

**BOARD OF TRUSTEES
VILLAGE OF WARWICK
DECEMBER 3, 2018**

7924

The regular bi-monthly meeting of the Board of Trustees of the Village of Warwick was held on Monday, December 3, 2018. Present were: Mayor Michael Newhard; Trustees Barry Cheney, Eileen Patterson, William Lindberg and George McManus. Also, present was Deputy Clerk, Barbara Ranieri. DPW Supervisor, Mike Moser was absent. Also present: Katie Bisaro and Jim Gerstner.

The Mayor called the meeting to order and lead the Pledge of Allegiance.

The Mayor requested a moment of silence for George H. W. Bush who just passed away this past weekend.

The Deputy Clerk held the roll call.

Approval of Minutes

A **MOTION** was made by Trustee McManus, seconded by Trustee Lindberg and carried to approve the minutes of November 19, 2018. Five Ayes.

Approved and Audited Bills

A **MOTION** was made by Trustee McManus, seconded by Trustee Lindberg and carried to pay all approved and audited bills in the amount of \$172,381.07. Five Ayes.

Announcement

Mayor Newhard: There is an announcement of the holidays and meeting dates for 2019. I don't know if we have to verbally announce them. We'll put them on Facebook and send them to the papers.

Discussion

Mayor Newhard: Under discussion we have Verizon. I don't think a representative is coming tonight. They're obviously eager. They were at one meeting and we asked about the hospital, whether that was a possibility and came to find out that Verizon already has an antenna; actually, their major antenna at the hospital. The idea of an antenna in a secondary location as the email describes, is to take some of the load off the hospital, which would give better usage for the hospital and for other activities that we have in our community. They would like us to consider two sites; the Highland Avenue water tank and Ball Road or Ridgefield. I think they did send us a lease agreement but just a format, it's a template.

December 3, 2018
Page Two

Trustee McManus: I would like to see us say no to it with the possibility of eliminating the Highland Avenue tank; that gives us the opportunity to clean that area up more to make it much more useable to the residents. When I went up there for a visit the last time, a couple of homeowners mentioned that as soon as construction got started for the tower their houses would go on the market to be sold.

Trustee Patterson: Really?

Trustee McManus: I think Verizon should find a private enterprise to get space from to do their cell tower. I don't think the \$2,000 they want to pay is worth the aggravation to our residents.

Mayor Newhard: The same for both sites?

Trustee McManus: Yes.

Trustee Lindberg: It said in the letter that they talked about the Apple Festival every fall. It's got to be more serious than that as far as traffic on the phones.

Trustee Patterson: For one day?

Mayor Newhard: In essence I feel that we need to come to a consensus because this would be a special use permit and I don't really want an applicant to go down the merry road of a special use permit if at the end we're going to say no. It just seems like a lot of work and cost.

Trustee McManus: If private properties in the same area that they can make agreements with would keep us out of the neighborhood of putting cell towers into neighborhoods and let the private citizen who has the property deal with it.

Trustee Patterson: I agree with George and Bill's point is well taken as well. I kind of feel that you're talking about giving them an easier answer, so they don't have to follow a boondoggle of meetings and applications. I don't really think they did any homework based on the fact that he didn't know that Verizon was at the hospital.

Mayor Newhard: I thought it would be better if we just spoke about it.

Trustee Cheney: What might replace this one may be six or seven on utility poles within the Village which I don't know that that's a better situation.

Trustee Patterson: We had that conversation before. What ever happened with that?

Village of Warwick
Board of Trustees
December 3, 2018
Page Three

7926

Trustee Cheney: That's a different company.

Mayor Newhard: You're talking about the 5G, right?

Trustee Cheney: I think even 4.

Trustee McManus: I don't think Verizon feels that putting them in the center of the Village is going to help take the load off the hospital antennas because they're so close.

Trustee Cheney: They may not. They may put one on a utility pole by Ridgefield and then put one at the bottom and put one on South Street so that it can bounce its way down to be able to connect to...

Trustee McManus: But then the utility company is the bad guy for putting them in the neighborhoods, not the Village of Warwick.

Trustee Patterson: And you like that better?

Trustee McManus: Yes.

Trustee Patterson: But then again, they're hotly contested issues. I'm thinking about Pine Island. People were really vehemently opposed to it so do we want to give that vetting responsibility to the property owner or do we want to have a handle on it? I think people are nervous about it for a variety of reasons.

Mayor Newhard: Well, the one on Pine Island was a super tower.

Trustee Cheney: It was like what we have on the hospital.

Mayor Newhard: More like the one in Florida behind Sports Fitness and Fun.

Trustee Patterson: Or the one out by ShopRite. The tree.

Trustee Cheney: We need to do something. We have done nothing since we had Mobilite come in here and say they wanted to start putting things on utility poles and we have the ability to in some way, I believe, regulate that through our zoning ordinance. We've got wireless communication in there now. I'm not sure if it needs to be looked at to determine if these things are covered and if we're addressing the particular issues of these types of installations. One of the things I had been doing some research is there apparently this middle class tax relief and job creation act that was passed and tucked into this; it has to do with the small cell installations and one of the things that that act allows is that once they get the first use, that they are then allowed to expand that use on that

Village of Warwick

7927

Board of Trustees

December 3, 2018

Page Four

pole as much as... without any further approvals from the local municipality. Some of what I found is there was a presentation at NYCOM last fall by one of the attorneys in particular discussing... they were talking about this issue. The slides are on the NYCOM website if you want to take a look at them.

Mayor Newhard: Was that Rebecca?

Trustee Cheney: Yes.

Mayor Newhard: She's very knowledgeable.

Trustee Cheney: The suggestion is that...

Mayor Newhard: The whole thing is that in the Governor's budget last year he actually deregulated...

Trustee Cheney: He wanted to...

Mayor Newhard: But it didn't go through.

Trustee Cheney: He was trying to ride that with the budget and they pulled it out.

Mayor Newhard: That was pretty shocking.

Trustee Patterson: So, then the answer to this guy is not necessarily no but not yes.

Trustee Cheney: It sounds like we don't want it on Village property.

Trustee McManus: But we need to look at our zoning regulations and adjust them.

Trustee Cheney: To make sure that those regulations include these small cell installations.

Trustee Patterson: That allow for it or don't? Because if we say no that we don't want it on Village property then we're handing that regulation of it...

Trustee Cheney: No, because the regulations cover the entire Village. If we regulate it in the zoning like we've regulated other technologies, then we're regulating it for the entire Village whether we want it on Village property or not is a separate decision.

Trustee Patterson: Okay, I understand.

Mayor Newhard: You know the 5G presents really an issue especially in something like a historic district because you're talking about probably within the business district ten cell

towers for them to be effective, which could be really awful. In the City of Rye, it is already experiencing some of this. I think it would be smart to be pro active and get maybe some legislation in place that would give us the control that we need. I'll reach out to Rebecca and see if there are any model ordinances.

Trustee Cheney: You might want to send her our wireless telecommunication section of the zoning, the special use section and see whether that can be used as a basis for the small cell or whether we need to have something separate.

Trustee McManus: So, we're saying no to these two as of right now?

Mayor Newhard: Yes.

Correspondence

Mayor Newhard: Under correspondence we have a letter from New York State Environmental Facilities Corporation regarding a \$3,062,500 grant for the Wastewater Treatment Plant.

Privilege of the Floor

There were no comments from the floor.

Motions

Resolution Accepting WIIA Grant from the NYS EFC

WHEREAS, the Village of Warwick is undertaking a project to upgrade its Wastewater Treatment Plant; and

WHEREAS, in connection with that project, the Village applied for funding through the New York State Environmental Facilities Corporation; and

WHEREAS, the Village has been awarded a NYS Water Infrastructure Improvement Act ("WIIA") grant in an amount not to exceed \$3,062,500.00; and

WHEREAS, in order to proceed, the grant must be accepted by December 7, 2018;

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the Village Board hereby accepts the NYS Water Infrastructure Improvement Act grant; and
2. That the Village Board authorizes the Village Mayor to execute and submit the Acknowledgement and Acceptance of WIIA Grant Award, a copy of which is attached hereto; and
3. That the Village Board authorizes the Village Mayor to execute any and all related documents necessary to meet the conditions of accepting the grant.

Trustee Cheney presented the foregoing resolution which was seconded by Trustee Lindberg,

The vote on the foregoing resolution was as follows:

Barry Cheney, Trustee, voting Aye

William Lindberg, Trustee, voting Aye

Michael Newhard, Mayor, voting Aye

Eileen Patterson, Trustee, voting Aye

George McManus, Trustee, voting Aye

Trustee Patterson: Is that a matching grant?

Trustee Cheney: 25%.

Mayor Newhard: Well, it's 25% of the overall project.

Trustee Cheney: Not to exceed... so if it goes up to \$14,000,000 the most, we're going to get is \$3,000,000. If it comes in at \$11,000,000, we're only going to get 25% of the grant.

Trustee Patterson: Are we required to spend it... we don't have to do it this budget year, we can do it next budget year?

Mayor Newhard: We actually have multiple deadlines.

Trustee Cheney: Was it 2022 or 2023 for completing it?

Mayor Newhard: 2023 I think so we've got a little time. They understand that we're not even in the design phase yet.

Trustee Cheney: Was it clear, I know that part of what we applied for I believe was the ultraviolet? So, we're going to get 25% for that.

Trustee McManus: So, this is 2018 grant monies so can we re-apply again in 2019?

Mayor Newhard: I already asked that question, George.

Trustee Cheney: You can apply for a different project.

Final Comments from the Board

Trustee Cheney: The brush pile is closed. We're going to continue to pick up leaves until... they have to be out on the curb by next Monday, December 10th; that's when the final cleanup will occur... bagged in paper.

Mayor Newhard: It's the second evening of Hanukah, so I'd like to wish all our Jewish friends and neighbors a happy Hanukah.

Executive Session

**Village of Warwick
Board of Trustees
December 3, 2018
Page Eight**

7931

A **MOTION** was made by Trustee Patterson, seconded by Trustee McManus and carried to discuss the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion,

discipline, suspension, dismissal or removal of a particular person or corporation. Five Ayes.

A **MOTION** was made by Trustee McManus, seconded by Trustee Cheney and carried to go back into the regular meeting. Five Ayes.

Adjournment

A **MOTION** was made by Trustee Cheney, seconded by Trustee Lindberg and carried to adjourn the meeting at approximately 8:05 p.m. Five Ayes.

Barbara Ranieri
Deputy Clerk