

On motion of TRUSTEE_____, seconded by TRUSTEE _____, the following resolution was adopted by the Board of Trustees of the Village of Croton-on-Hudson, New York:

Resolution #109-2022

WHEREAS, at a Village Board Meeting on October 15, 2007, T-Mobile Northeast LLC, (f/k/a Omnipoint Communications, Inc.), was issued a Telecommunications special permit to collocate a personal wireless facility at One Van Wyck Street; and

WHEREAS, the special permit was renewed by the Village Board on November 25, 2013, and September 17, 2018; and

WHEREAS, this Telecommunications special permit will expire on October 15, 2022, and must be renewed in accordance with the Telecommunications Chapter of the Village Code; and

WHEREAS the Village has received a special permit renewal application from T-Mobile; and

WHEREAS, the Village has received a special permit renewal application and the associated \$2,500 fee from T-Mobile Northeast LLC, (f/k/a Omnipoint Communications), Inc. for a renewal of a special permit for a Personal Wireless Facility at 1 Van Wyck Street; and

WHEREAS, an Antenna Site FCC RF Compliance Assessment and Report dated February 1, 2022 has been submitted and indicates that the calculated maximum RF level at the site is 921.58 percent of the FCC maximum permissible exposure limit; and

WHEREAS, a Public Hearing on the permit renewal was opened and closed on July 5, 2022;

NOW THEREFORE BE IT RESOLVED: that the Village Board of Trustees does hereby issues a renewal of the Telecommunications Special Permit to T-Mobile Northeast LLC, (f/k/a Omnipoint Communications, Inc.) for the collocation of a personal wireless facility at 1 Van Wyck Street with the following conditions:

1. This permit expires on October 15, 2027; and must be renewed in accordance with the Telecommunications Chapter of the Village Code.
2. That, the T-Mobile facility shall at all times during the life of the facility comply with the applicable FCC regulations pertaining to radio frequency emissions, including such regulations as applicable to cumulative radio frequency emissions. Any necessary mitigation measures to ensure compliance shall follow FCC requirements, procedures and protocols.
3. That, in accordance with section 206-5(B) of the Village Code antennas shall be subject to state and federal regulations pertaining to nonionizing radiation and other health hazards related to such facilities. The owner of the antenna shall submit to the Board of Trustees evidence of compliance with the FCC standards on a yearly basis. If new, more restrictive standards are adopted, the antennas shall be made to comply or continued operations may be restricted or prohibited by the Board of Trustees. The cost of verification of compliance shall be borne by the owner and operator of the personal wireless facility.
4. That, T-Mobile is advised that the Village may switch to a different Emergency Services communication system in the future and that the T-Mobile system must be operated to prohibit interference, including implementation of any FCC rebanding plan, to current and future Village wireless systems.
5. That, any additional monthly cost charged by the Village's fire alarm company for the fire/smoke detector and strobe/horn in the T-Mobile facility shall be paid by T-Mobile. The lease agreement with T-Mobile shall be amended to reflect the payment of this additional cost if required by the Village via written notification to T-Mobile Northwest, LLC.
6. As required in the Telecommunications Chapter of the Village Code the applicant must post a bond in an amount to be determined by the Village Engineer to cover the costs of removing and disposing of the tower, antenna and associated facilities. In the event that a tower is not removed within 90 days of the cessation of operations at a site, the

tower and associated facilities may be removed by the Village and the costs of removal assessed against the property, the bond or both.

7. That, proper radio frequency and antenna location warning signs be posted and maintained in the attic near the access to the roof and on the roof.
8. That, T-Mobile shall provide a basic radio frequency safety course appropriate for Village (DPW) employees, if requested by the Village.

Date: July 5, 2022