Village negotiated various modifications to said Right-of-Way Use Agreement, in an effort to provide for maximum protections to the residents and property owners of the Village and at that same time remain in compliance with its obligations under law; and

WHEREAS, the Village of Amityville, like all other municipalities in New York State, is subject to the Telecommunications Act of 1996 (47 USC §332, et. seq.) as well as the Declaratory Ruling adopted by the Federal Communications Commission dated November 2009, under Docket No. 08"165; and the case of TCG New York, Inc., TC Systems, Inc. v. City of White Plains, 305 F.3d 67 (2nd Circuit, 2002) and Crown Castle's status as a public utility as granted under a Certificate of Public Convenience and Necessity granted by the Public Service Commission of the State of New York on April 4, 2003; and

WHEREAS, upon submission of Building Permit Applications for the installation of various. communication equipment, either attached to telephone poles or on-top thereof, the Amityville Building Department began a thorough investigation and inquiry into said improvements; and in cooperation with Crown Castle, achieved a diminution in the size, scope and aesthetic impact of said improvements; and

WHEREAS, upon referral to the Planning Board pursuant to Village Law (VL) §7-718(14), a public hearing was held before the Village Planning Board regarding the subject installations on March 23, 2017, which was duly advertised in the Amityville Record for a period of two (2) consecutive weeks; and

WHEREAS, having received a recommendation from the Planning Board that (i) every effort should be made to relocate the installation of a new pole at 64 Lebrun Avenue, Amityville, New York; (ii) provide a substitute pole for the installations for proposed attachments to Swarthout Place pole; and (iii) otherwise minimize impacts; and

WHEREAS, in giving due recognition to the fact that the Village of Amityville has extremely limited jurisdiction to determine the location or other technical elements of the subject installations due to the fact that regulation of cellular and internet installations have been nearly completely superseded by Federal Law and were permitted by New York State Law;

**Board of Trustees
Special Meeting
Minutes
April 3, 2017**

NOW THEREFORE BE IT RESOLVED, that the Board of Trustees authorizes the Building Inspector, after due compliance with all applicable regulations, to approve Building Permits for the subject installations upon existing telephone poles at 101 Carman Place, 88 Coles Avenue, 33 Central Avenue, 29 Anita Place, 266 Ocean Avenue, 17 Carleton Avenue and 65 Braham Avenue; and

FURTHER RESOLVED, the Board graciously acknowledges that the proposed Building Penni! for the installation of a new telephone pole at 64 Lebrun Avenue, Amityville, New York, shall be withdrawn by Crown Castle and that the installations slated for attachments thereon shall be reserved for a future location to be determined; and

FURTHER RESOLVED, that good faith efforts will be made to locate a substitute existing pole location for the improvements intended upon the pole in front of 47 Swarthout Place, Amityville, New York, and if the same cannot be reasonably achieved, then after due documentation has been provided, a Building Penni! will issue for the same.

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately.

Mayor Siry read the resolution in entirety for the record and explained this project to the public; Robert Gaudioso from Snyder & Snyder LLP spoke congratulating the board on their appointment and explained that is happy to get to work with them; Mayor Siry explained that this came from a contract the Village entered into with Crown Castle in August of 2016; Trustee LaLota asked for clarification that there are no additional poles being put up; Trustee Bernius suggested that the pole be put up on the empty lot on Norman Avenue instead of Lebrun, Mr. Gaudioso stated he would be happy to look into that location; Superintendent Hopper stated that the integrity of the poles must be checked before any work is done or items are installed on the poles;

MOTION to APPROVE was made by Trustee Whalen and seconded by Deputy Mayor Smith

Vote on Motion:	Mayor Siry	aye
	Deputy Mayor Smith	aye
	Trustee Bernius	aye
	Trustee LaLota	aye
	Trustee Whalen	aye
Motion Carried:	5 aye	0 nay

**Board of Trustees
Special Meeting
Minutes
April 3, 2017**

There being no further comments from the Board or from the Floor a MOTION to CLOSE special meeting was made by Trustee LaLota and seconded by Deputy Mayor Smith

Vote on Motion:	Mayor Siry	aye
	Deputy Mayor Smith	aye
	Trustee Bernius	aye
	Trustee LaLota	aye
	Trustee Whalen	aye
Motion Carried:	5 aye	0 nays

Meeting adjourned at 8:17pm

Deputy Clerk, Deirdre Parker