

**VILLAGE OF UPPER BROOKVILLE  
SPECIAL BOARD OF TRUSTEES'  
MEETING**

**SEPTEMBER 14, 2020**

A special meeting of the Board of Trustees of the Incorporated Village of Upper Brookville, Nassau County, New York, was held by Zoom on Monday September 14, 2020 at 3:00 p.m.

Present:	Elliot S. Conway	Mayor
	Carl A. Friedrich	Trustee
	Edward J. Madden	Trustee
	Antje B. Dolido	Trustee

Absent:	Innis O'Rourke III	Trustee
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Also Present: Tracy L. Lynch, Clerk/Treasurer  
Stephen Limmer, Esq. of McLaughlin & Stern, LLP

The Mayor called the meeting to order at 3:05 p.m. and stated that the Village special meeting is being held by Zoom which is now legally permitted by Executive Order 202.1 of the New York Governor. Call in information for the Zoom conference has been provided to the official papers and posted on the Village website and at Village Hall. He requested that the Affidavit of Email Transmission to the official newspapers and posting of the Public Information Notice in compliance with the Open Meetings Law be presented and annexed to the minutes of this meeting.

He reported that last week, the Village's of Cove Neck and Matinecock notified their Village Attorney, Peter MacKinnon that they would be voting against Upper Brookville's proposal to install a cell tower at the Old Brookville Police property and therefore, he would be recusing himself from the matter, as it relates to the Villages he represents, since it may end up in litigation.

The Mayor then introduced special council Stephen Limmer who he recommended to represent the Village on the cell tower matter. Mr. Limmer has concentrated on municipal and real property law for more than forty five years. He serves as General Counsel to the Village of Kings Point and it's board of appeals, planning board, and architectural review board. He has served as general counsel to four different villages and as special zoning counsel to the County of Nassau, the Town of North Hempstead, and the Village of Massapequa Park. He has been involved with telecommunication issues for the last 15 years since the Federal Communication Commission started the regulations with regard to wireless facilities and most recently has been involved with small cell antenna applications.

## EXECUTIVE SESSION

The Mayor then closed the meeting at 3:15 p.m. to enter into Executive Session to discuss the OBPD cell tower proposal. At 4:00 p.m. the Board came out of Executive Session and on motion duly made and seconded, unanimously

**RESOLVED** to proceed with the erection of a 140' cell tower with multiple carriers at the Old Brookville Police property, including negotiating with AT&T and the preparation and signing of all necessary documents for the filing of an application to the Zoning Board of Appeals and

**FURTHER RESOLVED** to amend village code 205-20(I)(24) as follows:

*Waiver or modification of standards. In order to further the purposes of this chapter, the Board of Appeals may, upon just cause shown, waive or modify any of the conditional use permit standards and criteria contained herein. For applications by the Village involving property owned by or leased to the Village, the Board of Appeals shall waive or modify any of the conditional use permit standards and criteria in order to allow the erection and use of high wireless telecommunication at the property owned by or leased to the Village.*

and

**FURTHER RESOLVED** that the adoption of the proposed Local Law A-2020, with regard to the modification of village code 205-20(I)(24), would not have a significant adverse environmental impact and to authorize the Mayor to execute a Short Environmental Assessment Form and

**FURTHER RESOLVED** to retain Stephen Limmer, Esq. of McLaughlin & Stern LLP in matters related to the cell tower at a rate of \$287/hour and

**FURTHER RESOLVED** to schedule a public hearing on proposed LL A-2020 on Tuesday October 6, 2020 at 5:00 p.m. at Village Hall.

The meeting was adjourned at 4:15 p.m.

*Signed by TL Lynch on 9/21/20*

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Tracy Lynch  
Village Clerk