

**INC. VILLAGE OF PLANDOME  
BOARD OF TRUSTEES  
REGULAR MEETING & PUBLIC HEARING  
Tuesday, January 21, 2020 at 7:00pm**



Present: Tom Minutillo, Andy Bartels, Ray Herbert, Don Richardson, Barbara Peebles  
Absent: Greg Westfall  
Also Present: John Ritter, Village Attorney; Ed Ross, Special Counsel

**AGENDA**

I) Pledge of Allegiance

PUBLIC HEARING - ExteNet Application - *Transcript on file.*

REGULAR MEETING

II) Consideration of the ExteNet Special Use Application

*Trustee Andy Bartels motioned to deny two nodes (Node 42 & 46) in the Extenet Special Use application. 2<sup>nd</sup> by Deputy Mayor Ray Herbert, unanimously approved. Resolution & Findings appended to the minutes. [R02-2020-A]*

III) Department Reports:

a. Public Works

*Trustee Andy Bartels provided an update on capital projects: a) completion of partial repaving of Plymouth Rd., b) preparation of BID for Rockwood Culvert, Willets Lane and The Terrace for work in spring 2020.*

b. Public Safety, MBPC

*Deputy Mayor Ray Herbert read the Police and Fire Department Reports for Nov. and Dec. 2019. He also provided an update regarding the purchase on new Fire Truck, to be funded by \$300,000 from bond proceeds and \$219,000 from unrestricted capital reserves.*

*Manhasset Bay Protection Committee – annual fees have increased by 20%, (\$1500 to \$1800 annually) this is the first increases in 20 years and Plandome’s participation on the committee has been very valuable.*

c. Design & Building, PATV – *absent, no update.*

d. Utilities, OEM -

*Trustee Don Richardson indicated that beyond the ExteNet there are no updates. No PWM OEM Meeting last month.*

e. Clerk/Treasurer Update

*Clerk Barbara Peebles provided a financial update that included: a) Audit highlights were presented to the Board during Work Session and a motion to approve to follow, b) an overview of fund balance was submitted to the Board on Jan. 10, 2020, c) highlights of the Rev/Exp Comparison Report for Period 1\_7,*

requesting three budget transfers, appended to the minutes, e) The Budget process timeline was provided to the Board and 1<sup>st</sup> draft of budget is expected by January 31, 2020, e) Tentative Assessment Roll will be provided in advance of Special Meeting for Board approval.

Motion to approve budget transfers unanimously approved. [R01-2020-G]

IV) Unfinished Business

V) New Business

- a. Resolution to approve Village Election Inspectors: [R 01-2020-B appended to minutes.]

i. Anthony Bianco, Judith Cronin, Jeryl Costello

Trustee Don Richardson motioned to approve the three Election Inspectors named, 2<sup>nd</sup> by Deputy Mayor Ray Herbert and unanimously approved.

- b. Resolution to accept Audit Report Fiscal year 2018-2019 [R01-2020-C appended to minutes.]

Trustee Andy Bartels motioned to approve the Audit subject to response to management letter, 2<sup>nd</sup> by Trustee Don Richardson and unanimously approved. Management Response to be appended to minutes.

- c. Presentation of the Unpaid Tax Report 2018-2019

Clerk Barbara Peebles presented Unpaid Tax Report in the amount of \$93,362.66.

- d. Resolution to approve SCAR refunds 2019-2020 [R01-2020-D appended to minutes.]

Clerk Barbara Peebles presented the Plandome Small Claims Dispositions for 2019-2020. Total claims submitted were \$65,468.35. Total to be paid is \$4,380.88. [Minutes appended after correction identified by the Clerk, original total to be paid \$5,252.30.]

- e. Introduce Amendment to Chapter 175 "Zoning", Proposed Local Law A-2020 [R01-2020-E appended to minutes.]

- f. Introduce Amendment to Chapter 1, "General Provisions", Proposed Local Law B-2020 [R01-2020-F appended to minutes.]

Trustee Andy Bartels motioned to approve Resolutions 01-2020-D, E, F, 2<sup>ND</sup> by Trustee Don Richardson and unanimously approved.

VI) Abstract of Claims

The Board reviewed all vouchers, Motion to approve by Trustee Andy Bartels, 2<sup>nd</sup> by Trustee Don Richardson; upon motion the abstract of Claims (January 2020) #08-2019\_2020 was unanimously approved; General Fund \$130,112.52, Water Fund \$17,834.19, Capital Fund - \$51,268.70, Trust & Agency \$1094.00; TOTAL \$200,309.41.

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There being no further business before the Board, motion to close the meeting by Deputy Mayor Ray Herbert, 2<sup>nd</sup> by Trustee Don Richardson, unanimously approved. Meeting ended at 8:33pm.

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Minutes submitted by Barbara Peebles

February 11, 2020

Approved March 16, 2020

Barbara Peebles 4/1/2020  
Village Clerk/Treasurer Date

Next Board of Trustees Work Session - Monday, Feb. 3, 2020 at 6:00pm

Next Regular Board of Trustee Meeting - Monday, Feb. 10, 2020 at 7:00pm

Plandome Small Claims Dispositions - 2019/20											
1	Petitioner	Assessed Value	Claimed Assessed Value	New Assessed Value	Potential Assessment Reduction	Actual Assessment Reduction	Village Tax Rate	Potential Refund	Actual Refund	Award of Costs	
	Lucchese*	4,350	3,263	4,214	1,088	136	171.7	\$1,867.24	\$233.51		
2	SyVla	8,050	6,038	7,564	2,013	486	171.7	\$3,455.46	\$834.46		
3	SyVla	3,200	2,400	3,200	800	0	171.7	\$1,373.60	\$0.00		
4	Chan*	3,759	2,819	2,820	940	939	171.7	\$1,613.55	\$1,612.26		
5	Gagliardi	3,668	2,751	3,668	917	0	171.7	\$1,574.49	\$0.00		
6	Colello	3,709	2,782	3,709	927	0	171.7	\$1,592.09	\$0.00		
7	Moss	5,560	4,170	4,911	1,390	649	171.7	\$2,386.63	\$1,114.33	\$30.00	
8	Harris	4,928	3,696	4,928	1,232	0	171.7	\$2,115.34	\$0.00		
9	Hawes	2,406	1,805	2,406	602	0	171.7	\$1,032.78	\$0.00		
10	Bode	3,400	2,550	3,400	850	0	171.7	\$1,459.45	\$0.00		
11	Bartley	3,200	2,400	3,200	800	0	171.7	\$1,373.60	\$0.00		
12	Bent	4,468	3,351	4,468	1,117	0	171.7	\$1,917.89	\$0.00		
13	DeMatteis	5,904	4,428	5,904	1,476	0	171.7	\$2,534.29	\$0.00		
14	Scaramucci	2,251	1,688	2,251	563	0	171.7	\$966.24	\$0.00		
15	Petras	4,775	3,581	4,775	1,194	0	171.7	\$2,050.10	\$0.00		
16	Psylios/Michelis	3,798	949	3,798	2,849	0	171.7	\$4,891.73	\$0.00		
17	Galvin	3,376	844	3,376	2,532	0	171.7	\$4,347.44	\$0.00		
18	Mermel	3,277	819	3,277	2,458	0	171.7	\$4,220.39	\$0.00		
19	Conwen	4,589	1,147	4,589	3,442	0	171.7	\$5,909.91	\$0.00		
20	Maimone	2,811	702	2,811	2,109	0	171.7	\$3,621.15	\$0.00		
21	Murphy	2,930	732	2,930	2,198	0	171.7	\$3,773.97	\$0.00		
22	Sciortino	2,724	681	2,724	2,043	0	171.7	\$3,507.83	\$0.00		
23	Arianas	2,173	543	2,173	1,630	0	171.7	\$2,798.71	\$0.00		
24	Cronino	2,025	1,518	2,025	507	0	171.7	\$870.52	\$0.00		
25	Stevens	2,244	1,683	2,244	561	0	171.7	\$963.24	\$0.00		
26	Williams	1,822	1,366	1,822	456	0	171.7	\$782.95	\$0.00		
27	Henderson	1,870	1,402	1,870	468	0	171.7	\$803.56	\$0.00		
28	Giambrone	1,941	1,456	1,941	485	0	171.7	\$833.17	\$0.00		
29	Puri	4,024	1,006	3,700	3,018	324	171.7	\$5,181.91	\$556.31		
30	Dring	2,601	1,950	2,601	650	0	171.7	\$69,819.23	\$4,350.88	\$30.00	
				<b>Totals:</b>							
ORPS issued RAR for 2019 at .0020%											
Village Adopted .0025% RAR											
<b>* Purchase Price</b>											
								<b>Saved in Potential Refunds:</b>			
								<b>Total Refunds to be Paid:</b>	<b>\$65,468.35</b>		
									<b>\$4,380.88</b>		

*appended, corrected.*

REVENUE EXPENSE COMPARISON NOTES - January 21, 2020 Board Meeting

PERIOD 1-7 (June- Dec. 2019) Resolution for budget transfers

1)	Ordinance & eCode	\$ 3,328	over bc new ecode book mandated \$3710 and annual maintenance \$1195 vs budget \$1500
2)	Special Counsel		non budgeted Special Counsel <<need to be funded from reserves>> ExteNet
3)	FD Cancer Coverage	\$ (3,801)	move from ovr budgeted to Contingency
4)	Road Bond Interest	\$ 4,775	budgeting error, make budget adjustment
		\$24,693	Balance Contingency

1/21/  
 Append to  
 minutes  
 → ExteNet findings

# VILLAGE OF PLANDOME

## PROPOSED LOCAL LAW B-2020

### AMENDMENT TO CHAPTER 1, "GENERAL PROVISIONS"

A local law to amend Chapter 1, "*General Provisions*," Article III, "*General Penalty*," Section 1-15, "*Penalties for offenses*," to the Code of the Village of Plandome. The Code was adopted by Local Law 1-1996 by the Board of Trustees on July 9, 1996 and last amended by Local Law 3-2018 adopted by the Board of Trustees on November 27, 2018.

**SECTION I.** Amend Section 1-15, "*Penalties for offenses*," in part, to read as follows:

#### **§ 1-15. Penalties for offenses.**

It shall be unlawful within the limits of the Village of Plandome for any person, owner, lessee or occupant of any land or premises in said Village to commit or allow to be committed any acts which are declared to be unreasonable unless otherwise specifically provided, and any person, firm or corporation who or which shall violate any of the provisions of this Code or any rule or regulation made pursuant thereto shall, upon conviction thereof, be subject to a fine of not more than ~~\$1,000~~ \$2,000 or imprisonment for not more than 15 days, or both. Each day shall be deemed to be a separate and distinct offense.

**SECTION II.** This law shall take effect upon filing with the Secretary of State

**NOTE:** New words are double underlined. Dotted . . . lines set off that portion of a Section or Subsection which is amended.

**Incorporated Village of Plandome  
65 South Drive  
Plandome, NY 11030**

**RESOLUTION 01-2020-A**

**Resolution and Findings Supporting the Denial of Special Use Permit for a Proposed  
Wireless Telecommunication Distributed Network within the Incorporated Village of  
Plandome**

**WHEREAS**, the Incorporated Village of Plandome (the “Village”) received an application from ExteNet Systems, Inc. (“ExteNet”) for a Special Use Permit Application, as amended and supplemented, for the installation of wireless telecommunications facilities within the Village; and

**WHEREAS**, ExteNet’s application, as amended and supplemented, has sought to install ten (10) separate wireless facilities (a/k/a nodes) at various locations throughout the Village; and

**WHEREAS**, the Village maintains that the various amendments and supplements to the application are deemed integral parts of the application; and

**WHEREAS**, ExteNet’s application was previously denied to the extent of and in accordance with Resolution 11-2019-A, a copy of which is annexed as Exhibit A hereto and incorporated herein by reference (the “Prior Findings”), with the exception of two (2) of the nodes (Nodes 42 and 46) which came before the Village Board for final public hearing on January 21, 2020; and

**WHEREAS**, the Village Board and its consultants have reviewed ExteNet’s application and its multiple amendments and supplements for consistency with the Village Code and the relevant criteria governing wireless siting applications, including, *inter alia*, with respect to aesthetics, mitigation efforts, available alternatives, and, in accord with the Prior Findings, wireless service coverage and alleged gaps and/or improvements in respect thereof; and

**WHEREAS**, the Village Board permitted ExteNet and all other interested parties to be heard and to submit evidence and materials in connection with ExteNet’s application and submissions; and

**WHEREAS**, ExteNet previously indicated that the proposed nodes should be viewed together for purposes of achieving its proposed wireless coverage and capacity goals, and acknowledged the interdependency of the proposed nodes in its submissions and testimony to the Village Board; and

**WHEREAS**, the Village Board, having completed a comprehensive review and consideration of the record, and having fully deliberated thereon, has determined to deny the application for the remaining two (2) nodes under consideration (Nodes 42 and 46) for the reasons set forth in the Prior Denial and hereinbelow;

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Village Board hereby adopts the following written findings in support of its denial of the remaining two (2) nodes (Nodes 42 and 46) in ExteNet's application under current consideration:

1. The Village Board adopts and incorporates herein by reference each of the specific reasons and findings set forth in the Prior Denial (Exhibit A) as if fully set forth and repeated herein at length, which apply with equal force and consideration to the denial of Nodes 42 and 46.

2. In rendering its decision, the Village Board has again specifically excluded from its consideration or reasoning for denial any comments, statements, submissions, or any other materials or information regarding any potential adverse health concerns or effects over radio frequency (RF) emissions, other than to seek certification from ExteNet that ExteNet's application complies with applicable federal standards contained in 47 CFR 1.1310.

3. Without limiting any of the foregoing, the Village Board's findings are further reinforced and supplemented by the additional non-health related statements, representations and comments received from the public at the final public hearing on January 21, 2020 with respect to the adverse aesthetic and visual impacts of proposed Nodes 42 and 46 stemming from the unique and undisturbed natural and bucolic nature of the proposed locations, the close proximity to residential homes, the visual eyesores associated therewith, the adverse impacts on local property values, and ExteNet's demonstrated failure to consider less intrusive alternatives.

4. Without limiting any of the foregoing, the Village Board's findings are also reinforced by additional statements, representations and comments received from ExteNet at the final public hearing on January 21, 2020, including, without limitation:

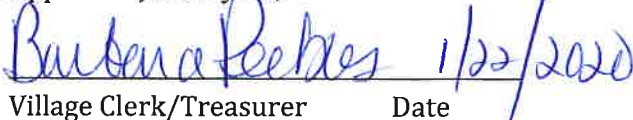
- a. ExteNet's admissions that ExteNet did not genuinely consider one or more macrocell site alternatives; and
- b. ExteNet's admissions that despite the fact that upon further review and consideration it may be feasible for ExteNet to achieve the same or substantially similar coverage objectives via less nodes and/or via other less intrusive means and alternatives, ExteNet was not prepared to further consider, amend or negotiate the final proposed locations, designs or configurations for any of the proposed nodes, including, but not limited to, Nodes 42 and 46.

5. Accordingly, for the foregoing reasons, and for the reasons set forth in the Prior Denial (Exhibit A), the Village DENIES the application for special use permit for the remaining two (2) nodes under consideration (Nodes 42 and 46).

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Resolution approved unanimously by the Board of Trustees, filed with the Village Clerk, and to be appended to the minutes of the meeting.

Approved January 22, 2020

  
Village Clerk/Treasurer      Date