INCORPORATED VILLAGE OF LAUREL HOLLOW
BOARD OF TRUSTEES
PUBLIC HEARING
May 7, 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

TODD STECKLER, Esq.
RICHARD COMI, Wireless Consultant
ROBERT GAUDIOSO, Esq.

CROWN CASTLE NG EAST LLC

MARY ANNE COPPINS
OFFICIAL COURT REPORTER

THE COURT: Now, turning to the Public Hearing.

This is a Federal Court ordered hearing on Crown Castle's application for a special use permit for the installation of 25 distributed antennae systems, DAS, and nodes with intended equipment for six to be installed on preexisting utility poles and 19 on new poles, some wood, some stealth.

Tonight is the second of four hearings and will concern nodes with numbers N-686 in the approximate vicinity of 28 Shady Lane; N-697 in the vicinity of 22 Elizabeth Drive; N-698, behind 65 Wildwood Drive, actually on Cold Spring Road; N-699, 520 Cold Spring Road; N-684, in the vicinity of 235 Laurel Lane; and N-691 in the vicinity of 3 Picardy Lane.

The manner in which we will proceed tonight is as follows:

After my opening remarks, Howard Avrutine, our Village Attorney, will run through preliminaries such as notices

and exhibits. Then the applicant, Crown Castle, will make its presentation to the Board.

The Board will then question the applicant, make comments and have discussion. The applicant will have a chance to speak again, then the residents will have an opportunity to ask questions or make comments.

As you come, we've asked you to just put your name and address and give it to Liz and Nancy on the sheet provided. When your name is called, you come up to the microphone and you will have the opportunity to give a question or make a comment.

Because of the nature and the size of the audience, we're trying to keep the comments to three minutes. Now, a cane won't come out and pull you off, but at that point, maybe you're given a high sign. Just try and summarize and finish your comments. If someone said something and you wanted to say the same thing, that's fine, too. That will just

give everyone a chance to speak.

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

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

Going back, in the 1970s and early 1980s, cell towers went up in the localities because municipalities had no legislation prohibiting them. Then the municipalities passed laws which simply prohibited cell towers, period. Because of those denials and courts upholding them the industry petitioned Congress which, in response, passed the Federal Telecommunications Act of 1996.

U.S. Congress decided that a nationwide cellular grid was something this country

needed for cell service and other digital types of communications, including the Internet.

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

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

Second, one of the more difficult provisions is that the municipality may not deny an application based on the fear of the health effects of radio frequency emissions.

In sum, the law does not prohibit a municipality from regulating, just unreasonably regulating.

So, Laurel Hollow's ordinance was drafted to require an applicant to provide as much information as possible so as to allow the Board to have as complete a record as possible about the proposed installations in order to properly grant or deny an application.

Our ordinance is found in Chapter

145 of our Zoning laws.

I just want to highlight a few points of the purpose of our ordinance which requires the applicant to meet a number of requirements.

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

Section 36.1(f) of our Code, promotes and encourages the priority of siting of wireless telecommunications facilities to minimize the adverse visual and physical effects of wireless telecommunications facilities and to protect the natural features, aesthetics and open-space character of the Village.

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

We will see how those sections come into play.

While the application process set out in our ordinance is detailed, one

overarching philosophy found in our law is for our Board to ensure that, quote, the placement, construction and modification of wireless telecommunications facilities do not threaten or endanger the health, safety and welfare of the Village's residents and visitors and to protect the public welfare, environmental features, aesthetic values, nature and character of the community, and that we will do.

I will turn this over to Howard now.

MR. AVRUTINE: As the Mayor indicated, this is the public hearing on the application of Crown Castle NG East LLC to install six new wireless telecommunications nodes as part of a new distributed antenna system to be located on utility poles within rights-of-way located within the Village of Laurel Hollow.

The Mayor indicated the node numbers as identified in the materials filed by the applicant, as well as the

property addresses closest to those proposed installations, so I will not repeat them.

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

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

The next is an affidavit of posting from Elizabeth Kaye, Village Clerk, that the legal notice was posted on the bulletin board in front of Village Hall on March 29, 2019.

The next exhibit is an affidavit of publication that the legal notice was published in the North Shore Leader on April 3, 2019.

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

The next exhibit is a document that confirms that the legal notice was sent to Village website NEWS subscribers on May 1, 2019.

The next exhibit is an affidavit of

mailing from the applicant indicating that the notice of public hearing was mailed to the required property owners on April 25, 2019.

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

Two other items before we open up the floor to the applicant's representative.

First, I would like the record to reflect that there are multiple public hearings in accordance with what the court has required, four such hearings, during which multiple of the antennas are being considered at each hearing.

For purposes of review and decision by the Board, the record at this hearing and the one prior, as well as the ones that have not yet been held, are going to be one comprehensive, cumulative record so that all evidence and

testimony provided during each of these hearings will be considered by this Board as part of the entire record, upon which the Board will render its determination with respect to each particular installation that is proposed.

Also, I would like to note that with respect to tonight's hearing, Trustee Novick is recused and will not participate in connection with the node identified as number six, N-698 which is in the public notice as being located behind 65 Wildwood Drive. He will not participate regarding that node and in the decision regarding that node.

At this time, I would welcome the applicant's representative to make a presentation.

MR. GAUDIOSO: Good evening, Mr. Mayor, members of the Board.

My name is Robert Gaudioso, partner with the Law Firm of Snyder & Snyder, on behalf of the applicant, Crown Castle NG East LLC. I thank you for your time

this evening.

I will try and keep this somewhat brief given that we've already discussed some of these issues, but what I would like to do is give a high-level overview of some of the material we submitted and talk about some of the items that we intend to update, based on some of the comments at the last hearing and some of the site visits.

As you know, we have submitted a copy of Crown Castle's Certificate of Public Convenience and Necessity from the New York State PSC. We provided a proposed right-of-way use agreement for the Board to consider. We included the map that is up on the screen showing the 25 node locations. There were originally 26, one was dropped because it was on a private road.

We submitted Crown Castle's Certificate of Insurance. We submitted a full Environmental Assessment Form. We submitted a site plan for each one of the 25 nodes, including the six that are

at issue this evening. We also submitted a visual rendering showing the proposed design of each node at a particular location. We are also working to revise those visual renderings to show the PSEG meter that we discussed last month. We are also working with PSEG to be able to come up with a solution to be able to better camouflage that meter, particularly within the Stealth installation we've proposed at a number of the locations.

We have submitted throughout the process various alternatives, including designs and locations. We're continuing to update some of those locations and designs based on feedback from the Board and the public, as well.

We've submitted a new pole justification report. We've submitted tax maps, including the surrounding property owner information, which is the basis for the public hearing notices. We've submitted a letter from our noise expert showing that the proposed noise

level will be in compliance with the Village Code. We'll also provide a supplement, based on a comment last month, about how often the fan has to operate based on the anticipated level of heat at a given location.

We've submitted an environmental clearance letter, a radio frequency justification report and confirmation regarding the installation of certain underground utilities and the methodologies for doing so.

With that, Mr. Mayor, I would be happy to answer any questions the Board has or await the public comment, as well.

MAYOR DeVITA: Mr. Comi, do you have any comments at this point, before we go to the Board?

MR. COMI: Thank you, Mayor.

I am Richard Comi, I am the Village's wireless consultant. We have been doing this work and I have personally for over 20 years.

I'm going to speak in terms of

overall generalities of items that we have looked at that we believe still need to get more additional information. Then I will pick some comments, one at a time, on the six locations.

Again, I will try to be as brief as possible, but there are a number of things that I believe need to be covered.

The first one is proof of need.

We've asked a lot of questions to prove that actually 25 nodes are needed. We were told that this was in order to eliminate a gap in service.

For that we look for propagation maps, not only for the services they are going to provide, which happens to be in two of Verizon's four bands.

We asked for all four bands because if they have service in the two bands they don't have a gap to start with.

We'd also like to see what is called a drive testing, and, I'm sorry, I am using some technical terms but there is no other way to describe this.

The drive test data, they have a van that has an antenna on the top and they have computers like the one that is up here and they are testing the signal strength of, essentially, all of the carriers in the area. So that's actual data that shows what the strength of the signal is for the phone to work. It is not a calculated signal strength the way the propagation maps are.

The second thing is they talked about needing a significant number of new poles.

In some areas they stated, and there are what I would call a LIPA pole, it's owned by LIPA. They don't want to use them. They have not told the community why. I can speculate, but that is not something that is necessary.

The community has requested and should get the information on those poles because if there is a pole that is in the right location that is the least obtrusive, there is no need to put in another pole. So there is information

there that is missing.

One of the items they started now to talk about is that according to the Code to make this the least obtrusive, any wires and attachments to a new pole needs to go underground under the road, and it needs to be done with missile boring to cross the roadways so that the roads in the community are not cut up.

You are going to see this evening, and what we have seen recently is even though they moved some locations and they have, some of the locations are still very close to the driveways of people's homes.

Folks, there are ways to make what is proposed less obtrusive and that is something that should be done. I think they have talked about the fact they are making some changes and they are continuing to make changes.

From our standpoint, even though they've moved some, and I'll talk about some of the specific ones here shortly, they haven't really put them in the

least obtrusive location.

From a Stealth standpoint, the applicant has provided one Stealth design option. There are a lot of Stealth designs for these kinds of facilities. For instance, there is nothing that says that the equipment, I'm not talking about the antenna on top I'm talking about what they call the shroud equipment, can be put inside as a base or literally could be buried so that it is not visible at all.

The antenna, in terms of its size, the federal government came out with some new regulations last fall that, in effect, talked about the antenna for a small cell being no larger than three cubic feet. The antenna proposed by Crown Castle is in the neighborhood of 4 and-a-half cubic feet. So the facilities that they are providing that they asked to provide and the way in which they are doing it, do not come under this small cell.

In terms of what is known as RF

emissions, this is a health issue, folks. The applicant provides a report on RF emissions for every antenna that is at a different height. If they have five of them that are 20 feet off the ground, all they need is one report for the five. Now, if they have another one that is 25 feet off the ground, they have to have another report for that. However, to ensure that there is compliance with the RF emissions, and in some cases due to the proximity of the homes in some of these, we believe that post-installation, if approved, that after they install they do post-installation testing of the emissions that is coordinated with us in the community to ensure compliance to make sure there is not something that is not operating the way it should be.

Let me briefly go to the -- and I don't know how to operate this thing -- I want to go to 686, which is 28 Shady Lane.

I think I speak loud enough so I am

going to come over here.

At first this was proposed as a new wood pole. The supplemental material, we received notice to change in the pole type to a new concealment pole; however, the location is still near an intersection, there are existing utility poles that could be used.

As far as we are concerned, this is not the least obtrusive facility that could be provided in this case.

The next one is 22 Elizabeth Drive.

The supplemental material notes a change in location. The pole type is a new concealment pole and, as you can see, the concealment pole has the equipment inside at the bottom and that item on the top is the antenna. That is the size they are proposing for the antenna. It does not provide --

AUDIENCE MEMBER: Can I interrupt you?

THE COURT: No, no, just wait until he is done.

AUDIENCE MEMBER: I'm sorry.

MR. COMI: The location is still near the front of homes. It could be moved to a less visually obtrusive location; or, again, in that area there are other utility poles that could be utilized that are less obtrusive, okay.

Behind 65 Wildwood, if you will.

The supplemental material here does not provide alternate location or less visible obtrusive design. Existing poles or new concealment poles away from the homes and driveways should be considered.

As can you see for one thing, and maybe that existing pole could not be used, but, again, there are poles in the area.

By the way, folks, there are certain poles the electric company will not allow them to use. But I am not talking about all LIPA poles, I'm just talking about some of them.

So, again, here, there are locations. There are other poles in that area that could be utilized that

are not as close to the home.

528 Cold Spring, again, the supplemental material.

MR. AVRUTINE: Mr. Comi, when you mention the address, would you also mention the node number so we are clear on the record.

MR. COMI: Oh, I'm sorry. It is node 699. The supplemental material notes a change in location and proposes a new concealment pole; again, the same kind of concealment pole we saw on the last one. The new location is in front of the home and adjacent to the driveway entrance. Alternative locations away from homes and driveways or existing poles should be utilized.

Again, as you can hear me say, I am almost repeating the same thing in each of the cases. There are still less obtrusive means of doing this, as far as we are concerned.

235 Laurel Lane, node 684.

Again, they note a change in their supplemental material to a new

concealment pole; however, there are existing utility poles across the street and you can see them. I'm talking about that and that should be considered. The proposed location is also adjacent, I believe, this one is adjacent to some sump property, I'm not sure. And the question is why couldn't -- if you're going to put in a new concealment pole, why can't you put it in the sump area as far away from the homes as possible.

Number six is node 691, which is 3 Picardy Lane.

On this particular one, the supplemental material notes no other option or alternatives available, and the concealment pole is not an option due to the terrain and aesthetics.

I'm a little confused by that. Concealment is supposed to improve aesthetics. I don't know why in some cases, in particular here, that should not be considered because we believe the pole should be an option. Again, the material notes the lack of LIPA poles to

be utilized, we believe they should be utilized. It also shows above-ground wires coming to it. Again, as we talked about, that is supposed to be underground.

As you can see here, folks, on this one they pictured, the antenna is on a small rod about 2, 3 inches, about 30 inches long and then there is the antenna on top. The equipment box that I am talking about is down about 10 feet off the ground and you can see what the equipment box looks like in this particular case.

By the way, there is a large wooded area next to this that could provide a less obtrusive visual impact.

Folks, those are the comments that I have.

Thank you, Mayor, for your time.

Any questions?

MAYOR DeVITA: The Board will now have questions for the applicant, Mr. Gaudioso.

MR. AVRUTINE: I would like to

supplement a couple of items that Mr. Comi mentioned.

The first, just so the record is clear, when Mr. Comi refers to other utility poles that might be available, those are the LIPA poles to which we have been referring. Also, during Mr. Comi's comments he indicated that no reason was provided by the applicant regarding why the LIPA poles were not a viable action. However, in the context of the litigation that ensued in this particular situation, the applicant has stated that the reason why the LIPA poles are not available for its use is because the cost is too high to them. That's what they stated.

So I just want to make sure that that was part of the record and that's what was clearly stated.

Thank you.

MAYOR DeVITA: So, Mr. Gaudioso, just bear with us because 90 percent of the audience is new, so we want to kind of establish some basis again. Some of

the questions may be repetitive, some maybe were picked up on things you told us tonight in relation to the first hearing.

So, we had a number of questions in the first hearing about the nature of the system being put in. And the last time you clearly stated that this is for 4G.

MR. GAUDIOSO: Correct.

MAYOR DeVITA: It is not an installation for 5G, correct?

MR. GAUDIOSO: Correct. It's proposed to remedy a gap of 4G service.

MAYOR DeVITA: We may have asked this before, but can this system at all form part or all of a basis, to your knowledge, of a 5G system?

If you or someone else comes in and wants to put in a 5G system in five years, to the best of your knowledge, can this system be utilized as part of that system?

MR. GAUDIOSO: I can't speculate on what might or might not happen in five

years, even the term 5G is a bit nebulous, at this point. But, yes, carriers are proposing using nodes just like these to be able to provide 5G service so we will make these nodes available for such use.

MAYOR DeVITA: Also, there were questions the last time, I'm sure people have the same question about, in essence, the benefit of this system. And, really, the question comes up as to whether this installation will be a benefit for better cell service, data acquisition, both, none, that and more.

Can you kind of give us the background on that?

MR. GAUDIOSO: Sure. One of the benefits required by Code uses alternative technology, which the distributed antennae system is, as opposed to a large tower at a place somewhere in the Village, such as maybe one of the Village owned properties. The alternative technology will be able to provide LTE service.

LTE service is a data service that provides both commingled services for a broadband data, searching the Internet, things of that nature; also, voice communications pursuant to the VoLTE technology. So it will improve cell phone service, specifically, Verizon is the carrier, but the nodes as required by your Code will also be designed for colocation of at least two carriers and possibly three, depending on the size of their equipment and the needs.

MAYOR DeVITA: I know the term broadband has been thrown around a lot at the last proceeding and this proceeding.

Can you kind of explain, is that what we're talking about here with respect to providing those services, it falls under the umbrella of broadband?

MR. GAUDIOSO: Well, LTE is a broadband high technology and is able to provide both information services but is also able to provide voice services.

Voice services are classified as

personal wireless services under the telecommunications act, and therefore, that is where the VoLTE calls come in.

MAYOR DeVITA: That's an acronym.

MR. GAUDIOSO: Voice-over LTE.

MAYOR DeVITA: It came up last time, Mr. Comi mentioned it again, that apparently there are four bands that are operating, and correct me if I'm using the wrong terminology, but be provided propagation information for two, he claims, we should have propagation information for the other two bands.

What is your response?

MR. GAUDIOSO: So, frankly, we disagree with Mr. Comi. We've submitted both propagation maps and actual drive test data. We've submitted it for the two bands that are proposed to be used in these facilities, which is the 700 band which covers a large area; 2100 band, which has more capacity.

Those are the bands that we've shown gaps in service, but, quite frankly, we don't believe we need to

show that, at this point in time, based on the September 2018 FCC order which specifically changes the definition of prohibition of service under the Telecommunications Act, and allows for things such as identification of systems and was really intended to promote the use of this type of technology.

We believe we have shown what is required under your Code, and, in fact, we believe we've shown more than would be required under the Code and certainly what is required under federal law. The fact of the matter is there is a need for the service and these facilities will remedy that need.

MAYOR DeVITA: Let's talk for a minute, as we did the last time, again, I'm not going to use very technical language, so if I err, I'm sure you'll correct me.

These nodes, this DAS system, they emit radio frequency?

MR. GAUDIOSO: Correct.

MAYOR DeVITA: And we recognize

the Telecommunications Act that said, in essence, the federal government will determine what those admissible radio frequencies are. As a result, you've given to our Village, I think three reports, radio emissions compliance reports, based on the heights of different poles, Stealth pole, antenna on the top pole, site map poles.

Can you summarize, as your report did, what -- these are studies, not tests, correct me if I'm wrong, of the actual units, they are studies or reports. They are not reports based on actual measurements of the units, correct?

MR. GAUDIOSO: The reports are based on mathematical calculations, based on a formula specifically set forth by the FCC in OT-bulletin 65, as formulas used to produce compliance with the FCC regulations regarding radio frequency exposure.

We submitted, as you mentioned, three reports from a third-party expert,

Telecom, showing that at the maximum amount, the facility, at whatever height, would be less than 3 percent of the allowable 100 percent limitation. That pole top would be 1.5 percent, the Stealth would be 2.8 percent, the side mount, which we call comp-zone mount would be 2.3 percent of the allowable 100 percent. Based on the formula and methodology and the operations of these particular nodes it is not based on actual testing because, obviously, these nodes have not been installed yet.

MAYOR DeVITA: Is that measured from the street?

MR. GAUDIOSO: That is measured at any point of ground level, but we also include in those reports calculations based on the distance if you were at the same height of the antenna.

MAYOR DeVITA: I don't know if I read it in these reports or somewhere else. Does the radio frequency emission increase at like a second-story level, or how does it dissipate from the nodes?

MR. GAUDIOSO: In general, the emissions are very low powered. The power of the emissions drops off exponentially from the system, whether it's horizontally or vertically. What we showed with those percentages is at the worst case location the ground, as we mentioned, we also included amounts based on the 410 feet away from the antenna at the same amount. But not necessarily would it be -- the second-story window would be higher. Most likely, based on all the locations, it would be lower than what we are showing.

MAYOR DeVITA: The Village Attorney last time pointed out that our Code does provide for compliance with the Federal RF emissions and that under our Code, correct me if I'm wrong, Howard, we can -- assuming these things were installed, I'm not saying they would be, but assuming, at this point you said they were, that we can have -- if Crown was the operator of these, have them measure

actual compliance as opposed to a study based on mathematical formulas in the report that we have.

Is that something Crown is willing to adopt?

MR. GAUDIOSO: I think I'm not going to opine on what the Board's position is with respect to conditions on approval. If the Board issues an approval with reasonable conditions, that would be within purview. I would have to see the conditions to really understand to see whether it was reasonable, both in terms of land use process, but also in terms of what federal law allows. So I will reserve judgment on that, at this point.

MAYOR DeVITA: I assume in different areas that Crown has conducted compliance testing on its facilities elsewhere. It is not that it's never been done.

MR. GAUDIOSO: We have conducted tests on existing facilities to show that they are obviously well within

compliance.

TRUSTEE MIRITELLO: How often do you do those tests, once a year or just once and that's it?

MR. GAUDIOSO: I'm not familiar with after the initial operation in certain particular instances.

MAYOR DeVITA: Didn't you mention last time that somehow each of these nodes is constantly monitored to make sure they are working or how does that work?

MR. GAUDIOSO: Sure. The nodes are monitored by what is called their NOC, their operation center, monitored 24/7. So if there's a malfunction with the node we would know about it right away.

For instance, if it's offline, we would know about it and a technician would be dispatched.

MAYOR DeVITA: Is that -- are they able to monitor that through fiber optic?

It can't be through radio transmission, it wouldn't be far enough.

How do you monitor that?

MR. GAUDIOSO: All of communications go back to the switching tower, the landline. That's why there are power and landline cables, as well.

TRUSTEE MIRITELLO: If the emission increases, would they pick that up in their monitoring?

MR. GAUDIOSO: Well, if for some reason the equipment was malfunctioning, we are still running a report at the maximum amount of power from the equipment, so it is not a matter that it can just randomly increase. But if for some reason the equipment was not operating properly, we would know about it.

MAYOR DeVITA: A couple of things, just to clarify.

I know Mr. Comi pointed out the overhead wires, but you have indicated in past hearings that you would be willing to missile under roads as opposed to trenching through roads.

MR. GAUDIOSO: So what we've

offered is for the Stealth facilities where there is no above-ground utilities, that's where we would go underground.

We wrote a letter from our engineer explaining that we would go with the requirement of the Village, as far as going underneath the road, whether that's missilling or other types of techniques.

We would defer to the Village's technique on that particular requirement.

For a wood pole where the utilities are existing that are also overhead, we propose to go overhead and would ask for a waiver, at which point, we believe is consistent with federal law regarding non-discriminatory treatment in the right-of-way of various utilities and telecommunications services.

MAYOR DeVITA: Can you address Mr. Comi's comment about the allowable size being 3 cubic feet but these are 4 and-a-half cubic feet.

MR. GAUDIOSO: That's just not correct, there is no allowable size of the antenna.

What the FCC did is they defined a small wireless facility to include various restrictions, one of which is a height of 50 feet. We are well below the 50-foot height in all cases. Another one is no FAA lighting. We require no FAA lighting on these facilities.

The other one is that the equipment would be less than 28 cubic feet. We are well below 28 cubic feet. And the final one is that each antenna is less than 3 cubic feet, and we have 18 antennas within the cannister and the overall cannister is 4 and-a-half cubic feet. When you divide that by the three sectors and then the 18 antennas in total, we are well within that.

In any event, all the federal rule regarding small wireless facilities says is not that we have to be limited to that size, of course, we are not limited

to that size.

It's just that if we do meet those criteria then the application and review fees are set forth as being presumptively reasonable at certain minimal amounts under federal law and there is a 60 day, rather than 90 or 150 day shock clock. So that is the distinction between the small wireless facility and a non-small wireless facility.

We, nevertheless, believe these do qualify as small wireless facilities.

MAYOR DeVITA: Now, the last time we put up a picture and I think you've addressed it now, I'll just go ahead.

LIPA is now sticking its meters on these boxes and will eventually find a way to all of them.

I think you said you had discussions about how to address this and that Crown and LIPA --

MR. GAUDIOSO: So it's my understanding they are LIPA controlled meters. We are working with them to

come up with a solution to go within the box on the cell pole, and we're going to provide that information once we have it approved by LIPA, but that is within their purview.

Just as any other user of electricity has to put a meter in, whether it's on the side of your house or a business or any other place, the meter is being dictated by the utility company.

MAYOR DeVITA: The last time I asked about underground, installing some of the facilities underground.

A provision of our Code, 36.3(L) provides all utilities that are wireless in that telecommunications facilities shall be installed underground in compliance with all laws, ordinances, rules and regulations of the Village and the National Electrical Safety Code. And I believe you stated at that point that because these things need cooling, it wouldn't work underground.

MR. GAUDIOSO: I think I said a

couple of things, number 1: Under the Telecommunications Act, specifically Section 253, there is a requirement that the Village manage the right-of-way in a non-discriminatory way.

We know the other utilities, including the other telecommunications utilities don't have any type of restriction on underground, of either their wires or boxes, so we believe that what we are proposing is consist with that; number 1.

Number 2: Because the facilities do need to be vented it's not simply -- we're not going to be able to just put that box in the ground and bury it, it does not work like that. It will require a massive volt to be able to keep it cool and vent it and also that we have a problem with water filtration, snow, ice and other types of things in this part of the country, so we don't believe it would be feasible.

MAYOR DeVITA: I'll mark as an exhibit, it's actually taken from a

website called AE Concrete and they espouse they make communications vaults for wireless facilities, this is something to consider.

It's an eight-page document.

MR. AVRUTINE: Let the record reflect that this document states on the first page: Communication vault, which will be marked as Board of Trustees Exhibit Number 4.

MAYOR DeVITA: I think you stated in your opening comment that you'll get back to us about the temperature because you said those fans work at a certain temperature when they get to a certain level of heat.

MR. GAUDIOSO: Right. We're working on trying to get you a response.

We've already, I believe, demonstrated that we -- the equipment will be in compliance with the Code requirement regarding noise, but we are trying to provide additional information regarding the scope of that usage and temperature.

MAYOR DeVITA: We have all been out there, actually, Trustee Nicklas and I have been out there this past Friday just to go over these and look at them again.

So, this is the pole at -- the proposed Stealth pole at 28 Shady Lane.

We noticed a couple of things. I know that this would be what is determined as what? That is a junction pole, correct?

MR. GAUDIOSO: Correct.

MAYOR DeVITA: And you told us that LIPA will not allow it at your facilities on a junction pole, which is where two lines meet on one, okay. So that is one of the reasons for the proposed Stealth pole.

What we saw, the problem with this is this location. This is right across the street from someone's front window. As I said at the last meeting, I think we have enough frontage on all of our properties to be able to move things around, not have them on people's front

yards.

Anyway, Trustee Nicklas and I, looking at this whole area down here, there is nothing but woods, no frontage for anyone going south on Shady. So the thought was -- again, we say this, not that we are approving anything but making alternative aesthetic suggestions, that that can be moved closer into the wooded area to be less obvious and be out of the front view of this window.

By the way, this is a very big intersection here, Shady. There's Overlook and Shady and Cold Spring here. It's a very wide intersection with a lot of open area. There is a house here, it's all open. Again, you have this one that is very close.

MR. GAUDIOSO: We certainly can take into consideration that alternative location.

MAYOR DeVITA: Okay, this is the one, 22 Elizabeth, near 22 Elizabeth. So the pole justification report --

originally, we do know that the original proposal was a wood pole on the western side of the street, that extended wood poles, because the wood poles stopped at a certain point on Elizabeth and everything is underground from there.

I know that the original proposal was for another wood pole to extend it and that with the comments change it to a Stealth pole.

The problem with this is, again, we are out there. This is right across the street from someone's frontage. This is Rich's property.

As we were standing, there is a wooded area further down. Again, I'm not saying this is where we agree we should put it, but it seems there are better areas.

Just so the audience knows, we suggested and submitted, actually, at least one photo for better looking Stealth poles. I understand the purpose was to imitate a utility pole, but we think this is better.

So in any event, that was our comment, that's where it sits now.

MR. GAUDIOSO: We can certainly look at that location to the right.

MAYOR DeVITA: The next one is on Cold Spring Road.

Now, this says behind 65 Wildwood because this area here is Harbor Ridge Community. Out here there are no houses. I think, and correct me if I'm wrong, this is across from the entrance to the highway facilities. It's further south? Highway is further south.

In any event, Trustee Novick can talk about whether he can see it from his backyard. We did not have the opportunity to access it. We don't make a practice of walking into people's backyards without permission. In any event, it's something you can consider.

TRUSTEE NOVICK: What's the height of the antennae?

MR. GAUDIOSO: In this particular case, approximately, 22 feet for the antenna, which is below the height of

the --

TRUSTEE NOVICK: I don't think it would be a particular problem because the trees are 40 feet, 50 feet high.

MR. GAUDIOSO: Correct.

TRUSTEE NOVICK: Although my house is behind it, I don't see it as an issue.

MR. GAUDIOSO: Thank you.

MAYOR DeVITA: So, 699 -- 525 Cold Spring Road, we were out there. Cold Spring Road is tough. To the right here, this is actually an auxiliary drive for this house over here. And their property looks like it continues -- it's hard to tell, we're assuming a nice rock, many rock walls belong to the property. But right over here it's the Jericho Water District.

We also recognize, because we tried to look at it from all angles, you can't go too far in front of the water district then you're in the front view of people's houses across the street. But there were areas there more towards

the water district than on anyone's property.

MR. GAUDIOSO: We can certainly consider that.

MAYOR DeVITA: This is 235 Laurel Lane. So, this is one with the Nassau County sump along here. So we went out -- this is tougher than it looks because you have this whole sump and there is a pole, this is a transformer pole, which LIPA does not allow, correct. So across next to this is a pole, it's a Verizon pole, number 18. We were not sure why it wasn't on there.

Now, you say that as you get that far over you're now getting to Chris Rosado's side view from the house. It's possible that sump is a better place.

So I will tell you, I spoke with Mr. Eric Franz who lives at 235 who was here at the last meeting. I spoke to him today, he couldn't make it, he's on trial, he is an attorney. I said that I would deem his comments to be repeated for this hearing. But the point is he

said from here, it's hard to tell from the picture, it's right outside his daughter's window, the thought was to -- if it could be slid down a little bit and put into these trees.

These are evergreens. So they are here to make it really Stealth and put it in there.

The other thing that was -- I think Rich and I had looked at that as a suggestion.

The other thing is pole 18 -- that's what I am saying -- but then you are closer to the house and you can't almost see Chris's house because he's got some trees there. But just look up and that is his house, but you've got all of this land here and all these bushes.

MR. GAUDIOSO: I think that's an excellent point that you just made and that's something I do want to hit on.

We made a lot of changes when we were using existing poles and we were asked to go use Stealth poles. I just

want to make that clear, that to always use new poles isn't necessarily true in the process that we have seen and we tried to be accommodating and will certainly look at this alternative spot.

TRUSTEE MIRITELLO: Chris, can I ask you a quick question?

Are you more concerned about the health or the aesthetics of the poles?

MR. ROSADO: Chris Rosado, R-O-S-A-D-O.

I have two minor kids, it's a health issue to me, the aesthetics are a secondary.

As the Mayor pointed out, very artfully, there is a huge sump across the way that lends itself to Stealth, so I think that would be a more appropriate location since it's there.

TRUSTEE MIRITELLO: I was just trying to get a feel for maybe what other people were thinking about, I don't know if it's aesthetics or health concerns.

MAYOR DeVITA: 3 Picardy is a house

that is beyond an embankment, the node is 691. So, this is actually Stillwell, a town road, and Picardy intersects over here. The original pole was put at the intersection which was very bad for safety reasons and many reasons, and you did move it down to here.

So the question came up about why there isn't a Stealth pole there. From your justification and report, from what I remember, there is an embankment which is fairly steep.

MR. GAUDIOSO: That's the problem, that we would have to cut the embankment out and create a foundation. Frankly, I think given the existing wood poles in the area and given the embankment, that this was a better alternative that is consistent. I think one of the things we can do possibly is swing the box around to the other side to be able to make the box less conspicuous.

MAYOR DeVITA: We were out there and across the street there is a Verizon pole that is unencumbered, number 37.

MR. GAUDIOSO: I believe that is in Oyster Bay, correct?

MAYOR DeVITA: This area across.

MR. GAUDIOSO: So that is the Town of Oyster Bay.

MAYOR DeVITA: It's either the Town or the County, I'm not sure.

MR. GAUDIOSO: I believe it's the Town and that is Town jurisdiction. Currently, they are not permitting us. At this point, we have litigation pending with them.

MAYOR DeVITA: I'm just saying it appeared to us to be a -- putting all the other stuff aside in terms of living in a vacuum, it appeared to be better on a Verizon pole.

TRUSTEE NICKLAS: Again, in that particular instance, move it slightly to the berm.

MR. GAUDIOSO: A little more to the left facing the pole.

TRUSTEE NICKLAS: If you were to facing that, to move it this way.

MR. GAUDIOSO: Closer to us.

MAYOR DeVITA: West, that's away from us.

MR. GAUDIOSO: If I were looking at the pole.

MAYOR DeVITA: Yes, this way.

I know the Board has some questions.

Jeff?

TRUSTEE NEMSHIN: I think we've covered some of them, without repeating, I think I asked you the last time. Just to clarify, if you did answer them, I am going to ask it again.

Will this improve voice communications of cell phones?

MR. GAUDIOSO: Absolutely.

TRUSTEE NEMSHIN: There's a lot of conversations about relocating or proposed locations, a lot of questions that Dan and I have discussed, can you move it to the left, can you move it to the right. Your answer has been something you can consider.

What are your restrictions relative to the operability, the units to operate

the way you want them to?

Is there some flexibility in that or is there a point specifically selected because it's got to be exactly 99 and-a-half feet from another unit?

MR. GAUDIOSO: There's a possibility. The possibility is dependent on the location of the other nodes and surrounding areas of service, how the grid is working. I think some of the things we've been discussing is within our flexibility. We intend to put something in right after you show cooperation on that front.

TRUSTEE NEMSHIN: I think there were questions last week and again today about locating some of these nodes into sump areas to make them less visible and in particular along Stillwell Road, putting it on the wooded side of Stillwell Road, I guess the southern side which is the Stillwell Preserve, which I believe is State or County.

We talked about this before. We're in a residential area. There is a

wooded, completely wooded area that would hide quite a bit in there.

MR. GAUDIOSO: I think in the one instance where we can push up against the treeline near the sump, I think that is something we're certainly considering and should be able to accomplish.

As far as going into another jurisdiction, particularly one that has not -- that's taken the position that we are not permitted, the fact of litigation that your counsel is aware of because they are involved with it that makes it impossible for us to do that, number 1; and, number 2, going into a preserve would be a problem. The fact that it's a preserve, considered parkland, that would require a special act of the New York State Legislature to alienate parkland to allow us to use it. That would be another factor.

Finally, as far as staying within the right-of-way, we have a Certificate of Public Convenience and Necessity to be able to access the public

rights-of-way. We don't necessarily have rights to go into private property. So right now, our facility is proposed within the right-of-way to the extent the Village manages it, that's why we are here.

TRUSTEE NEMSHIN: It seems like they are resisting so you're giving us a shot by putting it in our side. Why don't you slide --

MR. GAUDIOSO: We have nodes in their town. We're proposing nodes --

TRUSTEE NEMSHIN: Make it part of your litigation.

MR. GAUDIOSO: I don't want to opine what your attorney should argue to the Federal Judge. The fact is there is pending litigation and the Town of Oyster Bay has taken a very aggressive approach. Your attorneys are part of that approach. It's unfortunate for the Village, but that's the reality.

But nevertheless, irrespective of that, we have proposed these nodes in your Village to be able to provide

service in your Village. That's where we are.

TRUSTEE TSAFOS: So the nodes have borders?

MR. GAUDIOSO: No, that's exactly the point.

TRUSTEE TSAFOS: I think that is what he is arguing. If you put it across the street, it wouldn't matter.

MAYOR DeVITA: From a technical point of view, forget the litigation.

MR. GAUDIOSO: Across the street is a little bit of a nebulous term, but the point being is that it sounds like you don't want it in your Village. So what I am telling you is there is more to just moving it across the street. I think you have seen a lot of cooperation with us where we can make alternative solutions work. We've already done it. You've asked us to look at other alternatives and we are doing it. It is a case you asked us to go to another jurisdiction and not allowing us. You're asking us to go into, arguably,

parkland which requires a special act of the State Legislation or to go into an area that is outside the right-of-way. Those are issues that we can't resolve.

TRUSTEE NEMSHIN: What is that area, do we know?

MAYOR DeVITA: First of all, across from 3 Picardy there are poles already, there's a Verizon pole. That's why I said you're in a vacuum. If there was no litigation that would be a better spot for it. So we understand.

MR. GAUDIOSO: Maybe you can convince the Town to allow it.

TRUSTEE NEMSHIN: You talked about the new additions to the equipment, LIPA requiring you to add meters. You mentioned discussing with them a solution to incorporate those meters into the Stealth setup, I guess for lack of a better term, for the Stealth poles.

What about for the wood, for the existing or new wood poles?

Is there any conversation on that because the pictures that we are seeing,

it's that much worse when you see those meters sitting on those poles, on top of your equipment, on their equipment, conduit pipes, different colors, all kinds of things.

MR. GAUDIOSO: We certainly can look at the color issue and the location along the poles.

TRUSTEE NEMSHIN: It looks like -- I don't know if you can get the picture up -- it looks like you put your equipment on, LIPA comes along, they slap theirs on, like 50 different cooks slapping different things on.

MR. GAUDIOSO: Utility pole --

TRUSTEE NEMSHIN: It looks terrible.

MR. GAUDIOSO: I agree. Looks like any other utility pole. You see the wires right above it, the wires above that. There's usually transformers. A lot of times there are boxes. I think it's consistent with the utility pole. Whether we can paint it or not, maybe locate it on a different spot or pole.

We are working with LIPA but they are the utility company, they dictate brand new service. If they are coming to your house, they are going to require a meter.

TRUSTEE NEMSHIN: True, but we can locate meters, we can hide meters.

MR. GAUDIOSO: That's the discussion.

TRUSTEE NEMSHIN: LIPA gives us that --

MR. GAUDIOSO: We're attempting.

TRUSTEE NEMSHIN: Maybe they are being tougher on you guys than a residential customer.

MR. GAUDIOSO: I think you have to take it all into relativity dealing with LIPA. If you've dealt with LIPA, I think you can understand there are certain parameters they have because they are operating a utility grid.

TRUSTEE NEMSHIN: More sensitive to a homeowner because we have a right to move our meters on our house, we can put them where we want.

MR. GAUDIOSO: We're putting the meter on the utility pole, that's the irony of it, a utility on a utility pole.

TRUSTEE NEMSHIN: It should be a little, you agree, it should be a little more aesthetic.

MR. GAUDIOSO: We are looking at ways to minimize it. I don't think it's a significant impact. We are looking at ways to minimize what is --

TRUSTEE NEMSHIN: It looks like two boxes there.

MR. GAUDIOSO: I don't know whether that was in the middle of an install or whether that was final.

TRUSTEE NEMSHIN: I think that is like that, that is a finished product.

MR. GAUDIOSO: I don't know whether that could be painted.

TRUSTEE NEMSHIN: So the question is, the question for your client and you is not just painting it and trying -- I've seen electrical work, plumbing work done on commercial buildings. I have

seen guys all lined up and it's nice and neat and I've seen ones that look like spaghetti. This looks like something that was slapped on it. If there is a way to give it more care, maybe a better design, maybe you don't need two of those boxes. These are questions I know you can't answer. I'm just asking you to dig deeper into the installation.

MR. GAUDIOSO: I know.

TRUSTEE NEMSHIN: I would appreciate that.

If this application does get approved and your equipment gets installed, what is our assurance that if it doesn't work out for you guys, a satellite comes in gets better service, one of them becomes antiquated, what is our assurance that this equipment is not going to be left in the Village sitting there? Can we be assured they'll be removed?

MR. GAUDIOSO: We've offered -- we wanted a right of use agreement, the Village refused to negotiate, so those

provisions are typically the right of use agreement and our offer stands to this day to negotiate those terms.

TRUSTEE NEMSHIN: Those are terms that typically a lawyer negotiated into the agreements, stuff gets removed, some sort of mechanism.

MR. GAUDIOSO: Correct.

MAYOR DeVITA: Rich?

TRUSTEE NICKLAS: Again, for the layman, the service that we are going to be provided with, this is going to be for an improvement of both service of cell phones or by Verizon only?

MR. GAUDIOSO: At this time.

TRUSTEE NICKLAS: And what about, what else?

MR. GAUDIOSO: When you use either this thing, or you use that laptop wirelessly, you can do a number of functions. I can make a phone call a little bit faster service, I can look on the Internet, send a text message. I can take a photograph, send that, it will improve that service. I can

download or stream a video, it will certainly improve that service. So all of these various services that you use on your computer wirelessly or you use on your smart phone or use on just even a flip phone, all of these services will be improved.

Right now you are correct, what we are proposing is for Verizon, as you mentioned they are built --

TRUSTEE NICKLAS: But it will help the Internet.

MR. GAUDIOSO: It will help the Internet service. If you are doing wireless internet service, absolutely.

TRUSTEE NEMSHIN: I remember a lot of our questions in the past.

My understanding is the concept of this is that you're going to have these running through the neighborhoods and yes, to improve our services that we get on the phone, but also services people are going to be getting in their homes that potentially are going to be, I guess, in their opinion, better than a

WIFI service.

It's going to replace our WIFI service in the home?

MR. GAUDIOSO: How a person uses their service, I don't want to speculate, but you could have WIFI, and there are benefits in terms of WIFI. Usually you have a WIFI router that is tapping into your cable line, okay. That means you're relying on the cable. The cable goes out, your WIFI in your home goes out. That's one of the limitations.

TRUSTEE NEMSHIN: So this service will be utilized within the home.

MR. GAUDIOSO: So one of the benefits of DAS is that the service is better to provide in-home service because the nodes are closer to the street, closer to the users.

TRUSTEE NICKLAS: As you remember at the last meeting, we had a lot of discussion about emissions. We had a little bit again tonight.

Have you measured any?

There are some nodes around here like on Cove Road.

Have any of those been measured by you guys, what the emission actually is?

MR. GAUDIOSO: We've measured -- off the top of my head, a number of nodes, one in particular in the Town of Huntington we've measured in that person's home. And that was well within compliance; in fact, it was below the emissions that were already in the home. That is not a surprise because what is creating radio frequency emissions is the lights, your body, your WIFI we've all talked about your baby monitor, if you have one. Those are all operating with radio frequency exposure.

The kitchen is a big source. You would think the microwave. It's not, the microwave is very well sealed. It's coming from the large motor in your refrigerator, okay. That's where the emissions are coming from, if you go in and measure inside the kitchen.

So we have done that. We have seen

that. At the end of the day the facilities, by federal law, have to be in compliance with the federal regulations.

TRUSTEE NICKLAS: Again, if these are approved, the nodes, who is going to measure that emission?

MR. GAUDIOSO: I think I mentioned before that, we will see whether the Board requires that as a condition.

TRUSTEE NICKLAS: With regard to -- let's say there was a problem with one of these nodes. Does that have any effect on the emissions?

MR. GAUDIOSO: No, because we look at the nodes as the maximum possible exposure and we are at less than 3 percent. So, if there's a problem with the node what generally happens is a stop work, so there's no exposure.

TRUSTEE NICKLAS: My final question I had, it kind of came up, I think, the maintenance of the poles.

What happens with the maintenance of these poles?

MR. GAUDIOSO: So with respect to our equipment, we are responsible to maintain it at all times.

TRUSTEE NICKLAS: What about Stealth poles?

MR. GAUDIOSO: We are responsibile for Stealth poles. If we put in a wood pole, we are responsibile for the wood pole.

MAYOR DeVITA: Kevin?

TRUSTEE JUSKO: I wanted to know from the last hearing one of questions I asked was about different types of Stealth poles. Do you have any renderings, any pictures?

MR. GAUDIOSO: We're working with an alternative based on what we were provided, as far as I think there was some additional finial and also some fluting, different alternatives to be able to modify what we proposed along those lines.

TRUSTEE JUSKO: Do you think we would be able to have that prior to the next meeting before the hearings are

ended?

MR. GAUDIOSO: Yes.

TRUSTEE JUSKO: I also brought up the last meeting potential burying of what you call the VoLTEs.

It just so happens after the last meeting walking down the street across from Bryant Park -- I'll hand that in as an exhibit -- it's on a box, Crown Castle's name is on it. Apparently, this stuff is completely buried on the streets of Manhattan.

MR. GAUDIOSO: I think you have to not necessarily jump to that conclusion. Crown also operates fiber, that could be a junction box.

TRUSTEE JUSKO: Can you check on that? That is across from Bryant Park.

MR. GAUDIOSO: We would like to have a copy of that as well.

MR. AVRUTINE: Let the record reflect this is a one-page photo that depicts a vault in the ground and it states on it Crown Castle.

That will be marked as Board of

Trustees Exhibit Number 5.

TRUSTEE JUSKO: Also, at the last hearing, I had asked if you had installed any of your equipment anywhere on the LIPA poles on Long Island. I believe you said you were unaware.

Again, I submit some exhibits. This is on West Grove Road. Clearly, it shows a wood pole with LIPA on it. It looks like it's new. I can't see the name of your equipment, I assume it's yours, so...

MR. GAUDIOSO: Do you have the exact address?

TRUSTEE JUSKO: I don't have, it's in Huntington.

MAYOR DeVITA: The pole number is there.

TRUSTEE JUSKO: The pole number is there and that's West Rogues Path.

MR. AVRUTINE: Let the record reflect the next following exhibits are two photographs of a utility pole and visible is a LIPA and the number 15 below that.

That's Board of Trustees Exhibit Number 6.

TRUSTEE JUSKO: And the last question I have is I have Verizon service. Many years ago I was not getting good cell coverage in my house. I called Verizon and I purchased a network extender, I believe it's called. Now I get perfect cell phone service in my home.

So I'm wondering, why do I need this?

MR. GAUDIOSO: I don't know whether you personally need it or not, but that is not the standard under the law. The standard that the Board has to consider is the Telecommunications Act which says the municipality may not prohibit service. So, whether you have a solution or whether someone else doesn't use Verizon is not necessarily the standard. Does everyone have an extender, no, obviously. Does everyone want to pay for an extender, no. The point of the Telecommunications Act was

to promote a business kit service, not necessarily to have extenders.

MAYOR DeVITA: Jeff?

TRUSTEE MIRITELLO: I just had a few questions.

As far as the emissions, I am sure this is something that puts fear in most of us.

Do you have any idea of how these emissions dissipate from distance-wise? I think someone told us one emits 10 feet away. You said 3 percent, what, right at the pole.

MR. GAUDIOSO: No, actually, if you look at the report, there are actually charts that show the distances and the amount. So the idea is that the signal propagates based on antenna pattern, so, generally, not right at level. So it is not as simple as saying it will be 3 feet below the pole, it doesn't work like that. That's all detailed in the report. But at the highest level possible, it's less than 3 percent. Every place else, it will be 3 percent,

really 2.8 or less.

TRUSTEE MIRITELLO: 100 feet away.

MR. GAUDIOSO: Even less.

TRUSTEE MIRITELLO: Half of that, you think?

MR. GAUDIOSO: There's a number of variables, including antenna patterns and so forth. We have to be less than 100 percent, and worst case scenario, we are less than 2.8 percent.

TRUSTEE MIRITELLO: As far as the noise is concerned, I know the Code doesn't -- it mentions ambient levels. What is an ambient level? Is there any way we can demonstrate maybe at the next meeting or something what the sound is like? Is it a continual buzzing?

MAYOR DeVITA: Just so you know, I don't want to interrupt, we asked that, and correct me if I'm wrong, but Crown said the equivalent of a passing car. We said a car passes and there is no noise. But then they said, well, these fans don't run all the time, they run in high heat. That's how we got to the

point where they are going to tell us, well, what temperature do these things need to run. That would be hearing a fan.

MR. GAUDIOSO: We didn't say the sound of a passing car, we said the ambient noise were in the public right-of-way. Cars, trucks and other vehicles are the ambient noise level. What we documented in our letter was that we are well below that, actually.

The question was, well, how often do the fans run. It's a cooling fan, just like an air conditioning cooling fan or a fan to be put in the actual decibel levels in the report. That's there in the record.

We will provide some additional information as far as the temperature, when it kicks on.

TRUSTEE MIRITELLO: Some of the surrounding areas, Laurel Hollow is a fairly small Village and this, for us, is a lot. What are the Village's close by, or maybe our neighbors who have this

already and we can drive by and look at some of the effects in their community.

Do they have this in Woodbury?

MR. GAUDIOSO: Yes. We have 20-some odd in Woodbury. We have nearly 200 in Huntington, Old Brookville, Brookville. We are in many other North Shore communities.

TRUSTEE MIRITELLO: Muttontown?

MR. GAUDIOSO: Muttontown?

TRUSTEE MIRITELLO: Oyster Bay Cove?

MR. GAUDIOSO: Oyster Bay Cove, I believe we have two in Oyster Bay Cove.

TRUSTEE MIRITELLO: Two nodes?

MR. GAUDIOSO: I believe there are two, just off the top of my head.

MAYOR DeVITA: To be clear, those are on Oyster Bay Cove Road, which is a county road, and those other Villages --

MR. GAUDIOSO: No, no, I think we actually went to the Village on --

MAYOR DeVITA: Oyster Bay Cove. Those aren't county roads, they virtually are all private roads.

MR. GAUDIOSO: I believe Old Brookville, Brookville, Muttontown.

TRUSTEE MIRITELLO: They're roughly the same size as us. How would two work for them?

MR. GAUDIOSO: It depends on what the existing coverage is. For example, tell me where the tower is in this Village.

TRUSTEE MIRITELLO: I could not tell you.

MR. GAUDIOSO: Because there is none, so that's the point, right. So there is none. If there are no towers then you're not going to permit a tower, then your Code suggests alternative technology.

As far as trying to compare numbers, Old Westbury, for example, they have a tower on Village Hall. Again, we did 20-some-odd nodes because there are areas that are densely residential where a tower is not going to be permitted or there is no available site, that's where the DAS installation is proposed.

TRUSTEE MIRITELLO: How many do you think there are in Brookville?

MR. GAUDIOSO: I don't remember off the top of my head. If you look at our map, we are from -- we are at a certain portion of the Village here. We're not proposing the top portion of the Village. This project is for a dense residential area.

What non-residential uses do you have in that area? You have the Village DPW property. That would require about 150-foot tower to eliminate these nodes. That's not an option under your Code. Your Code is limited to the 75 feet in height, which we meet, but a tower greater than that wouldn't. So there is not an opportunity for existing coverage.

So whether it's one or two nodes in a particular location, that might not be because of that particular Village, but that might normally be because it's an area that's trying to be covered between coverage of towers or rooftops or other

uses that frankly don't have that infrastructure.

TRUSTEE MIRITELLO: So then the north side of the Village eventually gets a similar population, or the north side --

MR. GAUDIOSO: You're right on the water. So the benefit is you do get some coverage. The down side to that is if you pick up coverage -- and this happened in Huntington Bay, a person had a heart attack on the beach and they couldn't make a call. If you can make a call it goes to the public safety switch across the sound because the signal from Connecticut travels across the water without being attenuated or blocked because there are no trees of buildings. That call will go somewhere to Connecticut. If somebody is having a heart attack, do you want your emergency 911 call going into Connecticut. More likely than that, the response will be delayed.

Also, the northern part is narrower

and there is different topography up there. So there are different limitations with respect to how you solve that difficult terrain.

TRUSTEE MIRITELLO: In other words, most communities that don't have the antennae are going to need something like this.

MR. GAUDIOSO: Correct.

MAYOR DeVITA: Let me interrupt you just to be clear. So, a lot of the Villages that you mention, you didn't need to go to the Village for permission. I think Upper Brookville was another one, but there are county roads with significant portions through the Village.

I talk to these mayors all the time and I know the mayor of Upper Brookville very well. There's a number of the Villages that you mentioned --

MR. GAUDIOSO: Old Brookville, Upper Brookville?

MAYOR DeVITA: Nodes may be there but not because you had to go to the

Village and put it on Village roads but county roads.

MR. GAUDIOSO: That's not correct.

MAYOR DeVITA: I know Old Westbury, Old Westbury got --

MR. GAUDIOSO: I know Old Brookville --

MAYOR DeVITA: Old Westbury --

MR. GAUDIOSO: I'm sorry?

MAYOR DeVITA: Old Westbury's tower --

MR. GAUDIOSO: They have a tower at Village Hall, the back of Village Hall. But we also did 20-some-odd nodes in Old Westbury and we did go to the Village and we did gain permission.

MAYOR DeVITA: I understand that.

MR. GAUDIOSO: Old Brookville, Brookville, the same thing. That still did go through, that still did go through the Village permit process.

MAYOR DeVITA: I'm sorry.

TRUSTEE MIRITELLO: Does this system work in tandem? Does every node have to be working for the whole system

to be working?

If one node goes out --

MR. GAUDIOSO: It depends on the reason it goes out --

TRUSTEE MIRITELLO: A car accident.

MR. GAUDIOSO: It's a distributed antennae. So if the antennae goes out, no, it will not knock out the whole system, not like the old Christmas tree lights. But if it's something in the system that is a distributed cable that gets knocked out, then that could knock out other portions.

TRUSTEE MIRITELLO: That would wipe out people's ability to use a computer or there is no -- would not have an alternative method.

MR. GAUDIOSO: Again, I can't speak for any individuals.

TRUSTEE MIRITELLO: That's it.

MAYOR DeVITA: Okay. Nick?

TRUSTEE TSAFOS: Sure.

I know we went down this path the last time, but in the filings to shareholders in the Security and

Exchange Commission the company states, or Crown Castle states that it's a Real Estate Investment Trust.

Can you tell me why Crown Castle considers itself a Real Estate Investment Trust?

MR. GAUDIOSO: No. I'm not prepared to discuss Crown Castle's rate status in the context of a zoning hearing. I don't believe it's relevant at a zoning hearing. Quite frankly, I don't have that information about how they're established as a REIT.

TRUSTEE TSAFOS: Since the only public documents I can find on Crown Castle were the SCI filings and the 10-K that says it's a REIT, how is it that Crown Castle can come in and ask for an application for a permit? What right does Crown Castle have to do that?

MAYOR DeVITA: Being a REIT?

TRUSTEE TSAFOS: Being a REIT.

MR. GAUDIOSO: It has nothing to do with being a REIT, it has to do with your applicant. Crown Castle NGE LLC

has a Certificate of Public Convenience and Necessity from the New York State PSC which we submitted with the initial filing. That grants us access to the right-of-way and any other telecommunications provider.

TRUSTEE TSAFOS: So under New York State you have gotten the right to come in and put in the application for these nodes?

MR. GAUDIOSO: Correct. On top of that, under federal law we have the right to provide telecommunications service under Section 253 of the Telecommunications Act.

TRUSTEE TSAFOS: Thank you.

MAYOR DeVITA: 10-K we will mark it as an exhibit.

TRUSTEE TSAFOS: This is December 31, 2018, a 10-K that was filed with the Securities and Exchange Commission by the end of February, I believe.

MR. AVRUTINE: That is being marked as Board of Trustees Exhibit Number 7.

TRUSTEE TSAFOS: Filed February 25,

2019.

MR. GAUDIOSO: What is the corporate entity?

TRUSTEE TSAFOS: Crown Castle International Corp and subsidiaries.

MAYOR DeVITA: Marty?

TRUSTEE NOVICK: Assuming the application is approved, the nodes are placed and service improved, along comes AT&T or T-Mobile and decides that it's a good idea. Do they come to us or do they go to you?

In other words, on the economics of the business, which I don't know as a layman, would it pay for them to come to us and put up their own poles in the right-of-way or would it pay for them to economically, now, go to you and I guess pay you rent for the pole to use their equipment, and can their equipment be used on your pole.

MR. GAUDIOSO: So what I can tell you is that we have designed these nodes to be able to accept their equipment, provide their service, within reason

based on what we know now. They are using similar equipment to Verizon and we've designed the box and the antennas to be able to do that. We probably have to add some equipment in the box. We might possibly have to swap out an antennae, but that's how the system is designed.

We would charge them to use our system. We are considered a neutral host, meaning that we are carrier neutral, meaning we make more revenue by having more users of our system.

TRUSTEE NOVICK: More tenants.

MR. GAUDIOSO: So it makes more sense to have more tenants, whether they come to you or don't come to you, that's beyond my ability to speculate at this point.

TRUSTEE NOVICK: I just didn't know the procedure involved. If I were AT&T, do I go to you first?

MR. GAUDIOSO: Some would come to us first. Whether it's more economic to come to us or not come to us, I can only

speculate. But my speculation would be, it would be cheaper to put their equipment in our nodes than try to build their own system.

TRUSTEE MIRITELLO: Part of the nodes stays the same, pretty much.

TRUSTEE NOVICK: Since we're talking about the Village in total, the south side then, at the end of this, will have better cell service than the north side.

MR. GAUDIOSO: I think that's a fair statement.

TRUSTEE NOVICK: Is there an intention, and I don't mean it in a negative way but more in a positive way, for this to go through to be considered, and if you can't go to the water's edge there's enough people living inland, so to speak, on the north side that would improve their service?

Is this a thought that you think that Crown Castle would entertain after they did the south?

MR. GAUDIOSO: I can say that I

inquired and I'm not aware of any proposals in the north side of the Village. Typically investments, whether -- let me take a step back.

Crown Castle doesn't build on speculation. We have to have, before we'll go out and go through this process we will have a carrier client that's willing to be a partner with us to do this. We don't have that in the pipeline right now for the northern part of the Village.

Carriers and infrastructure providers have capital. They spend their capital in places where they get a return on their capital. There is a long history in the municipalities that do not have solid wireless service because carriers do not want to spend their capital.

TRUSTEE NOVICK: So the carrier initiates it, not you.

MR. GAUDIOSO: Correct.

TRUSTEE NOVICK: Okay. One last thing which I'm not clear on is the

choice of the pole existing and new.

I understand that there's some electronic situations on poles that prohibit you from using the pole because of whatever, I don't know how many of that is involved. But what about poles you're make a choice of saying, yes, we can use some of these poles and some we're putting up new ones?

Is there an economic difference; in other words, does it cost more to go on to an existing pole than to put a new one on?

MR. GAUDIOSO: So, it is more costly for the installation to put in a new pole.

TRUSTEE NOVICK: So --

MR. GAUDIOSO: That is for the installation. We have to gain access to that pole, and the problem with the LIPA poles is their access rates are astronomical.

We've asked your counsel to sign a certain agreement in connection with the litigation. Once we have that agreement

agreed upon, then we can provide those details to you.

TRUSTEE NOVICK: So, at the present time, it's an economic situation where if it costs Crown Castle more to use a LIPA pole then, economically, it pays for them to put a new pole in.

MR. GAUDIOSO: It's uneconomical to use the LIPA pole in certain instances. In other instances, it's what you started with is that we can't use the LIPA pole because of the obstruction.

TRUSTEE NOVICK: But assuming that it doesn't have that electronic restriction, would it be cheaper -- you're saying because of their access charge, it makes it more expensive to put up -- than putting up a new pole?

MR. GAUDIOSO: It is not so much more expensive, it's astronomical.

TRUSTEE NOVICK: I see.

MR. GAUDIOSO: And if we can come to terms on that agreement to make this information, which is confidential, available, we'll show you those numbers

and the numbers, the difference between a Verizon pole and LIPA pole is staggering.

TRUSTEE MIRITELLO: Weren't people charged for these poles limited on the amount that LIPA charged on these?

MR. GAUDIOSO: Good question.

Traditionally, the Public Service Commission didn't regulate these pole attachment fees. The federal government regulated it, allowed states to opt out of that regulation. New York was an opt-out state. The PSE took the position that it would allow the pole attachers and the pole owners to negotiate and if there was a problem go to the PSE.

There has been problems. There was a petition many years ago filed that was recently decided and the PSE said two things: Number 1, these pole attachment procedures and rates and timeframes apply to wireless attachments; and number 2: Within a certain period of time pole owners have to come up with

reasonable tariffs, charge the wireless attachers.

The problem being is that LIPA is an authority and they are not regulated by PSE. They are not under the PSE regulation in this.

MAYOR DeVITA: It's not a question, in my opinion, I think that this application of 25 is just the first step. It only covers really 40 percent of our Village. You have a good portion of the south side not covered and the north and I think the business model, it doesn't make sense to stop there. That's my opinion. I think this is just a first step.

I just want to ask you about colocation. We didn't really use the word, but our Code requires colocation in any wireless facility so that in essence, we don't have to go through this with every carrier and it's actually a good business model for you and whatever the municipality.

So what are the plans for

colocation for these things?

MR. GAUDIOSO: We documented that in the application materials where the facilities are designed for colocation.

MAYOR DeVITA: How many?

MR. GAUDIOSO: At least two, possibly three, depending on what type and size of equipment they would have to add. That would be without changing the box. Obviously, putting in a larger box, multiple boxes, then that would be able to support it, as well. As configured, it has to be documented in our paperwork.

MAYOR DeVITA: I know there's been consolidation in the industry, but really, how many carriers are we talking about out there that would have the technology to want to participate in this, in your opinion?

MR. GAUDIOSO: So, right now there are four that are operating. There is Verizon wireless, AT&T. There is Sprint, Nextel, which is now one company. There is T-Mobile. T-Mobile

and Sprint have a proposed merger. Dish also holds licenses but they are not necessarily doing this type of application, but they are out there. They're not doing it, from my experience, this type of installation. They're trying to do broad-area coverage to be able to secure the coverage requirements of licenses.

MAYOR DeVITA: Todd, do you have anything you don't have to repeat from the last meeting?

MR. STECKLER: Sure.

MAYOR DeVITA: Why don't you stand up there and give your name.

MR. STECKLER: Todd Steckler, counsel for the Village.

Two questions, one is just a general information question.

Before LIPA was charged with putting boxes on the DAS facilities, what was the arrangement between LIPA and Crown Castle for paying for electricity for those?

MR. GAUDIOSO: I don't know off the

top of my head.

MR. STECKLER: And then the other question I have is we were just talking about the fact that LIPA is an authority so it's not subject to the new PSE regulations concerning pole attachments.

Why, as an authority, shouldn't LIPA be -- is or is not, in your opinion, treated the same way as a municipality with respect to the new $275 limitation on what can be charged for being in the public right-of-way.

MR. GAUDIOSO: $270.

MR. STECKLER: I'm sorry.

MR. GAUDIOSO: I can't opine on what LIPA's position is.

MR. STECKLER: What's Crown Castle's position?

MR. GAUDIOSO: Well --

MR. STECKLER: Crown Castle made that argument to LIPA that all we have to pay is 270 to be on the pole.

MR. GAUDIOSO: I'm not going to get into, in this context, our discussions and trying to get LIPA to agree to a

lower amount. But I can tell you that there is not pending litigation so LIPA has taken the position that there is an agreement and that's how much they are charging.

MR. STECKLER: We know that the courts have held that even where, as an example, Crown Castle had an agreement with a municipality, that agreement violated the federal statute that they found that Crown Castle would not have been part of the agreement that they could rely on the federal statute.

MR. GAUDIOSO: What case was that?

MR. STECKLER: I can get you the cite. I printed it out, it's an interesting case.

But, again, one of your arguments here for it not going on a LIPA pole is the great expense it is here for Crown Castle.

So if there is another side to that argument, I would like to know what Crown Castle's position is with respect to the other side of that argument.

MR. GAUDIOSO: I think I put in context the fact that we asked for this right-of-way use agreement since 2015. We have been here many, many years before the PSE recent order, which I think is a month or two ago for the federal order on the $270. So, it's obviously been an evolving process.

MR. STECKLER: Okay.

MAYOR DeVITA: Before we turn to the audience, any further comments?

MR. GAUDIOSO: No, thank you.

MAYOR DeVITA: Okay, first we have Beryl Remigio, 175 Laurel Lane.

Please stand up and say your name and address.

MS. REMIGIO: Beryl Remigio. I've resided at 175 Laurel Lane for the last 48 years. My property is directly across from 180 Laurel Lane, which pole is going to be used for these nodes.

I can say after seeing a picture of the completion of the poles with two nodes, it's quite ugly and there is nothing in the area where it's being

placed, it's right up to the curb. It's right down the lawn from mine. There's nothing to camouflage the look or sound of these nodes.

A little further, just a little further down Laurel Lane toward Shady are existing poles on both sides of the street, two on mine, one on the other which are more wooded and I think would be a better place, or at least the look and maybe even the sound. I would hope that maybe those could be adjusted by Crown Castle.

Aside from the aesthetics concerns, I also worry about the health and safety of our community from the emissions generated from these nodes. They say they're tested, but from what I heard from other sources, the testing has not been done on humans and animals except in another realm, such as the awareness grass roots community that said scientists and doctors have said it's a danger, 5G that is. 4G is -- they are just preparing the poles for 5G, as far

as I'm concerned. They don't say that. They are readying it. I don't know when it will be here, I have a feeling it's not going to be very long.

So that's all I have to say. Thank you for listening.

MAYOR DeVITA: Thank you.

Just so you know at the last hearing, we did discuss 180 Laurel Lane and there were suggested alternatives that were put forward. So, I have to go back to the transcript to look.

MS. REMIGIO: I didn't hear anything about further down Laurel Lane.

MAYOR DeVITA: I'll go back and check.

MS. REMIGIO: I heard sump.

MAYOR DeVITA: Okay, thank you.

I'm sorry, Penny Koines. Do I have that right?

MS. KOINES: Penny Koines.

MAYOR DeVITA: Name and address, please.

MS. KOINES: Penny Koines, 180 Laurel Lane. I am also here to talk

about the same thing Beryl mentioned. My property is one of the 25 cellular antenna proposed installation cites. Crown Castle referred to my house as N-685, it is my home and it is to me 180 Laurel Lane.

I am here tonight with some of the same concerns as so many others. My husband and I feel very fortunate to live here. We bought our home because of the safe and happy community and we take pride in our neighborhood and we respect our neighbors and our schools. We feel a responsibility to take care of our home, inside and out.

The cellular antenna that is proposed to be installed on my property is at level with my children's bedrooms and it's exactly where my children stand and wait for the bus. Supposedly, they give off a constant sound.

I didn't purchase my house under these conditions. I accept that technology needs to move forward, but I think it's reasonable to expect a more

responsible approach. I would hope for a safer and quieter aesthetic option than directly in front of my house. Thank you.

MAYOR DeVITA: Thank you very much.

685, actually, I know that is not subject to tonight, but we've actually been out there many times and it's slapped right in front of the property, we see that. And I'm just trying to see what hearing was --

TRUSTEE NICKLAS: The first one. We propose it be moved.

MAYOR DeVITA: Thank you.

Anna Franz.

MS. FRANZ: Aviva Franz.

MAYOR DeVITA: I'm sorry.

MS. FRANZ: Aviva Franz, 235 Laurel Lane.

MAYOR DeVITA: You're Eric's --

MS. FRANZ: Wife.

I want to reiterate that there is a sump across the street from our house, which would be an ideal location.

Right now where it's positioned it's right outside of my kid's bedroom and visible and facing them as they wait for the bus in the morning. There is a lot of area there where it can be pushed back and over just a little bit, not to intrude on my neighbor's children or home. Assuming the installation goes through, if it does, that would be a better position and location, as you mentioned.

Thank you.

MAYOR DeVITA: Thank you, Ms. Franz.

Izzy Emek?

MR. EMEK: Izzy Emek, 22 Elizabeth Drive.

My main concern is -- I don't know how much you know about it, health issues. I have a condition and I don't know if it would make it worse, but it is something that I don't want to take a chance with.

If you look at the picture, it's about less than 100 feet away from my

mailbox. You can see in my window, 22 Elizabeth Drive. It is not even near the curb, it's like right in the middle of my yard. That's my mailbox over there.

The other thing is, is there more radiation during peak hours or is it the same radiation constantly, do we know that?

MAYOR DeVITA: That's an interesting question.

Mr. Gaudioso, are the emissions the same or is it different?

MR. GAUDIOSO: We calculated it at maximum power 24 hours, seven days a week.

MAYOR DeVITA: The measurements in the reports are assuming maximum power, maximum calculations.

MR. GAUDIOSO: Calculations in the report, correct.

MR. EMEK: Then why are the boxes bigger if the recommendation is 3 cubic feet you said, and you're doing 4 and-a-half?

MR. GAUDIOSO: The box would be -- we would be allowed to be 28 cubic feet.

MAYOR DeVITA: You're talking about the -- I believe the antennas, correct me if I'm wrong, you are talking about 3 versus 4 feet. I believe that was the antenna size.

MR. GAUDIOSO: Cubic feet.

MAYOR DeVITA: Cubic feet.

MR. GAUDIOSO: The box is much smaller than the 28 cubic feet. It's not a limitation, it just changes the radiation.

TRUSTEE NEMSHIN: Is that more emissions if there's one carrier of the unit versus three?

MR. GAUDIOSO: Typically, the emissions would increase.

TRUSTEE NEMSHIN: So the measurement is 2.83. Is that considering three --

MR. GAUDIOSO: That's considering what's proposed for Verizon.

TRUSTEE NEMSHIN: That is one, so three carriers potentially would be

three times.

MR. GAUDIOSO: Could be less than that.

TRUSTEE NOVICK: Why could it be less?

MR. GAUDIOSO: They could be using less frequency bands, they could be using less power. It is never going to be greater than 100 percent.

MAYOR DeVITA: Is it a mathematical -- if you have three, is it three times the two-something percent? Is it a mathematical increase?

MR. GAUDIOSO: Not necessarily, it depends on what the other carrier is using.

MR. EMEK: That is my question.

When they put the box, they can put more customers using the box, so is that going to emit more?

MAYOR DeVITA: The answer is yes. Just to paraphrase what Crown has said is that even at full capacity, let's say three or four carriers would still be below the federal standard. I want to

make sure I am summarizing that correctly.

MR. GAUDIOSO: It will be well below the federal standard.

MS. EMEK: Nancy, I'm with him.

Do we need four carriers? Can we just settle on two carriers.

MAYOR DeVITA: Actually, our Code, Codes in general promote colocation. Because you don't want carriers coming in looking for new infrastructure for each carrier. So instead of poles being 2, 3, 400 yards apart, you will have them on top of each other for each carrier.

So, I am just explaining to you the theory of why colocation is promoted whether it's on a tower. A tower has many, many carriers so that they don't have to put a few --

MS. EMEK: As long as we have communication technology why do we have to use this?

MAYOR DeVITA: This is where it gets into the federal law, but I

understand your point.

MR. EMEK: One more thing.

Was there any consideration made to the location of these boxes?

Right now, right to the left of that pole is a huge Verizon box right there. If you go to the corner, there's two -- I have pictures of all of them. I have a total of six utility boxes on my property, so I need another pole there? I don't think so.

MAYOR DeVITA: I think what Mr. Emek is saying is that the beginning section of the Village is where we have the underground utilities and your house happens to house -- you're house is at a corner and an intersection so you get a lot of the utilities.

MR. EMEK: I have cable, I have electric. You name it, I have it. Now you want to come in and put this in.

Thank you.

MAYOR DeVITA: Thank you, Mr. Emek, appreciate that.

I think you heard before we

proposed moving it down and away from this.

MS. EMEK: Right across from my neighbor.

MAYOR DeVITA: I know. That was the first thing we said that it was directly across the front view of the neighbors, and that is an objective aesthetic standard we want to follow.

Ryan Moriarty?

MR. MORIARTY: Ryan Moriarty, 398 Cold Spring Road in between Stillwell and Laurel Lane. I'm not sure of what the node is on that, but one is fairly close to our house.

My main concern, just for the record, is more for health concerns, as opposed to aesthetics. I guess my question for this gentleman is if you need 25 new towers, the intent is to run 5G through that; is that correct?

MAYOR DeVITA: Well, I think I asked him that before. The idea is, number one, the application is 4G, but I asked can the infrastructure be used for

5G. It is not 100 percent, yes, but I think the theory is that it can be used for 5G installation, correct me if I'm wrong, Mr. Gaudioso, am I misstating it?

MR. GAUDIOSO: I think that is a basic general overview.

MR. MORIARTY: The need, from my understanding of the RF signals, the need for so many, if you go back to that diagram of all 25 of them because of the shorter wavelength frequencies that 5G requires, you don't need this many for 4G. So if you're talking about 4G, first of all, it's not necessary to put up 25 towers unless you want to -- the intent is to run 5G towers through that. 5G radiation is 25, 50 times more harmful than 4G. If your intent is 4G here, why do we need 25 because the 4G radiation isn't as much wide-length frequency as to what you would need it for right now.

MR. GAUDIOSO: That's not true.

We submitted a map of 2100 megahertz which is to run the LTE

network.

MR. MORIARTY: It's just -- I disagree with that.

For the record, I just want to say the intent for this entire project is to run 5G, which is incredibly more harmful in emitting massive more radio frequency waves, especially to the people right near these towers, especially the kids who are more susceptible. It's scary, dangerous and that's really my issue. I am concerned with these, but for the record, that is the intent of Crown Castle to install 5G.

MAYOR DeVITA: Howard, if and when a carrier were to come to us for 5G, I assume they would have to file an application to go through this procedure through our ordinance.

MR. AVRUTINE: Again, making additional installations the answer is yes, if they're swapping out equipment on approved installation that would not require the same level of --

MAYOR DeVITA: Unless there was

something in the right-of-way agreement that was negotiated.

MR. MORIARTY: So they can make it back door by installing equipment as 4G and flipping a switch next year into 5G without the approval of the town, right?

MAYOR DeVITA: That's not what we are saying.

MR. AVRUTINE: That's not what I'm saying. What I am saying is that if there is a change, I think that -- again, I'm not purporting to be an expert on the technology, but from what I understand, the whole concept of 5G, again, is it hadn't been definitively decided what that is going to consist of.

So, this application has been pending for a period of time. My involvement with it, I can tell you from my own experience that when this application was originally filed, 5G was not even on the horizon, not even discussed.

Now, in the past six months 5G has

become a big topic of discussion, so 4G is what is currently be utilized and it appears that is what Crown Castle wishes to provide for Verizon to solve whatever problem Verizon perceives they had in terms of gaps in coverage.

It's inevitable, I think based on the technology all of us have seen in this regard that 5G is coming, 6G is going to come beyond that. There is always a next generation of this technology, whatever that actually turns out to mean.

MR. MORIARTY: More radiation, faster speeds, but...

MAYOR DeVITA: Correct me if I'm wrong, I assume -- I don't know the answer to this, if the FCC has promulgated RF emission standards, are they different for 5G than 4G?

MR. STECKLER: I have not seen what the 5G standards are. I'm sure they exist. If they were going to modify from 4G to 5G, they would have to come and provide an application to the

Village that would include RF emission standards with it so we would know what was going on.

Again, as everyone is aware here, the FCC federal government has taken away control from local municipalities with respect to RF. As long as they comply with the standard set forth by the FCC, there is nothing a municipality can do. Even on a violation of the RF standards, the only recourse for municipalities would be to make a complaint to the FCC. There is no other legal process that is provided for.

So the answer is if they were going from 4G to 5G, we would be aware of that. There would be a modification they would be required to do. They would still have to comply with the FCC RF outputs for 5G. That's about the most we can ask for under the federal laws.

MAYOR DeVITA: Thank you, Mr. Moriarty.

Chris Rosado?

MR. ROSADO: Good evening. Chris Rosado, 101 Holly Lane.

I want to join in the application of my neighbors. We can bring the 684 up. I join in the application of my neighbors that inasmuch as we can move the proposed pole toward the sump where it's much more feasible. I think that would improve at least this location, if it's going to be approved.

I really have just a couple of questions. Also, you may not know, but I'll direct them to the applicant.

First of all, are these pictures to scale? Is that pole to scale?

MAYOR DeVITA: I assume they are. Yes, counsel is affirming that, yes.

MR. ROSADO: Approximately, how high?

MR. GAUDIOSO: Approximately 32 feet, a little less than that. It's 31 feet 2 inches to the top of the pole.

MR. ROSADO: What are these Stealth poles made of?

MR. GAUDIOSO: Metal, then there's

a fiberglass enclosure containing a cannister that encircles the antennas on top.

MR. ROSADO: Are these the same types of poles that were installed in other Villages that you identify, like Old Brookville, et cetera.

MR. GAUDIOSO: In those cases we were using wood poles.

MR. ROSADO: My last question is, is there any intention to dig up any part of this street, they've just been redone, in order to install a pole like that?

MR. GAUDIOSO: We have to put in a foundation in the grass area, but the proposal for the utilities is underneath the street.

MAYOR DeVITA: Let me make that clear.

As you know, we just redid those streets and they've consented to missilling underground, would it be necessary, if that were to be approved.

MR. ROSADO: Okay, thank you very

much.

MAYOR DeVITA: Thank you, Mr. Rosado.

I'm sorry, Rekasha Melymont.

MS. MELYMONT: Hi, my name is Rekasha Melymont. I live at 23 Elizabeth Drive across from 22 Elizabeth Drive. I just have some questions, statements.

I think the applicant mentioned that noise from the node is the same as ambient noise, what is described as trucks or cars passing. I've lived in the house for 23 years. I can stand outside for an hour and not a single truck or car passes. I don't want to hear a constant sound of a truck or a car, that's why I live in Laurel Hollow.

The second thing is the applicant had said earlier that they have the right to come in put these nodes in because they determined there is a need for the service.

I would submit to the Board who has made that determination? I certainly

have not. I don't need the service. Many of my neighbors, from what I hear, also agree they don't need the service.

Just lastly, home values.

My husband just looked at me and said should we sell our house now that this proposed monstrosity is going to be directly in front of my house.

MAYOR DeVITA: Nothing has been decided whether these things will be approved or not.

Thank you, though, for your comments.

Ed Kouzeugian?

MR. KOUZEUGIAN: My name is Ed Kouzeugian. I live at 564 Cold Spring Road.

I want to address a statement to the representative here.

This looks like your company has made such a great effort to hide these things. I have seen things on the Internet where they look like cacti, cactus, and you look at it and you say that can't be a node.

So, I am looking at this company coming in here and I want to say, okay, we want an approval but this doesn't look like something -- if I were making this, I'd make it look like a tree. Say, oh, it's a tree, maybe it is dying or whatever, really, a tree but not someone's chimney.

The second statement I want to make is that it seems everyone is worrying about, well, what's this look like and it's horrible, et cetera, et cetera.

I am sitting back there with the young gentleman who moved in here a couple of years ago and he's got a kid that is brilliant and they're going to put one of these poles right across the street. I've seen research where the test scores plummet in these areas. That's what we should be thinking about. What are the health benefits or bad parts to it.

This gentleman here says he has found something that boosts his cell phone. Is our cell phone service that

bad? Is your TV that bad? Is it worth the health of our kids to watch the football game one percent better.

That's the question I am asking. It's up to you guys.

Thank you.

MAYOR DeVITA: Thank you.

Just to note, the genesis of the Stealth pole design was Crown tried to make it look like a pole, it's not a pole. We submitted to them something a little more stylish, along with what was discussed. In any event, appreciate your comments.

That's the last of the residents' comments.

At this point -- first of all, anybody else, at this point?

Yes.

MR. MELYMONT: Felix Melymont, 23 Elizabeth Drive.

I was just wondering how many decibels?

MAYOR DeVITA: You're talking about the fans --

MR. GAUDIOSO: I don't recall the exact number, off the top of my head, but it is in the report that we did.

MAYOR DeVITA: If it's the report we will get it. We're all interested. As Mr. Gaudioso said, he will follow up on in terms of what temperature these things turn on. So, we'll find out about that.

Yes?

MR. ROWSEY: Mike Rowsey, 560 Cold Spring Road.

I just have a quick clarification.

So, in terms of aesthetics, with a group does it appear that our choice is to have a black pole like this, which is all self-contained, or to have two boxes mounted to a wooden pole, one of which is at the top of the antennae, which I understood is more than 4 feet, whatever. Then there is another box on the bottom. We were not given that size, and that box on the bottom is going to have an electric meter attached to it, as well.

So, for aesthetics, is that really our only two choices?

MAYOR DeVITA: Those are the choices that have been presented. The equipment, the non-Stealth is on a Verizon pole or because in many circumstances --

MR. ROWSEY: Two boxes.

MAYOR DeVITA: There's the antennae, there is a brown box and just a clear, so --

MR. ROWSEY: How big is that?

MAYOR DeVITA: I think 48 --

MR. GAUDIOSO: 47 and-a-half inches by 22 inches wide by 12.375 inches deep.

MAYOR DeVITA: And these are the PSEG attachments.

MR. ROWSEY: Then there's an antennae on the top.

MAYOR DeVITA: Correct, either a side-mount or a top-mount antenna. And then in areas where they have indicated that --

MR. ROWSEY: Flag pole, one unit.

MAYOR DeVITA: Correct. Stealth

pole design is still evolving. But that Stealth pole, what Mr. Gaudioso was commenting on before, this Stealth pole, they're trying to figure out how to attach LIPA's -- PSEG meter. So this doesn't indicate, really, what it looked like. So it is not -- aside from the overall design -- to incorporate the rest of the equipment, we don't know yet.

AUDIENCE MEMBER: You can put a light on top.

MAYOR DeVITA: We submitted a picture of that, too. The lights down in the Village Hall parking lot lights are great, but in any event.

TRUSTEE MIRITELLO: I'm just curious as heck.

Can I just see a show of hands. My idea is that the telephone pole blends in better because we see them all over the place.

Just by a show of hands, which would you rather see, the Stealth pole or the telephone pole?

Stealth pole, just by a show of hands.

Wood pole, okay, that's great.

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

At this point we're going -- Mr. Gaudioso, anything else?

MR. GAUDIOSO: Nothing further, Mr. Mayor.

MAYOR DeVITA: At this point, I am going to make a motion to close the public hearing and keep the record open for 30 days for further submissions and written documents in writing and reserve decision.

TRUSTEE NICKLAS: Second.

MAYOR DeVITA: Second by Trustee Nicklas.

Let me poll the Board.

Trustee Jusko?

TRUSTEE JUSKO: Aye.

MAYOR DeVITA: Trustee Nicklas?

TRUSTEE NICKLAS: Aye.

MAYOR DeVITA: Trustee Nemshim?

TRUSTEE NEMSHIN: Aye.

MAYOR DeVITA: Trustee Miritello?

TRUSTEE MIRITELLO: Aye.

MAYOR DeVITA: Trustee Tsafos?

TRUSTEE TSAFOS: Aye.

MAYOR DeVITA: Trustee Novick?

TRUSTEE NOVICK: Yes.

MAYOR DeVITA: Okay, thank you very much.

MR. GAUDIOSO: Thank you for your time this evening.

* * * * * *

C E R T I F I C A T I O N:

I, Mary Anne Coppins, Court Reporter, hereby certify that the above transcript is a true and accurate copy of the minutes taken by myself stenographically in the within matter.

_____

Mary Anne Coppins

Court Reporter

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$270 [2] - 93:13, 95:7
$275 [1] - 93:11

1

1 [6] - 1:5, 8:24, 40:1, 40:12, 54:15, 89:21
1.5 [1] - 31:5
10 [2] - 23:11, 71:11
10-K [3] - 81:16, 82:17, 82:20
100 [7] - 31:4, 31:9, 72:2, 72:9, 100:25, 103:9, 107:1
101 [1] - 112:2
11724 [1] - 1:5
12.375 [1] - 119:15
145 [1] - 6:1
15 [2] - 4:6, 69:24
150 [1] - 38:7
150-foot [1] - 76:13
175 [2] - 95:14, 95:18
18 [4] - 37:16, 37:20, 47:13, 48:12
180 [4] - 95:20, 97:9, 97:24, 98:5
19 [1] - 2:9
1970s [1] - 4:14
1980s [1] - 4:15
1996 [1] - 4:23

2

2 [6] - 23:8, 40:13, 54:15, 89:24, 104:13, 112:22
2.3 [1] - 31:8
2.8 [3] - 31:6, 72:1, 72:10
2.83 [1] - 102:20
20 [2] - 13:24, 18:5
20-some [1] - 74:5
20-some-odd [2] - 75:21, 79:14
200 [1] - 74:6
2004 [1] - 4:6
2015 [1] - 95:3
2018 [3] - 9:7, 29:2, 82:20
2019 [7] - 1:2, 8:12, 8:16, 8:20, 8:24, 9:4, 83:1
2100 [2] - 28:21, 107:24
22 [9] - 2:15, 19:12, 43:24, 45:24, 100:16, 101:1, 114:7, 119:15
23 [3] - 114:6, 114:14, 117:20
235 [5] - 2:18, 21:23, 47:5, 47:20, 99:19
24 [1] - 101:15
24/7 [1] - 34:15
25 [15] - 2:6, 9:4, 9:7, 11:18, 11:25, 14:12, 18:8, 82:25, 90:9, 98:2, 106:20, 107:10, 107:15, 107:17, 107:19
253 [2] - 40:3, 82:14
26 [2] - 8:20, 11:19
270 [1] - 93:22
28 [7] - 2:14, 18:23, 37:13, 37:14, 42:7, 102:2, 102:11
29 [1] - 8:12

3

3 [17] - 2:20, 8:16, 22:12, 23:8, 31:3, 36:24, 37:16, 49:25, 57:8, 66:17, 71:12, 71:20, 71:24, 71:25, 101:23, 102:5, 104:13
30 [3] - 4:3, 23:8, 121:13
31 [2] - 82:20, 112:21
32 [1] - 112:20
36.1(d [1] - 6:6
36.1(f [1] - 6:11
36.1(g [1] - 6:19
36.3(L [1] - 39:15
37 [1] - 50:25
398 [1] - 106:11

4

4 [7] - 17:20, 36:25, 37:18, 41:10, 101:24, 102:6, 118:20
40 [2] - 46:4, 90:10
400 [1] - 104:13
410 [1] - 32:9
47 [1] - 119:14
48 [2] - 95:19, 119:13
4G [14] - 25:9, 25:14, 96:24, 106:24, 107:13, 107:18, 107:19, 109:4, 110:1, 110:20, 110:24, 111:16

5

5 [1] - 69:1
50 [4] - 37:7, 46:4, 58:13, 107:17
50-foot [1] - 37:8
520 [1] - 2:17
525 [1] - 46:10
528 [1] - 21:2
560 [1] - 118:11
564 [1] - 115:16
5G [26] - 25:12, 25:18, 25:20, 26:1, 26:4, 96:24, 96:25, 106:21, 107:1, 107:3, 107:11, 107:16, 107:17, 108:6, 108:14, 108:16, 109:5, 109:14, 109:22, 109:25, 110:9, 110:20, 110:22, 110:24, 111:16, 111:20

6

6 [1] - 70:2
60 [1] - 38:7
65 [5] - 2:16, 10:14, 20:7, 30:20, 45:7
684 [2] - 21:23, 112:4
685 [1] - 99:7
686 [1] - 18:23
691 [2] - 22:12, 50:2
699 [2] - 21:9, 46:10
6G [1] - 110:9

7

7 [2] - 1:2, 82:24
700 [1] - 28:20
75 [1] - 76:15
7:00 [1] - 1:3

9

90 [2] - 24:23, 38:7
911 [1] - 77:22
99 [1] - 53:5

A

ability [2] - 80:15, 84:18
able [20] - 12:8, 12:9, 26:4, 26:24, 27:22, 27:24, 34:22, 40:15, 40:18, 42:24, 50:21, 54:7, 54:25, 55:25, 67:21, 67:24, 83:24, 84:4, 91:12, 92:8
above-ground [2] - 23:2, 36:2
absolutely [2] - 52:16, 63:15
accept [2] - 83:24, 98:23
access [6] - 45:17, 54:25, 82:4, 87:19, 87:21, 88:16
accident [1] - 80:5
accommodating [1] - 49:4
accomplish [1] - 54:7
accordance [1] - 9:16
according [1] - 16:3
accurate [1] - 122:17
acquisition [1] - 26:14
acronym [1] - 28:4
Act [7] - 4:23, 29:5, 30:1, 40:2, 70:17, 70:25, 82:15
act [3] - 28:2, 54:19, 57:1
action [2] - 9:10, 24:11
actual [7] - 15:6, 28:17, 30:13, 30:15, 31:12, 33:1, 73:15
add [3] - 57:17, 84:5, 91:9
additional [5] - 14:3, 41:23, 67:19, 73:18, 108:21
additions [1] - 57:16
address [8] - 3:11, 21:5, 36:22, 38:21, 69:14, 95:16, 97:22, 115:18
addressed [1] - 38:16
addresses [1] - 8:1
adjacent [3] - 21:14, 22:5, 22:6
adjusted [1] - 96:12
admissible [1] - 30:3
adopt [1] - 33:5
adverse [2] - 6:8, 6:14
AE [1] - 41:1
aesthetic [6] - 6:9, 7:10, 43:8, 60:7, 99:2, 106:9
aesthetics [10] - 6:17, 22:18, 22:21, 49:9, 49:13, 49:23, 96:14, 106:18, 118:14, 119:1
affidavit [3] - 8:8, 8:13, 8:25
affirming [1] - 112:17
aggressive [1] - 55:19
ago [5] - 4:6, 70:5, 89:19, 95:6, 116:15
agree [5] - 44:17, 58:18, 60:6, 93:25, 115:3
agreed [1] - 88:1
agreement [12] - 11:15, 61:24, 62:2, 87:24, 87:25, 88:23, 94:4, 94:8, 94:9, 94:12, 95:3, 109:1
agreements [1] - 62:6
ahead [1] - 38:16
air [1] - 73:14
alienate [1] - 54:20
allow [7] - 5:21, 20:20, 42:14, 47:11, 54:20, 57:14, 89:14
allowable [4] - 31:4, 31:8, 36:23, 37:2
allowed [2] - 89:11, 102:2
allowing [1] - 56:24
allows [2] - 29:5, 33:16
almost [2] - 21:19, 48:15
ALSO [1] - 1:12
alternate [1] - 20:9
alternative [11] - 21:15, 26:19, 26:24, 43:8, 43:21, 49:5, 50:18, 56:19, 67:17, 75:16, 80:17
alternatives [5] - 12:14, 22:16, 56:22, 67:21, 97:10
ambient [5] - 72:13, 72:14, 73:7, 73:9, 114:12
amount [6] - 31:2, 32:10, 35:12, 71:17, 89:6, 94:1
amounts [2] - 32:8, 38:6
and-a-half [6] - 17:20, 36:25, 37:18, 53:5, 101:25, 119:14
angles [1] - 46:21
animals [1] - 96:20
Anna [1] - 99:16
ANNE [1] - 1:22
Anne [2] - 122:15, 122:22
answer [8] - 13:14, 52:12, 52:22, 61:8, 103:21, 108:21, 110:18, 111:15
antenna [23] - 7:19,

15:2, 17:8, 17:13, 17:16, 17:18, 18:3, 19:18, 19:20, 23:7, 23:10, 30:8, 31:20, 32:10, 37:3, 37:15, 45:25, 71:18, 72:7, 98:3, 98:16, 102:7, 119:21
antennae [10] - 2:6, 26:20, 45:22, 78:7, 80:7, 84:7, 118:19, 119:10, 119:19
antennas [6] - 9:18, 37:17, 37:20, 84:3, 102:4, 113:2
anticipated [1] - 13:5
antiquated [1] - 61:18
anyway [1] - 43:2
apart [1] - 104:13
appear [1] - 118:15
appeared [2] - 51:14, 51:16
applicant [17] - 3:1, 3:5, 3:6, 5:19, 6:4, 7:25, 9:1, 10:24, 17:3, 18:2, 23:23, 24:9, 24:13, 81:25, 112:13, 114:10, 114:19
applicant's [2] - 9:12, 10:18
application [20] - 2:4, 5:12, 5:24, 6:24, 7:16, 38:3, 61:13, 81:19, 82:9, 83:8, 90:9, 91:3, 92:4, 106:24, 108:18, 109:18, 109:22, 110:25, 112:3, 112:5
apply [1] - 89:23
appreciate [3] - 61:12, 105:24, 117:13
approach [3] - 55:20, 55:21, 99:1
appropriate [2] - 9:10, 49:18
approval [4] - 33:9, 33:10, 109:6, 116:3
approved [9] - 18:14, 39:4, 61:14, 66:6, 83:8, 108:23, 112:10, 113:24, 115:11
approving [1] - 43:7
approximate [1] - 2:13
April [2] - 8:16, 9:4
area [26] - 4:11, 15:6, 20:4, 20:17, 20:25, 22:10, 23:16, 28:21, 43:3, 43:10, 43:17, 44:16, 45:8, 50:17, 51:3, 53:25, 54:1, 57:3, 57:6, 76:9, 76:11, 76:24, 92:7, 95:25, 100:5, 113:16
areas [10] - 15:14, 33:19, 44:19, 46:25, 53:9, 53:18, 73:22, 75:22, 116:19, 119:22
arguably [1] - 56:25
argue [1] - 55:16
arguing [1] - 56:8
argument [3] - 93:21, 94:23, 94:25
arguments [1] - 94:18
arrangement [1] - 92:22
artfully [1] - 49:16
aside [3] - 51:15, 96:14, 120:7
Assessment [1] - 11:23
assume [5] - 33:18, 69:11, 108:17, 110:17, 112:16
assuming [7] - 32:21, 32:23, 46:16, 83:7, 88:13, 100:8, 101:18
assurance [2] - 61:15, 61:19
assured [1] - 61:21
astronomical [2] - 87:22, 88:20
AT&T [3] - 83:10, 84:21, 91:23
attach [1] - 120:5
attached [1] - 118:24
attachers [2] - 89:15, 90:2
attachment [2] - 89:10, 89:21
attachments [4] - 16:5, 89:23, 93:6, 119:17
attack [2] - 77:12, 77:21
attempting [1] - 59:12
attenuated [1] - 77:17
attorney [2] - 47:23, 55:16
Attorney [3] - 1:13, 2:24, 32:16
attorneys [1] - 55:20
AUDIENCE [3] - 19:21, 19:25, 120:11
audience [4] - 3:18, 24:24, 44:20, 95:11
authority [3] - 90:4, 93:4, 93:7
auxiliary [1] - 46:13
available [6] - 22:16, 24:5, 24:15, 26:6, 75:24, 88:25
Aviva [2] - 99:17, 99:19
AVRUTINE [10] - 1:13, 7:14, 21:4, 23:25, 41:6, 68:21, 69:21, 82:23, 108:20, 109:9
Avrutine [1] - 2:24
await [1] - 13:15
aware [4] - 54:12, 86:1, 111:4, 111:16
awareness [1] - 96:21
aye [5] - 121:21, 121:23, 121:25, 122:2, 122:4

B

baby [1] - 65:15
background [1] - 26:16
backyard [1] - 45:16
backyards [1] - 45:19
bad [4] - 50:5, 116:21, 117:1
band [2] - 28:21, 28:22
bands [8] - 14:18, 14:19, 14:20, 28:8, 28:13, 28:19, 28:23, 103:7
base [1] - 17:11
based [20] - 5:12, 11:8, 12:17, 13:3, 13:5, 29:1, 30:7, 30:14, 30:18, 30:19, 31:9, 31:11, 31:19, 32:9, 32:13, 33:2, 67:17, 71:18, 84:1, 110:7
basic [1] - 107:6
basis [3] - 12:23, 24:25, 25:17
Bay [9] - 51:2, 51:5, 55:19, 74:11, 74:13, 74:14, 74:19, 74:23, 77:11
beach [1] - 77:12
bear [1] - 24:23
become [1] - 110:1
becomes [1] - 61:18
bedroom [1] - 100:2
bedrooms [1] - 98:18
beginning [1] - 105:13
behalf [1] - 10:24
behind [5] - 2:16, 10:14, 20:7, 45:7, 46:7
belong [1] - 46:17
below [9] - 37:7, 37:14, 45:25, 65:10, 69:25, 71:21, 73:11, 103:25, 104:4
benefit [3] - 26:10, 26:13, 77:8
benefits [4] - 26:18, 64:7, 64:17, 116:21
berm [1] - 51:20
Beryl [3] - 95:14, 95:17, 98:1
best [1] - 25:21
better [20] - 4:8, 12:9, 26:13, 44:19, 44:22, 44:25, 47:18, 50:18, 51:16, 57:11, 57:21, 61:5, 61:17, 63:25, 64:18, 85:10, 96:10, 100:10, 117:3, 120:21
between [5] - 38:9, 76:24, 89:1, 92:22, 106:12
beyond [3] - 50:1, 84:18, 110:10
big [4] - 43:13, 65:18, 110:1, 119:12
bigger [1] - 101:23
bit [7] - 26:1, 48:4, 54:2, 56:13, 62:22, 64:24, 100:6
black [1] - 118:16
blends [1] - 120:20
blocked [1] - 77:17
board [1] - 8:11
Board [25] - 3:3, 3:4, 4:6, 5:21, 7:2, 9:9, 9:21, 10:3, 10:4, 10:21, 11:16, 12:17, 13:14, 13:19, 23:22, 33:9, 41:9, 52:6, 66:10, 68:25, 70:1, 70:16, 82:24, 114:24, 121:19
BOARD [1] - 1:1
Board's [1] - 33:7
body [1] - 65:14
boosts [1] - 116:24
borders [1] - 56:4
boring [1] - 16:8
bottom [3] - 19:17, 118:22, 118:23
bought [1] - 98:10
box [20] - 23:10, 23:13, 39:2, 40:16, 50:20, 50:22, 68:9, 68:16, 84:3, 84:5, 91:10, 91:11, 102:1, 102:10, 103:18, 103:19, 105:6, 118:21, 118:23, 119:10
boxes [12] - 38:18, 40:10, 58:22, 60:13, 61:7, 91:11, 92:21, 101:22, 105:4, 105:9, 118:17, 119:8
brand [1] - 59:3
brief [2] - 11:3, 14:6
briefly [1] - 18:21
brilliant [1] - 116:16
bring [1] - 112:4
broad [1] - 92:7
broad-area [1] - 92:7
broadband [4] - 27:3, 27:14, 27:20, 27:22
Brookville [13] - 74:6, 74:7, 75:2, 76:2, 78:14, 78:19, 78:22, 78:23, 79:7, 79:18, 79:19, 113:7
brought [1] - 68:3
brown [1] - 119:10
Bryant [2] - 68:8, 68:18
build [2] - 85:3, 86:5
buildings [3] - 6:10, 60:25, 77:18
built [1] - 63:10
bulletin [2] - 8:11, 30:20
Bungtown [1] - 1:5
buried [2] - 17:11, 68:11
bury [1] - 40:16
burying [1] - 68:4
bus [2] - 98:20, 100:4
bushes [1] - 48:19
business [5] - 39:9, 71:1, 83:14, 90:13, 90:23
but.. [1] - 110:15
buzzing [1] - 72:17

C

cable [5] - 64:9, 64:10, 64:11, 80:11, 105:19
cables [1] - 35:5
cacti [1] - 115:23
cactus [1] - 115:24
calculated [2] - 15:9, 101:14
calculations [4] - 30:18, 31:18, 101:19, 101:20
camouflage [2] - 12:10, 96:3

cane [1] - 3:20
cannister [3] - 37:17, 37:18, 113:2
cannot [1] - 5:6
capacity [2] - 28:22, 103:23
capital [4] - 86:14, 86:15, 86:16, 86:20
car [6] - 72:21, 72:22, 73:6, 80:5, 114:16, 114:18
care [2] - 61:5, 98:14
carrier [10] - 27:8, 84:11, 86:8, 86:21, 90:22, 102:15, 103:15, 104:12, 104:15, 108:16
carriers [12] - 15:6, 26:3, 27:10, 86:13, 86:19, 91:17, 102:25, 103:24, 104:6, 104:7, 104:10, 104:19
cars [2] - 73:8, 114:13
case [8] - 19:11, 23:14, 32:7, 45:24, 56:23, 72:9, 94:14, 94:17
cases [5] - 18:12, 21:20, 22:22, 37:8, 113:8
CASTLE [1] - 1:19
Castle [24] - 3:2, 7:16, 10:24, 17:19, 68:24, 81:2, 81:4, 81:16, 81:18, 81:20, 81:25, 83:4, 85:23, 86:5, 88:5, 92:23, 93:20, 94:8, 94:11, 94:21, 96:13, 98:4, 108:14, 110:3
Castle's [7] - 2:4, 11:12, 11:21, 68:10, 81:8, 93:18, 94:24
cell [15] - 4:15, 4:19, 5:1, 17:17, 17:24, 26:13, 27:6, 39:2, 52:15, 62:14, 70:6, 70:9, 85:10, 116:24, 116:25
cellular [3] - 4:25, 98:2, 98:16
center [1] - 34:15
certain [12] - 13:10, 20:19, 34:7, 38:5, 41:14, 41:15, 44:5, 59:20, 76:5, 87:24, 88:9, 89:24
certainly [9] - 29:12, 43:20, 45:3, 47:3, 49:5, 54:6, 58:6, 63:2, 114:25
Certificate [4] - 11:12, 11:22, 54:23, 82:1
certify [1] - 122:16
cetera [3] - 113:7, 116:12
chance [3] - 3:7, 4:1, 100:23
change [6] - 19:4, 19:14, 21:10, 21:24, 44:9, 109:11
changes [5] - 16:20, 16:21, 29:3, 48:23, 102:12
changing [2] - 4:11, 91:9
Chapter [1] - 5:25
character [2] - 6:18, 7:10
charge [3] - 84:9, 88:17, 90:1
charged [4] - 89:5, 89:6, 92:20, 93:11
charging [1] - 94:5
charts [1] - 71:16
cheaper [2] - 85:2, 88:15
check [2] - 68:17, 97:16
children [2] - 98:19, 100:7
children's [1] - 98:18
chimney [1] - 116:8
choice [3] - 87:1, 87:7, 118:15
choices [2] - 119:2, 119:4
Chris [5] - 47:16, 49:6, 49:10, 111:25, 112:1
Chris's [1] - 48:15
Christmas [1] - 80:9
circumstances [1] - 119:7
cite [1] - 94:16
cites [1] - 98:3
claims [1] - 28:12
clarification [1] - 118:13
clarify [2] - 35:19, 52:12
classified [1] - 27:25
clear [8] - 21:6, 24:4, 49:1, 74:18, 78:11, 86:25, 113:20, 119:11
clearance [1] - 13:8
clearly [3] - 24:20, 25:8, 69:8
Clerk [2] - 1:14, 8:9
Clerk/Treasurer [2] - 1:13, 8:7
client [2] - 60:22, 86:8
clock [1] - 38:8
close [7] - 4:2, 16:14, 21:1, 43:19, 73:24, 106:15, 121:11
closer [5] - 43:10, 48:14, 51:25, 64:19, 64:20
closest [1] - 8:1
Code [18] - 6:11, 13:2, 16:4, 26:18, 27:9, 29:10, 29:12, 32:17, 32:19, 39:15, 39:21, 41:21, 72:12, 75:16, 76:14, 76:15, 90:19, 104:8
Codes [1] - 104:9
Cold [12] - 1:4, 1:5, 2:17, 21:2, 43:15, 45:6, 46:10, 46:11, 106:12, 115:16, 118:11
colocation [7] - 27:10, 90:18, 90:19, 91:1, 91:4, 104:9, 104:17
color [1] - 58:7
colors [1] - 58:4
comi [2] - 13:17, 24:2
COMI [4] - 1:15, 13:20, 20:1, 21:8
Comi [6] - 13:21, 21:4, 24:4, 28:7, 28:16, 35:20
Comi's [2] - 24:8, 36:23
coming [7] - 23:3, 59:3, 65:21, 65:23, 104:10, 110:9, 116:2
comment [6] - 3:16, 13:3, 13:15, 36:23, 41:12, 45:2
commenting [1] - 120:3
comments [15] - 3:5, 3:9, 3:19, 3:23, 11:9, 13:18, 14:4, 23:18, 24:8, 44:9, 47:24, 95:11, 115:13, 117:14, 117:16
commercial [1] - 60:25
commingled [1] - 27:2
Commission [4] - 9:7, 81:1, 82:21, 89:9
communication [2] - 41:8, 104:22
communications [5] - 5:2, 27:5, 35:3, 41:2, 52:15
communities [2] - 74:8, 78:6
community [9] - 7:11, 15:18, 15:20, 16:9, 18:18, 74:2, 96:16, 96:22, 98:11
Community [1] - 45:9
comp [1] - 31:7
comp-zone [1] - 31:7
company [7] - 20:19, 39:11, 59:2, 81:1, 91:25, 115:20, 116:1
compare [1] - 75:18
complaint [1] - 111:13
complete [1] - 5:22
completely [2] - 54:1, 68:11
completion [1] - 95:23
compliance [13] - 13:1, 18:11, 18:18, 30:6, 30:21, 32:18, 33:1, 33:20, 34:1, 39:19, 41:21, 65:10, 66:3
comply [2] - 111:8, 111:19
comprehensive [1] - 9:24
computer [2] - 63:4, 80:15
computers [1] - 15:3
concealment [10] - 19:5, 19:15, 19:16, 20:11, 21:11, 21:12, 22:1, 22:9, 22:17, 22:20
concept [2] - 63:18, 109:14
concern [4] - 2:12, 5:5, 100:18, 106:16
concerned [6] - 19:9, 21:22, 49:8, 72:12, 97:1, 108:12
concerning [1] - 93:6
concerns [4] - 49:24, 96:14, 98:8, 106:17
conclusion [1] - 68:14
Concrete [1] - 41:1
condition [2] - 66:10, 100:20
conditioning [1] - 73:14
conditions [4] - 33:8, 33:10, 33:12, 98:23
conducted [2] - 33:19, 33:23
conduit [1] - 58:4
Conference [1] - 1:4
confidential [1] - 88:24
configured [1] - 91:13
confirmation [1] - 13:9
confirms [2] - 8:18, 8:22
confused [1] - 22:19
Congress [2] - 4:21, 4:24
Connecticut [3] - 77:16, 77:20, 77:22
connection [3] - 8:4, 10:11, 87:24
consented [1] - 113:22
consider [6] - 11:16, 41:4, 45:20, 47:4, 52:23, 70:16
consideration [2] - 43:21, 105:3
considered [8] - 9:19, 10:2, 20:13, 22:4, 22:23, 54:17, 84:10, 85:17
considering [3] - 54:6, 102:21, 102:22
considers [1] - 81:5
consist [2] - 40:11, 109:16
consistent [3] - 36:18, 50:19, 58:23
consolidation [1] - 91:16
conspicuous [1] - 50:22
constant [2] - 98:21, 114:17
constantly [2] - 34:10, 101:8
construction [2] - 5:8, 7:3
Consultant [1] - 1:15
consultant [1] - 13:22
contained [1] - 118:17
containing [1] - 113:1
context [4] - 24:11, 81:9, 93:24, 95:2
continual [1] - 72:17
continues [1] - 46:15
continuing [2] - 12:15, 16:21
control [1] - 111:6
controlled [1] - 38:24
Convenience [3] - 11:13, 54:24, 82:1
conversation [1] - 57:24
conversations [1] - 52:18
convince [1] - 57:14

cooks [1] - 58:13
cool [1] - 40:19
cooling [3] - 39:23, 73:13, 73:14
cooperation [2] - 53:14, 56:18
coordinated [1] - 18:17
Coppins [2] - 122:15, 122:22
COPPINS [1] - 1:22
copy [4] - 8:6, 11:12, 68:20, 122:17
corner [2] - 105:7, 105:17
Corp [1] - 83:5
corporate [1] - 83:3
correct [30] - 25:10, 25:12, 25:13, 28:9, 29:21, 29:24, 30:12, 30:16, 32:20, 37:2, 42:11, 42:12, 45:10, 46:5, 47:11, 51:2, 62:8, 63:8, 72:20, 78:9, 79:3, 82:11, 86:23, 101:21, 102:4, 106:21, 107:3, 110:16, 119:20, 119:25
correctly [1] - 104:2
cost [2] - 24:16, 87:11
costly [1] - 87:15
costs [1] - 88:5
counsel [4] - 54:12, 87:23, 92:17, 112:17
country [2] - 4:25, 40:22
county [4] - 74:20, 74:24, 78:15, 79:2
County [4] - 9:6, 47:7, 51:7, 53:23
couple [7] - 5:4, 24:1, 35:18, 40:1, 42:8, 112:11, 116:15
course [1] - 37:25
court [1] - 9:17
COURT [3] - 1:23, 2:1, 19:23
Court [3] - 2:3, 122:15, 122:23
courts [2] - 4:20, 94:7
Cove [6] - 65:2, 74:12, 74:13, 74:14, 74:19, 74:23
coverage [9] - 70:6, 75:7, 76:19, 76:25, 77:9, 77:10, 92:7, 92:8, 110:6
covered [4] - 14:9, 52:10, 76:24, 90:12
covers [2] - 28:21, 90:10
create [1] - 50:15
creating [1] - 65:13
criteria [1] - 38:3
cross [1] - 16:8
CROWN [1] - 1:19
Crown [39] - 2:4, 3:1, 7:16, 10:24, 11:12, 11:21, 17:19, 32:24, 33:4, 33:19, 38:22, 68:9, 68:15, 68:24, 72:20, 81:2, 81:4, 81:8, 81:15, 81:18, 81:20, 81:25, 83:4, 85:23, 86:5, 88:5, 92:23, 93:17, 93:20, 94:8, 94:11, 94:20, 94:24, 96:13, 98:4, 103:22, 108:13, 110:3, 117:9
cubic [13] - 17:18, 17:20, 36:24, 36:25, 37:13, 37:14, 37:16, 37:18, 101:23, 102:2, 102:8, 102:9, 102:11
cumulative [1] - 9:24
curb [2] - 96:1, 101:3
curious [1] - 120:18
curtailed [1] - 4:13
customer [1] - 59:15
customers [1] - 103:19
cut [2] - 16:9, 50:14

D

Dan [1] - 52:20
danger [1] - 96:24
dangerous [1] - 108:11
DANIEL [1] - 1:7
DAS [5] - 2:7, 29:22, 64:17, 75:25, 92:21
data [6] - 15:1, 15:7, 26:13, 27:1, 27:3, 28:18
dated [1] - 9:7
daughter's [1] - 48:3
days [3] - 4:3, 101:15, 121:13
dealing [1] - 59:17
dealt [1] - 59:18
December [1] - 82:19
decibel [1] - 73:16
decibels [1] - 117:23
decided [4] - 4:24, 89:20, 109:16, 115:10
decides [1] - 83:10
decision [3] - 9:20, 10:16, 121:15
deem [1] - 47:24
deems [1] - 9:10
deep [1] - 119:15
deeper [1] - 61:9
defer [1] - 36:11
defined [1] - 37:4
definition [1] - 29:3
definitively [1] - 109:15
delayed [1] - 77:24
demonstrate [1] - 72:15
demonstrated [1] - 41:20
denials [1] - 4:20
Denise [1] - 4:7
dense [1] - 76:8
densely [1] - 75:22
deny [2] - 5:12, 5:24
dependent [1] - 53:8
depicts [1] - 68:23
Deputy [2] - 1:8, 1:14
describe [1] - 14:25
described [1] - 114:12
design [7] - 12:3, 17:4, 20:10, 61:6, 117:9, 120:1, 120:8
designed [5] - 27:9, 83:23, 84:3, 84:8, 91:4
designs [3] - 12:15, 12:17, 17:5
detailed [2] - 6:25, 71:22
details [1] - 88:2
determination [2] - 10:5, 114:25
determine [1] - 30:3
determined [2] - 42:10, 114:22
DeVita [114] - 1:7, 4:8, 13:17, 23:22, 24:22, 25:11, 25:15, 26:7, 27:13, 28:4, 28:6, 29:17, 29:25, 31:14, 31:21, 32:16, 33:18, 34:8, 34:21, 35:18, 36:22, 38:14, 39:12, 40:24, 41:11, 42:1, 42:13, 43:23, 45:5, 46:10, 47:5, 49:25, 50:23, 51:3, 51:6, 51:13, 52:1, 52:5, 56:10, 57:7, 62:9, 67:10, 69:17, 71:3, 72:18, 74:18, 74:23, 78:10, 78:24, 79:4, 79:8, 79:10, 79:17, 79:22, 80:21, 81:21, 82:17, 83:6, 90:7, 91:5, 91:15, 92:10, 92:14, 95:10, 95:13, 97:7, 97:15, 97:18, 97:22, 99:5, 99:15, 99:18, 99:21, 100:13, 101:10, 101:17, 102:3, 102:9, 103:10, 103:21, 104:8, 104:24, 105:12, 105:23, 106:5, 106:22, 108:15, 108:25, 109:7, 110:16, 111:23, 112:16, 113:19, 114:2, 115:9, 117:7, 117:24, 118:4, 119:3, 119:9, 119:13, 119:16, 119:20, 119:25, 120:13, 121:4, 121:10, 121:17, 121:22, 121:24, 122:1, 122:3, 122:5, 122:7
diagram [1] - 107:10
dictate [1] - 59:2
dictated [1] - 39:10
difference [2] - 87:10, 89:1
different [13] - 18:4, 30:8, 33:19, 58:4, 58:13, 58:14, 58:25, 67:13, 67:20, 78:1, 78:2, 101:13, 110:20
difficult [2] - 5:10, 78:4
dig [2] - 61:9, 113:11
digital [1] - 5:2
direct [1] - 112:13
directly [4] - 95:19, 99:3, 106:7, 115:8
disagree [2] - 28:16, 108:3
discriminatory [2] - 36:19, 40:5
discuss [2] - 81:8, 97:9
discussed [5] - 11:3, 12:7, 52:20, 109:24, 117:13
discussing [2] - 53:11, 57:18
discussion [4] - 3:6, 59:9, 64:23, 110:1
discussions [2] - 38:21, 93:24
dish [1] - 92:1
dispatched [1] - 34:20
dissipate [2] - 31:25, 71:10
distance [2] - 31:19, 71:10
distance-wise [1] - 71:10
distances [1] - 71:16
distinction [1] - 38:9
distributed [5] - 2:6, 7:19, 26:20, 80:6, 80:11
District [1] - 46:19
district [2] - 46:23, 47:1
divide [1] - 37:19
doctors [1] - 96:23
document [4] - 8:17, 8:21, 41:5, 41:7
documented [3] - 73:10, 91:2, 91:13
documents [2] - 81:15, 121:14
done [8] - 16:7, 16:18, 19:24, 33:22, 56:20, 60:25, 65:25, 96:20
door [1] - 109:4
down [13] - 23:11, 43:3, 44:16, 48:4, 50:7, 68:7, 77:9, 80:23, 96:2, 96:6, 97:14, 106:1, 120:14
download [1] - 63:1
DPW [1] - 76:12
drafted [1] - 5:19
Drive [9] - 2:15, 2:16, 10:14, 19:12, 100:17, 101:2, 114:7, 114:8, 117:21
drive [5] - 14:23, 15:1, 28:17, 46:14, 74:1
driveway [1] - 21:14
driveways [3] - 16:14, 20:12, 21:16
dropped [1] - 11:19
drops [1] - 32:3
due [2] - 18:12, 22:18
during [4] - 9:18, 10:1, 24:7, 101:7
dying [1] - 116:6

E

early [1] - 4:14
East [2] - 7:16, 10:25
EAST [1] - 1:19
economic [3] - 84:24, 87:10, 88:4
economically [2] -

83:18, 88:6
economics [1] - 83:13
Ed [2] - 115:14, 115:15
edge [1] - 85:18
effect [3] - 5:7, 17:16, 66:14
effects [3] - 5:13, 6:15, 74:2
effort [1] - 115:21
eight [1] - 41:5
eight-page [1] - 41:5
either [4] - 40:9, 51:6, 62:18, 119:20
electric [3] - 20:19, 105:20, 118:24
electrical [1] - 60:24
Electrical [1] - 39:21
electricity [2] - 39:7, 92:24
electronic [2] - 87:3, 88:14
eliminate [2] - 14:14, 76:13
ELIZABETH [1] - 1:13
Elizabeth [11] - 2:15, 8:9, 19:12, 43:24, 44:5, 100:16, 101:2, 114:7, 117:21
elsewhere [1] - 33:21
embankment [4] - 50:1, 50:11, 50:14, 50:17
Emek [4] - 100:15, 100:16, 105:13, 105:23
EMEK [8] - 100:16, 101:22, 103:17, 104:5, 104:21, 105:2, 105:19, 106:3
emergency [1] - 77:21
emission [6] - 31:23, 35:6, 65:4, 66:7, 110:19, 111:1
emissions [20] - 5:14, 18:1, 18:3, 18:11, 18:17, 30:6, 32:2, 32:3, 32:19, 64:23, 65:11, 65:13, 65:23, 66:14, 71:6, 71:10, 96:16, 101:12, 102:15, 102:18
emit [2] - 29:23, 103:20
emits [1] - 71:11
emitting [1] - 108:7
encircles [1] - 113:2
enclosure [1] - 113:1
encourages [2] - 6:6, 6:12
end [3] - 66:1, 82:22, 85:9
endanger [1] - 7:6
ended [1] - 68:1
engineer [1] - 36:5
ensued [1] - 24:12
ensure [3] - 7:2, 18:10, 18:18
entertain [1] - 85:23
entire [2] - 10:3, 108:5
entity [1] - 83:3
entrance [2] - 21:15, 45:11
Environmental [1] - 11:23
environmental [2] - 7:9, 13:7
equipment [32] - 2:8, 17:7, 17:10, 19:17, 23:10, 23:13, 27:12, 35:10, 35:13, 35:15, 37:12, 41:20, 57:16, 58:3, 58:12, 61:14, 61:19, 67:2, 69:4, 69:11, 83:20, 83:24, 84:2, 84:5, 85:3, 91:8, 108:22, 109:4, 119:5, 120:9
equivalent [1] - 72:21
Eric [1] - 47:20
Eric's [1] - 99:21
err [1] - 29:20
especially [2] - 108:8, 108:9
espouse [1] - 41:2
Esq [2] - 1:15, 1:16
essence [3] - 26:10, 30:2, 90:21
essentially [1] - 15:5
establish [1] - 24:25
established [1] - 81:13
Estate [2] - 81:3, 81:5
et [3] - 113:7, 116:12
evening [6] - 10:20, 11:1, 12:1, 16:10, 112:1, 122:10
event [6] - 37:22, 45:1, 45:14, 45:20, 117:13, 120:16
eventually [2] - 38:18, 77:4
evergreens [1] - 48:6
evidence [1] - 9:25
evolving [2] - 95:8, 120:1
exact [2] - 69:14, 118:2
exactly [3] - 53:4, 56:5, 98:19
example [3] - 75:7, 75:19, 94:8
excellent [1] - 48:21
except [1] - 96:20
Exchange [2] - 81:1, 82:21
exhibit [8] - 8:13, 8:17, 8:21, 8:25, 9:5, 40:25, 68:9, 82:18
Exhibit [4] - 41:10, 69:1, 70:1, 82:24
exhibits [4] - 3:1, 8:4, 69:7, 69:22
exist [1] - 110:23
existing [15] - 19:7, 20:10, 20:15, 21:16, 22:2, 33:24, 36:15, 48:24, 50:16, 57:23, 75:7, 76:18, 87:1, 87:12, 96:7
expect [1] - 98:25
expense [1] - 94:20
expensive [2] - 88:17, 88:20
experience [2] - 92:6, 109:21
expert [3] - 12:25, 30:25, 109:13
explain [1] - 27:17
explaining [2] - 36:6, 104:16
exponentially [1] - 32:4
exposure [4] - 30:23, 65:17, 66:17, 66:20
extend [1] - 44:8
extended [1] - 44:3
extender [3] - 70:8, 70:23, 70:24
extenders [1] - 71:2
extent [1] - 55:4

F

FAA [2] - 37:9, 37:10
facilities [24] - 5:9, 6:14, 6:16, 6:20, 7:5, 17:6, 17:21, 28:20, 29:15, 33:20, 33:24, 36:1, 37:11, 37:23, 38:13, 39:14, 39:17, 40:13, 41:3, 42:15, 45:12, 66:2, 91:4, 92:21
Facilities [1] - 4:9
facility [7] - 19:10, 31:2, 37:5, 38:10, 38:11, 55:3, 90:20
facing [3] - 51:22, 51:24, 100:3
fact [9] - 16:19, 29:10, 29:14, 54:11, 54:16, 55:17, 65:10, 93:4, 95:2
factor [1] - 54:21
fair [1] - 85:13
fairly [3] - 50:12, 73:23, 106:14
fall [1] - 17:15
falls [1] - 27:20
familiar [1] - 34:5
fan [5] - 13:4, 73:4, 73:13, 73:15
fans [4] - 41:14, 72:24, 73:13, 117:25
far [15] - 19:9, 21:21, 22:11, 34:25, 36:7, 46:22, 47:16, 54:8, 54:22, 67:18, 71:6, 72:11, 73:19, 75:18, 96:25
faster [2] - 62:22, 110:15
FCC [9] - 29:2, 30:20, 30:22, 37:4, 110:18, 111:5, 111:9, 111:13, 111:19
fear [2] - 5:13, 71:7
feasible [2] - 40:23, 112:8
features [2] - 6:17, 7:9
February [2] - 82:22, 82:25
Federal [4] - 2:3, 4:22, 32:18, 55:17
federal [20] - 5:5, 17:14, 29:13, 30:2, 33:16, 36:18, 37:22, 38:6, 66:2, 66:3, 82:12, 89:10, 94:10, 94:13, 95:7, 103:25, 104:4, 104:25, 111:5, 111:21
feedback [1] - 12:17
fees [2] - 38:4, 89:10
feet [31] - 17:18, 17:20, 18:5, 18:8, 23:11, 32:9, 36:24, 36:25, 37:7, 37:13, 37:14, 37:16, 37:19, 45:24, 46:4, 53:5, 71:12, 71:21, 72:2, 76:15, 100:25, 101:24, 102:2, 102:6, 102:8, 102:9, 102:11, 112:21, 112:22, 118:20
Felix [1] - 117:20
few [3] - 6:2, 71:5, 104:20
fiber [2] - 34:22, 68:15
fiberglass [1] - 113:1
figure [1] - 120:4
file [1] - 108:17
filed [5] - 7:25, 82:20, 82:25, 89:19, 109:22
filing [1] - 82:4
filings [2] - 80:24, 81:16
filtration [1] - 40:20
final [4] - 9:5, 37:15, 60:16, 66:21
finally [1] - 54:22
fine [1] - 3:25
finial [1] - 67:19
finish [1] - 3:23
finished [1] - 60:18
Firm [1] - 10:23
first [20] - 5:6, 8:6, 9:14, 14:10, 19:2, 24:3, 25:3, 25:6, 41:8, 57:7, 84:22, 84:24, 90:9, 90:16, 95:13, 99:13, 106:6, 107:14, 112:14, 117:17
five [4] - 18:5, 18:7, 25:20, 25:25
flag [1] - 119:24
flexibility [2] - 53:2, 53:12
flip [1] - 63:6
flipping [1] - 109:5
floor [1] - 9:12
fluting [1] - 67:20
folks [5] - 16:16, 18:2, 20:18, 23:6, 23:18
follow [2] - 106:9, 118:6
following [1] - 69:22
follows [2] - 2:22, 8:5
football [1] - 117:3
forget [1] - 56:11
form [1] - 25:17
Form [1] - 11:23
formula [2] - 30:19, 31:9
formulas [2] - 30:21, 33:2
forth [4] - 30:20, 38:4, 72:8, 111:8
fortunate [1] - 98:9
forward [2] - 97:11, 98:24
foundation [2] - 50:15, 113:16
four [8] - 2:11, 9:17, 14:18, 14:19, 28:8, 91:22, 103:24, 104:6
frankly [5] - 28:15,

28:25, 50:15, 77:1, 81:11
Franz [5] - 47:20, 99:16, 99:17, 99:19, 100:14
FRANZ [3] - 99:17, 99:19, 99:22
frequencies [2] - 30:4, 107:11
frequency [10] - 5:14, 13:8, 29:23, 30:23, 31:23, 65:13, 65:17, 103:7, 107:21, 108:7
Friday [1] - 42:3
front [13] - 8:11, 20:2, 21:13, 42:21, 42:25, 43:11, 46:22, 46:23, 53:14, 99:3, 99:10, 106:7, 115:8
frontage [3] - 42:23, 43:4, 44:13
full [2] - 11:23, 103:23
functions [1] - 62:21

G

gain [2] - 79:16, 87:19
game [1] - 117:3
gap [3] - 14:14, 14:21, 25:14
gaps [2] - 28:24, 110:6
Gaudioso [8] - 10:22, 23:24, 24:22, 101:12, 107:4, 118:6, 120:2, 121:7
GAUDIOSO [148] - 1:16, 10:20, 25:10, 25:13, 25:24, 26:17, 27:21, 28:5, 28:15, 29:24, 30:17, 31:16, 32:1, 33:6, 33:23, 34:5, 34:13, 35:2, 35:9, 35:25, 37:1, 38:23, 39:25, 41:17, 42:12, 43:20, 45:3, 45:23, 46:5, 46:9, 47:3, 48:20, 50:13, 51:1, 51:4, 51:8, 51:21, 51:25, 52:3, 52:16, 53:6, 54:3, 55:11, 55:15, 56:5, 56:12, 57:13, 58:6, 58:15, 58:18, 59:8, 59:12, 59:16, 60:1, 60:8, 60:14, 60:19, 61:10, 61:23, 62:8, 62:15, 62:18, 63:13, 64:4, 64:16, 65:5, 66:8, 66:15, 67:1, 67:6, 67:16, 68:2, 68:13, 68:19, 69:13, 70:13, 71:14, 72:3, 72:6, 73:5, 74:4, 74:10, 74:13, 74:16, 74:21, 75:1, 75:6, 75:12, 76:3, 77:7, 78:9, 78:22, 79:3, 79:6, 79:9, 79:12, 79:18, 80:3, 80:6, 80:18, 81:7, 81:23, 82:11, 83:2, 83:22, 84:15, 84:23, 85:12, 85:25, 86:23, 87:14, 87:18, 88:8, 88:19, 88:22, 89:7, 91:2, 91:6, 91:21, 92:25, 93:13, 93:15, 93:19, 93:23, 94:14, 95:1, 95:12, 101:14, 101:20, 102:1, 102:8, 102:10, 102:17, 102:22, 103:2, 103:6, 103:14, 104:3, 107:5, 107:23, 112:20, 112:25, 113:8, 113:15, 118:1, 119:14, 121:8, 122:9
general [4] - 32:1, 92:19, 104:9, 107:6
generalities [1] - 14:1
generally [2] - 66:19, 71:19
generated [1] - 96:17
generation [1] - 110:11
genesis [1] - 117:8
gentleman [3] - 106:19, 116:14, 116:23
gentlemen [1] - 121:5
given [7] - 3:21, 11:3, 13:6, 30:5, 50:16, 50:17, 118:22
government [4] - 17:14, 30:2, 89:10, 111:5
grant [1] - 5:24
grants [1] - 82:4
grass [2] - 96:22, 113:16
great [4] - 94:20, 115:21, 120:16, 121:3
greater [2] - 76:17, 103:9
grid [3] - 4:25, 53:10, 59:21
ground [9] - 18:6, 18:8, 23:2, 23:12, 31:17, 32:7, 36:2, 40:16, 68:23
group [1] - 118:15
Grove [1] - 69:8
guess [5] - 53:21, 57:20, 63:25, 83:18, 106:18
guys [5] - 59:14, 61:1, 61:16, 65:4, 117:5

H

half [8] - 4:8, 17:20, 36:25, 37:18, 53:5, 72:4, 101:25, 119:14
Hall [5] - 8:11, 75:20, 79:13, 120:15
hand [1] - 68:8
hands [3] - 120:19, 120:23, 121:2
happy [2] - 13:14, 98:11
Harbor [3] - 1:4, 1:5, 45:8
hard [2] - 46:16, 48:1
harmful [2] - 107:18, 108:6
Hawkins [1] - 1:4
head [5] - 65:6, 74:17, 76:4, 93:1, 118:2
health [11] - 5:13, 7:6, 18:1, 49:9, 49:13, 49:23, 96:15, 100:19, 106:17, 116:21, 117:2
hear [4] - 21:18, 97:13, 114:17, 115:2
heard [3] - 96:18, 97:17, 105:25
Hearing [1] - 2:2
HEARING [1] - 1:2
hearing [21] - 2:4, 4:2, 7:15, 8:5, 9:2, 9:19, 9:21, 10:9, 11:9, 12:23, 25:4, 25:6, 47:25, 67:12, 69:3, 73:3, 81:10, 81:11, 97:9, 99:12, 121:12
hearings [6] - 2:12, 9:16, 9:17, 10:2, 35:22, 67:25
heart [2] - 77:12, 77:21
heat [3] - 13:6, 41:16, 72:25
heck [1] - 120:18
height [8] - 18:4, 31:3, 31:20, 37:7, 37:8, 45:21, 45:25, 76:16
heights [1] - 30:7
held [2] - 9:23, 94:7
help [2] - 63:11, 63:13
hereby [1] - 122:16
Hi [1] - 114:5
hide [3] - 54:2, 59:7, 115:21
high [7] - 3:22, 11:5, 24:16, 27:22, 46:4, 72:25, 112:19
high-level [1] - 11:5
higher [1] - 32:12
highest [1] - 71:23
highlight [1] - 6:2
highway [2] - 45:12, 45:13
history [1] - 86:17
hit [1] - 48:22
holds [1] - 92:2
Hollow [5] - 4:10, 7:22, 9:9, 73:22, 114:18
HOLLOW [1] - 1:1
Hollow's [1] - 5:18
Holly [1] - 112:2
home [14] - 21:1, 21:14, 64:3, 64:12, 64:15, 64:18, 65:9, 65:11, 70:10, 98:5, 98:10, 98:15, 100:8, 115:4
homeowner [1] - 59:23
homes [7] - 16:15, 18:13, 20:2, 20:12, 21:16, 22:11, 63:23
hope [2] - 96:11, 99:1
horizon [1] - 109:23
horizontally [1] - 32:5
horrible [1] - 116:12
host [1] - 84:11
hour [1] - 114:15
hours [2] - 101:7, 101:15
house [23] - 39:8, 43:17, 46:6, 46:14, 47:17, 48:14, 48:15, 48:17, 49:25, 59:4, 59:24, 70:6, 98:4, 98:22, 99:3, 99:24, 105:15, 105:16, 106:15, 114:14, 115:6, 115:8
houses [2] - 45:10, 46:24
HOWARD [1] - 1:13
Howard [4] - 2:23, 7:12, 32:20, 108:15
huge [2] - 49:16, 105:6
humans [1] - 96:20
Huntington [4] - 65:8, 69:16, 74:6, 77:11
husband [2] - 98:9, 115:5

I

ice [1] - 40:21
idea [5] - 71:9, 71:17, 83:11, 106:23, 120:20
ideal [1] - 99:25
identification [1] - 29:6
identified [2] - 7:24, 10:12
identify [1] - 113:6
imitate [1] - 44:24
impact [3] - 6:19, 23:17, 60:10
impacts [1] - 6:9
important [1] - 5:4
impossible [1] - 54:14
improve [8] - 22:20, 27:6, 52:14, 62:25, 63:2, 63:21, 85:21, 112:9
improved [2] - 63:7, 83:9
improvement [1] - 62:13
in-home [1] - 64:18
inasmuch [1] - 112:6
inches [6] - 23:8, 23:9, 112:22, 119:14, 119:15
include [3] - 31:18, 37:5, 111:1
included [2] - 11:16, 32:8
including [6] - 5:3, 11:25, 12:14, 12:21, 40:7, 72:7
incorporate [2] - 57:19, 120:8
INCORPORATED [1] - 1:1
increase [4] - 31:24, 35:14, 102:18, 103:13
increases [1] - 35:7
incredibly [1] - 108:6
indicate [1] - 120:6
indicated [5] - 7:15, 7:23, 24:8, 35:21, 119:22
indicating [1] - 9:1
individuals [1] - 80:19
industry [2] - 4:21,

91:16
inevitable [1] - 110:7
information [14] - 5:20, 12:22, 14:3, 15:21, 15:25, 27:23, 28:11, 28:13, 39:3, 41:23, 73:19, 81:12, 88:24, 92:19
infrastructure [4] - 77:2, 86:13, 104:11, 106:25
initial [2] - 34:6, 82:3
initiates [1] - 86:22
inland [1] - 85:19
innovative [1] - 6:7
inquired [1] - 86:1
inside [4] - 17:10, 19:17, 65:24, 98:15
install [5] - 7:17, 18:15, 60:15, 108:14, 113:13
installation [17] - 2:6, 10:6, 12:11, 13:10, 18:14, 18:16, 25:12, 26:12, 61:9, 75:25, 87:15, 87:19, 92:6, 98:3, 100:8, 107:3, 108:23
installations [3] - 5:23, 8:2, 108:21
installed [8] - 2:8, 31:13, 32:21, 39:18, 61:15, 69:4, 98:17, 113:5
installing [2] - 39:13, 109:4
instance [4] - 17:6, 34:18, 51:19, 54:4
instances [3] - 34:7, 88:9, 88:10
instead [1] - 104:12
Insurance [1] - 11:22
intend [2] - 11:8, 53:12
intended [2] - 2:7, 29:7
intent [5] - 106:20, 107:16, 107:18, 108:5, 108:13
intention [2] - 85:15, 113:11
interested [1] - 118:5
interesting [2] - 94:17, 101:11
International [1] - 83:5
Internet [6] - 5:3, 27:3, 62:23, 63:12, 63:14, 115:23
internet [1] - 63:15
interrupt [3] - 19:21, 72:19, 78:10
intersection [5] - 19:7, 43:14, 43:16, 50:5, 105:17
intersects [1] - 50:3
intrude [1] - 100:7
Investment [2] - 81:3, 81:6
investments [1] - 86:3
involved [3] - 54:13, 84:21, 87:6
involvement [1] - 109:20
irony [1] - 60:3
irrespective [1] - 55:23
Island [1] - 69:5
issue [6] - 12:1, 18:1, 46:8, 49:13, 58:7, 108:11
issues [4] - 11:4, 33:9, 57:4, 100:20
item [1] - 19:18
items [5] - 9:11, 11:7, 14:1, 16:2, 24:1
itself [2] - 49:17, 81:5
Izzy [2] - 100:15, 100:16

J

Jeff [2] - 52:8, 71:3
JEFFREY [2] - 1:8, 1:9
Jericho [1] - 46:19
join [2] - 112:3, 112:5
Judge [1] - 55:17
judgment [1] - 33:17
jump [1] - 68:14
junction [3] - 42:10, 42:15, 68:16
jurisdiction [3] - 51:9, 54:9, 56:24
Jusko [1] - 121:20
JUSKO [10] - 1:8, 67:11, 67:23, 68:3, 68:17, 69:2, 69:15, 69:19, 70:3, 121:21
justification [4] - 12:20, 13:9, 43:25, 50:10

K

KAYE [1] - 1:13
Kaye [1] - 8:9
keep [4] - 3:18, 11:2, 40:19, 121:12
kept [1] - 4:3
kevin [1] - 67:10
KEVIN [1] - 1:8
kicks [1] - 73:20
kid [1] - 116:15
kid's [1] - 100:2
kids [3] - 49:12, 108:9, 117:2
kind [5] - 21:12, 24:24, 26:15, 27:17, 66:22
kinds [2] - 17:5, 58:5
kit [1] - 71:1
kitchen [2] - 65:18, 65:24
knock [2] - 80:8, 80:12
knocked [1] - 80:12
knowledge [2] - 25:18, 25:21
known [1] - 17:25
knows [1] - 44:20
Koines [3] - 97:19, 97:21, 97:24
KOINES [2] - 97:21, 97:24
Kouzeugian [2] - 115:14, 115:16
kOUZEUGIAN [1] - 115:15

L

Laboratory [1] - 1:4
lack [2] - 22:25, 57:20
ladies [1] - 121:5
land [3] - 6:9, 33:14, 48:18
landline [2] - 35:4, 35:5
Lane [19] - 2:14, 2:19, 2:20, 18:24, 21:23, 22:13, 42:7, 47:6, 95:14, 95:18, 95:20, 96:6, 97:9, 97:14, 97:25, 98:6, 99:20, 106:13, 112:2
language [1] - 29:20
laptop [1] - 62:19
large [4] - 23:15, 26:21, 28:21, 65:21
larger [2] - 17:17, 91:10
last [31] - 11:9, 12:7, 13:3, 17:15, 21:13, 25:7, 26:8, 27:15, 28:6, 29:18, 32:17, 34:9, 38:14, 39:12, 42:22, 47:21, 52:11, 53:16, 64:22, 67:12, 68:4, 68:6, 69:2, 70:3, 80:24, 86:24, 92:12, 95:18, 97:8, 113:10, 117:15
lastly [1] - 115:4
LAUREL [1] - 1:1
Laurel [19] - 2:19, 4:10, 5:18, 7:22, 9:9, 21:23, 47:5, 73:22, 95:14, 95:18, 95:20, 96:6, 97:9, 97:14, 97:25, 98:6, 99:19, 106:13, 114:18
law [12] - 4:11, 5:5, 5:15, 7:1, 29:13, 33:16, 36:18, 38:6, 66:2, 70:15, 82:12, 104:25
Law [1] - 10:23
lawn [1] - 96:2
laws [4] - 4:18, 6:1, 39:19, 111:22
lawyer [1] - 62:5
layman [2] - 62:11, 83:15
Leader [1] - 8:15
least [9] - 15:23, 16:4, 17:1, 19:10, 27:10, 44:22, 91:6, 96:10, 112:9
left [4] - 51:22, 52:21, 61:20, 105:5
legal [6] - 8:6, 8:10, 8:14, 8:18, 8:22, 111:14
Legislation [1] - 57:2
legislation [2] - 4:17, 5:7
Legislature [1] - 54:19
lends [1] - 49:17
length [1] - 107:20
less [24] - 16:17, 20:3, 20:6, 20:9, 21:20, 23:17, 31:3, 37:13, 37:15, 43:10, 50:22, 53:18, 66:17, 71:24, 72:1, 72:3, 72:8, 72:10, 100:25, 103:2, 103:5, 103:7, 103:8, 112:21
letter [4] - 12:24, 13:8, 36:5, 73:10
level [12] - 11:5, 13:1, 13:5, 31:17, 31:24, 41:16, 71:19, 71:23, 72:14, 73:9, 98:18, 108:24
levels [2] - 72:13, 73:16
licenses [2] - 92:2, 92:9
light [1] - 120:12
lighting [2] - 37:9, 37:10
lights [4] - 65:14, 80:10, 120:14, 120:15
likely [2] - 32:13, 77:23
limitation [3] - 31:4, 93:11, 102:12
limitations [2] - 64:13, 78:3
limited [4] - 37:24, 37:25, 76:15, 89:5
line [1] - 64:9
lined [1] - 61:1
lines [2] - 42:16, 67:22
LIPA [37] - 15:15, 15:16, 20:21, 22:25, 24:6, 24:10, 24:14, 38:17, 38:22, 38:24, 39:4, 42:14, 47:11, 57:16, 58:12, 59:1, 59:10, 59:18, 69:5, 69:9, 69:24, 87:20, 88:6, 88:9, 88:12, 89:2, 89:6, 90:3, 92:20, 92:22, 93:4, 93:8, 93:21, 93:25, 94:2, 94:19
LIPA's [2] - 93:16, 120:5
listening [1] - 97:6
literally [1] - 17:11
litigation [9] - 24:12, 51:11, 54:12, 55:14, 55:18, 56:11, 57:11, 87:25, 94:2
live [4] - 98:10, 114:6, 114:18, 115:16
lived [1] - 114:13
lives [1] - 47:20
living [2] - 51:15, 85:19
Liz [1] - 3:12
LLC [4] - 1:19, 7:17, 10:25, 81:25
local [1] - 111:6
localities [1] - 4:16
locate [2] - 58:25, 59:7
located [3] - 7:20, 7:21, 10:13
locating [1] - 53:17
location [24] - 12:4, 13:6, 15:23, 17:1, 19:6, 19:14, 20:1, 20:4, 20:9, 21:10, 21:13, 22:5, 32:7, 42:20, 43:22, 45:4, 49:19, 53:8, 58:7, 76:21, 99:25, 100:10, 105:4, 112:9
locations [11] - 11:18,

12:12, 12:15, 12:16, 14:5, 16:12, 16:13, 20:24, 21:15, 32:13, 52:19
look [24] - 14:15, 42:4, 45:4, 46:21, 48:16, 49:5, 56:21, 58:7, 61:2, 62:22, 66:15, 71:15, 74:1, 76:4, 96:3, 96:10, 97:12, 100:24, 115:23, 115:24, 116:4, 116:5, 116:11, 117:10
looked [4] - 14:2, 48:10, 115:5, 120:6
looking [7] - 43:3, 44:22, 52:3, 60:8, 60:10, 104:11, 116:1
looks [11] - 23:13, 46:15, 47:8, 58:9, 58:11, 58:16, 58:18, 60:12, 61:3, 69:10, 115:20
loud [1] - 18:25
low [1] - 32:2
lower [2] - 32:14, 94:1
LTE [5] - 26:25, 27:1, 27:21, 28:5, 107:25

M

mailbox [2] - 101:1, 101:4
mailed [1] - 9:3
mailing [1] - 9:1
main [2] - 100:18, 106:16
maintain [1] - 67:3
maintenance [2] - 66:23, 66:24
malfunction [1] - 34:16
malfunctioning [1] - 35:10
manage [1] - 40:4
manages [1] - 55:5
Manhattan [1] - 68:12
manner [1] - 2:21
map [4] - 11:17, 30:9, 76:5, 107:24
maps [4] - 12:21, 14:16, 15:10, 28:17
March [2] - 8:12, 8:20
mark [2] - 40:24, 82:17
marked [3] - 41:9, 68:25, 82:23
MARTIN [1] - 1:10
Marty [1] - 83:6
Mary [2] - 122:15, 122:22
MARY [1] - 1:22
massive [2] - 40:18, 108:7
material [9] - 11:6, 19:3, 19:13, 20:8, 21:3, 21:9, 21:25, 22:15, 22:25
materials [3] - 4:4, 7:24, 91:3
mathematical [4] - 30:18, 33:2, 103:11, 103:13
matter [5] - 9:8, 29:14, 35:13, 56:9, 122:19
maximum [6] - 31:1, 35:12, 66:16, 101:15, 101:18, 101:19
mayor [1] - 78:19
MAYOR [112] - 13:17, 23:22, 24:22, 25:11, 25:15, 26:7, 27:13, 28:4, 28:6, 29:17, 29:25, 31:14, 31:21, 32:16, 33:18, 34:8, 34:21, 35:18, 36:22, 38:14, 39:12, 40:24, 41:11, 42:1, 42:13, 43:23, 45:5, 46:10, 47:5, 49:25, 50:23, 51:3, 51:6, 51:13, 52:1, 52:5, 56:10, 57:7, 62:9, 67:10, 69:17, 71:3, 72:18, 74:18, 74:23, 78:10, 78:24, 79:4, 79:8, 79:10, 79:17, 79:22, 80:21, 81:21, 82:17, 83:6, 90:7, 91:5, 91:15, 92:10, 92:14, 95:10, 95:13, 97:7, 97:15, 97:18, 97:22, 99:5, 99:15, 99:18, 99:21, 100:13, 101:10, 101:17, 102:3, 102:9, 103:10, 103:21, 104:8, 104:24, 105:12, 105:23, 106:5, 106:22, 108:15, 108:25, 109:7, 110:16, 111:23, 112:16, 113:19, 114:2, 115:9, 117:7, 117:24, 118:4, 119:3, 119:9, 119:13, 119:16, 119:20, 119:25, 120:13, 121:4, 121:10, 121:17, 121:22, 121:24, 122:1, 122:3, 122:5, 122:7
Mayor [10] - 1:7, 1:8, 7:14, 7:23, 10:21, 13:13, 13:20, 23:20, 49:15, 121:9
mayors [1] - 78:18
Mayorship [1] - 4:7
mean [2] - 85:15, 110:13
meaning [2] - 84:11, 84:12
means [2] - 21:21, 64:10
measure [3] - 32:25, 65:24, 66:7
measured [6] - 31:14, 31:16, 64:25, 65:3, 65:5, 65:8
measurement [1] - 102:20
measurements [2] - 30:15, 101:17
mechanism [1] - 62:7
meet [4] - 6:4, 38:2, 42:16, 76:16
meeting [8] - 42:22, 47:21, 64:22, 67:25, 68:4, 68:7, 72:16, 92:12
megahertz [1] - 107:25
Melymont [3] - 114:4, 114:6, 117:20
MELYMONT [2] - 114:5, 117:20
MEMBER [3] - 19:21, 19:25, 120:11
members [1] - 10:21
mention [4] - 21:5, 21:6, 34:8, 78:12
mentioned [11] - 24:2, 28:7, 30:24, 32:8, 57:18, 63:10, 66:8, 78:21, 98:1, 100:11, 114:10
mentions [1] - 72:13
merger [1] - 92:1
message [1] - 62:23
metal [1] - 112:25
meter [8] - 12:6, 12:10, 39:7, 39:10, 59:5, 60:2, 118:24, 120:5
meters [8] - 38:17, 38:25, 57:17, 57:19, 58:2, 59:7, 59:24
method [1] - 80:17
methodologies [1] - 13:12
methodology [1] - 31:10
microphone [1] - 3:14
microwave [2] - 65:19, 65:20
middle [2] - 60:15, 101:3
might [6] - 24:5, 25:25, 76:21, 76:23, 84:6
mike [1] - 118:11
mine [2] - 96:2, 96:8
minimal [1] - 38:6
minimize [5] - 6:8, 6:14, 6:19, 60:9, 60:11
minor [1] - 49:12
minute [1] - 29:18
minutes [2] - 3:19, 122:18
MIRITELLO [26] - 1:9, 34:2, 35:6, 49:6, 49:20, 71:4, 72:2, 72:4, 72:11, 73:21, 74:9, 74:11, 74:15, 75:3, 75:10, 76:1, 77:3, 78:5, 79:23, 80:5, 80:14, 80:20, 85:5, 89:4, 120:17, 122:2
Miritello [1] - 122:1
missile [2] - 16:7, 35:23
missilling [2] - 36:9, 113:23
missing [1] - 16:1
misstating [1] - 107:4
Mobile [3] - 83:10, 91:25
model [2] - 90:13, 90:23
modification [2] - 7:4, 111:17
modify [2] - 67:21, 110:23
monitor [3] - 34:22, 35:1, 65:15
monitored [3] - 34:10, 34:14, 34:15
monitoring [1] - 35:8
monstrosity [1] - 115:7
month [3] - 12:7, 13:4, 95:6
months [1] - 109:25
Moriarty [3] - 106:10, 106:11, 111:24
MORIARTY [5] - 106:11, 107:7, 108:2, 109:3, 110:14
morning [1] - 100:4
most [4] - 32:13, 71:7, 78:6, 111:21
motion [1] - 121:11
motor [1] - 65:21
mount [4] - 31:7, 119:21
mounted [1] - 118:18
move [9] - 42:24, 50:7, 51:19, 51:24, 52:21, 59:24, 98:24, 112:6
moved [6] - 16:12, 16:23, 20:3, 43:9, 99:14, 116:14
moving [2] - 56:17, 106:1
MR [193] - 7:14, 10:20, 13:20, 20:1, 21:4, 21:8, 23:25, 25:10, 25:13, 25:24, 26:17, 27:21, 28:5, 28:15, 29:24, 30:17, 31:16, 32:1, 33:6, 33:23, 34:5, 34:13, 35:2, 35:9, 35:25, 37:1, 38:23, 39:25, 41:6, 41:17, 42:12, 43:20, 45:3, 45:23, 46:5, 46:9, 47:3, 48:20, 49:10, 50:13, 51:1, 51:4, 51:8, 51:21, 51:25, 52:3, 52:16, 53:6, 54:3, 55:11, 55:15, 56:5, 56:12, 57:13, 58:6, 58:15, 58:18, 59:8, 59:12, 59:16, 60:1, 60:8, 60:14, 60:19, 61:10, 61:23, 62:8, 62:15, 62:18, 63:13, 64:4, 64:16, 65:5, 66:8, 66:15, 67:1, 67:6, 67:16, 68:2, 68:13, 68:19, 68:21, 69:13, 69:21, 70:13, 71:14, 72:3, 72:6, 73:5, 74:4, 74:10, 74:13, 74:16, 74:21, 75:1, 75:6, 75:12, 76:3, 77:7, 78:9, 78:22, 79:3, 79:6, 79:9, 79:12, 79:18, 80:3, 80:6, 80:18, 81:7, 81:23, 82:11, 82:23, 83:2, 83:22, 84:15, 84:23, 85:12, 85:25,

86:23, 87:14, 87:18, 88:8, 88:19, 88:22, 89:7, 91:2, 91:6, 91:21, 92:13, 92:16, 92:25, 93:2, 93:13, 93:14, 93:15, 93:17, 93:19, 93:20, 93:23, 94:6, 94:14, 94:15, 95:1, 95:9, 95:12, 100:16, 101:14, 101:20, 101:22, 102:1, 102:8, 102:10, 102:17, 102:22, 103:2, 103:6, 103:14, 103:17, 104:3, 105:2, 105:19, 106:11, 107:5, 107:7, 107:23, 108:2, 108:20, 109:3, 109:9, 110:14, 110:21, 112:1, 112:18, 112:20, 112:23, 112:25, 113:4, 113:8, 113:10, 113:15, 113:25, 115:15, 117:20, 118:1, 118:11, 119:8, 119:12, 119:14, 119:18, 119:24, 121:8, 122:9

MS [12] - 95:17, 97:13, 97:17, 97:21, 97:24, 99:17, 99:19, 99:22, 104:5, 104:21, 106:3, 114:5

multiple [3] - 9:15, 9:18, 91:11

municipalities [6] - 4:12, 4:16, 4:18, 86:17, 111:6, 111:12

municipality [8] - 5:6, 5:11, 5:16, 70:18, 90:24, 93:10, 94:9, 111:9

Muttontown [3] - 74:9, 74:10, 75:2

N

N-684 [1] - 2:18

N-685 [1] - 98:5

N-686 [1] - 2:13

N-691 [1] - 2:19

N-697 [1] - 2:14

N-698 [2] - 2:15, 10:12

N-699 [1] - 2:17

name [11] - 3:11, 3:13, 10:22, 68:10, 69:11, 92:15, 95:15, 97:22, 105:20, 114:5, 115:15

NANCY [1] - 1:14

Nancy [2] - 3:12, 104:5

narrower [1] - 77:25

Nassau [2] - 9:6, 47:6

National [1] - 39:21

nationwide [1] - 4:24

natural [1] - 6:17

nature [4] - 3:17, 7:10, 25:6, 27:4

near [6] - 19:6, 20:2, 43:24, 54:5, 101:2, 108:9

nearly [1] - 74:5

neat [1] - 61:2

nebulous [2] - 26:2, 56:13

necessarily [8] - 32:11, 49:2, 55:1, 68:14, 70:21, 71:2, 92:3, 103:14

necessary [3] - 15:19, 107:14, 113:24

Necessity [3] - 11:13, 54:24, 82:2

need [27] - 14:3, 14:8, 14:10, 15:24, 18:6, 28:25, 29:14, 29:16, 39:23, 40:14, 61:6, 70:11, 70:14, 73:3, 78:7, 78:13, 104:6, 105:10, 106:20, 107:7, 107:9, 107:12, 107:19, 107:21, 114:22, 115:1, 115:3

needed [2] - 5:1, 14:12

needing [1] - 15:12

needs [4] - 16:6, 16:7, 27:12, 98:24

negative [1] - 85:16

negotiate [3] - 61:25, 62:3, 89:16

negotiated [2] - 62:5, 109:2

neighbor [1] - 106:4

neighbor's [1] - 100:7

neighborhood [2] - 17:19, 98:12

neighborhoods [1] - 63:20

neighbors [6] - 73:25, 98:13, 106:8, 112:4, 112:6, 115:2

Nemshim [1] - 121:24

NEMSHIN [26] - 1:8, 52:9, 52:17, 53:15, 55:7, 55:13, 57:5, 57:15, 58:9, 58:16, 59:6, 59:10, 59:13, 59:22, 60:5, 60:12, 60:17, 60:21, 61:11, 62:4, 63:16, 64:14, 102:14, 102:19, 102:24, 121:25

network [2] - 70:8, 108:1

neutral [2] - 84:10, 84:12

never [2] - 33:21, 103:8

nevertheless [2] - 38:12, 55:23

New [6] - 1:5, 11:14, 54:19, 82:2, 82:7, 89:12

new [31] - 2:9, 7:17, 7:19, 12:19, 15:13, 16:5, 17:15, 19:2, 19:5, 19:15, 20:11, 21:11, 21:13, 21:25, 22:9, 24:24, 49:2, 57:16, 57:23, 59:3, 69:10, 87:1, 87:9, 87:12, 87:16, 88:7, 88:18, 93:5, 93:10, 104:11, 106:20

NEWS [1] - 8:23

next [14] - 8:8, 8:13, 8:17, 8:21, 8:25, 19:12, 23:16, 45:5, 47:12, 67:25, 69:22, 72:15, 109:5, 110:11

Nextel [1] - 91:24

NG [3] - 1:19, 7:16, 10:24

NGE [1] - 81:25

nice [2] - 46:17, 61:1

NICHOLAS [1] - 1:10

Nick [1] - 80:21

Nicklas [4] - 42:2, 43:2, 121:18, 121:22

NICKLAS [14] - 1:9, 51:18, 51:23, 62:10, 62:16, 63:11, 64:21, 66:5, 66:11, 66:21, 67:4, 99:13, 121:16, 121:23

NOC [1] - 34:14

node [18] - 7:23, 10:11, 10:15, 10:16, 11:18, 12:3, 21:6, 21:9, 21:23, 22:12, 34:17, 50:1, 66:19, 79:24, 80:2, 106:14, 114:11, 115:25

nodes [42] - 2:7, 2:12, 7:18, 11:25, 14:12, 26:3, 26:5, 27:8, 29:22, 31:11, 31:13, 31:25, 34:10, 34:13, 53:9, 53:17, 55:11, 55:12, 55:24, 56:3, 64:19, 65:1, 65:7, 66:6, 66:13, 66:16, 74:15, 75:21, 76:13, 76:20, 78:24, 79:14, 82:10, 83:8, 83:23, 85:3, 85:6, 95:21, 95:24, 96:4, 96:17, 114:21

noise [9] - 12:24, 12:25, 41:22, 72:12, 72:23, 73:7, 73:9, 114:11, 114:12

non [5] - 36:19, 38:10, 40:5, 76:10, 119:5

non-discriminatory [2] - 36:19, 40:5

non-residential [1] - 76:10

non-small [1] - 38:10

non-Stealth [1] - 119:5

none [3] - 26:14, 75:13, 75:14

normally [1] - 76:23

North [2] - 8:15, 74:7

north [6] - 77:4, 77:5, 85:11, 85:20, 86:2, 90:13

northern [2] - 77:25, 86:11

note [3] - 10:8, 21:24, 117:8

notes [4] - 19:13, 21:10, 22:15, 22:25

nothing [8] - 17:7, 43:4, 81:23, 95:25, 96:3, 111:9, 115:9, 121:8

notice [8] - 8:6, 8:10, 8:14, 8:18, 8:22, 9:2, 10:13, 19:4

noticed [1] - 42:8

notices [2] - 2:25, 12:23

notification [1] - 9:5

NOVICK [17] - 1:10, 45:21, 46:2, 46:6, 83:7, 84:14, 84:20, 85:7, 85:14, 86:21, 86:24, 87:17, 88:3, 88:13, 88:21, 103:4, 122:6

Novick [3] - 10:10, 45:14, 122:5

Number [4] - 41:10, 69:1, 70:2, 82:24

number [26] - 6:5, 10:12, 12:12, 14:7, 15:12, 21:6, 22:12, 25:5, 40:1, 40:12, 40:13, 47:13, 50:25, 54:15, 62:20, 65:6, 69:17, 69:19, 69:24, 72:6, 78:20, 89:21, 89:24, 106:24, 118:2

numbers [5] - 2:13, 7:24, 75:19, 88:25, 89:1

O

objective [1] - 106:8

obstruction [1] - 88:12

obtrusive [10] - 15:24, 16:4, 16:17, 17:1, 19:10, 20:3, 20:6, 20:10, 21:21, 23:17

obvious [1] - 43:11

obviously [5] - 31:12, 33:25, 70:23, 91:10, 95:8

odd [1] - 74:5

OF [2] - 1:1, 1:1

offer [1] - 62:2

offered [2] - 36:1, 61:23

OFFICIAL [1] - 1:23

offline [1] - 34:18

often [3] - 13:4, 34:2, 73:12

old [3] - 79:8, 79:18, 80:9

Old [10] - 74:6, 75:1, 75:19, 78:22, 79:4, 79:5, 79:6, 79:10, 79:14, 113:7

once [4] - 34:3, 34:4, 39:3, 87:25

one [65] - 4:11, 5:10, 6:25, 9:22, 9:24, 11:19, 11:24, 14:4, 14:10, 15:3, 16:2, 17:3, 18:6, 18:7, 19:12, 20:14, 21:13, 22:6, 22:14, 23:7, 26:17, 26:23, 37:6, 37:9, 37:12, 37:15, 42:16, 42:17, 43:18, 43:24, 44:22, 45:5, 47:6, 50:19, 54:3, 54:9, 61:18, 64:12, 64:16, 65:7, 65:16,

66:12, 67:12, 68:22, 71:11, 76:20, 78:15, 80:2, 86:24, 87:13, 91:24, 92:18, 94:18, 96:8, 98:2, 99:13, 102:15, 102:24, 105:2, 106:14, 106:24, 116:17, 117:3, 118:18, 119:24
one-page [1] - 68:22
ones [4] - 9:22, 16:24, 61:2, 87:9
open [6] - 4:3, 6:18, 9:11, 43:17, 43:18, 121:12
open-space [1] - 6:18
opening [2] - 2:23, 41:12
operability [1] - 52:25
operate [3] - 13:5, 18:22, 52:25
operates [1] - 68:15
operating [6] - 18:20, 28:9, 35:16, 59:21, 65:16, 91:22
operation [2] - 34:6, 34:15
operations [1] - 31:10
operator [1] - 32:25
opine [3] - 33:7, 55:16, 93:15
opinion [5] - 63:25, 90:8, 90:15, 91:20, 93:9
opportunity [4] - 3:8, 3:15, 45:17, 76:18
opposed [4] - 26:21, 33:1, 35:24, 106:18
opt [2] - 89:11, 89:13
opt-out [1] - 89:13
optic [1] - 34:23
option [6] - 17:4, 22:16, 22:17, 22:24, 76:14, 99:2
order [6] - 5:23, 14:13, 29:2, 95:5, 95:7, 113:13
ordered [1] - 2:3
Ordinance [1] - 4:10
ordinance [5] - 5:18, 5:25, 6:3, 6:25, 108:19
ordinances [1] - 39:19
original [3] - 44:1, 44:7, 50:4
originally [3] - 11:19, 44:1, 109:22
OT [1] - 30:20
OT-bulletin [1] - 30:20
outputs [1] - 111:20
outright [1] - 5:7
outside [4] - 48:2, 57:3, 100:2, 114:15
overall [3] - 14:1, 37:18, 120:8
overarching [1] - 7:1
overhead [3] - 35:21, 36:15, 36:16
Overlook [1] - 43:15
overview [2] - 11:5, 107:6
own [3] - 83:16, 85:4, 109:21
owned [2] - 15:16, 26:23
owner [1] - 12:22
owners [3] - 9:3, 89:15, 89:25
oyster [1] - 74:13
Oyster [7] - 51:2, 51:5, 55:19, 74:11, 74:14, 74:19, 74:23

P

p.m [1] - 1:3
page [3] - 41:5, 41:8, 68:22
paint [1] - 58:24
painted [1] - 60:20
painting [1] - 60:23
paperwork [1] - 91:14
parameters [1] - 59:20
paraphrase [1] - 103:22
Park [2] - 68:8, 68:18
parking [1] - 120:15
parkland [3] - 54:18, 54:20, 57:1
part [13] - 7:18, 10:3, 24:19, 25:17, 25:22, 40:22, 55:13, 55:20, 77:25, 85:5, 86:11, 94:12, 113:12
participate [3] - 10:11, 10:15, 91:19
particular [16] - 10:6, 12:4, 22:14, 22:22, 23:14, 24:13, 31:11, 34:7, 36:12, 45:23, 46:3, 51:19, 53:19, 65:7, 76:21, 76:22
particularly [2] - 12:10, 54:9
partner [2] - 10:22, 86:9
parts [1] - 116:22
party [1] - 30:25
pass [1] - 5:6
passed [3] - 4:8, 4:18, 4:22
passes [2] - 72:22, 114:16
passing [3] - 72:21, 73:6, 114:13
past [4] - 35:22, 42:3, 63:17, 109:25
path [1] - 80:23
Path [1] - 69:20
pattern [1] - 71:18
patterns [1] - 72:7
pay [5] - 70:24, 83:15, 83:17, 83:19, 93:22
paying [1] - 92:23
pays [1] - 88:6
peak [1] - 101:7
pending [4] - 51:12, 55:18, 94:2, 109:19
Penny [3] - 97:19, 97:21, 97:24
people [6] - 26:8, 49:22, 63:22, 85:19, 89:4, 108:8
people's [5] - 16:15, 42:25, 45:18, 46:24, 80:15
perceives [1] - 110:5
percent [18] - 24:23, 31:3, 31:4, 31:5, 31:6, 31:8, 31:9, 66:18, 71:12, 71:24, 71:25, 72:9, 72:10, 90:10, 103:9, 103:12, 107:1, 117:3
percentages [1] - 32:6
perfect [1] - 70:9
period [3] - 4:19, 89:24, 109:19
permission [3] - 45:19, 78:14, 79:16
permit [4] - 2:5, 75:15, 79:21, 81:19
permitted [2] - 54:11, 75:23
permitting [1] - 51:10
person [2] - 64:4, 77:11
person's [1] - 65:9
personal [1] - 28:1
personally [2] - 13:24, 70:14
petition [1] - 89:19
petitioned [1] - 4:21
philosophy [1] - 7:1
phone [9] - 15:8, 27:7, 62:21, 63:5, 63:6, 63:22, 70:9, 116:25
phones [2] - 52:15, 62:14
photo [2] - 44:22, 68:22
photograph [1] - 62:24
photographs [1] - 69:23
physical [1] - 6:15
Picardy [5] - 2:20, 22:13, 49:25, 50:3, 57:8
pick [3] - 14:4, 35:7, 77:10
picked [1] - 25:2
picture [6] - 38:15, 48:2, 58:10, 95:22, 100:24, 120:14
pictured [1] - 23:7
pictures [4] - 57:25, 67:15, 105:8, 112:14
pipeline [1] - 86:11
pipes [1] - 58:4
place [6] - 26:21, 39:9, 47:18, 71:25, 96:10, 120:22
placed [2] - 83:9, 96:1
placement [2] - 5:9, 7:3
places [1] - 86:15
plan [1] - 11:24
Planning [1] - 9:6
plans [1] - 90:25
play [1] - 6:23
plumbing [1] - 60:24
plummet [1] - 116:19
point [26] - 3:21, 13:18, 26:2, 29:1, 31:17, 32:23, 33:17, 36:17, 39:22, 44:5, 47:25, 48:21, 51:11, 53:3, 56:6, 56:11, 56:14, 70:25, 73:1, 75:13, 84:19, 105:1, 117:17, 117:18, 121:6, 121:10
pointed [3] - 32:17, 35:20, 49:15
points [2] - 5:4, 6:3
pole [103] - 12:19, 15:15, 15:22, 15:25, 16:5, 19:3, 19:4, 19:5, 19:14, 19:15, 19:16, 20:15, 21:11, 21:12, 22:1, 22:9, 22:17, 22:24, 30:8, 30:9, 31:5, 36:14, 39:2, 42:6, 42:7, 42:11, 42:15, 42:18, 43:25, 44:2, 44:8, 44:10, 44:24, 47:10, 47:12, 47:13, 48:12, 50:4, 50:9, 50:25, 51:17, 51:22, 52:4, 57:9, 58:15, 58:19, 58:23, 58:25, 60:2, 60:4, 67:8, 67:9, 69:9, 69:17, 69:19, 69:23, 71:13, 71:21, 83:19, 83:21, 87:1, 87:4, 87:12, 87:16, 87:20, 88:6, 88:7, 88:9, 88:12, 88:18, 89:2, 89:9, 89:14, 89:15, 89:21, 89:25, 93:6, 93:22, 94:19, 95:20, 105:6, 105:10, 112:7, 112:15, 112:22, 113:13, 117:9, 117:10, 117:11, 118:16, 118:18, 119:6, 119:24, 120:1, 120:2, 120:3, 120:20, 120:24, 120:25, 121:1, 121:3
poles [55] - 2:9, 2:10, 7:20, 15:13, 15:22, 19:8, 20:5, 20:11, 20:16, 20:19, 20:21, 20:24, 21:17, 22:2, 22:25, 24:5, 24:6, 24:10, 24:15, 30:8, 30:9, 44:4, 44:23, 48:24, 48:25, 49:2, 49:9, 50:16, 57:8, 57:21, 57:23, 58:2, 58:8, 66:23, 66:25, 67:5, 67:7, 67:14, 69:5, 83:16, 87:3, 87:6, 87:8, 87:21, 89:5, 95:23, 96:7, 96:25, 104:12, 112:24, 113:5, 113:9, 116:17
poll [1] - 121:19
POPPER [1] - 1:14
population [1] - 77:5
portion [3] - 76:6, 76:7, 90:11
portions [2] - 78:16, 80:13
position [8] - 33:8, 54:10, 89:14, 93:16, 93:18, 94:3, 94:24, 100:10
positioned [1] - 100:1
positive [1] - 85:16
possibility [2] - 53:7
possible [7] - 5:20, 5:22, 14:7, 22:11, 47:18, 66:16, 71:24

possibly [4] - 27:11, 50:20, 84:6, 91:7
post [2] - 18:14, 18:16
post-installation [2] - 18:14, 18:16
posted [1] - 8:10
posting [1] - 8:8
potential [1] - 68:4
potentially [2] - 63:24, 102:25
power [6] - 32:3, 35:5, 35:12, 101:15, 101:18, 103:8
powered [1] - 32:2
practice [1] - 45:18
preexisting [1] - 2:9
preliminaries [1] - 2:25
prepared [2] - 8:7, 81:8
preparing [1] - 96:25
present [1] - 88:3
PRESENT [2] - 1:7, 1:12
presentation [2] - 3:2, 10:19
presented [1] - 119:4
Preserve [1] - 53:22
preserve [2] - 54:16, 54:17
presumptively [1] - 38:5
pretty [1] - 85:6
pride [1] - 98:12
printed [1] - 94:16
priority [1] - 6:12
private [3] - 11:20, 55:2, 74:25
problem [12] - 40:20, 42:19, 44:11, 46:3, 50:13, 54:16, 66:12, 66:18, 87:20, 89:16, 90:3, 110:5
problems [1] - 89:18
procedure [2] - 84:21, 108:18
procedures [1] - 89:22
proceed [1] - 2:21
proceeding [2] - 27:15, 27:16
process [8] - 6:24, 12:14, 33:15, 49:3, 79:21, 86:7, 95:8, 111:14
produce [1] - 30:21
product [1] - 60:18
prohibit [3] - 5:15, 70:18, 87:4
prohibited [1] - 4:19
prohibiting [2] - 4:17, 5:8
prohibition [1] - 29:4
project [2] - 76:8, 108:5
promote [3] - 29:7, 71:1, 104:9
promoted [1] - 104:17
promotes [1] - 6:12
promulgated [1] - 110:19
proof [1] - 14:10
propagates [1] - 71:18
propagation [5] - 14:15, 15:10, 28:11, 28:12, 28:17
properly [2] - 5:24, 35:16
properties [3] - 6:21, 26:23, 42:24
property [16] - 6:10, 8:1, 9:3, 12:22, 22:7, 44:14, 46:15, 46:18, 47:2, 55:2, 76:12, 95:19, 98:2, 98:17, 99:10, 105:10
proposal [3] - 44:2, 44:7, 113:17
proposals [1] - 86:2
propose [2] - 36:16, 99:14
proposed [27] - 5:23, 8:2, 10:7, 11:15, 12:3, 12:12, 12:25, 16:17, 17:18, 19:2, 22:5, 25:14, 28:19, 42:7, 42:18, 52:19, 55:3, 55:24, 67:22, 75:25, 92:1, 98:3, 98:17, 102:23, 106:1, 112:7, 115:7
proposes [1] - 21:10
proposing [6] - 19:19, 26:3, 40:11, 55:12, 63:9, 76:7
protect [2] - 6:17, 7:8
prove [1] - 14:12
provide [22] - 5:20, 13:2, 14:17, 17:22, 19:20, 20:9, 23:16, 26:4, 26:25, 27:23, 27:24, 32:18, 39:3, 41:23, 55:25, 64:18, 73:18, 82:13, 83:25, 88:1, 110:4, 110:25
provided [10] - 3:13, 10:1, 11:14, 17:3, 19:11, 24:9, 28:10, 62:12, 67:18, 111:14
provider [1] - 82:6
providers [1] - 86:14
provides [3] - 18:2, 27:2, 39:16
providing [2] - 17:21, 27:19
provision [1] - 39:15
provisions [2] - 5:11, 62:1
proximity [1] - 18:12
PSC [2] - 11:14, 82:3
PSE [7] - 89:13, 89:17, 89:20, 90:5, 93:5, 95:5
PSEG [4] - 12:6, 12:8, 119:17, 120:5
Public [5] - 2:2, 11:13, 54:24, 82:1, 89:8
public [14] - 7:8, 7:15, 9:2, 9:15, 10:13, 12:18, 12:23, 13:15, 54:25, 73:7, 77:14, 81:15, 93:12, 121:12
PUBLIC [1] - 1:2
publication [1] - 8:14
published [2] - 8:15, 8:19
pull [1] - 3:20
purchase [1] - 98:22
purchased [1] - 70:7
purporting [1] - 109:12
purpose [2] - 6:3, 44:23
purposes [1] - 9:20
pursuant [1] - 27:5
purview [2] - 33:11, 39:5
push [1] - 54:4
pushed [1] - 100:5
put [40] - 3:11, 15:24, 16:25, 17:10, 22:9, 22:10, 25:7, 25:20, 38:15, 39:7, 40:15, 44:18, 48:5, 48:7, 50:4, 53:13, 56:8, 58:11, 59:24, 67:7, 73:15, 79:1, 82:9, 83:16, 85:2, 87:12, 87:15, 88:7, 88:18, 95:1, 97:11, 103:18, 104:20, 105:21, 107:14, 113:15, 114:21, 116:17, 120:11
puts [1] - 71:7
putting [8] - 51:14, 53:20, 55:9, 60:1, 87:9, 88:18, 91:10, 92:21

Q

qualify [1] - 38:13
questions [18] - 3:9, 13:14, 14:11, 23:21, 23:23, 25:1, 25:5, 26:8, 52:7, 52:19, 53:16, 61:7, 63:17, 67:12, 71:5, 92:18, 112:12, 114:8
quick [2] - 49:7, 118:13
quieter [1] - 99:2
quite [4] - 28:24, 54:2, 81:11, 95:24
quote [1] - 7:2

R

R-O-S-A-D-O [1] - 49:11
radiation [6] - 101:7, 101:8, 102:13, 107:17, 107:20, 110:14
radio [11] - 5:13, 13:8, 29:23, 30:3, 30:6, 30:22, 31:23, 34:24, 65:13, 65:17, 108:7
randomly [1] - 35:14
rate [1] - 81:8
rates [2] - 87:21, 89:22
rather [2] - 38:7, 120:24
read [1] - 31:22
readying [1] - 97:2
Real [2] - 81:2, 81:5
reality [1] - 55:22
really [14] - 16:25, 26:11, 29:7, 33:12, 48:7, 72:1, 90:10, 90:18, 91:17, 108:11, 112:11, 116:7, 119:1, 120:6
realm [1] - 96:21
reason [6] - 24:9, 24:14, 35:10, 35:15, 80:4, 83:25
reasonable [5] - 33:10, 33:14, 38:5, 90:1, 98:25
reasons [3] - 42:17, 50:6
received [1] - 19:4
recent [1] - 95:5
recently [2] - 16:11, 89:20
recognize [2] - 29:25, 46:20
recommendation [1] - 101:23
record [17] - 4:3, 5:22, 9:14, 9:21, 9:25, 10:3, 21:7, 24:3, 24:19, 41:6, 68:21, 69:21, 73:17, 106:17, 108:4, 108:13, 121:12
recourse [1] - 111:11
recused [1] - 10:10
redid [1] - 113:21
redone [1] - 113:13
referred [2] - 9:8, 98:4
referring [1] - 24:7
refers [1] - 24:4
reflect [4] - 9:15, 41:7, 68:22, 69:22
refrigerator [1] - 65:22
refused [1] - 61:25
regard [2] - 66:11, 110:9
regarding [9] - 10:15, 10:16, 13:10, 24:10, 30:22, 36:18, 37:23, 41:22, 41:24
regulate [1] - 89:9
regulated [2] - 89:11, 90:4
regulating [2] - 5:16, 5:17
regulation [2] - 89:12, 90:6
regulations [5] - 17:15, 30:22, 39:20, 66:4, 93:6
REIT [5] - 81:13, 81:17, 81:21, 81:22, 81:24
reiterate [1] - 99:23
Rekasha [2] - 114:4, 114:6
relation [1] - 25:3
relative [1] - 52:24
relativity [1] - 59:17
relevant [1] - 81:10
relocating [1] - 52:18
rely [1] - 94:13
relying [1] - 64:10
remarks [1] - 2:23
remedy [2] - 25:14, 29:16
remember [4] - 50:11, 63:16, 64:21, 76:3
Remigio [2] - 95:14, 95:17
REMIGIO [3] - 95:17, 97:13, 97:17
removed [2] - 61:22, 62:6

render [1] - 10:4
rendering [1] - 12:2
renderings [2] - 12:6, 67:15
rent [1] - 83:19
repeat [2] - 8:3, 92:11
repeated [1] - 47:24
repeatedly [1] - 4:13
repeating [2] - 21:19, 52:10
repetitive [1] - 25:1
replace [1] - 64:2
report [16] - 12:20, 13:9, 18:2, 18:6, 18:9, 30:10, 33:3, 35:11, 43:25, 50:10, 71:15, 71:23, 73:16, 101:21, 118:3, 118:4
Reporter [2] - 122:16, 122:23
REPORTER [1] - 1:23
reports [9] - 30:6, 30:7, 30:14, 30:17, 30:25, 31:18, 31:22, 101:18
representative [3] - 9:13, 10:18, 115:19
requested [1] - 15:20
require [7] - 5:19, 37:10, 40:18, 54:18, 59:4, 76:12, 108:24
required [8] - 9:3, 9:17, 26:18, 27:8, 29:10, 29:12, 29:13, 111:18
requirement [4] - 36:7, 36:13, 40:3, 41:22
requirements [2] - 6:5, 92:9
requires [5] - 6:4, 57:1, 66:10, 90:19, 107:12
requiring [1] - 57:17
research [1] - 116:18
reserve [2] - 33:16, 121:14
resided [1] - 95:18
residential [6] - 6:20, 53:25, 59:15, 75:22, 76:9, 76:10
residents [2] - 3:8, 7:7
residents' [1] - 117:15
resisting [1] - 55:8
resolve [1] - 57:4
respect [10] - 10:5, 10:9, 27:19, 33:8, 67:1, 78:3, 93:10, 94:24, 98:13, 111:7
response [5] - 4:11, 4:22, 28:14, 41:18, 77:23
responsibile [2] - 67:6, 67:8
responsibility [1] - 98:14
responsible [2] - 67:2, 99:1
rest [1] - 120:9
restriction [2] - 40:9, 88:15
restrictions [2] - 37:6, 52:24
result [1] - 30:4
return [1] - 86:16
revenue [1] - 84:12
review [2] - 9:20, 38:3
revise [1] - 12:5
RF [10] - 17:25, 18:3, 18:11, 32:19, 107:8, 110:19, 111:1, 111:7, 111:10, 111:20
Rich [1] - 48:10
rich [1] - 62:9
Rich's [1] - 44:14
Richard [1] - 13:21
RICHARD [2] - 1:9, 1:15
Ridge [1] - 45:8
right-of-way [12] - 11:15, 36:20, 40:4, 54:23, 55:4, 57:3, 73:8, 82:5, 83:17, 93:12, 95:3, 109:1
rights [4] - 4:12, 7:21, 55:1, 55:2
rights-of-way [2] - 7:21, 55:1
road [5] - 11:20, 16:6, 36:8, 50:3, 74:20
Road [14] - 1:5, 2:17, 2:18, 45:6, 46:11, 46:12, 53:19, 53:21, 65:2, 69:8, 74:19, 106:12, 115:17, 118:12
roads [8] - 16:9, 35:23, 35:24, 74:24, 74:25, 78:16, 79:1, 79:2
roadways [1] - 16:8
Robert [1] - 10:22
ROBERT [1] - 1:16
rock [2] - 46:17
rod [1] - 23:8
Rogues [1] - 69:20
rooftops [1] - 76:25
Room [1] - 1:4
roots [1] - 96:22
ROSADO [7] - 49:10, 112:1, 112:18, 112:23, 113:4, 113:10, 113:25
Rosado [4] - 49:10, 111:25, 112:2, 114:3
Rosado's [1] - 47:17
roughly [1] - 75:3
router [1] - 64:8
ROWSEY [5] - 118:11, 119:8, 119:12, 119:18, 119:24
Rowsey [1] - 118:11
rule [1] - 37:22
rules [1] - 39:20
run [9] - 2:24, 72:24, 73:3, 73:13, 106:20, 107:16, 107:25, 108:6
running [2] - 35:11, 63:20
Ryan [1] - 106:11
ryan [1] - 106:10

S

safe [1] - 98:11
safer [1] - 99:2
safety [4] - 7:6, 50:6, 77:14, 96:15
Safety [1] - 39:21
satellite [1] - 61:17
saw [2] - 21:12, 42:19
scale [2] - 112:15
scary [1] - 108:10
scenario [1] - 72:9
schools [1] - 98:13
SCI [1] - 81:16
scientists [1] - 96:23
scope [1] - 41:24
scores [1] - 116:19
screen [1] - 11:17
sealed [1] - 65:20
searching [1] - 27:3
second [9] - 2:11, 5:10, 15:11, 31:24, 32:12, 114:19, 116:9, 121:16, 121:17
second-story [2] - 31:24, 32:12
secondary [1] - 49:14
Section [2] - 40:3, 82:14
section [3] - 6:6, 6:11, 105:14
sections [1] - 6:22
sectors [1] - 37:20
secure [1] - 92:8
Securities [1] - 82:21
Security [1] - 80:25
see [24] - 6:22, 14:22, 16:10, 19:16, 20:14, 22:3, 23:6, 23:12, 33:12, 33:13, 45:15, 46:7, 48:15, 58:1, 58:19, 66:9, 69:10, 88:21, 99:11, 101:1, 120:19, 120:21, 120:24
seeing [2] - 57:25, 95:22
selected [1] - 53:4
self [1] - 118:17
self-contained [1] - 118:17
sell [1] - 115:6
send [2] - 62:23, 62:24
sense [2] - 84:16, 90:14
sensitive [1] - 59:22
sent [1] - 8:22
September [2] - 9:7, 29:2
service [44] - 5:1, 14:14, 14:20, 25:14, 26:5, 26:13, 26:25, 27:1, 27:7, 28:24, 29:4, 29:15, 53:9, 56:1, 59:3, 61:17, 62:11, 62:13, 62:22, 62:25, 63:2, 63:14, 63:15, 64:1, 64:3, 64:5, 64:14, 64:17, 64:18, 70:5, 70:9, 70:19, 71:1, 82:14, 83:9, 83:25, 85:10, 85:21, 86:18, 114:23, 115:1, 115:3, 116:25
Service [1] - 89:8
services [12] - 14:16, 27:2, 27:19, 27:23, 27:24, 27:25, 28:1, 36:21, 63:3, 63:6, 63:21, 63:22
set [4] - 6:24, 30:19, 38:4, 111:8
settle [1] - 104:7
setup [1] - 57:20
seven [1] - 101:15
Shady [7] - 2:14, 18:23, 42:7, 43:5, 43:14, 43:15, 96:6
shall [1] - 39:18
shareholders [1] - 80:25
sheet [1] - 3:12
shock [1] - 38:8
Shore [2] - 8:15, 74:8
shorter [1] - 107:11
shortly [1] - 16:24
shot [1] - 55:9
show [9] - 12:6, 29:1, 33:24, 53:13, 71:16, 88:25, 120:19, 120:23, 121:1
showed [1] - 32:6
showing [5] - 11:17, 12:2, 12:25, 31:1, 32:15
shown [3] - 28:24, 29:9, 29:11
shows [3] - 15:7, 23:2, 69:9
shroud [1] - 17:10
side [19] - 31:6, 39:8, 44:3, 47:17, 50:21, 53:20, 53:22, 55:9, 77:4, 77:6, 77:9, 85:9, 85:11, 85:20, 86:2, 90:12, 94:22, 94:25, 119:21
side-mount [1] - 119:21
sides [1] - 96:7
sign [2] - 3:22, 87:23
signal [5] - 15:4, 15:8, 15:9, 71:17, 77:15
signals [1] - 107:8
significant [3] - 15:12, 60:10, 78:16
similar [2] - 77:5, 84:2
simple [1] - 71:20
simply [2] - 4:18, 40:14
single [1] - 114:15
site [4] - 11:10, 11:24, 30:9, 75:24
siting [1] - 6:13
sits [1] - 45:2
sitting [3] - 58:2, 61:20, 116:13
situation [2] - 24:13, 88:4
situations [1] - 87:3
six [8] - 2:8, 7:17, 10:12, 11:25, 14:5, 22:12, 105:9, 109:25
size [12] - 3:17, 17:13, 19:19, 27:11, 36:23, 37:2, 37:25, 38:1, 75:4, 91:8, 102:7, 118:23
slap [1] - 58:13
slapped [2] - 61:4, 99:10
slapping [1] - 58:14
slid [1] - 48:4
slide [1] - 55:10

slightly [1] - 51:19
small [9] - 17:17, 17:24, 23:8, 37:5, 37:23, 38:9, 38:10, 38:13, 73:23
smaller [1] - 102:11
smart [1] - 63:5
snow [1] - 40:21
Snyder [2] - 10:23
so.. [1] - 69:12
solid [1] - 86:18
solution [4] - 12:9, 39:1, 57:19, 70:20
solutions [1] - 56:20
solve [2] - 78:4, 110:4
someone [4] - 3:23, 25:19, 70:20, 71:11
somewhat [1] - 11:2
somewhere [3] - 26:22, 31:22, 77:19
sorry [9] - 14:23, 19:25, 21:8, 79:9, 79:22, 93:14, 97:19, 99:18, 114:4
sort [1] - 62:7
sound [7] - 72:16, 73:6, 77:15, 96:3, 96:11, 98:21, 114:17
sounds [1] - 56:14
source [1] - 65:18
sources [1] - 96:19
south [6] - 43:5, 45:13, 85:9, 85:24, 90:12
southern [1] - 53:21
space [1] - 6:18
spaghetti [1] - 61:3
special [3] - 2:5, 54:18, 57:1
specific [1] - 16:24
specifically [5] - 27:7, 29:3, 30:19, 40:2, 53:3
speculate [5] - 15:18, 25:24, 64:6, 84:18, 85:1
speculation [2] - 85:1, 86:6
speeds [1] - 110:15
spend [2] - 86:14, 86:19
spot [3] - 49:5, 57:12, 58:25
Spring [12] - 1:4, 1:5, 2:17, 21:2, 43:15, 45:6, 46:11, 46:12, 106:12, 115:16, 118:12
Sprint [2] - 91:24, 92:1
staggering [1] - 89:3
stand [4] - 92:14, 95:15, 98:19, 114:14
standard [7] - 70:15, 70:16, 70:22, 103:25, 104:4, 106:9, 111:8
standards [4] - 110:19, 110:22, 111:2, 111:11
standing [1] - 44:15
standpoint [2] - 16:22, 17:2
stands [1] - 62:2
start [1] - 14:21
started [2] - 16:2, 88:11
state [1] - 89:13
State [6] - 11:14, 53:23, 54:19, 57:2, 82:2, 82:8
statement [3] - 85:13, 115:18, 116:9
statements [1] - 114:9
states [5] - 41:7, 68:24, 81:1, 81:2, 89:11
status [1] - 81:9
statute [2] - 94:10, 94:13
staying [1] - 54:22
stays [1] - 85:6
Stealth [29] - 6:7, 12:11, 17:2, 17:3, 17:5, 30:8, 31:6, 36:1, 42:7, 42:18, 44:10, 44:23, 48:7, 48:25, 49:17, 50:9, 57:20, 57:21, 67:5, 67:7, 67:14, 112:23, 117:9, 119:5, 119:25, 120:2, 120:3, 120:24, 121:1
stealth [1] - 2:10
Steckler [1] - 92:16
STECKLER [11] - 1:15, 92:13, 92:16, 93:2, 93:14, 93:17, 93:20, 94:6, 94:15, 95:9, 110:21
steep [1] - 50:12
stenographically [1] - 122:19
step [3] - 86:4, 90:10, 90:16
sticking [1] - 38:17
still [11] - 14:2, 16:14, 19:6, 20:1, 21:20, 35:11, 79:19, 79:20, 103:24, 111:19, 120:1
Stillwell [5] - 50:2, 53:19, 53:21, 53:22, 106:12
stop [2] - 66:20, 90:14
stopped [1] - 44:4
story [2] - 31:24, 32:12
stream [1] - 63:1
street [17] - 22:2, 31:15, 42:21, 44:3, 44:13, 46:24, 50:24, 56:9, 56:12, 56:17, 64:20, 68:7, 96:8, 99:24, 113:12, 113:18, 116:18
streets [2] - 68:12, 113:22
strength [3] - 15:5, 15:7, 15:9
studies [2] - 30:11, 30:13
study [1] - 33:1
stuff [3] - 51:15, 62:6, 68:11
stylish [1] - 117:12
subject [2] - 93:5, 99:8
submissions [1] - 121:13
submit [3] - 4:4, 69:7, 114:24
submitted [19] - 11:6, 11:11, 11:21, 11:22, 11:24, 12:2, 12:13, 12:19, 12:20, 12:24, 13:7, 28:16, 28:18, 30:24, 44:21, 82:3, 107:24, 117:11, 120:13
subscribers [1] - 8:23
subsidiaries [1] - 83:5
suggested [2] - 44:21, 97:10
suggestion [1] - 48:11
suggestions [1] - 43:9
suggests [1] - 75:16
sum [1] - 5:15
summarize [2] - 3:22, 30:10
summarizing [1] - 104:1
sump [11] - 22:7, 22:10, 47:7, 47:9, 47:18, 49:16, 53:18, 54:5, 97:17, 99:24, 112:7
supplement [2] - 13:3, 24:1
supplemental [7] - 19:3, 19:13, 20:8, 21:3, 21:9, 21:25, 22:15
support [1] - 91:12
supposed [2] - 22:20, 23:4
supposedly [1] - 98:20
surprise [1] - 65:12
surrounding [3] - 12:21, 53:9, 73:22
susceptible [1] - 108:10
swap [1] - 84:6
swapping [1] - 108:22
swing [1] - 50:20
switch [2] - 77:14, 109:5
switching [1] - 35:3
system [19] - 7:19, 25:7, 25:16, 25:18, 25:20, 25:22, 25:23, 26:10, 26:20, 29:22, 32:4, 79:24, 79:25, 80:9, 80:11, 84:7, 84:10, 84:13, 85:4
systems [2] - 2:7, 29:6

T

T-Mobile [3] - 83:10, 91:25
tandem [1] - 79:24
tapping [1] - 64:9
tariffs [1] - 90:1
tax [1] - 12:21
technical [3] - 14:24, 29:19, 56:10
technician [1] - 34:19
technique [1] - 36:12
techniques [1] - 36:10
technology [13] - 6:8, 26:19, 26:24, 27:6, 27:22, 29:8, 75:17, 91:19, 98:24, 104:22, 109:13, 110:8, 110:12
Telecom [1] - 31:1
Telecommunications [8] - 4:9, 4:23, 29:5, 30:1, 40:2, 70:17, 70:25, 82:15
telecommunications [10] - 6:13, 6:16, 7:5, 7:18, 28:2, 36:21, 39:17, 40:7, 82:6, 82:13
telephone [2] - 120:20, 120:25
temperature [6] - 41:13, 41:15, 41:25, 73:2, 73:19, 118:7
tenants [2] - 84:14, 84:16
term [4] - 26:1, 27:13, 56:13, 57:21
terminology [1] - 28:10
terms [14] - 13:25, 14:24, 17:13, 17:25, 33:14, 33:15, 51:15, 62:3, 62:4, 64:7, 88:23, 110:6, 118:7, 118:14
terrain [2] - 22:18, 78:4
terrible [1] - 58:17
test [3] - 15:1, 28:18, 116:19
tested [1] - 96:18
testimony [1] - 10:1
testing [6] - 14:23, 15:4, 18:16, 31:12, 33:20, 96:19
tests [3] - 30:12, 33:24, 34:3
text [1] - 62:23
THE [2] - 2:1, 19:23
theirs [1] - 58:13
theory [2] - 104:17, 107:2
therefore [1] - 28:2
they've [3] - 16:23, 113:12, 113:22
thinking [2] - 49:22, 116:20
third [1] - 30:25
third-party [1] - 30:25
threaten [1] - 7:6
three [14] - 3:19, 17:17, 27:11, 30:5, 30:25, 37:19, 91:7, 102:16, 102:21, 102:25, 103:1, 103:11, 103:12, 103:24
throughout [1] - 12:13
thrown [1] - 27:14
timeframes [1] - 89:22
today [2] - 47:22, 53:16
Todd [2] - 92:10, 92:16
TODD [1] - 1:15
tonight [6] - 2:11, 2:22, 25:3, 64:24, 98:7, 99:8
tonight's [2] - 8:5, 10:9
took [1] - 89:13
top [21] - 15:2, 17:8,

19:18, 23:10, 30:9, 31:5, 58:2, 65:6, 74:17, 76:4, 76:7, 82:11, 93:1, 104:14, 112:22, 113:3, 118:2, 118:19, 119:19, 119:21, 120:12
top-mount [1] - 119:21
topic [1] - 110:1
topography [1] - 78:1
total [3] - 37:21, 85:8, 105:9
tough [1] - 46:12
tougher [2] - 47:8, 59:14
toward [2] - 96:6, 112:7
towards [1] - 46:25
tower [12] - 26:21, 35:4, 75:8, 75:15, 75:20, 75:23, 76:13, 76:16, 79:11, 79:12, 104:18
towers [8] - 4:15, 4:19, 75:14, 76:25, 106:20, 107:15, 107:16, 108:9
town [3] - 50:3, 55:12, 109:6
Town [7] - 51:4, 51:6, 51:9, 55:18, 57:14, 65:7
traditionally [1] - 89:8
transcript [2] - 97:12, 122:17
transformer [1] - 47:10
transformers [1] - 58:21
transmission [1] - 34:25
travels [1] - 77:16
treated [1] - 93:9
treatment [1] - 36:19
tree [4] - 80:9, 116:5, 116:6, 116:7
treeline [1] - 54:5
trees [4] - 46:4, 48:5, 48:16, 77:18
trenching [1] - 35:24
trial [1] - 47:23
tried [3] - 46:20, 49:4, 117:9
truck [2] - 114:16, 114:17
trucks [2] - 73:8, 114:13
true [4] - 49:2, 59:6, 107:23, 122:17
Trust [2] - 81:3, 81:6
Trustee [12] - 1:8, 1:9, 1:9, 1:10, 1:10, 10:10, 42:2, 43:2, 45:14, 121:17, 121:22, 122:1
TRUSTEE [99] - 34:2, 35:6, 45:21, 46:2, 46:6, 49:6, 49:20, 51:18, 51:23, 52:9, 52:17, 53:15, 55:7, 55:13, 56:3, 56:7, 57:5, 57:15, 58:9, 58:16, 59:6, 59:10, 59:13, 59:22, 60:5, 60:12, 60:17, 60:21, 61:11, 62:4, 62:10, 62:16, 63:11, 63:16, 64:14, 64:21, 66:5, 66:11, 66:21, 67:4, 67:11, 67:23, 68:3, 68:17, 69:2, 69:15, 69:19, 70:3, 71:4, 72:2, 72:4, 72:11, 73:21, 74:9, 74:11, 74:15, 75:3, 75:10, 76:1, 77:3, 78:5, 79:23, 80:5, 80:14, 80:20, 80:22, 81:14, 81:22, 82:7, 82:16, 82:19, 82:25, 83:4, 83:7, 84:14, 84:20, 85:5, 85:7, 85:14, 86:21, 86:24, 87:17, 88:3, 88:13, 88:21, 89:4, 99:13, 102:14, 102:19, 102:24, 103:4, 120:17, 121:16, 121:21, 121:23, 121:25, 122:2, 122:4, 122:6
trustee [4] - 121:20, 121:24, 122:3, 122:5
Trustees [6] - 4:7, 9:9, 41:9, 69:1, 70:1, 82:24
TRUSTEES [1] - 1:1
try [4] - 3:22, 11:2, 14:6, 85:3
trying [11] - 3:18, 41:18, 41:23, 49:21, 60:23, 75:18, 76:24, 92:7, 93:25, 99:11, 120:4
Tsafos [1] - 122:3
TSAFOS [12] - 1:10, 56:3, 56:7, 80:22, 81:14, 81:22, 82:7, 82:16, 82:19, 82:25, 83:4, 122:4
turn [3] - 7:12, 95:10, 118:8
turning [1] - 2:1
turns [1] - 110:12
TV [1] - 117:1
Two [1] - 119:8
two [28] - 9:11, 14:18, 14:20, 27:10, 28:11, 28:13, 28:19, 42:16, 49:12, 60:12, 61:6, 69:23, 74:14, 74:15, 74:17, 75:4, 76:20, 89:20, 91:6, 92:18, 95:6, 95:23, 96:8, 103:12, 104:7, 105:8, 118:17, 119:2
two-something [1] - 103:12
type [7] - 19:5, 19:14, 29:8, 40:8, 91:7, 92:3, 92:6
types [5] - 5:2, 36:9, 40:21, 67:13, 113:5
typically [4] - 62:1, 62:5, 86:3, 102:17

U

U.S [1] - 4:24
ugly [1] - 95:24
umbrella [1] - 27:20
unaware [1] - 69:6
under [21] - 4:7, 16:6, 17:24, 27:20, 28:1, 29:4, 29:10, 29:12, 29:13, 32:19, 35:23, 38:6, 40:1, 70:15, 76:14, 82:7, 82:12, 82:14, 90:5, 98:22, 111:21
underground [12] - 13:11, 16:6, 23:5, 36:4, 39:13, 39:14, 39:18, 39:24, 40:9, 44:6, 105:15, 113:23
underneath [2] - 36:8, 113:17
understood [1] - 118:20
uneconomical [1] - 88:8
unencumbered [1] - 50:25
unfortunate [1] - 55:21
unit [3] - 53:5, 102:16, 119:24
units [3] - 30:13, 30:15, 52:25
unless [2] - 107:15, 108:25
unreasonably [1] - 5:17
up [35] - 3:14, 4:15, 9:11, 11:17, 12:8, 15:4, 16:9, 25:2, 26:11, 28:6, 35:7, 38:15, 39:1, 48:16, 50:8, 54:4, 58:11, 61:1, 66:22, 68:3, 77:10, 78:1, 83:16, 87:9, 88:18, 89:25, 92:15, 95:15, 96:1, 107:15, 112:5, 113:11, 117:5, 118:6
update [2] - 11:8, 12:16
upholding [1] - 4:20
Upper [3] - 78:14, 78:19, 78:23
usage [1] - 41:24
user [1] - 39:6
users [2] - 64:20, 84:13
uses [4] - 26:18, 64:4, 76:10, 77:1
utilities [10] - 13:11, 36:3, 36:14, 36:20, 39:16, 40:6, 40:8, 105:15, 105:18, 113:17
utility [18] - 2:9, 7:20, 19:7, 20:5, 22:2, 24:5, 39:10, 44:24, 58:15, 58:19, 58:23, 59:2, 59:21, 60:2, 60:3, 69:23, 105:9
utilized [8] - 20:6, 20:25, 21:17, 23:1, 23:2, 25:22, 64:15, 110:2

V

vacuum [2] - 51:16, 57:10
values [2] - 7:10, 115:4
van [1] - 15:2
variables [1] - 72:7
various [4] - 12:14, 36:20, 37:6, 63:3
vault [2] - 41:8, 68:23
vaults [1] - 41:2
vehicles [1] - 73:9
vent [1] - 40:19
vented [1] - 40:14
Verizon [18] - 27:7, 47:12, 50:24, 51:17, 57:9, 62:14, 63:9, 70:4, 70:7, 70:21, 84:2, 89:2, 91:23, 102:23, 105:6, 110:4, 110:5, 119:6
Verizon's [1] - 14:18
versus [2] - 102:6, 102:16
vertically [1] - 32:5
viable [1] - 24:11
vicinity [4] - 2:14, 2:15, 2:18, 2:19
video [1] - 63:1
view [5] - 43:11, 46:23, 47:17, 56:11, 106:7
VILLAGE [1] - 1:1
Village [48] - 1:13, 2:24, 6:18, 7:21, 8:9, 8:11, 8:23, 9:8, 13:2, 26:22, 26:23, 30:5, 32:16, 36:7, 39:20, 40:4, 55:5, 55:22, 55:25, 56:1, 56:15, 61:20, 61:25, 73:23, 74:22, 75:9, 75:20, 76:6, 76:8, 76:11, 76:22, 77:4, 78:13, 78:17, 79:1, 79:13, 79:15, 79:21, 85:8, 86:3, 86:12, 90:11, 92:17, 105:14, 111:1, 120:15
Village's [5] - 7:7, 8:19, 13:22, 36:11, 73:24
Villages [4] - 74:20, 78:12, 78:21, 113:6
violated [1] - 94:10
violation [1] - 111:10
virtually [1] - 74:25
visible [5] - 17:12, 20:10, 53:18, 69:24, 100:3
visitors [1] - 7:8
visits [1] - 11:10
visual [5] - 6:9, 6:15, 12:2, 12:5, 23:17
visually [1] - 20:3
voice [5] - 27:4, 27:24, 27:25, 28:5, 52:14
voice-over [1] - 28:5
volt [1] - 40:18
VoLTE [2] - 27:5, 28:3
VoLTEs [1] - 68:5

W

wait [3] - 19:23, 98:20, 100:3

waiver [1] - 36:17
walking [2] - 45:18, 68:7
walls [1] - 46:17
wants [2] - 4:4, 25:20
watch [1] - 117:2
water [5] - 40:20, 46:22, 47:1, 77:8, 77:16
Water [1] - 46:19
water's [1] - 85:18
wavelength [1] - 107:11
waves [1] - 108:8
ways [3] - 16:16, 60:9, 60:11
website [3] - 8:19, 8:23, 41:1
week [2] - 53:16, 101:16
welcome [1] - 10:17
welfare [2] - 7:7, 7:9
West [2] - 69:8, 69:20
west [1] - 52:1
Westbury [5] - 75:19, 79:4, 79:5, 79:8, 79:15
Westbury's [1] - 79:10
western [1] - 44:2
whole [5] - 43:3, 47:9, 79:25, 80:8, 109:14
wide [3] - 43:16, 107:20, 119:15
wide-length [1] - 107:20
wife [1] - 99:22
WIFI [7] - 64:1, 64:2, 64:6, 64:7, 64:8, 64:11, 65:14
Wildwood [4] - 2:16, 10:14, 20:7, 45:7
willing [3] - 33:4, 35:23, 86:9
window [5] - 32:12, 42:21, 43:12, 48:3, 101:1
wipe [1] - 80:14
Wireless [2] - 1:15, 4:9
wireless [20] - 5:9, 6:13, 6:15, 7:4, 7:17, 13:22, 28:1, 37:5, 37:23, 38:9, 38:10, 38:13, 39:16, 41:3, 63:15, 86:18, 89:23, 90:1, 90:20, 91:23
wirelessly [2] - 62:20, 63:4
wires [6] - 16:5, 23:3, 35:21, 40:10, 58:20
wise [1] - 71:10
wishes [1] - 110:3
wondering [2] - 70:11, 117:22
wood [15] - 2:10, 19:3, 36:14, 44:2, 44:3, 44:4, 44:8, 50:16, 57:22, 57:23, 67:7, 67:8, 69:9, 113:9, 121:3
Woodbury [2] - 74:3, 74:5
wooded [7] - 23:15, 43:10, 44:16, 53:20, 54:1, 96:9
wooden [1] - 118:18
woods [1] - 43:4
word [1] - 90:19
words [3] - 78:5, 83:13, 87:11
worry [1] - 96:15
worrying [1] - 116:10
worse [2] - 58:1, 100:21
worst [2] - 32:7, 72:9
worth [1] - 117:1
writing [2] - 4:5, 121:14
written [1] - 121:14
wrote [1] - 36:5

Y

yard [1] - 101:4
yards [2] - 43:1, 104:13
year [2] - 34:3, 109:5
years [10] - 4:6, 13:24, 25:21, 26:1, 70:5, 89:19, 95:4, 95:19, 114:14, 116:15
York [6] - 1:5, 11:14, 54:19, 82:2, 82:7, 89:12
young [1] - 116:14

Z

zone [1] - 31:7
zoning [2] - 81:9, 81:11
Zoning [1] - 6:1