



Village of

Roslyn Estates

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From the Office of Hon. Paul Leone Peters, Mayor

July 24, 2024

Dear Neighbors,

As you know, we were stunned in March by the sudden passing of our dedicated Clerk/Treasurer, Michael Tomicich, and we are grateful to all who expressed their affection and respect for Mike and concerns for his family. While the search for his successor began almost immediately, it took longer than we had expected or hoped. However, I am pleased to inform you that we have engaged John Giordano for the position, and he is already in place and integrated as part of the Roslyn Estates team. John's experience in the public sector is extensive and his qualifications impressive, and I am confident he will earn the same level of trust and appreciation we were grateful to place in Mike. If you have not done so already, please take the time to come to Village Hall, introduce yourself, and get to know our new Village Clerk/Treasurer.

As you may not know, for more than six months your Board of Trustees had been reviewing an application from DISH Network to install a set of cellular antennae on the roof of 1044 Northern Boulevard, the three-story office building erected in 1971 that falls within the borders of our village. As one of the highest points in the area, the telecom carriers find the roof to be an ideal location for such equipment; in fact, for many years it has already been the site of similar equipment for three other carriers: AT&T, Verizon, and T-Mobile. The Federal Government, in approving a recent telecom merger, decided a fourth carrier was needed for adequate competition, and DISH was selected to be that 4th competitor. Congress and the FCC have prohibited individual municipalities from restricting such installations based on concerns about radiation such equipment may emit if the installations satisfy federal emissions standards, which DISH demonstrated. Nevertheless, and understandably, several residents who had moved into homes in close proximity to the building expressed concerns about such potential emissions from the new installation. While we appreciated their concern, the Village is not aware of such concerns having been raised previously regarding the three existing arrays or any reports of negative effects arising from them, the first of which was installed in 1991. Moreover, confirmed data presented by DISH's consulting engineers showed that the RF emissions from the three existing arrays was just below 59% of the FCC's allowable limit, while the aggregate of RF emissions from the proposed array and all three existing arrays combined would be less than 60% of that limit.

Some of those concerned residents retained counsel to communicate their concerns during the lengthy review process conducted by the BOT prior to issuing the required permit, seeking to have the Village deny the permit despite advice from the Village Attorney to the Board that there were no reasonable legal grounds for such a denial, and that the Village would almost certainly lose any legal action brought by the applicant in the event of such a denial. For nearly half a year and over the course of five BOT meetings, your Board and Village Counsel addressed all the issues raised, objections, and concerns, and provided all the information requested to substantiate the validity of the application and the data submitted. In addition, the applicant agreed to make modifications to the proposed installation to accommodate residents' aesthetic concerns. Finally, after all the meetings, delays, submissions, assertions, and reviewing all information and opposing positions, and after acknowledging that the Village will be sued no matter what decision the BOT makes, your BOT approved the permit following advice of Village Counsel.

Your Board of Trustees is tasked with representing ALL residents; not just a vocal few; and it made perfect sense to approve a permit that satisfied all federal, state and village requirements, and for which the applicant had provided all requested documentation, data, and supporting expert professional opinion. Your Board weighed carefully with the Village Attorney the high probability of DISH commencing a lawsuit in federal court under federal law that effectively dictated that the Village issue the permit on the broad and detailed record before it. DISH is compelled under its agreement with the federal government to roll out its competing service under a federally imposed timetable or lose its investment.

Your Board also weighed carefully with the Village Attorney the repeated threats by the neighbors' attorney that they would sue the Village if the BOT granted the permit that federal law dictated be granted, and the Village Attorney expressed his view that a court would uphold the appropriateness of the Board's decision to grant the permit. The legal challenges during the process led the Village to incur already more than \$30,000 in legal costs just getting to that point of the debate, and your Board could not justify a reckless course of action to pacify a small group of neighbors that would almost certainly result in extraordinarily large legal expenditures in a case that the Village would almost certainly lose, with the associated significant tax increase for all residents – including those who had raised their objections.

Now that small group of residents has, in fact, commenced a legal challenge to the BOT decision to issue the permit in an attempt to block the installation of new antennae that would increase all RF emissions from telecom equipment on the building's roof from 59% of federally allowed emissions to 60%. We are forced to defend that lawsuit in court – a needless expense that will be borne by all of us and that we fully expect will end with the court upholding your Board's decision as federal law directs. We will keep you posted on the progress of the action. Meanwhile, if you have any questions, please do not hesitate to contact me or to come to the next BOT meeting.

While all these consequential matters were occupying our time and energy, spring and summer snuck into Roslyn Estates, and all of us are enjoying the most beautiful and

lyrical time of the year in our beautiful village. (Although some may argue that Roslyn Estates is at its most glorious after a new blanket of snow, Clare and I prefer the sound of songbirds to the grinding of the snowplows.) Spring symbolizes new life, and with the warm weather comes the parade of newborn ducklings, goslings, and even a few turtles. So, please exercise additional caution when driving by our two ponds in case one of those new family excursions is crossing the road – or either pond is hosting one of the gorgeous egrets and blue herons that often come for a visit. In addition, you might also venture to Gerry Pond Park, where the Roslyn Duck Pond is filled with ducks, geese, and a pair of wonderful white swans. It is a sight to behold.

Finally, the Association of Roslyn Estates (which, I remind you, is the oldest existing residents' civic association in Nassau County), under the able leadership of Jackie Auerbach and Todd Teichman, is planning even more community events following the great success of their first annual Roslyn Estates 5K Run for Charity through the Village this past May. You can check the Village website for details of upcoming activities, or – even better – contact Jackie or Todd to help in their planning and execution. There aren't many better ways to get to know your neighbors or to promote the community of our beautiful Village. Our civic association is one of Roslyn Estates' great assets, and its positive impact only grows with greater participation.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul", written over a light grey rectangular background.

Paul Leone Peters, Mayor

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