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INCORPORATED VILLAGE OF LAUREL HOLLOW
BOARD OF TRUSTEES
PUBLIC HEARING
April 15, 2019
7:00 p.m.

Cold Spring Harbor Laboratory
Hawkins Conference Room
1 Bungtown Road
Cold Spring Harbor, New York 11724

PRESENT: DANIEL DeVITA, Mayor
JEFFREY NEMSHIN, Deputy Mayor
KEVIN JUSKO, Trustee
JEFFREY MIRITELLO, Trustee
RICHARD NICKLAS, Trustee
MARTIN NOVICK, Trustee
NICHOLAS TSAFOS, Trustee

ALSO PRESENT:

HOWARD AVRUTINE, Village Attorney
ELIZABETH KAYE, Clerk/Treasurer
NANCY POPPER, Deputy Clerk and Court Clerk

Crown Castle NG East LLC

RONALD KOENIG
OFFICIAL COURT REPORTER

1 MAYOR DEVITA: This is a Federal Court ordered
2 hearing on Crown Castle's application for a special use
3 permit for the installation of 25 distributed antenna
4 systems, DAS, and nodes with antenna and equipment for
5 six to be installed on preexisting utility poles and 19
6 on new poles, some wood and some Stealth. Tonight is
7 the first of four court-ordered hearings, and tonight
8 will concern nodes with the numbers 653, 676, 679, 683,
9 685 and 682.

10 The manner in which we'll proceed tonight is
11 as follows:

12 After my opening remarks, Howard Avrutine, the
13 village Attorney, will run through preliminaries such as
14 notices and exhibits, and then the applicant, Crown
15 Castle, will make its presentation to the Board. The
16 Board will then question the applicant, make comments
17 and have discussion. The applicant will then have a
18 chance to speak again, then the residents will have an
19 opportunity to ask questions or make comments.

20 If you would like to do that, please fill out
21 the form with your name and address and give it to Liz
22 and Nancy. When your name is called, you'll then have
23 the opportunity to give a question or make a comment.
24 And because of the size of the audience, we're going to
25 ask you to try and keep your comments to three minutes

1 which is actually a long time. If you need a little
2 more time, that's fine. If you hear someone else make a
3 comment and you say to yourself I agree with what he or
4 she said, you can stand up and say that if you want.
5 The idea is to give everyone who wants to speak a
6 chance.

7 At the close of the hearing, the record will
8 be kept open for 30 days for anyone who wants to submit
9 materials or something in writing.

10 Fifteen years ago, in 2004, the Board of
11 Trustees under the Mayorship of Denise DeVita passed the
12 Wireless Telecommunications Facilities Ordinance for
13 Laurel Hollow. It was in response to a changing area of
14 law, one which the rights of municipalities had been
15 repeatedly curtailed.

16 Going back further, in the 1970s and early
17 1980s, cell towers went up in localities because
18 municipalities had no legislation prohibiting them.
19 Then the municipalities passed laws which simply
20 prohibited cell towers, period. Because of those
21 denials and courts upholding them, the industry
22 petitioned Congress which in response passed the Federal
23 Telecommunications Act of 1996. The U.S. Congress
24 decided that a nationwide cellular grid was something
25 this country needed for cell service and other digital

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1 types of communications, including the internet.

2 A couple of important points of that federal
3 law that concern us are:

4 First, a municipality cannot pass legislation
5 that has the outright effect of prohibiting the
6 construction and placement of wireless facilities.

7 Second, one of the more difficult provisions
8 is that the municipality may not deny an application
9 based on the fear of the health effects of radio
10 frequency emissions. In sum, the law does not prohibit
11 a municipality from regulating, just unreasonably
12 regulating.

13 So, Laurel Hollow's ordinance was drafted to
14 require an applicant to provide as much information as
15 possible so as to allow the Board to have as complete a
16 record as possible about the proposed installations in
17 order to properly grant or deny an application. Our
18 ordinance is found in Chapter 145 of our zoning laws. I
19 just want to highlight a few points of the purpose of
20 our ordinance which requires the applicant to meet a
21 number of requirements.

22 Section 36.1(d) encourages the use of stealth
23 and other innovative technology to minimize adverse
24 aesthetic and visual impacts on land, property and
25 buildings.

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1 Section 36.1(f), promoting and encouraging the
2 priority of siting wireless telecommunications
3 facilities to minimize the adverse visual and physical
4 effects of wireless telecommunications facilities and to
5 protect the natural features, aesthetics and open-space
6 character of the village.

7 36.1(g), to minimize the impact of such
8 facilities on residential properties.

9 we'll see how those sections come into play.

10 while the application process set out in our
11 ordinance is detailed, one overarching philosophy found
12 in our law is for our Board to ensure that, quote, the
13 placement, construction and modification of wireless
14 telecommunications facilities do not threaten or
15 endanger the health, safety and welfare of the village
16 residents and visitors, and to protect the public
17 welfare, environmental features, aesthetic values and
18 nature and character of the community, closed quote.
19 And that we will do.

20 For this, now I'll turn it over to Howard
21 Avrutine.

22 MR. AVRUTINE: Thank you, Mayor.

23 As the Mayor indicated, this is the public
24 hearing on the application of Crown Castle NG East LLC
25 to install six new wireless telecommunications nodes as

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1 part of a new distributed antenna system to be installed
2 on utility poles within public rights-of-way located
3 within the village of Laurel Hollow.

4 what I'll do is, I know the Mayor listed the
5 node numbers as utilized in the application documents,
6 I'll go through them again and also list the addresses
7 that they are closest to or that correspond with each
8 proposed installation.

9 Starting with N653, with respect to 363 Cold
10 Spring Road.

11 N676, with respect to 4 White Oak Tree Road.

12 N679, with respect to 285 Laurel Lane.

13 N683, with respect to 315 Stillwell Lane.

14 N685, with respect to 180 Laurel Lane.

15 And N682, with regard to 15 Shady Lane.

16 The exhibits in connection with tonight's
17 public hearing are as follows:

18 First, a copy of the legal notice as prepared
19 by the Clerk/Treasurer.

20 The next exhibit is an affidavit of posting
21 from Village Clerk Elizabeth Kaye setting forth that the
22 legal notice was posted on the bulletin board in front
23 of Village Hall on March 29, 2019 as required by law.

24 The next exhibit is an affidavit of
25 publication that the legal notice of tonight's hearing

1 was published in the North Shore Leader on April 3,
2 2019.

3 The next exhibit is a document that confirms
4 that the legal notice was published to the Village's
5 website on March 26, 2019.

6 The next exhibit is a document that confirms
7 that the legal notice was sent to Village website NEWS
8 subscribers on April 11, 2019.

9 The next exhibit is an affidavit of mailing
10 from the applicant indicating that the notice of public
11 hearing was mailed to property owners as required on
12 April 5, 2019.

13 The final exhibit is notification from the
14 Nassau County Planning Commission dated September 25,
15 2018, that this matter is referred to the Village of
16 Laurel Hollow Board of Trustees to take action as it
17 deems appropriate.

18 In addition to the items that I just listed,
19 all of the application files and materials and reports
20 are part of the official record at the Village Hall
21 maintained by the Village Clerk and are available for
22 review by any member of the public.

23 At this time, the applicant will make a
24 presentation to the Board.

25 Please give your name and address for the

1 record.

2 MR. GAUDIOSO: Good evening, Honorable Mayor
3 and Members of the Board of Trustees. My name is Robert
4 Gaudio, partner with the Law Firm of Snyder & Snyder,
5 on behalf of the applicant, Crown Castle NG East LLC.

6 As mentioned in the opening remarks, Crown
7 Castle has made a request to the Village for the
8 right-of-way use agreement for consent to use the
9 village's right-of-way as well as a special permit
10 pursuant to your zoning code for a distributed antenna
11 system known as a DAS which includes 25 different node
12 locations. This evening's public hearing is concerning
13 the six node locations that were mentioned in the
14 introduction.

15 As part of Crown Castle's project and as part
16 of the submissions, it submitted generally the following
17 documents:

18 Crown Castle has provided a copy of its
19 Certificate of Public Convenience and Necessity from the
20 Public Service Commission.

21 It submitted a draft right-of-way use
22 agreement.

23 It submitted a map, which is up on the large
24 screen, showing the proposed location of the 25 nodes.
25 That map has been amended during the process as

1 questions regarding alternative sites have been raised,
2 and Crown Castle has reviewed and relocated a number of
3 those locations.

4 Crown Castle submitted a structural
5 certification from a professional engineer for each of
6 the 25 nodes including the six that are the subject of
7 tonight's meeting.

8 Crown Castle also submitted a copy of its
9 certificate of insurance.

10 It's prepared a long or full Environmental
11 Assessment Form with the supporting documentation.

12 It's prepared a set of plans detailing the
13 proposed facility, both the existing utility poles and
14 the proposed poles as well as the DAS equipment.

15 Crown Castle has also prepared visual
16 renderings that show what the proposed DAS nodes will
17 look like in each location.

18 Crown Castle has provided a new pole
19 justification report detailing the reasons why in some
20 cases it requires a new pole, which in this case is just
21 one of the six locations. The other five are existing
22 poles.

23 Crown Castle has prepared a tax map document
24 showing each of the locations, the surrounding property
25 owners, the tax map details as well as the ownership

1 details which was used as part of the public notice this
2 evening.

3 Crown Castle has certified that the noise from
4 each of the facilities would be within the Village's
5 code by way of a letter from its engineers. It's also
6 prepared an engineering letter in response to comments
7 from the village regarding potential impacts from
8 certain environmental conditions.

9 Crown Castle has prepared a radio frequency
10 justification report which shows both the existing
11 coverage and the proposed coverage by way of both
12 propagation maps and actual drive test data.

13 And Crown Castle has submitted various other
14 letters and supporting documents going through each of
15 the criteria of the code to show its compliance and
16 locations where it has sought and received various
17 waivers from the code.

18 Finally, Crown Castle has prepared third-party
19 engineering reports from a company known as Pinnacle
20 Telecom Group which looks at the three different designs
21 and shows that the facilities will be well within
22 compliance of the FCC limitations for radio frequency
23 exposure.

24 With that, Mr. Mayor, I would be happy to
25 answer any questions the Board has.

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1 MAYOR DeVITA: Are there any comments by
2 Mr. Comi?

3 MR. COMI: Honorable Mayor, Members of the
4 Board, Members of the Public, my name is Richard Comi.
5 I am the village's wireless consultant. I have been
6 working for communities for 20 years in the wireless
7 industry. We do not work for the industry whether it be
8 carriers or tower companies. We work for the municipal
9 government.

10 We have reviewed the information that you've
11 heard Mr. Gaudioso said they put in, and we had a number
12 of issues and items that we went back and forth. I'm
13 going to very briefly do two things. The first thing
14 I'll do is, I've got a few items that, as far as I'm
15 concerned, are general items relevant to multiple
16 locations and most of the locations in the application.

17 The first thing is proof of need. From our
18 perspective, the information that we asked for to show
19 where within the community there was a significant gap
20 in coverage was not provided. They did provide
21 information relevant to the service that they're going
22 to be providing at the nodes, which happens to be in two
23 of four frequency bands. The other two frequency bands
24 are your normal cellular service. They did not give us
25 that information. We were looking to see whether or not

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1 they truly had gaps in coverage and where they were, but
2 we did not get that information from the applicant.

3 Secondly, you heard tonight that although five
4 of these happen to be existing utility poles and one new
5 one, 19 of the 25 are new or Stealth poles. We asked in
6 a number of locations when there was an existing
7 telephone pole there and they wanted to put in a new
8 pole why can't you use that one, and we didn't get a
9 technical answer. We got an answer, that we cannot use
10 poles that are owned by LIPA, we can use poles that are
11 owned by Verizon. When we asked for definitive proof of
12 what that meant, we did not get that information.

13 I do not see any reason why Crown Castle, if
14 they're granted permits in these various locations, need
15 19 new or Stealth poles wherein quite a number of
16 occasions there is already poles there or just across
17 the street.

18 Another lesser item that was discussed but not
19 agreed to, according to your code all wires and service
20 attachments must be buried underground. When they
21 suggested new poles on the opposite side of the street
22 and there were poles with wires on this side and the
23 Stealth pole was good on that side, they requested that
24 the wires to go from here to there be overhead.
25 According to the code, those should be underground.

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1 Size of the antenna. According to
2 documentation, a small cell in its regulations has an
3 antenna no larger than 3 cubic feet. Crown Castle's
4 antenna of 48 inches by 14 and a half inches exceeds
5 that by a little over 50 percent. So their antennas are
6 not small cell antennas.

7 Yes, as you've already heard and we'll get
8 into it as we go through special locations, although
9 some of the sites were moved as we went back and forth
10 and identified them exactly and made sure we had the
11 right information and the right place they were
12 proposing, there are still some of them that are located
13 near the driveway of homes and obviously would be visual
14 as you're going in and out of your home.

15 You heard the Mayor talk about our emissions.
16 The federal government has preempted a local community
17 from changing those rules. However, a local community
18 can verify that the emissions are meeting the standards
19 they're supposed to be and are the way they are
20 designed. If any or all of these nodes are permitted,
21 we would strongly recommend that post construction RF
22 emissions testing take place to absolutely verify that
23 what's in the design standard is what the emissions are
24 at each and every site.

25 Let me quickly go through the six locations we

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1 are talking about this evening.

2 The first one is N653, which is 363 Cold
3 Spring Road. It's an existing utility pole. They're
4 proposing it with a top-mounted antenna located on
5 Southern Hills Road [sic] next to the driveway. The
6 supplemental material that we received when we asked
7 questions about this said there were no alternatives on
8 other existing poles. However, no technical information
9 was provided or confirmation from the pole owners.
10 Moving it to a less obtrusive site to minimize the
11 visual impact of this facility at this installation, we
12 believe there are alternatives to do that.

13 For location 676, 416 Cold Spring Road --
14 MR. AVRUTINE: Mr. Comi, 676 is 4 White Oak
15 Tree.

16 MR. COMI: We changed the name on this one.

17 The supplemental materials that we received,
18 because we had talked about other options being less
19 obtrusive, said that there were none available, and we
20 recommend that the applicant provide confirmation again
21 from PSEG of why they can't use their poles. The
22 proposed above-ground utility expands the roadway to
23 service the proposed facility. All wires again, as I've
24 stated, should be put underground.

25 Location 679, 285 Laurel Lane. Again, this is

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1 a proposed node on an existing pole. However, in this
2 case they're proposing a side-mounted antenna, not a
3 top-mounted antenna. The reason for that is that the
4 power level at the top of the pole will not allow Crown
5 on this particular pole to be up on top. So they put a
6 standoff and their antenna on a side-mounted structure,
7 as you can see in the visual. It just happens that this
8 location, and you can't tell it in the picture, appears
9 to be when we went out there directly across the street
10 from a second-story window, not the least obtrusive
11 alternative that is available.

12 The next particular one is N682 which is Shady
13 Lane. This is a new wood pole.

14 MR. AVRUTINE: Stealth pole.

15 MR. COMI: When they came back they said
16 Stealth. It started out as a new wood pole.

17 And they're proposing to put in a new pole
18 when there are existing LIPA poles in that area across
19 the street. The question is, why do you need a new
20 pole?

21 For item -- I'm sorry, that was Number 6, not
22 Number 4, Shady Lane.

23 Number 4 is 315 Stillwell. That's an existing
24 wood pole. Again, they came back and said there are no
25 other options for that particular pole. It should be

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1 moved away from the driveway entrance where a
2 concealment pole could be an option if it wanted to be
3 considered. However, obviously in front of a driveway
4 is not the least obtrusive.

5 The last one of the evening is 180 Laurel
6 Lane. It is an existing wood pole. And, again, it's
7 the same issue. You can see where it's located in the
8 open right next to the driveway of the home, certainly
9 not in an area where it is concealed whatsoever. It
10 could be moved. And, in fact, I believe, there's a sump
11 area right across the street from this. And I don't
12 understand why the facility, if necessary, couldn't be
13 put in the sump area. By the way, we have seen on Long
14 Island other facilities in sump areas.

15 Those are the comments I have.

16 Any questions from the Board or anyone?

17 MAYOR DEVITA: Thank you, Mr. Comi.

18 At this point, I think we will, Mr. Gaudio, so,
19 instead of repeating some of those points, we'll go
20 through the Board's questions, that way you can respond
21 to everything at once, if that's fine.

22 Let me ask you a few basics.

23 So at the beginning there was some confusion,
24 but are we correct in assessing this as the proposed
25 installations would benefit cellular service and data

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1 acquisition service or one or the other or both or none?

2 MR. GAUDIOSO: So I think the terminology you
3 just used might not be the correct terminology, but the
4 DAS nodes will provide two things. They'll provide
5 telecommunications service under Crown Castle's CPCN
6 that I referenced before, and it will also provide
7 personal wireless services as defined by the federal
8 government including the Telecommunications Act of 1996.

9 The service as currently proposed includes
10 Verizon service which is using LTE technology which
11 provides both personal wireless services and information
12 services commingled from the same infrastructure.

13 MAYOR DEVITA: So from our understanding this
14 is basically -- this is for 4G service, I know it's LTE,
15 but 4G as opposed to 5G. I think part of our concern is
16 this is being proposed for 4G service and while 5G is
17 around the corner, at least if you believe all the
18 commercials, we're wondering if this infrastructure
19 would be able to accommodate 5G as well as opposed to
20 let's say for whatever reason some of these nodes are
21 put in and then all of a sudden someone comes along and
22 says our 5G service can't be supported on this
23 infrastructure and we need a whole new infrastructure.
24 That's part of our concern. And in conjunction with
25 that, I'm kind of mixing apples and oranges, but when

1 you mentioned other service providers, as you know our
2 ordinance requires colocation, now our ordinance
3 requires colocation of five carriers, I believe that's
4 not possible with this from the submissions. But can
5 you make a comment on that in terms of what it can
6 provide in terms of colocation now and in the future.

7 MR. GAUDIOSO: The application as presented is
8 for 4G service. Whether it's possible to provide 5G
9 service or not I'm unable to speculate on because that's
10 not what this application is for.

11 As far as colocation, I believe we sent in
12 documentation that based on the size of the equipment
13 shroud, it will be able to provide colocation for at
14 least one or possibly two other users, and that depends
15 on the size of their equipment. If we were to make the
16 equipment shroud bigger, we'd be able to handle more
17 colocation, but we tried to minimize the shroud based on
18 what's required by your code and also what's good for
19 planning as far as what we anticipate for this type of
20 work.

21 MR. AVRUTINE: Mr. Gaudioso, could you just
22 explain for those attending what you mean by shroud.

23 MR. GAUDIOSO: Sure.

24 There are two components. If you look at that
25 rendering, on the left is the existing utility pole. It

1 has all of the routine utility connections including
2 power, telephone, telco, many wires are on the pole.
3 The proposed on the right, that shows a couple different
4 items. Number one, it shows the antenna canister which
5 is on the top in this case because it's a side mount.
6 That antenna canister is 24 inches in length by 14.5
7 inches in diameter. That antenna canister handles three
8 different sectors of antennas with a total of 18 total
9 antennas. So the comment before about the antenna not
10 meeting the small wireless facility definition, while
11 essentially not relevant to what we've submitted because
12 the small wireless facility definition is not something
13 in your code, it's something that has to do with the
14 fees and it has something do with the shot clock being
15 shortened to 60 days, nevertheless these facilities do
16 meet the definition of a small wireless facility.

17 Below that is the equipment shroud which is a
18 brown box located on the inside of the pole in that
19 visual rendering. That box is approximately, in this
20 case, 48 inches tall -- I'm sorry, 47 and a half inches
21 tall by 22 inches wide, and that's located on the inside
22 of the pole. And what we submitted as part of our
23 application were photographs of other existing utility
24 infrastructure within the village showing that this type
25 of shroud is very consistent if not smaller than

1 existing facility infrastructure that is already located
2 within the village right-of-way.

3 MAYOR DEVITA: We recognize the federal
4 government's preemption of the RF frequency standard.
5 Just to lay out some basics, the emission from these
6 nodes is radio frequency emissions, correct me from I'm
7 wrong --

8 MR. GAUDIOSO: That's correct.

9 MAYOR DEVITA: -- the same type of emissions
10 from our cell phone or microwave or baby monitor, those
11 are all considered radio frequency emissions, correct?

12 MR. GAUDIOSO: Generally, yes.

13 MAYOR DEVITA: And the government has set a
14 maximum permissible emission standard.

15 Now you've submitted as part of the Crown
16 Castle's application a number of reports, what I can
17 recognize three separate RF compliance reports that
18 purport to measure a compliance from three different
19 heights, I guess we can call it, or areas from these
20 nodes. Can you kind of summarize what that is, because
21 people are going to want to know, you know, are these
22 emissions strongest if I walk by on the ground, are they
23 strongest in my backyard, you know, that kind of thing,
24 and what percentage in terms of compliance, given the
25 maximum being a hundred percent, what percentage of

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1 compliance do those individual nodes emit.

2 MR. GAUDIOSO: That's a very good question.

3 We had a third-party company, Pinnacle Telecom
4 Group, prepare a number of different reports. They're
5 not technically measurements. They're calculations
6 based on a formula established by the Federal
7 Communications Commission and set forth in the document
8 known as OET Bulletin 65.

9 So what the Pinnacle Group did, it looked at
10 the three different types of installations being the
11 antenna on top of the pole which we call pole top, the
12 antenna in the communications zone which we call the com
13 zone, and the antenna on top of the Stealth structure
14 that we proposed in a number of locations as an
15 alternative. And what they have looked at is they've
16 looked at using the formula established by the FCC the
17 type of antenna, the type of power, the type of
18 frequency being used. And by way of example, they
19 outlined each of the three differences and summarized it
20 in a letter to the Board where they found that at the
21 approximate 22-foot height of the com zone antenna, the
22 percentage of the radio frequency exposure in the worst
23 case scenario would be approximately 2.3 percent of the
24 allowable 100 percent limitation. On the Stealth pole,
25 the percentage would be approximately 2.8 percent of the

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1 allowable 100 percent limitation. Finally, at the pole
2 top, the percentage would be approximately 1.5 percent
3 of the allowable 100 percent limitation.

4 So as detailed, each of the facilities based
5 on the characteristics of the facility, the low power,
6 types of antennas and the emission standards set forth
7 by the FCC, the facilities will all be well, well within
8 compliance of the regulations.

9 MAYOR DeVITA: Workers do have the special
10 conditions for workers, pole workers or whatever workers
11 that are basically on top of these nodes?

12 MR. GAUDIOSO: Sure. What I gave you were the
13 worst case regulations which are the residential
14 population standard which is five times more stringent
15 than the occupational standard. The occupational
16 standard would be even less than that. And if a worker
17 were to have to be within direct proximity of a few feet
18 of the antenna, then we would have to give the power
19 down to shut off the antenna during that work.

20 MAYOR DeVITA: Mr. Comi touched on it, how
21 would you plan on assuring our compliance after
22 installation and on a regular basis?

23 MR. GAUDIOSO: We believe that the facilities
24 will be in compliance, and under the carriers' FCC
25 licenses, they have to remain in compliance, and we

1 believe the FCC has sole jurisdiction over that.

2 MAYOR DEVITA: Are there any studies prepared
3 -- I mean, these studies that you submitted measure the
4 compliance of one single facility. Are there any
5 studies that you're aware of that measure compliance
6 with anywhere like the number of nodes here and the
7 density at which they have been suggested?

8 MR. GAUDIOSO: As I mentioned before, the
9 studies that we submitted are not actual measurements.
10 The studies that we submitted are calculations based on
11 the formula set forth by the FCC. The power of the
12 antenna is so low and the RF exposure drops off so
13 exponentially, there wouldn't be a cumulative impact
14 from these types of facilities across the wide area of
15 the 25 nodes.

16 MAYOR DEVITA: I do remember something in the
17 reports about if it's low near the road but if you're
18 straight out 150, 500 feet, the percentage rises.

19 MR. GAUDIOSO: No, not necessarily. The
20 percentages that I gave were at the hypothetical point
21 in the community at ground level, that would be the
22 highest percentage. Every other place would be at a
23 lower percentage.

24 MR. AVRUTINE: Relating to what Mr. Gaudioso
25 was just speaking about in terms of the emissions and

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1 verifications regarding that, Section 145-36.22 of the
2 Village Code indicates that the applicant or in this
3 case Crown Castle must provide a certification report in
4 accordance with FCC Office of Engineering and Technology
5 Bulletin 65 and that when those certifications are
6 provided, that the Village may hire a consultant of its
7 choosing to analyze and verify that certification, the
8 cost of which will be reimbursed by Crown Castle to the
9 Village.

10 MAYOR DeVITA: I know there'll be a number of
11 questions on aesthetics, but as we've seen in some of
12 the diagrams, some of the proposed antennas are a
13 side-mount because of the inability to mount them on top
14 and some are the top mounts, and from what I recall the
15 top mounts are 48 inches in height and the side mounts
16 are 24 inches. My question is, A, if, and this is an
17 assumption, assuming they provide the same amount or
18 type of service, why aren't you proposing to use the
19 smaller mounts, the half the size of the taller ones?

20 MR. GAUDIOSO: So, obviously the taller mounts
21 are taller and they provide a greater area of service.
22 These facilities are very low powered and low in height
23 to begin with, and they cover small geographic areas as our
24 drive past the property issue map show. In any case
25 where we can go on top of the pole, we would prefer to

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1 go to the top of the pole because we gain more coverage
2 and we also are able to use the larger antenna which is
3 the better antenna from the technological standpoint.
4 When we're squeezed into the communication zone, we're
5 forced by the necessity of that particular pole to go
6 within the communication zone, it's a smaller area and,
7 therefore, we have to sacrifice to use the smaller
8 antenna.

9 To touch on the new pole versus existing pole,
10 I think we documented this in the record. We'll stand
11 on that documentation. I will point out that in some of
12 the comments, actually, there were comments to go with a
13 new pole as opposed to the existing pole. So we just do
14 want to state that for the record that in cases where
15 the consultant of the village asked us to do a new pole,
16 in many cases we did where we had previously proposed an
17 existing pole.

18 MAYOR DEVITA: To continue on the aesthetics,
19 Sunday morning I took this picture. This was on 108.
20 Crown Castle has put up a number of nodes and facilities
21 on 108. And this one which we've discussed is now
22 apparently, it's LIPA/PSEG. They want their hand in the
23 pocket also and they want to measure the electric usage
24 on these facilities. Correct me if I'm wrong.

25 MR. GAUDIOSO: That's correct.

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1 MAYOR DeVITA: And so the gray box below and
2 the gray one to the side next to it, from what I
3 understand, those are LIPA/PSEG meters in order to read
4 the usage of these facilities; is that correct?

5 MR. GAUDIOSO: That's correct. That's a new
6 requirement by LIPA that we have to comply with. Just
7 like any other homeowner or user of their electric has
8 to have a meter, we've now been subject to the same
9 requirement.

10 MAYOR DeVITA: My question is, is basically
11 this now what we're going to be looking at as opposed to
12 just the brown box, are these electric company boxes now
13 apparently also a must-have in terms of being part of
14 the proposed facilities?

15 MR. GAUDIOSO: That's my understanding as
16 required by LIPA.

17 MAYOR DeVITA: So that will lead to a couple
18 questions.

19 The box, the brown box, I believe is 8 feet
20 from the ground. I believe that's the proposed height?

21 MR. GAUDIOSO: It does vary based on the
22 particular plan. So I'd have to look at a specific
23 node. I know usually it's more like 9 and a half feet
24 to the bottom, but it does vary depending on the pole
25 and the existing utility infrastructure on that pole.

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1 MAYOR DEVITA: At a certain point, from a
2 safety point of view, it becomes a concern, especially
3 now you have the electric that much lower. You've got
4 pedestrians going by or kids up to mischief, it becomes
5 an attractive nuisance. I don't know if that's in your
6 purview or PSEG's purview, but it's a concern that, when
7 I saw that, was raised.

8 MR. GAUDIOSO: So it's based on the existing
9 location on the pole and being in compliance with the
10 electrical code on the particular pole, and that's shown
11 on each of the drawings, the location of the shroud and
12 the existing utilities on the pole.

13 MAYOR DEVITA: This goes back to what Mr. Comi
14 said about requiring, you know, the utilities to be
15 underground. Other than for cost reasons, is there any
16 technical reason the brown box containing, you know, the
17 structure that it does, can't be placed underground at
18 these facilities?

19 Electric, we know, can, because we've got it
20 throughout the village. The electric company, different
21 parts of our village, have placed utilities underground.

22 MR. GAUDIOSO: So a couple different things.
23 One, the box as I mentioned before is
24 consistent with other utilities that have been permitted
25 above ground in the village, and we believe that's

1 consistent under federal law to allow this box to be
2 located in a similar fashion as the other utilities in
3 the right-of-way. In fact, I'm fairly confident the
4 other utilities didn't have to come into this type of
5 rigorous special permit criteria. So number one, I
6 believe under federal law it's permitted to be there.

7 Number two, I don't believe that the utilities
8 referenced in your code refer to box. I believe it
9 refers to the utility powering the actual facility, the
10 electric and telco. And in cases where the proposed
11 Stealth pole has been set forth by Crown Castle, we
12 propose to bring the utilities underground including the
13 missiling under your roads so as not to do damage to
14 your roads, and we've documented that in prior
15 submissions.

16 In locations where the other utilities, and
17 this is a prime example, the other utilities are above
18 ground, obviously we've asked for a waiver to be treated
19 in a nondiscriminatory manner to the other utility
20 companies that have aboveground utility lines. In fact,
21 it's a very small line, one for electric, one for
22 telephone. It will be strung on the existing utility
23 poles where we're proposing a wood utility pole mount
24 node.

25 MAYOR DeVITA: The other connected question is

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1 with respect to noise. I know you submitted a noise
2 report that these things have fans in them, the brown
3 boxes, and that it wouldn't create a noise higher than
4 ambient which is equated with a passing car. And then
5 we put a comment in that, well, cars pass and then you
6 don't hear them. Then the response from the engineer's
7 report was, if I remember correctly, that the fans
8 aren't going the whole time.

9 MR. GAUDIOSO: Correct.

10 MAYOR DeVITA: I assume they would be going in
11 the warmer months. Can you tell us from a technical
12 point so we have some idea, will these fans be running
13 all summer? Is it above 95 degrees? I mean, is there
14 some technical point that in which they do, you know, go
15 on and maybe stay on?

16 MR. GAUDIOSO: I would have to check.

17 MR. AVRUTINE: If I may, just for the benefit
18 of our court stenographer, if you can please try to slow
19 down a little bit. A lot of your language is technical,
20 and I want to make sure that the record is complete and
21 accurate. So please try to do that if you could.

22 MR. GAUDIOSO: Sure. My pleasure.

23 The fans are used to cool the equipment that's
24 within the box which is very specialized
25 telecommunications equipment. And the fans are used to

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1 cool that equipment which depends on the temperature of
2 the equipment which is in large part dependant on the
3 outdoor ambient temperature. I don't know the exact
4 specific temperature of which it kicks on and off. I
5 can certainly inquire to that if that's something of
6 interest to you.

7 MAYOR DEVITA: Before I go on, Todd?

8 MR. STECKLER: Todd Steckler, outside counsel.
9 Did Crown Castle receive any notification from
10 LIPA with respect to these additional boxes?

11 MR. GAUDIOSO: I don't know whether it was
12 notification or discussions or requirements. I'm not
13 privy to those types of discussions. But it is my
14 understanding from speaking to my client that these are
15 required.

16 MR. STECKLER: And they're not included in the
17 application; is that correct?

18 MR. GAUDIOSO: It was after the application
19 was filed, correct.

20 MR. STECKLER: Do you know whether they're
21 installed by Crown Castle or they're installed by LIPA?

22 MR. GAUDIOSO: I don't know which personnel
23 actually installs it.

24 MR. STECKLER: Talking about the poles just
25 briefly because it's on a LIPA issue, you indicated, I

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1 believe you indicated difficulty in installing on LIPA
2 poles, I know it was brought up by the Mayor; is that
3 correct?

4 MR. GAUDIOSO: I think given the circumstances
5 that this is a court ordered public hearing, I think we
6 submitted documentation on what we're comfortable with
7 with respect to LIPA, I'll stand on that documentation.

8 MAYOR DeVITA: Mr. Gaudio, for instance,
9 this proposed Stealth pole, do you have any information
10 on how LIPA plans on attaching the equipment to a
11 Stealth pole?

12 MR. GAUDIOSO: I don't as of yet, but we have
13 inquired.

14 MAYOR DeVITA: Because right now, the Stealth
15 pole, instead of a brown box, all of the equipment is in
16 the base.

17 MR. GAUDIOSO: Correct.

18 MAYOR DeVITA: So they'd have to attach it
19 somewhere, it would have to be included in the base
20 somehow.

21 MR. GAUDIOSO: Correct.

22 MAYOR DeVITA: But we don't know at this
23 point?

24 MR. GAUDIOSO: Correct.

25 MR. AVRUTINE: I would just like to at this

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1 point, the Mayor had a slide of a photo of the
2 installation on Route 108, and I've been provided with a
3 paper copy of that slide. We are going to mark that as
4 Board of Trustees Exhibit No. 1.

5 MR. STECKLER: One other thing, is it possible
6 for these electrical boxes to be enclosed in the same
7 brown box as the telecommunications equipment?

8 MR. GAUDIOSO: We require a larger box,
9 obviously.

10 MAYOR DeVITA: The size of a coffin.

11 MR. GAUDIOSO: No, I don't believe it will be
12 the size of a coffin. Actually the box, as I mentioned
13 before, was 47 and a half inches by 22 inches wide by
14 12.7 inches deep, and the size of a meter as shown on
15 the exhibit that was just marked is fairly small. So I
16 don't believe that that box would substantively be
17 anywhere near the size of a coffin.

18 MAYOR DeVITA: I just want to go back to some
19 specific questions.

20 653 which was the first node you talked about,
21 that's 363 Cold Spring Road. The pole justification
22 report that is submitted for each pole details why other
23 poles aren't available or why it's in this location,
24 whatever. This actually, the first one, is a good
25 justification report to read because it has a number of

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1 disqualifying poles.

2 Instead of just saying disqualify, can you
3 explain why disqualifying because we see this
4 throughout. For instance, there was a pole that's
5 called a junction pole, there were two junction poles,
6 another one with a transformer. What disqualifies them?

7 MR. GAUDIOSO: So, the utility company will
8 not allow us to go on certain poles with a certain type
9 of utility apparatus on it. One of the biggest ones as
10 you mentioned is a transformer. They don't want one of
11 these facilities on the same pole as a transformer
12 facility. They also will not allow one with an
13 electrical riser which comes up out of the ground and on
14 top of the pole. Similar to that on top of the pole if
15 there's a disconnect with a disconnect in electricity,
16 they don't allow us on those types of poles. And a
17 junction pole usually refers to where you have two lines
18 and they meet somewhat at a T, that would be considered
19 a junction, and they don't allow us to go on that pole.
20 And those are for, -- they are technical safety reasons.

21 MAYOR DEVITA: With respect to this node and
22 this pole, it is between properties but it is on
23 properties facing out. There is a triangle at that
24 location, and just to the south of the triangle is kind
25 of a wooded pine tree area. I just thought maybe a

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1 suggestion would be a Stealth pole in that area.

2 But let me move on to 676.

3 This is on Cold Spring Road. The
4 justification report brings up the issue that Mr. Comi
5 mentioned about, one of the justifications for not
6 putting up on the pole is that it's a PSEG or LIPA pole.
7 And, you know, we come to learn, we know that at least
8 in this instance and other instances it's a financial
9 reason because LIPA, the public authority, basically can
10 charge what they want, and that's what our conversation
11 with Mr. Jusko -- Trustee Jusko spoke with our
12 government liaison for LIPA, Kim Kayman (phonetic), and
13 she reported that the LIPA charge is \$4,000 a year. I
14 know there was discussion it may be higher than that,
15 but I guess my point is whether it's \$4,000 or higher,
16 Crown says it's economically unfeasible to use a LIPA
17 pole.

18 The problem from our view as the Board is that
19 unless Verizon or Crown can somehow prove to us a
20 financial hardship as a result, at this point really
21 what Crown is saying is that you have to take our word
22 for that, and I have a problem with that. I understand
23 your position, but from our position we have no idea
24 what the economics are quite frankly.

25 MR. GAUDIOSO: So, I think you can read the

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1 recent PSC order which set forth pole attachment rates
2 that have to be published by the various utilities by, I
3 believe, it's August 1. And the reality is, \$4,000 is
4 low from what I understand, and other pole attachment
5 rates are \$7, and I think those are stark differences,
6 particularly when you look at a situation like this.
7 There is nothing objectively wrong with this particular
8 location here, choosing an existing pole in a
9 right-of-way which is using advanced technology which is
10 required by your code, and we believe that this clearly
11 meets the code. So that's part of the analysis both
12 under the code and the substantial evidence test, but
13 also under federal law.

14 MAYOR DEVITA: This is Node 679, 285 Laurel
15 Lane.

16 Mr. Comi suggested it isn't on that pole in
17 the front view of a house, the second story of a house.
18 And I recognize there's issues, there's not a lot of
19 cover in that area of Laurel Lane. But nevertheless,
20 just as a suggestion, that doesn't mean that we approve
21 it, but there is an area near the corner that has trees
22 and could house a stealth pole. These are just
23 suggested alternatives. It doesn't mean that we think
24 it's great and rah-rah, and we're voting for it. I'm
25 throwing this out as a suggested alternative.

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1 Let me move to Node 683, 315 Stillwell. This
2 is endemic of a problem I have with various of these
3 nodes. It's directly in front of the owner's home. And
4 given that we have two-acre zoning for 95 percent of the
5 village and, you know, frontages vary but there's
6 usually the minimum of 200 feet, it seems that there is
7 a better place.

8 Now Mr. Comi referred to the area across the
9 way as a sump. It's not. It's the Stillwell woods
10 which is basically a large barren area owned one part by
11 the County and one part by the Town. It would seem --
12 and on that side of the street there's no utility wires
13 or poles that would get in the way of say a Stealth
14 pole. Recognizing that's not our jurisdiction, it would
15 require Crown to go to another jurisdiction, but it just
16 seems like the perfect place. In addition, there's a
17 Verizon pole which is one pole over between the
18 properties on the north side of the street. In any
19 event, I throw that out.

20 The next one I want to talk about is 180
21 Laurel Lane. This is right in the front of the middle
22 of the property, and I believe as you proceed east in
23 the southeast side of the road just before it starts to
24 go down hill, there's a heavily wooded area which would
25 to me seem to suit a Stealth pole as opposed to this

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1 type of thing with all this equipment right in the
2 middle of someone's property.

3 So I think there are other alternatives that
4 could be suggested.

5 The other thing is, and I am glad to hear
6 since that we're in the process of redoing, repaving
7 60 percent of our roads, that any proposal for new lines
8 would be missiled underground as opposed to breaking up
9 our roads for a road opening permit.

10 Let me go to 15 Shady, 682. They're a little
11 out of order just because the Judge said, let us know,
12 you can't do this in five hearings, you have to do it in
13 four, so we had to pull nodes from other hearings. It
14 may not be in sync, but that's why it's out of sync.

15 15 Shady, again, it's a stealth pole but it
16 was put in the front yard of someone's property and
17 there's a treed area not far from there that would seem
18 could house that type of stealth pole.

19 Those are my comments for now. I'll pass them
20 on.

21 DEPUTY MAYOR NEMSHIN: A simpler question.
22 Dan had asked about what services are being provided and
23 you used the term personal wireless service. In
24 English, does that mean a telephone call?

25 MR. GAUDIOSO: In a fact, yes. It's more

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1 complicated than that. It's a defined term.

2 DEPUTY MAYOR NEMSHIN: As a layman who picks
3 up their cell phone and has no service, with the node
4 there, they will now have better service with no dropped
5 calls, is that the idea of this?

6 MR. GAUDIOSO: Correct.

7 DEPUTY MAYOR NEMSHIN: You covered the LIPA
8 pole restrictions.

9 would Crown Castle consider -- have you ever
10 included in an agreement that has actually been
11 implemented with a municipality to commit to making
12 adjustments to equipment if there was better technology
13 in a sense from an aesthetic point of view as well as
14 technology, but I'm thinking about the aesthetic point
15 of view, if the boxes got smaller, as technology
16 improves things get smaller and better, so in a short
17 period of time or sometime during this installation have
18 they or would they ever consider coming back to replace
19 the equipment with smaller equipment or improve the
20 aesthetics of the equipment?

21 MR. GAUDIOSO: It's a very undefined question.
22 I really don't know how to answer that.

23 I heard a question before about the code
24 requiring five carriers. As I mentioned, the box is in
25 part designed to be able to support a certain amount

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1 colocation. So, I don't know what you mean by a short
2 period of time or different technology. Those are just
3 too speculative of terms for me to negotiate in any way
4 here at this particular hearing on those terms, but it's
5 certainly something we could always consider and
6 discuss.

7 DEPUTY MAYOR NEMSHIN: Thank you.

8 I think Dan covered this by suggesting other
9 locations from the application. I don't know if the
10 question was asked, just in terms of would Crown
11 consider some adjustments to their application if it was
12 more aesthetically pleasing and for other reasons?

13 MR. GAUDIOSO: Sure. I think two things.

14 Number one, we have. We've had prior comments
15 and concerns, and we've made significant adjustments to
16 the project already. What federal law says is that
17 aesthetic criteria have to be objective. And if there
18 are specific requirements where the village Board said
19 we'll approve it if it's at this particular location in
20 lieu of a particular location that we chose, I'm sure
21 that would be something as long as it's technologically
22 feasible for us that we would certainly embrace.

23 DEPUTY MAYOR NEMSHIN: You talked about the
24 testing of the RF levels or you said that you do
25 calculations at the RF levels. I assume those are

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1 calculations done based on the equipment that they're
2 done, these are not out in the field, you're not going
3 to existing installations that you have in the
4 municipality and actually testing, you're just doing
5 some calculation on a computer of what is coming off of
6 these; is that correct?

7 MR. GAUDIOSO: So the FCC has created a
8 formula, and based on the very specific formula, we have
9 provided reports as required by your specific code under
10 that specific formula referenced in your code to certify
11 the facilities will be in compliance with the FCC.

12 DEPUTY MAYOR NEMSHIN: Have you ever gone to
13 existing installations and done any testing of the
14 equipment that's in those existing installations?

15 MR. GAUDIOSO: Me personally, no, but Crown
16 has hired consultants.

17 DEPUTY MAYOR NEMSHIN: They have gone into the
18 field?

19 MR. GAUDIOSO: On occasion.

20 TRUSTEE NICKLAS: I just want to kind of
21 clarify where I think we're coming from, at least from
22 my perspective. We're not going to stop the
23 installation of some nodes. The FCC has basically
24 predetermined we have limited ability to do things. The
25 prime responsibility I feel is for us to try to have

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1 these nodes placed in the most aesthetically pleasing
2 places from the standpoint of our residents.

3 And to add to what Dan said, I know he
4 mentioned a few of them, I was out with him today and we
5 were looking --

6 Dan, can you put up 682.

7 If you notice that particularly that one --
8 and, I mean, we can make the suggestion, but how do we
9 know they're going to be carried out and so forth -- but
10 that one is right on the driveway, basically right next
11 to the driveway just sitting right in front of this poor
12 guy's house. Thirty feet from there is a bunch of
13 trees.

14 MR. GAUDIOSO: I think that's an excellent
15 point, and I think that's an easy one for us to
16 accommodate the village's very specific and objective
17 request.

18 AUDIENCE MEMBER: There is also a pole
19 directly across the street.

20 MAYOR DeVITA: We'll get to any comment you
21 want to make.

22 TRUSTEE NICKLAS: To add to what Jeff just
23 mentioned here about the service provider, I'm still not
24 really clear as a layman of what we're getting out of
25 this, is it data, is it cell, is it both? And what, in

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1 fact, is data transmission, what does that mean?

2 MR. GAUDIOSO: So, without getting into a
3 lengthy dissertation about the history of wireless
4 service --

5 TRUSTEE NICKLAS: In layman's terms.

6 MR. GAUDIOSO: In layman's terms, we had a 2G
7 phone back in the 90s. You were only able to make a
8 call. And then the carriers came up with the technology
9 or the community came up with the technology known as
10 3G, and 3G allowed you to use data with those phone
11 calls to be able to text message. You might of had a
12 BlackBerry back in those days. The browser to go on the
13 internet with the BlackBerry was awful, that's why you
14 probably don't have one anymore. And that was 3G
15 technology. It used data and it also used typical
16 digital service for phone calls, and you were able to do
17 both.

18 The problem with that is that everyone wanted
19 a smartphone and everyone bought a smartphone, and the
20 avalanche of usage of the smartphone overwhelmed the 3G
21 systems. So what was the solution for that? A couple
22 different things.

23 One, the FCC auctioned off more frequency
24 bands. With more frequency bands will carry more data.
25 They also created a new technology, LTE technology,

1 which uses the frequency bands much more efficiently to
2 be able to carry more data.

3 So now with this avalanche of data, the new
4 LTE system with the new frequency bands can handle all
5 of the capacity. And with that, with that data, you can
6 make phone calls with that data. It's called voice over
7 LTE. They VoLTE it. That's how you make the phone
8 call. You can also surf the internet. You can go on
9 browser. You can also send pictures. You can also get
10 videos from your grandchildren. You can do all these
11 marvelous things that your laptop computer or your
12 smartphone can do on this LTE technology.

13 And just like the way 1G technology was phased
14 out over time to get to 2G, and 2G was phased out over
15 time to get to 3G, 3G is now being phased out to get to
16 4G. So for example, the 3G technology is being phased
17 out generally by the end of this year and the carriers
18 will use frequency bands which right now would be 850
19 megahertz frequency band and start to use it for LTE to
20 get more data capacity.

21 So the answer is that that new technology
22 allows the companies to be able to provide all these
23 services that everyone wants by using different
24 frequency bands that they've licensed over the years
25 from the FCC with the same facilities. So you're able

1 to operate from this one node multiple frequency bands.
2 What we've shown here is that these frequency bands
3 currently will operate at 700 megahertz which covers a
4 little bigger area, it has a lot less capacity, and 2100
5 megahertz frequency band which has double the capacity
6 of the 700 but it covers a smaller area, and by
7 overlaying the two frequency bands, they're able to
8 support all the capacity and coverage that is expected.

9 TRUSTEE NICKLAS: Question, I'm on the north
10 side of the village so I'm not concerned with all the
11 installations of it. It doesn't effect me. But I'm on
12 that north side and I have everything that you had just
13 stated. So I guess the question then becomes, is the
14 addition, the People on the south side may have these,
15 is this going to, if they don't have it, is it going to
16 give it to them or are these nodes all for something
17 outside of our village?

18 MR. GAUDIOSO: No, it's all definitely within
19 your village because they cover such a small geographic
20 area.

21 TRUSTEE NICKLAS: Is it to the benefit of our
22 village?

23 MR. GAUDIOSO: Absolutely.

24 If you look at the maps we submitted, we
25 showed both by propagation maps, meaning a

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1 computer-generated, but also actual signal test data
2 from each of the individual nodes because we tested each
3 one where the coverage would be, and we showed that it's
4 within the village.

5 If you're getting signals all the way up on
6 the north shore, you're either getting it from another
7 municipality because there's no facilities in Laurel
8 Hollow, or worse, you're getting it from across the Long
9 Island Sound, which means that if you have to make an
10 emergency phone call, that signal is coming across the
11 Long Island Sound because it's not blocked in, it's
12 flat, there's no buildings or trees in the way, it will
13 come all the way across, and when your emergency call
14 goes across to the public answering location over there,
15 they don't know where to dispatch the emergency services
16 to.

17 TRUSTEE NICKLAS: Finally then, this is the
18 last question. You talked about the 5G before. The
19 question came up. My understanding is the 5G is going
20 to require closer, less space between the nodes. What
21 happens in that case?

22 If I'm right on that assumption, I don't know,
23 but now we've got these nodes I don't know how many feet
24 apart, let's say they're 100 feet, now all of a sudden
25 5G steps in we're going to be facing another problem,

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1 bang, here comes some more nodes.

2 MR. GAUDIOSO: I can't speculate on what a
3 future application may or may not be.

4 TRUSTEE NICKLAS: Thank you.

5 MAYOR DeVITA: Kevin.

6 TRUSTEE JUSKO: In the picture here you show a
7 stealth pole that's rather sleeved and I think
8 unappealing. I saw in the wall street Journal many
9 months ago more decorative type of poles. would that be
10 something that you would consider?

11 MR. GAUDIOSO: I'd be happy to take a
12 photograph and take it back to my client and see if we
13 can research what pole that is or the manufacturer is.

14 TRUSTEE JUSKO: In addition, you mentioned --

15 MR. AVRUTINE: Before you proceed, there's a
16 photograph of what Trustee Jusko described as a
17 decorative pole, and we're going to mark that as Board
18 of Trustees Exhibit No. 2.

19 Thank you.

20 TRUSTEE JUSKO: The lower section of the pole,
21 you call that the shroud for the electrical equipment,
22 and you said that that could not or did not want to bury
23 that. I again, driving the neighborhood, saw what
24 appears to be telecommunications equipment located
25 underground.

1 MR. GAUDIOSO: So, that doesn't appear to be
2 telecommunications equipment. What we have is radio
3 frequency equipment which is different than electrical
4 equipment. It has to be vented. It has to be able
5 to -- that's why if you look at each of our shrouds, we
6 have vents on the side. And if you put something like
7 that underground, it would have to be vented some way in
8 the ice and rain and snow of the northeast, so that
9 would be a problem.

10 TRUSTEE JUSKO: I'll submit this picture. It
11 does seem like it is vented, and the top of it is
12 stamped telecommunications.

13 MR. GAUDIOSO: But is it radio frequency
14 telecommunications?

15 TRUSTEE JUSKO: The same respect with the type
16 of pole --

17 MR. AVRUTINE: One moment. Are these two
18 separate exhibits?

19 TRUSTEE JUSKO: It's the same.

20 MR. AVRUTINE: A two-page exhibit, photographs
21 of item that states at the top telecommunications, we
22 will mark that as Board of Trustees Exhibit No. 3.

23 TRUSTEE JUSKO: You had mentioned earlier that
24 the number of carriers that can go on a pole are two to
25 three. Is that the same for the stealth as well as --

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1 MR. GAUDIOSO: Correct. And it depends on the
2 size of the equipment which in turn depends on the
3 frequency bands they intend to use.

4 TRUSTEE JUSKO: Last question, you had
5 mentioned that there were reasons for not wanting to
6 attach to LIPA poles. My question is, do you attach to
7 LIPA poles anywhere on Long Island?

8 MR. GAUDIOSO: Not that I'm aware of.

9 TRUSTEE JUSKO: Thank you.

10 MAYOR DeVITA: Trustee Miritello.

11 TRUSTEE MIRITELLO: I have a few brief
12 questions.

13 Is it possible to put a pole next to a pole?
14 If you can't use a LIPA pole, could you put another pole
15 next to it?

16 MR. GAUDIOSO: No. We're not allowed to put a
17 pole right in the line. It would have to be
18 approximately 10 feet off the line, and we would still
19 have to be in the right-of-way.

20 TRUSTEE MIRITELLO: Will these poles over time
21 have any more accessories attached to them without
22 our -- I guess you would need our consent on any
23 additional things placed on the pole or once the pole is
24 up you can add as needed, would you need Board approval
25 for that?

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1 MR. GAUDIOSO: Well, it depends on what the
2 federal law says and what the town law says. You would
3 have to give me a specific example to answer that.

4 This is what we're proposing with this
5 application.

6 TRUSTEE MIRITELLO: So anything additionally
7 on those antennas it could appear later on or something
8 else could grow out of those boxes or --

9 MR. GAUDIOSO: Well, there are certain
10 modifications that are permitted within certain size
11 limits, but this is what we're proposing as far as this
12 application.

13 TRUSTEE MIRITELLO: I know that we really
14 can't or I guess we can talk about the emissions that
15 come out of these. You say it's about 2 percent coming
16 out. Does anyone know what comes out of a cell phone or
17 microwave, what percent that is? I'm just curious.

18 MR. GAUDIOSO: Yeah. It's really an
19 apples-to-oranges comparison. I don't even want to try
20 and speculate and try to compare two to three different
21 types.

22 AUDIENCE MEMBER: Can you get back to us with
23 that answer?

24 MR. GAUDIOSO: We're required under your code
25 and federal law to show compliance with the FCC limits.

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1 I believe we've done that, and I really don't have
2 anything more to add on that.

3 AUDIENCE MEMBER: Could you get the answer to
4 the question he asked?

5 MAYOR DeVITA: Wait. You can make that point
6 and plea later.

7 TRUSTEE MIRITELLO: I'm still not completely
8 convinced about the effect on the environment or on us.
9 It's not really a tested technology, but over time, I
10 guess, we'll find out. But really that's all.

11 MAYOR DeVITA: Nick?

12 TRUSTEE TSAFOS: Sure.

13 Based on responses that you gave earlier to
14 Mayor DeVita's questions, and you keep referring back to
15 the FCC, is Crown Castle regulated like a utility?

16 MR. GAUDIOSO: So Crown Castle, as I mentioned
17 before, holds an actual utility license from the New
18 York State PSC, a Certificate of Public Convenience and
19 Necessity. So the answer to that question is yes, and
20 its facilities are personal wireless service facilities
21 which are covered under the Telecommunications Act of
22 1996 and the Spectrum Act.

23 TRUSTEE TSAFOS: So you're licensed by a
24 regulator from the state and federal regulators like the
25 FCC; is that correct?

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1 MR. GAUDIOSO: So we have a Certificate of
2 Public Convenience and Necessity from New York State and
3 our facilities are also regulated as personal wireless
4 service facilities as are our carrier customers who
5 actually hold the FCC licenses from the federal
6 government.

7 TRUSTEE TSAFOS: That's the carriers, the
8 carriers have their own licenses and I guess it sounds
9 like you have your own licenses also; is that correct?

10 MR. GAUDIOSO: So we have a Certificate of
11 Public Convenience and Necessity from the New York State
12 PSC and our facilities are public -- are personal
13 wireless service facilities under federal law.

14 TRUSTEE TSAFOS: So based on that, and I'm
15 trying to understand what the company has disclosed in
16 its annual filings of the Securities and Exchange
17 Commission in its financial statements, and it basically
18 states that it has tenants which are the carriers, and
19 they charge rent. So it appears to me that Crown Castle
20 comes in, puts up their boxes on poles or new poles, and
21 they charge rent. So in effect it's like a company that
22 owns real estate. That's what it sounds like. So I
23 just want to understand, as you being the landlord in
24 effect based on your financial statements, what
25 responsibilities does Crown Castle have for the upkeep

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1 of these poles, the boxes, to be compliant with the
2 rules and regulations of the regulators they're
3 overseeing?

4 MR. GAUDIOSO: Back in 2015, we offered a
5 right-of-way use agreement with the village that
6 specifically has bonding requirements, insurance
7 requirements, maintenance requirements, all the
8 different types of requirements that you would see in a
9 typical license or franchise or something of that
10 nature. So those are spelled out in the agreement. If
11 you recall, the village refused to negotiate that
12 agreement with Crown Castle until this process was
13 finalized. That was the village's position. That's one
14 thing.

15 The second thing is, the facilities, because
16 they do support federally licensed services, they do
17 have to comply with various federal requirements. So
18 again, as mentioned before, the radio frequency exposure
19 requirements, facilities have to comply with that. The
20 National Environmental Policy Act, the facilities have
21 to comply with those regulations. So there is a myriad
22 of regulations. If they were a certain height, it would
23 have to comply with FAA requirements. These particular
24 ones don't because of the low height.

25 Those are just some of the examples.

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1 TRUSTEE TSAFOS: So is Crown Castle
2 responsible for that or is it the carriers that are
3 renting from Crown Castle responsible for meeting those
4 requirements?

5 MR. GAUDIOSO: So in some cases it's one, in
6 some cases it's the other. Typically, if Crown Castle
7 was building a tower that required FAA lighting, Crown
8 Castle would make the necessary filings and if they had
9 to put lighting or marking on the tower, they would be
10 responsible for that. That's one example.

11 TRUSTEE TSAFOS: I got that, but we're about
12 30 miles away from any close airport from here any which
13 way you look at it, so the FAA example doesn't really
14 work. What I'm trying to understand is if these units
15 are not compliant with the various codes --

16 MR. GAUDIOSO: Which codes? You have to give
17 me a code.

18 MAYOR DeVITA: Say the RF.

19 TRUSTEE TSAFOS: The FCC code, a state code --

20 MR. GAUDIOSO: So if this facility was not
21 compliant with the FCC regulations, then the FCC would
22 handle how that issue was resolved. And I can't be any
23 more clear about that. That is completely federally
24 preempted as to what the result will be, and the FCC
25 will deal with that situation.

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1 TRUSTEE TSAFOS: Okay. Those are my
2 questions.

3 MAYOR DeVITA: Marty.

4 TRUSTEE NOVICK: What exactly is the
5 relationship between Crown and Verizon, do they act as a
6 tenant? Do you own the tower? The tower that you put
7 up, is that owned by you?

8 MR. GAUDIOSO: So if we put up a new pole, we
9 will own that new pole.

10 TRUSTEE NOVICK: Now LIPA has its poles and
11 they own them and, therefore, they can regulate and
12 decide whether they want you on it or not for whatever
13 reason they may have. Are you going to have the same
14 rights? In other words, can AT&T, which some people
15 have service in the village, put anything on your pole
16 or they have to go through you and do you have the
17 option to allow it or not allow it whether it's fee paid
18 or not? Do you actually control the pole like LIPA
19 controls its poles and you can decide who goes on that
20 pole in the future?

21 MR. GAUDIOSO: So we want them to come on our
22 facilities. That's the business model, to be able to
23 support colocation as required by your code and have
24 them come on. So what we routinely do with all the
25 carriers is try and enter into agreements for them to

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1 use our facilities. That's our -- that's what we want,
2 and that's what your code both encourages and requires.

3 TRUSTEE NOVICK: Is there a distinction, I
4 mean Verizon certainly has the financial capabilities to
5 put up a tower, is there just rulings about against them
6 to allow people like you to do it? Why does Verizon
7 need Crown Castle?

8 MR. GAUDIOSO: I don't know the answer and I'm
9 not going to speculate on why Verizon does business with
10 Crown Castle who happens to be the leading
11 infrastructure provider in the United States. Maybe
12 that's the reason. But Crown Castle has an expertise in
13 building these types of facilities. But Crown Castle
14 has the right under both state law to use the
15 right-of-way and under federal law to provide
16 telecommunications service within the right-of-way.

17 TRUSTEE NOVICK: Residents are concerned about
18 the benefits, and there was a mention that Mr. Comi said
19 about proving the gap, the need. Is there reports on
20 that to show where there's gaps in where you're
21 pertaining to put the nodes up?

22 MR. GAUDIOSO: Correct.

23 TRUSTEE NOVICK: And by having these 26
24 antennas up --

25 MR. GAUDIOSO: Twenty-five, we reduced it.

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1 TRUSTEE NOVICK: -- twenty-five, we're telling
2 the residents that their cell service will be improved?

3 MR. GAUDIOSO: For Verizon, correct.

4 TRUSTEE NOVICK: For Verizon.

5 MR. GAUDIOSO: And hopefully other carriers
6 will collocate and that cell service will improve as
7 well.

8 TRUSTEE NOVICK: Those that have Verizon will
9 have an improvement of service with those?

10 MR. GAUDIOSO: Correct.

11 TRUSTEE NOVICK: Are all the antennas on all
12 the time, I mean the three antennas? I mean, I'm not an
13 engineer, so I don't know why you need three, but
14 assuming that three is, are they all working at the same
15 time all the time?

16 MR. GAUDIOSO: Not necessarily. But in
17 reality, probably pretty close to that. They operate
18 when there's a call or a data transmission or some other
19 usage in the area. And the reason they're broken into
20 three sectors is to be able to go in three different
21 directions to break it up. And then there's 18 antennas
22 between those three sectors.

23 TRUSTEE NOVICK: On the financial side, should
24 AT&T come and want to use your facility, does the rental
25 that you pay mean anything to the village or the rental

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1 that they pay you in addition to Verizon, does that mean
2 more revenue to the village?

3 MR. GAUDIOSO: Well, the village hasn't
4 negotiated the agreement with us, so I'm unable to
5 answer that question.

6 TRUSTEE NOVICK: Well normally, in any type of
7 situation like that?

8 MR. GAUDIOSO: There's many different types of
9 situations, and depending on the type of situation it
10 could depend and it could ultimately be more money for
11 the village. I can tell you this, the FCC has
12 promulgated regulations that the amount paid to the
13 village is a set amount.

14 TRUSTEE NOVICK: Per carrier?

15 MR. GAUDIOSO: Per node.

16 TRUSTEE NOVICK: Per node regardless of how
17 many carriers on are it?

18 MR. GAUDIOSO: That's my understanding. But
19 it depends on the type of facility as well.

20 TRUSTEE NOVICK: What does that mean?

21 MR. GAUDIOSO: Well, it depends on the type of
22 facility. It depends on the type of node. If we just
23 have one node, there's a per node fee, recurring fee.
24 That's all spelled out in federal regulations.

25 TRUSTEE NOVICK: But if AT&T wanted to use the

1 system, they would need all the nodes that you have,
2 right?

3 MR. GAUDIOSO: Maybe, maybe not.

4 TRUSTEE NOVICK: They can't operate on two
5 nodes if you have 25 there.

6 MR. GAUDIOSO: I'm not going to speculate.
7 Most likely you're right, but --

8 TRUSTEE NOVICK: Well, if I'm not right, then
9 why do we need 25, then Verizon can operate with two
10 more also instead of 25?

11 MR. GAUDIOSO: Not necessarily. Here's the
12 situation. We proposed 25 nodes. We've submitted a
13 report that's been on file for well over a year that
14 shows a gap in service and how these nodes will fill
15 that. There's new FCC regulations that basically say we
16 don't even have to show a gap in service, we have to
17 show a different standard. I believe we've met that as
18 well.

19 TRUSTEE NOVICK: You don't have to show a gap
20 in service?

21 MR. GAUDIOSO: Correct. Whether there's a
22 future application by AT&T or not, I can't speculate.
23 So unfortunately I don't want to give you the answers
24 that are based on speculation because they may or may
25 not be correct answers once the actual facts come about.

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1 TRUSTEE NOVICK: All right.

2 TRUSTEE MIRITELLO: If AT&T uses your
3 services, then would the profile of the antennas change
4 at all or the look would be the same?

5 MR. GAUDIOSO: It's anticipated the look would
6 be the same, and that's based on once AT&T comes and
7 says that they need as far as their code.

8 TRUSTEE MIRITELLO: And if they needed
9 something different and the profile would change, what
10 would happen then, you own the pole and you can do what
11 you want at that point? I mean, you still have to come
12 to the village.

13 MR. GAUDIOSO: It depends. I think it depends
14 in large part how this process ultimately concludes.

15 MAYOR DeVITA: I believe there's a provision
16 in our code that they have to come back.

17 Just to clear this up, Mr. Comi in his comment
18 said that there wasn't a demonstration, and I'll call
19 them propagation studies but I don't know if that's the
20 right term, showing that there's a gap to be filled, and
21 you claim, Mr. Gaudioso, that there is. What are you
22 basing it on, before I ask Mr. Comi to comment?

23 MR. GAUDIOSO: We actually submitted an expert
24 report with actual propagation mapping and drive test
25 data.

1 MR. COMI: Mr. Mayor, my comment is based upon
2 the fact that the propagation maps and the drive test
3 data that were provided by the industry were only for
4 the two frequency bands they're going to be providing,
5 700 and 2100. You already have 850 and 1900 coverage.
6 That's what you have now. That's why your Verizon phone
7 in most places in the community works now.

8 To have a gap in coverage. It doesn't say to
9 have a gap in 700 LTE coverage or 1900 coverage. The
10 gap in coverage means no service in that area. So we
11 asked them for all of the maps for the other two
12 frequency bands, and we didn't get that because that's
13 what shows where they have existing wireless coverage
14 for Verizon.

15 MAYOR DeVITA: So it's a different
16 understanding.

17 If you want to respond to that, you can.

18 MR. GAUDIOSO: Well, I think we've made our
19 point.

20 MAYOR DeVITA: Go ahead, Rich.

21 TRUSTEE NICKLAS: Quick question. We have 25
22 nodes that you're installing. Is that covering all of
23 the village on the south side? And if not, why?

24 MR. GAUDIOSO: It's covering the vast,
25 vast, vast majority of the south side. How you define

1 the south side is, I guess, you know, 25A and south. If
2 you look at the maps and you see the area of coverage,
3 it's pretty well covered.

4 TRUSTEE NICKLAS: We're not going to have you
5 coming back and saying, no, we've got to put some more
6 over here on the east side or the west side of Cold
7 Spring Road?

8 MR. GAUDIOSO: We don't have anything
9 proposed.

10 MAYOR DeVITA: Let me just say this.

11 First of all, it doesn't cover the entire
12 south side. There are large swaths of the south side -
13 the north part of Elizabeth, Cedarfield, Woodfield,
14 Springwood Path, Harbor, Ridge. So there are large
15 parts that aren't covered by this.

16 Mr. Gaudioso stated he has no knowledge of
17 future applications. I have to believe Verizon was
18 looking to make money on this eventually. This to me is
19 a first step. I have no way to prove that. It just
20 seems if that's the business model is to make money on
21 our village, I anticipate there will be future filings.
22 I can't say that, there's no proof of that, but it seems
23 to me. Why would you ignore what I would say is
24 probably 60 percent of our village.

25 MR. GAUDIOSO: I have one thing to add to

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1 that. If you recall, we had 26 nodes. The reason we
2 dropped one node is because it was on a private road.
3 So we don't have access to private roads unless the
4 owner of the private road grants us access.

5 TRUSTEE NICKLAS: What was the logic in
6 selecting these 25 scattered spots?

7 MR. GAUDIOSO: So they're not scattered.
8 They're an area that Verizon identified as an area of
9 need and then they hand the design off to Crown Castle's
10 engineers and Crown Castle's engineers, based on the
11 propagation of the frequency bands and, as Mr. Comi
12 mentioned, only two frequency bands were proposed in
13 this application, 700 and 2100, based on the
14 propagation, the capacity and the area, the existing
15 poles, the proposed poles, how those pieces of a jigsaw
16 puzzle would work together, that's how these 25 nodes
17 were selected to fill this area.

18 TRUSTEE NICKLAS: Thank you.

19 MAYOR DEVITA: Todd, do you have any comments?

20 MR. STECKLER: I just have a couple.

21 Todd Steckler, Telecommunications Counsel to
22 the village.

23 Just a few things. You mentioned CPCN several
24 times. So my question for you, it's true that a utility
25 requires CPCN; is that correct?

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1 MR. GAUDIOSO: So let me say this. I'm not
2 going to be cross-examined given the fact that this is a
3 land use hearing for an application that's been filed
4 and ordered by the Court. So, the fact of the matter
5 is --

6 MR. STECKLER: You raised --

7 MR. GAUDIOSO: -- we've submitted a copy of
8 our CPCN. I think it stands on its own. There's no
9 requirement in the code that we submit it, but we did
10 submit it anyway, and I'll leave it at that.

11 MR. STECKLER: So you're not going to answer
12 any questions about CPCN?

13 MR. GAUDIOSO: When you're asking does a
14 utility need a CPCN, that's a very vague question
15 because it has many different parameters depending on
16 what type of utility.

17 We have a CPCN to provide the services that
18 are identified in our CPCN and I believe that gives us
19 the right to access the right-of-way with consent of the
20 jurisdiction in this particular case which we've asked
21 for since 2015.

22 MR. STECKLER: So is your position that Crown
23 Castle is a utility?

24 MR. GAUDIOSO: So for many different reasons
25 we've submitted the CPCN which includes the fact that

1 we're allowed to use the right-of-way, and I think
2 that's what matters.

3 MR. STECKLER: Again, you haven't answered my
4 question whether you consider Crown Castle to be a
5 utility.

6 MR. GAUDIOSO: I don't think that for purposes
7 of what we've already submitted that my answer to that
8 question would elaborate on what we've already put into
9 the documents.

10 MR. STECKLER: You represented to the Board
11 that Crown Castle was a utility, so I'm asking you --

12 MR. GAUDIOSO: So why are you asking the
13 question again?

14 This is what we're not going to do. I'm not
15 going to stand here and do this. I'm not going to have
16 you ask me questions to try and trip me up on something
17 that's already been submitted. You know I've already
18 submitted it, that we've already made that
19 representation. There's no reason for this line of
20 questioning.

21 MR. STECKLER: Fine. Do you have an
22 agreement, does Crown Castle have an agreement with LIPA
23 to use their poles?

24 MR. GAUDIOSO: We do.

25 MR. STECKLER: Have you provided that

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1 agreement to the Board?

2 MR. GAUDIOSO: No.

3 MR. STECKLER: Will you provide that agreement
4 to the Board?

5 MR. GAUDIOSO: I'll take it under advisement.

6 MAYOR DEVITA: We'll make that request.

7 MR. STECKLER: In order for these DAS nodes to
8 work, my understanding is they need to be connected to
9 fiber optic; is that correct?

10 MR. GAUDIOSO: Correct.

11 MR. STECKLER: Is Crown Castle going to be
12 putting in new fiber optic lines in the village in
13 connection with these DAS nodes?

14 MR. GAUDIOSO: I would have to check, but I
15 don't believe that's the case.

16 MR. STECKLER: If they were, would that be
17 part of the application?

18 MR. GAUDIOSO: It depends on who owns, if it
19 was Crown Castle or if it's a separate company that has
20 its own franchise or ability to do it, then the answer
21 would be no. So it would depend.

22 MR. STECKLER: Can you just clarify that. So,
23 if there is no fiber optic there now, how would Crown
24 Castle operate its nodes?

25 MR. GAUDIOSO: Well, there may be a third

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1 party that would bring the fiber in.

2 MR. STECKLER: And would they have to come to
3 the town to get permission to bring the fiber in?

4 MR. GAUDIOSO: I don't know. It depends on
5 the third party.

6 MR. STECKLER: So you don't know the situation
7 there. Can you let the Board know whether there is
8 fiber available for each of the nodes that's proposed
9 here?

10 MR. GAUDIOSO: I can certainly look into that.

11 MR. STECKLER: That's it.

12 MAYOR DEVITA: Mr. Gaudioso, if you have any
13 final remarks, you can make them now.

14 MR. GAUDIOSO: No, but I will reserve the
15 opportunity to respond to any.

16 MAYOR DEVITA: At this point, we have
17 questions and comments from the residents. If your name
18 is called, please come up to the microphone and speak
19 directly into the microphone. We have a court reporter
20 here who will take down your name and your address and
21 your comment and question.

22 First is Paul and/or Melissa Malasciullo.

23 MR. AVRUTINE: Please give your name and
24 address.

25 MR. MALASCIULLO: My name is Paul Malasciullo.

1 That happens to be my house right there. So I'm not
2 exactly thrilled and not happy about this.

3 So Mr. Gaudio, I'll approach you first. Is
4 Verizon the one who is asking Crown Castle to put up
5 these nodes?

6 MR. AVRUTINE: You can address your questions
7 to the Board, if the Board can answer your questions.
8 Otherwise, we can have Mr. Gaudio do this at the end.

9 MR. MALASCIULLO: How much do you guys make
10 per node per year?

11 MR. GAUDIOSO: I'm not going to -- I don't
12 think it's appropriate that --

13 MAYOR DEVITA: No. No. You ask the
14 questions. We can record the --

15 MR. MALASCIULLO: How much do you guys make
16 per node per year? And then, is the reason that you
17 don't want to use the LIPA pole is because they won't
18 let you or is it because they are charging you \$4,000
19 per year?

20 These are very simple questions. Can I get an
21 answer of some kind?

22 MR. AVRUTINE: At the conclusion, the Board
23 will ask these questions of Mr. Gaudio.

24 MR. MALASCIULLO: My next comment would be, I
25 think that that would take away from the value of my

1 home. So I would like to ask if the Town or perhaps
2 Crown Castle is going to pay me some kind of
3 consideration for that being there. Crown Castle has to
4 pay for the giant cell towers that they have on various
5 properties, so either I'd like to have a reduction in my
6 taxes or to have that thing moved or to be paid some
7 kind of fee. If you're going to pay Verizon \$4,000 to
8 put it on the pole, maybe you can pay me \$10,000 a year,
9 I'll send you a bill for putting it on my property.

10 I don't know how you chose the corner of my
11 driveway to put that there where it's going to be hit by
12 a snowplow as it is. It seems -- does anybody else
13 think that's ridiculous or is it just me? It's just
14 absolutely ridiculous.

15 MAYOR DeVITA: Just address the Board.

16 MR. MALASCIULLO: I'm sorry.

17 If it's a Verizon thing, perhaps we can all
18 cancel Verizon and use AT&T and Optimum. I think we
19 should not be silent here and just allow Crown Castle to
20 push us around.

21 Those are my comments as opposed to questions.
22 I would like to know how much you make per node. I
23 would like to know how much Verizon pays you per node.
24 I would like to know the answer to Jeff's question what
25 the electrical or whatever technology shows what the

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1 emissions are per a microwave or a phone as opposed to
2 what comes off of this.

3 I don't have any idea how much noise this
4 makes. Do we have any idea?

5 MAYOR DeVITA: There were noise reports
6 submitted by an engineering company. Basically just to
7 summarize as I did before, they said no louder than
8 ambient which they equate it to a passing car. And as I
9 said before, a passing car is a passing car, it passes,
10 but if the fans stay on, it doesn't. In any event, that
11 was the answer.

12 MR. MALASCIULLO: I think that's it. I think
13 it's a generally frustrating thing to think that
14 somebody can put something of that size on your
15 property, the corner of your property, with no control
16 over it, and God knows what kind of emissions are coming
17 out of the top of it and what it might do to the value
18 of my property. Look at that pole way across the
19 street, not to mention you guys don't want to spend
20 \$4,000 to put it on a LIPA pole.

21 MAYOR DeVITA: Just so you know, Paul, because
22 you saw us out there today, that pole, and we've been
23 out many times, that pole is on the edge of a driveway
24 and in the front yard of this one. There's no great
25 spot.

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1 MR. MALASCIULLO: I agree with you. I think
2 down at the end of the block there's some just dead area
3 there between I think it's 28 Shady and whatever is on
4 the next block. There's just dead ground there. I
5 mean, you can put it there. You can even -- down on the
6 corner, nobody owns that property. It's just dead zone.
7 So, just a general lack of frustration.

8 MAYOR DeVITA: Thank you.

9 Eric Franz.

10 MR. FRANZ: Thank you. If I may, if you're
11 okay with this, Mr. Gaudio, maybe I can make sure I
12 understand some of the points.

13 MAYOR DeVITA: Just address the Board.

14 MR. FRANZ: If anybody can give me a nod then,
15 because the next question kind of presupposes that I'm
16 understanding my answer to the first one.

17 My understanding is that the FCC gives Crown
18 Castle the right to use the right-of-way provided it
19 complies with the Village Code and it doesn't
20 unreasonably restrict; is that correct?

21 MR. AVRUTINE: We're going to pose these
22 questions later on.

23 MR. FRANZ: Will you hear my comment?

24 MR. AVRUTINE: Sure.

25 MR. FRANZ: I think this would be much more

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1 efficient if I got answers to the questions because then
2 there would be clarification, because I sat here hearing
3 some of this dribbled throughout.

4 Here's what I want to know. If Crown Castle
5 says that the federal law requires an objectively
6 reasonable accommodation to the aesthetics -- am I
7 getting that somewhat right? If I'm not getting it
8 right, what's the standard?

9 MAYOR DEVITA: Look, we have the right to
10 regulate certain aesthetics in our village. We still
11 have that right.

12 MR. FRANZ: So how does it determine what is
13 the least intrusive aesthetic, the most intrusive?
14 What's the standard? Because how is it that someone
15 like Mr. Malasciullo can voice his objection rather than
16 come here and not be able to get a direct answer?

17 MAYOR DEVITA: No. What I said in my
18 comments, if you remember, I'm not satisfied with any
19 node or pole or stealth pole being in anyone's front
20 yard. To me, that's an aesthetic standard.

21 MR. FRANZ: I'm not suggesting that you are.
22 I think we're in agreement. I'm trying to make the
23 point on behalf of all of us like you are.

24 MAYOR DEVITA: I don't think there's a --
25 correct me if I'm wrong, Howard -- a list of one through

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1 ten this is what you define as aesthetics. I think we
2 have to take our community, the appearance of our
3 community, the environment of our community into account
4 when considering those things.

5 MR. FRANZ: Yes, but my questions are more
6 directed to what's Crown Castle's position.

7 Is it Crown Castle's position that they have
8 to just comply with the minimal requirements that the
9 FCC, you know, the Electronic Communications Act was put
10 in place, or is Crown Castle committed to working with
11 the community to find more pleasing ways aesthetically
12 to post these poles? That's the question I want to
13 know, what is Crown Castle's position. Is it the bear
14 minimum or they actually want to interact with us to get
15 the answers.

16 And if so, what's the procedure for my hearing
17 that's coming up in a few weeks so that I can tell you
18 in advance that the pole at 235 Laurel Lane is directly
19 across from my child's window and is ignoring the fact
20 that there's a sump down the street? Did anybody from
21 Crown Castle actually try the least restrictive means,
22 the least aesthetically displeasing means of doing so or
23 you just place it there and hope that people don't voice
24 objections? But now that I am, do I need to write you a
25 letter? What do I need to do to start the process? And

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1 I think that everybody would want to do that.

2 MAYOR DEVITA: I understand, and you can
3 contact us.

4 But I will say this, and I think Mr. Gaudioso
5 said that in his statement referring to different
6 locations that he was willing to work with the village.

7 MR. FRANZ: So that's my question. This is a
8 question period. My questions are, because I can't read
9 every e-mail that comes through across this as everybody
10 is busy, so with Mr. Gaudioso here I'd like to know if
11 he can tell us how he would prefer that we communicate
12 in advance about the placements of these poles. Can we
13 schedule a meeting with him or one of his
14 representatives? What should we be doing as a public
15 rather than coming here and just posing the questions?

16 MAYOR DEVITA: I'll tell you the answer.
17 Contact us, myself and one or two others, because we're
18 not allowed to gather more than three at a time under
19 the Open Meetings Law. We're happy to meet you at your
20 house and walk the streets. We've been out there.
21 We've got all kinds of green vests. I'm happy to
22 discuss the different locations. We then convey that to
23 Mr. Gaudioso.

24 So the answer to your question is call us.
25 Call me. My cell number is on every letter I send out.

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1 I'll give it to you again tonight, Mr. Franz, before you
2 leave.

3 MR. FRANZ: Well I'm on record on it.
4 Mr. Gaudioso as well.

5 Next, when you asked, Mayor DeVita, about the
6 compliance plan, I think the answer that we received
7 was, we believe we'll be in compliance, which isn't an
8 answer. So I think we should follow up and get an
9 answer as to what are the compliance plan protocols, how
10 often does Crown Castle check the emissions and
11 everything else for safety, and what are the remedies in
12 the event that you're not in compliance as opposed to
13 the FCC, is this just that everything has to be directed
14 through the FCC or does Crown Castle actually want to
15 interact with the community?

16 MAYOR DeVITA: Those are great points. Let me
17 just have you understand. Just because we don't follow
18 up, that doesn't mean we don't have those questions,
19 because we know we're not going to get the questions
20 tonight. But we will follow up or consider that if we
21 didn't get answers. That's part of our consideration.

22 MR. FRANZ: This is not my --

23 MAYOR DeVITA: They are good questions. But
24 it doesn't mean that they're not going to be asked.

25 MR. FRANZ: What happens --

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1 MAYOR DeVITA: Do me a favor, Mr. Franz, try
2 to speed it up.

3 MR. FRANZ: Sure. If I don't get interrupted
4 it will go quicker.

5 what happens when 4G becomes obsolete, is
6 Crown Castle going to come in and remove these poles?
7 Are they going to leave them if Crown Castle gets out of
8 business? whose responsibility will it be?

9 And finally, what assurances do we have that
10 this isn't a slippery slope, that once these poles go up
11 that we're not faced with more and more requests, but
12 since they're already there, that it's going to keep
13 happening?

14 I appreciate all your answers.

15 MAYOR DeVITA: Thank you.

16 Debbie Yu Cheng, 371 Cold Spring Road. She
17 will have the opportunity.

18 Let's make a note. Ask her if she wants to
19 submit any written comments.

20 Steven Fruchtman.

21 MR. FRUCHTMAN: Thank you.

22 Steven Fruchtman, F-R-U-C-H-T-M-A-N, 471 Cold
23 Spring Road.

24 I've been in touch with a lot of the Board
25 members and asked numerous questions over the past few

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1 months. So, I won't take up too much time tonight
2 because I think you know a lot of my questions already.

3 But specifically, I have a general question
4 about the code and it relates to the questions that have
5 already been answered and the central question of the
6 location of these poles or nodes.

7 The village is allowed to control the location
8 of these facilities using their zoning code, and they
9 have it right in Section 145, which has been talked
10 about already, dash 36.4 which is entitled, Location.
11 There's a list of seven priority locations which the
12 village along with the applicant is supposed to go
13 through, 1, 2, 3, 4, 5, 6, and the applicant is supposed
14 to document why their proposed location needs to be at a
15 certain level because no others are available.

16 Now Crown has claimed that all of these
17 locations are of the first priority on that list which
18 is on village owned properties or facilities. Now,
19 none -- and none of these are located on village owned
20 properties or facilities. The right-of-way either by
21 the village or Nassau County is not property owned by
22 the village, it's an easement on private property and it
23 is not of the first priority under our code.

24 In addition, the other priorities talk about
25 on existing nonresidential structures which is Number 3.

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1 Number 4 are nonresidential properties on other
2 properties in the village. And residential properties
3 are not even mentioned until much later on in the code
4 as an absolute last resort. All of these are located
5 directly next to, in front of, or adjacent to
6 residential properties, which is the exact opposite of
7 the intention of our code which was enacted in -- and if
8 you look at the legislative history of our code, it
9 sheds a lot of light on this.

10 In fact, I have a hearing of the code right
11 here when it was being drafted and it talks about first
12 priority sites being only village owned property, and it
13 specifically indicates that that is to include the
14 village Hall, the police station and the barn, which I
15 didn't know what it was before I read this, which would
16 mean that none of these sites are of the first priority
17 and that they're actually of the 6th, 7th or not even on
18 the priority list at all. So I don't understand why
19 we've wasted so much time missing the forest through the
20 trees on this. And I'd like to know if the priority
21 were -- I don't see anywhere in the application where
22 the priorities were even addressed or talked about. It
23 simply stated they were the first priority, and they're
24 really not.

25 MAYOR DeVITA: Thank you. That's three

1 minutes, and I'll respond.

2 MR. FRUCHTMAN: That's just one general
3 question. I have one more point to make.

4 MAYOR DeVITA: Mr. Fruchtman, you made your
5 point in dozens of e-mails. You are not going to take
6 everyone else's time.

7 With respect to your question, the
8 right-of-way is municipal property. It's controlled.
9 We control it. It's our property.

10 Now, you want to get into legislative --

11 MR. FRUCHTMAN: No --

12 MAYOR DeVITA: Excuse me. You've had your
13 turn. Please don't be rude. You're getting a response,
14 okay.

15 So number one, that's our position. It's not
16 an easement.

17 MR. FRUCHTMAN: So you're defending them?

18 MAYOR DeVITA: It's not an easement.

19 Now if you want to go back to the village
20 hearing in 2004, okay, the concern at that time, the
21 ultimate concern of the village was -- excuse me -- was
22 keeping towers out, keeping towers out.

23 MR. FRUCHTMAN: No. It relates to all
24 cellular --

25 MAYOR DeVITA: You know what, are you going to

1 let me finish and then everyone maybe will have an
2 opportunity.

3 was keeping towers out. Okay. And at the
4 time there was talk, okay, about what they called whip
5 antennas. This was maybe the birth of the small cell
6 technology. All right. And those three properties were
7 mentioned in that legislative history because they were
8 the only practical sites for a tower. That's number
9 one.

10 Number two, the second priority is utility
11 poles in the right-of-way. So here we are. If you
12 don't like number one, you've got number two, and that's
13 where we are.

14 So with respect to the legislative history,
15 it's very clear. There were people from around the barn
16 who came to that hearing. They were worried about a
17 tower going up. And let me tell you something, the one
18 thing we don't want in this village is a tower because
19 it will virtually tower over this village in order to
20 get complete coverage of this village, maybe a 150 feet.
21 That's the size of the tower near the Oyster Bay Golf
22 Course. I don't think we want that. And the only place
23 that we can fit something like that would be at the barn
24 facility, the Highway Department facility, and that's
25 surrounded by residential properties. That's where we

1 are.

2 Thank you for your comments, Mr. Fruchtman.

3 Next, Minette wilkinson.

4 MS. WILKINSON: This is so technical, it's
5 overwhelming. Those pictures, those beautiful
6 pictures --

7 MAYOR DeVITA: Minette wilkinson,
8 315 Stillwell.

9 MS. WILKINSON: Yes.

10 Those beautiful pictures of when the trees
11 were lush, except for the one photograph that you showed
12 us.

13 In any event, Honorable Mayor, Board Members,
14 Trustees, counselors, neighbors and friends, I am
15 Minette wilkinson. For the past 50 years, 315 Stillwell
16 Lane has been the home of the wilkinson family. As our
17 family was growing, my husband and I drew a 50-mile
18 radius around his office in Manhattan and looked at 35
19 homes on Long Island, in New Jersey, in Westchester
20 County and in Connecticut. We happily decided to raise
21 our four children in the beautiful village of Laurel
22 Hollow. Sadly, I am becoming distressed at the many
23 changes taking place in our area.

24 Lately, Stillwell Lane is looking like a
25 postcard with many international stamps. Unfortunately,

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1 these are not stamps, but a mess of potholes. In spite
2 of the occasional filling of the potholes, Stillwell
3 Lane has not been repaved since 1992. Our narrow,
4 winding road has become very dangerous as it is an
5 access road for large and small school buses crossing
6 the yellow line as well as speeding commuters ignoring
7 two stop signs. That's the ground.

8 If you look up, Verizon, Optimum, Cablevision,
9 PSEG electric, cable and telephone lines and coils with
10 black, white, green, silver, boxes of various shapes
11 sagging many of our lines. It reminds me of my travels
12 in Vietnam and Cambodia. To my dismay, we may have yet
13 another brown rectangular piece of equipment belonging
14 to Crown Castle.

15 It is curious to me that not a single pole has
16 been designated on North Laurel Hollow, only on the
17 south where my home has been for fifty years. I
18 understand that Crown Castle's 25 poles, mostly new and
19 some existing, and their equipment will be installed
20 again south of Laurel Hollow. My property at
21 315 Stillwell Lane has been staked by Crown Castle only
22 5 and a half yards from my mailbox and my driveway.

23 It is also my understanding that according to
24 Mr. Feldman, a health writer on Long Island, that the
25 MMW waves can penetrate human skin, and if ingested

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1 through plants and animals, is resistant to antibiotics
2 and may even cause some forms of cancer. There is no
3 way that I am going to expose my nine grandchildren to
4 this danger.

5 With utmost respect, I request, Mr. Mayor,
6 Members of the Board of Trustees, friends and neighbors
7 of North Laurel Hollow to join me in opposing this
8 unacceptable proposal.

9 Thank you.

10 MAYOR DeVITA: Thank you.

11 Just for your information, Howard Avrutine met
12 with the Deputy Supervisor about Stillwell, that's a
13 town road, in January, and we've been waiting. They
14 promised to give us a pave date, but we haven't received
15 it.

16 Also, I just want to mention, Minette's late
17 husband, Don, served our village for many years as a
18 chair of the Zoning Board, and I happened to be a member
19 at the time. He was a terrific attorney. I was glad to
20 have known him.

21 Nancy Loeb, she wrote a question here.

22 Do we, the community members, get to decide if
23 we want 5G MMW?

24 AUDIENCE MEMBER: Millimeter weight.

25 MAYOR DeVITA: Do we, the community members,

1 get to decide. I'm not sure what that means in terms of
2 a vote. All I can say is we'll get back to her and send
3 her -- try to send a response to her.

4 Again, I have two, actually, from Ms. Loeb.

5 Is Crown Castle associated with Verizon? Will
6 residents be required to install Verizon wireless?

7 I don't think -- I think I can answer that.
8 That's no -- you're here?

9 MS. LOEB: I'm sorry. I was talking.

10 MAYOR DeVITA: That's all right. I have your
11 questions. Go ahead.

12 MS. LOEB: I was totally enthralled by the
13 last speaker.

14 MR. AVRUTINE: Ma'am, your name and address
15 for the record.

16 MS. LOEB: Nancy Loeb, 15 Springwood Path.

17 I don't get a node. My concern was that do we
18 get a choice, does the community vote on whether we want
19 to have these nodes?

20 MAYOR DeVITA: I guess the -- is there a
21 referendum, no. The Board, after hearing all the
22 evidence, you know, will render a decision.

23 Any of our actions are an embodiment of the
24 community, and you get to change that or approve that on
25 Election Day. I will tell you this. This Board works

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1 tirelessly. We had a record number of special meetings
2 in the past two years. But, we will do what we feel is
3 in the best interests of the community. I can promise
4 you that.

5 MS. LOEB: So this is a definite thing that
6 will be going on, right?

7 MAYOR DEVITA: This is a process that's going
8 on. There's no definite that we've approved it, that
9 these things are coming in. That's what these hearings
10 are all about, gathering information so that the Board
11 at the end of the hearing process can make a decision to
12 grant or deny the application.

13 MS. LOEB: I also was concerned about the
14 connection between Verizon and Crown Castle. Does that
15 mean that people who don't have Verizon wireless
16 connection have to get them?

17 MAYOR DEVITA: You can get whatever you want.
18 I don't think there's any -- there's no requirement.

19 AUDIENCE MEMBER: If you have Verizon, you'd
20 go get a different carrier, if you're smart. They can't
21 be successful if we don't buy their product.

22 MAYOR DEVITA: Which is not to say that AT&T
23 won't come in here with an application the day after.

24 In any event, the short answer is, of course
25 you don't have to buy their product.

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1 MS. LOEB: I have one more.

2 The gentleman who spoke before mentioned the
3 FCC. Their environmental impact studies are 20 years
4 old.

5 MAYOR DeVITA: I agree, 1997. If I have car
6 that's 20 years old, it's considered an antique. So
7 unfortunately -- I have to say this. Those who know me,
8 I don't get political in the village, but where are our
9 federal representatives. Tom Suozzi is having a meeting
10 of the mayors in his district tomorrow which I'm
11 attending. This is number one on the list, where are
12 senators and other representatives?

13 Mr. Gaudio mentioned there's rules coming
14 down now that make the present rules look like a
15 free-for-all. So, you know, all I can tell you is write
16 your federal representatives because they control this.
17 The FCC is the one that controls this. So I know that
18 doesn't sound promising, but that's what we can do.

19 Thank you.

20 MS. LOEB: Okay.

21 MAYOR DeVITA: Christine Calabrese.

22 MS. CALABRESE: Christine Calabrese. I don't
23 live in Laurel Hollow. I live, actually, in Huntington,
24 10 Marlboro Drive, Huntington.

25 In Huntington, Huntington signed a contract

1 with Crown Castle. We have 200 of these nodes.

2 My best friend, Debbie Persampire, has one of
3 these towering over her backyard. We are Citizens for
4 5G Awareness.org. Please find us. We have measured the
5 radiation coming out of the towers, and we have found
6 them unacceptable. My best friend, Debbie, has a
7 10-year-old and an 8-year-old, and she feels very
8 uncomfortable allowing her children to play outside now.

9 A few weeks ago, interestingly, Crown Castle
10 turned off the node behind my best friend Debbie's
11 house, and there was no, I mean we have meters that
12 measure, there was no radiation. There was no radiation
13 in her entire neighborhood, that node is so strong.

14 So, what we would highly recommend is that you
15 hire an independent person to go around and get the
16 readings from the nodes in Huntington. They are already
17 there. They are already blasting out plenty of
18 radiation. They are right down the road. So we would
19 recommend that.

20 As far as studies go, for 2G and 3G I have two
21 volumes of health effects. You are welcome to look at
22 them. There's brain tumors. There's newborns. There's
23 the heart, tumors that are occurring because people are
24 holding these things under (indicating). So there's
25 plenty of studies to show that at levels way below what

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1 the FCC allows, so we're not talking about what the FCC
2 allows, they are way below what the FCC allows, there is
3 danger.

4 So we are writing to the senators. We have --
5 I will pass around something here so that you can sign
6 up and get e-mails from us. You are all welcome to get
7 e-mails. We write to the senators every week. We call
8 them every week. We meet with them. We met with Tom
9 Suozzi. I would appreciate it tomorrow if you would
10 speak with him on behalf of all the citizens on Long
11 Island.

12 Huntington Bay is fighting. Mayor Morrow is
13 my friend, and you should reach out to him. I would say
14 hold off because we are fighting so hard and gaining so
15 much ground that the FCC is going to have to capitulate.

16 Thank you. Have a great day.

17 MR. AVRUTINE: Excuse me. Ma'am, do you have
18 copies of those materials that you wish to submit to
19 make part of the record?

20 MS. CALABRESE: For these, you would like
21 these two volumes?

22 MR. AVRUTINE: I'm asking do you want to
23 submit them because you mentioned them and do you wish
24 to submit them to make them part of the record?

25 MS. CALABRESE: Yes. I have a link where you

1 can find all of these studies.

2 MR. AVRUTINE: This is a formal legal
3 proceeding. So if you would like, the Mayor did
4 indicate that the record is going to be kept open for a
5 period of 30 days, so anyone who wishes to submit
6 something in writing to the Board for it to consider as
7 part of this will have 30 days to do that. So, if you
8 or someone else wishes to submit the materials that you
9 are referring to to make it part of the record, you can
10 have an opportunity.

11 MS. CALABRESE: We are happy -- I'm sure the
12 residents here are happy to take this and copy it and
13 give it to you.

14 MR. AVRUTINE: I just wanted to clarify.

15 MS. CALABRESE: We'll do that.

16 MAYOR DEVITA: Thank you.

17 TRUSTEE MIRITELLO: I know you referenced --
18 ma'am, you're referencing the link. How do we get to
19 that link? Not tonight --

20 MS. CALABRESE: The link. The link.

21 TRUSTEE MIRITELLO: How does anyone have
22 access to the link without this technology?

23 MS. CALABRESE: I'm a techie. So, I
24 actually --

25 TRUSTEE MIRITELLO: This is a fair hearing.

1 There are also -- I'm not so sure I need any
2 of this upgrades or anything. A telephone to me is a
3 telephone to make emergency calls. That's why I have
4 it. But everyone in the audience, you know, do you use
5 these phones? Do you need these devices? Do you feel
6 that they're helpful for your life? Is there an
7 alternative for us to consider for you to get this
8 information?

9 AUDIENCE MEMBER: Yes, there is.

10 MS. CALABRESE: If you don't mind, I'll
11 respond to that.

12 So he's talking about 4G because they are 4G
13 right now, but 5G is right coming down the road. And
14 what 5G is, this is the internet of things, the
15 connectivity of the baby diapers to your refrigerator to
16 your orange juice to knowing when to go get more orange
17 juice or milk, and self-driving cars is what they are
18 talking about, although we do have self-driving cars
19 without this 5G. So those are the things that are
20 coming down the road.

21 For right now, as your wonderful lawyers here
22 said, you have enough coverage for all of the beautiful
23 devices that we have. And I am a techie. I love
24 technology. I'm on it. And what we are recommending is
25 to wire your houses. You can get the fiber straight to

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1 your house. It's coming right to the pole anyway. Get
2 it straight to your house and just wire your houses and
3 use a wired technology. If you just love your Wi-Fi, we
4 have special ways of keeping it low enough so that it's
5 not emitting that much radiation. My husband and I now
6 unplug it at night and we unplug it all the time now.
7 We're not exposing ourselves until we wire the house.
8 So we have a lot of ways to mitigate all of this
9 exposure right now.

10 And as your lawyers have already said, you
11 already have the bandwidth to cover all of the
12 technology that you have right now. Coming down the
13 road, like you said, Verizon and AT&T and all of those
14 guys are looking forward to making tons of money off of
15 all of us with their internet of things. And of course,
16 you know, Crown Castle, I won't fault anybody for making
17 money, they're landlords for these things. Like you
18 said, they are landlords.

19 If you have any other questions, you can go to
20 Citizens for 5G Awareness.org or visit our Facebook
21 page.

22 MAYOR DEVITA: Thank you very much.

23 Beryl Remigio, 175 Laurel Lane.

24 MS. REMIGIO: I'm Beryl Remigio, 175 Laurel
25 Lane, and almost a 50-year resident. And I applauded

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1 Minette's speech. I feel the same way about the village
2 and raising my children here and the schools and
3 everything.

4 But my question is very simple and probably
5 has a simple answer. Why are all of these poles being
6 south of 25-A? Is there an answer to this?

7 MAYOR DeVITA: The answer is, this is where
8 they've decided to put them. I mean, we did inquire as
9 we did today in terms of future such as the north side.

10 I have to tell you, I have to walk -- I live
11 on the south side -- I have to walk to the back of my
12 house to make a call. When I'm down at the village
13 Hall, the only reason I get coverage at the village Hall
14 is because it bounces to Connecticut. There's all kinds
15 of coverage problems there. Why didn't they go down
16 there, I don't know. But it's their business decision
17 to make these applications on the south side.

18 Thank you very much.

19 MS. REMIGIO: Thank you.

20 MAYOR DeVITA: John Davidian, Professor. My
21 tax teacher at St. John's.

22 MR. DAVIDIAN: Oh my goodness gracious.

23 I have to admit when I decided to come to the
24 meeting, I -- by the way, my name is John Davidian. My
25 address is 285 Laurel Lane. And, Mr. Mayor, with your

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1 indulgence, if we can put up the picture of 285 because
2 that's the property that I own along with my wife, Ann.
3 That's 285.

4 So when I first decided to come this
5 evening -- this is the first meeting that I have
6 attended -- I wasn't overly concerned, somewhat
7 concerned, by this what I guess what I would call an
8 eyesore on the pole. Having heard the comments of
9 others, particularly the last speaker, I'm now
10 officially terrified, and I think everybody else should
11 be as well. But having said that, let me make the point
12 that I had desired to make when I first came in this
13 evening.

14 One of the co-residents of the town on
15 Stillwell I believe commented that the pole that would
16 hold the node in her property was 5 and a half yards
17 away from her driveway. I didn't measure it, and my
18 suspicion is I'm probably about 5 and a half feet from
19 the driveway here. And I just want to point out that
20 one of the beautiful things -- we've been residents for
21 almost 30 years -- of living in this area is that you
22 get to send your children and grandchildren to the Cold
23 Spring Harbor schools, a wonderful school district. One
24 of the benefits of being in Cold Spring Harbor which we
25 love is that the school buses literally come to your

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1 driveway to pick up your kids Monday through Friday five
2 days a week. I have two grandchildren, we now all live
3 together, ages 6 and 9. And quite frankly, it's scares
4 the heck out of me that they're going to be standing
5 there at the beginning of the day pretty much right
6 under that node, which doesn't, by the way, look to me
7 to be particularly safe and that it might blow with a
8 good wind or snowstorm. So I'm not sure about that.
9 But they're going to be directly exposed --

10 AUDIENCE MEMBER: And the signal is highest
11 right under it.

12 MR. DAVIDIAN: -- to whatever is up there, God
13 knows what. So I took my car, I wasn't teaching today,
14 and drove a little bit up the road not wishing to impose
15 this on any of my neighbors or the like, and shortly up
16 the road on Laurel Lane on the north side on the
17 left-hand side as we face it is what we used to call in
18 the old days a sump. I guess they call it a water
19 basin. The sump has in front of it by my count three
20 poles, existing poles. Other than the radio activity
21 and the like and the waves and whatnot, at least placing
22 the nod on those poles at least would not be an eyesore
23 for anybody in that area.

24 So my question I guess goes to repeating a
25 question or issue that's been raised I think up to this

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1 point, why this pole? why not a little bit down the
2 road in front of the sump?

3 And just the last point that I would make is,
4 I just vigorously urge the Board to oppose this
5 application. I think you get the sense of all the
6 people here who have spoken that they feel the same way.
7 This is the first of your five hearings. My guess is,
8 you're going to hear the same things at the other four
9 hearings. My sense is you have your doubts, and just be
10 vigorous in connection with those doubts.

11 Thank you very much.

12 MAYOR DEVITA: And just so you know,
13 Professor, they actually have proposed one down by the
14 sump already. That's another node. But as we discussed
15 today, when we went out there, we found that placement
16 unsatisfactory as well.

17 MR. DAVIDIAN: Thank you.

18 MAYOR DEVITA: Thank you.

19 Jack, I can't read the last name, Stewart
20 Lane?

21 John Calabrese, any relation?

22 MR. CALABRESE: Mr. Mayor, I don't want to
23 take up any resident's time. I'm just here to answer
24 any safety questions.

25 MAYOR DEVITA: Thank you. Stick around.

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1 Marla Peck, 31 Glendale.

2 MS. PECK: Here.

3 Good evening. I do applaud the Town and
4 everybody here.

5 MAYOR DeVITA: Please speak up.

6 MR. AVRUTINE: Please give your name and
7 address for the record.

8 MS. PECK: My name is Marla Peck. I live at
9 31 Glendale Drive.

10 I'm also a member of the group Citizens for 5G
11 Awareness, and I would like to request again that you
12 visit our website, Citizens for 5G Awareness.org.

13 We have the credible information on the
14 deleterious health effects of 5G. But it's not only
15 about 5G because the 4G, which is what we have
16 presently, is classified by the World Health
17 Organization as a class 2B carcinogen in the same class
18 as lead and asbestos. So you are getting irradiated
19 right now from 4G cell antennas that they're putting in
20 neighborhoods right now.

21 Now, please understand that the reason they
22 are putting in these nodes is for 5G, specifically for
23 5G. It's just a matter of when the 5G is going to be
24 turned on, because it's all about the infrastructure to
25 make -- to connect the internet of things. There is no

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1 question, there are thousands of peer reviewed
2 scientific studies proving that this technology, 4G and
3 5G, is going to cause incredible higher rates of cancer
4 and every major disease.

5 Now I'm going to leave with you some
6 information here. This is the International Appeal to
7 Stop 5G on Earth and in Space. This was composed by
8 world renowned scientists and doctors from all over the
9 world. There are now 63,379 signatures, signatories,
10 from at least 168 countries as of March 29th of 2019.
11 And I will leave this with you.

12 It says, "To the UN, the WHO, the EU, Council
13 of Europe and governments of all nations.

14 "we the undersigned scientists, doctors,
15 environmental organizations and citizens from," I think
16 it's almost over 200 countries now, "urgently call for a
17 halt to the deployment of the 5G (fifth generation)
18 wireless network, including 5G from space satellites."

19 Again, this infrastructure is all about 5G.

20 "5G will massively increase exposure to radio
21 frequency radiation on top of the 2G, 3G and 4G networks
22 for telecommunications already in place."

23 So this doesn't replace the 2G, 3G, 4G. It's
24 on top of it.

25 "RF radiation was been proven harmful for

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1 humans and the environment. The deployment of 5G
2 constitutes an experiment on humanity and the
3 environment that is defined as a crime under
4 international law."

5 Now, there's very, very good information in
6 here. I can go on and on and on. The reason we formed
7 our group is because we are most concerned about the
8 children.

9 And I just have to say one other thing. 5G
10 was turned on in Sacramento, California. One of these
11 nodes was installed outside of a school. You can look
12 this up, it's on our website, the Ripon school. Within
13 a very short period of time, I believe it was five
14 children and two teachers were diagnosed with cancer.
15 This is what we're up against and what we're trying to
16 stop.

17 Thank you for listening. I appreciate it.

18 MAYOR DeVITA: Thank you.

19 Go ahead.

20 MR. AVRUTINE: Please state your name and
21 address for the record.

22 MS. MAYER: Ann Mayer, M-A-Y-E-R, 10 Harbor
23 Heights Drive in Huntington, New York.

24 MAYOR DeVITA: I'm sorry.

25 This is from Ms. Peck. She wants to submit it

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1 as an exhibit of the hearing.

2 MS. MAYER: My background is, I graduated from
3 Maritime College. I worked for Underwriters
4 Laboratories as a Safety Certifications Engineer for
5 21 years, and I work for Commercial Industrial at
6 Product and Systems.

7 The only way to prove something as being safe
8 is to test it. This has not been tested. When that
9 ruling in 1996, Tom Wheeler was the head of the wireless
10 Telecommunications Industry. And guess who Obama hired
11 to push 5G through? Tom Wheeler. So the players
12 haven't changed. It's a revolving door industry. And
13 we're supposed to be trusting the FCC who has absolutely
14 no background or capacity to test the health effects of
15 this technology. That used to be the EPA, I believe,
16 probably the CDC. So it was punted to the FCC. And we
17 know already -- and by the way, the limit that Crown
18 Castle keeps talking about is a joke because if they're
19 at 2 percent of what 100 percent is, and the United
20 States' 100 percent is 100 times more than most other
21 European countries. So it's really important that you
22 people get on board and start understanding this
23 technology. Look at the limits that they have.

24 And I don't know if you know, in Brussels, the
25 minister of the environment came out and said, I will not

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1 allow my citizens to become guinea pigs. This is very
2 recently. In France, they've taken the wi-Fi out of the
3 schools. And if you know what's good for your children
4 in this district, you'll take the wi-Fi out of the
5 schools, out of your homes. It's non-ionizing
6 radiation, but it's dangerous and it's cumulative. And
7 here we are at Cold Spring Harbor Labs that studies DNA.
8 It's impacting the DNA. Young men who stick the phones
9 in their pockets are becoming -- their sperm is becoming
10 damaged.

11 And then look at the last 30 years, all these
12 weird, you know, unaccountable diseases that have shown
13 up like ADHD and fibromyalgia, dementia is on the rise,
14 Parkinson's is on the rise. This affects our
15 neurological systems and, unfortunately, AT&T and
16 Verizon don't care about our health.

17 In fact, the FCC doesn't care and they even
18 said way back then -- these are two red flags -- you
19 can't fight this on grounds of health and the
20 environment, you're not even supposed to talk about it.
21 So what does that tell you? They don't want to, you
22 know, because it does affect our health and the
23 environment. And the simple answer to all of this is,
24 you take the fiber optic that's on the pole and you
25 bring it into your home, and then you make a decision as

1 a consumer, do you want to be exposed to wi-fi or don't
2 you, because you can hardwire everything in your home,
3 you can turn it off at night or you can have wi-fi. But
4 putting it outside and blasting a whole community of
5 people and nature, we have no idea what the impact is
6 going to be on nature. We do know, though, that the
7 insect population is down 70 percent, the songbird
8 population is down 75 percent. We have to wake up and
9 start caring about what these -- I'm all for profit and
10 making money and technology, but not at that expense.

11 Actually, there is a toxicology study, and you
12 can go to our website, it's called the NTP study, where
13 they studied 3G and it was causing heart tumors and
14 other things. So they lie when they say there is no
15 science, and they're not interested in finding any
16 science either.

17 MAYOR DeVITA: Thank you.

18 At this point, I would like to make a motion.

19 MR. AVRUTINE: Mr. Gaudio, do you wish to
20 respond to any of the comments at this time?

21 MR. GAUDIOSO: I think the only comment that I
22 heard that was a question directed towards us was the
23 financial piece which we believe is not relevant to a
24 land use hearing. But nevertheless, I'll take it under
25 advisement and speak to my client.

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1 This Board did ask for a copy of the agreement
2 with LIPA. We obviously couldn't provide that agreement
3 unless there was a confidentiality agreement agreed to
4 between us and counsel for the village. So we're happy
5 to take that off line with the village and discuss if we
6 can possibly put that in place as a confidentiality
7 agreement. And then if that were possible, we might be
8 able to submit the agreement and the financial terms
9 that were requested.

10 MR. AVRUTINE: Let me cover some of the other
11 questions that were posed, and you can respond in the
12 way you deem appropriate.

13 One of the questions posed by a resident was
14 asking about the amount that Verizon pays per node to
15 Crown. Is that something you would be willing to
16 provide?

17 MR. GAUDIOSO: No. Again, I don't believe
18 that's relevant to a land use hearing as I mentioned
19 before. If the Board deems it relevant for some reason,
20 let us know and we can certainly try and come up with a
21 confidentiality agreement to provide certain
22 information.

23 MR. AVRUTINE: would you just address from
24 your perspective, just so it's clear for the record, the
25 basis for Crown's claim that it has the right to use

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1 village rights-of-way.

2 MR. GAUDIOSO: well, I think I covered that
3 previously and --

4 MR. AVRUTINE: Just again --

5 MR. GAUDIOSO: -- we submitted documents, both
6 Crown's Certificate of Public Convenience from New York
7 State, also its ability under state law in the
8 right-of-way, and finally and most importantly, both
9 Section 253 and 332 of the Telecommunications Act of
10 1996 prohibits a municipality from essentially or
11 effectively denying provision of telecommunications or
12 personal wireless services.

13 MR. AVRUTINE: Also, aside from what you
14 mentioned before, I just want to clarify this, the
15 compliance issues post installation, you indicated
16 previously that the FCC assumes control for that. Is
17 there any separate monitoring or compliance protocols
18 that Crown and/or the companies that it leases to
19 employ?

20 MR. GAUDIOSO: well, they do, of course,
21 monitor the service 24/7 remotely. They know whether
22 the service is functioning properly, and we'd be
23 immediately aware of the situation if it was not
24 functioning within --

25 MR. AVRUTINE: I'm talking emissions,

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1 measurements of emissions.

2 MR. GAUDIOSO: It's, again, the requirement of
3 the code is up to the Board to determine whether you
4 want to try and require something as of that and as a
5 condition of approval, and we would certainly take a
6 look at anything the Board did propose.

7 MR. AVRUTINE: Thank you, Mr. Gaudio.

8 MAYOR DEVITA: Nick, you had a question?

9 TRUSTEE TSAFOS: Mr. Gaudio, you keep saying
10 that this is a land use hearing and under New York State
11 Law that you're licensed to be here because of that,
12 correct, is that -- and it goes back to my earlier
13 question.

14 MR. GAUDIOSO: And I'm going to give you the
15 same answer because you're using terms that I think are
16 a bit not right on point.

17 So we have a Certificate of Convenience and
18 Public Necessity from the PSC that allows us to provide
19 certain services that we've submitted. It's a facility
20 based telecommunications service on our certificate.
21 You can take a look at that specific language. And that
22 gives us the right to use the right-of-way subject to
23 the consent of the jurisdiction which we asked for by
24 way of a right-of-way use agreement in 2015.

25 In addition to that, you have a wireless

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1 zoning code that we made application for the special
2 permit under your code.

3 TRUSTEE TSAFOS: So in effect, you're stating
4 that you're a public utility?

5 MR. GAUDIOSO: I think that the papers speak
6 for themselves.

7 TRUSTEE TSAFOS: I'm just asking. You're an
8 attorney.

9 MR. GAUDIOSO: I think it's very self-evident
10 of the types of approvals we have, the ordinances that
11 apply both federal, state and local ordinances. There's
12 also case law, Con Ed v. Hoffman, Cellular One v.
13 Rosenberg, that defines that wireless facilities are
14 deemed public utilities for purposes of zoning. So
15 there's a lot of different interplay between all of
16 those different regulations, case law, federal statutes,
17 state-issued public Certificates of Public Convenience
18 and Necessity. So I think they all speak for themselves
19 and all intertwine to allow Crown to use the
20 right-of-way to provide these services.

21 TRUSTEE TSAFOS: Again, I'm not an attorney.
22 Most of the residents are not attorneys. And that
23 sounds very thorough to how you responded, but what does
24 that mean in layman's terms?

25 MR. GAUDIOSO: I don't want to try and

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1 summarize --

2 TRUSTEE TSAFOS: Are you a utility?

3 MR. GAUDIOSO: -- all of those statutes. We
4 are deemed a utility for land use zoning purposes under
5 the case law. We have a certificate from the PSC to
6 provide this type of service. We also are regulated by
7 the Telecommunications Act which specifically says that
8 a municipality may not prohibit this type of service.

9 MAYOR DeVITA: Anyone can submit whatever you
10 want. We're keeping the record open for 30 days.

11 At this point, I moving to close the hearing
12 and keep the record open for 30 days, and you can submit
13 questions, comments, papers, anything you want on our
14 website or otherwise, to keep the record open for
15 30 days and to reserve decision. So I'll so move.

16 Second, Trustee Tsafos.

17 Trustee Miritello, yes?

18 TRUSTEE MIRITELLO: Aye.

19 MAYOR DeVITA: Deputy Mayor Nemshin?

20 (Continued on next page.)

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DEPUTY MAYOR NEMSHIN: Aye.

TRUSTEE NICKLAS: Aye.

TRUSTEE JUSKO: Aye.

TRUSTEE NOVICK: Aye.

MAYOR DeVITA: Thank you very much, ladies and gentlemen.

CERTIFIED THAT THE FOREGOING IS A TRUE AND ACCURATE TRANSCRIPT OF THE ORIGINAL STENOGRAPHIC MINUTES IN THIS CASE.

RONALD H. KOENIG
Official Court Reporter