

1 (indiscernible) power lines under the road. Can you
2 opine as to with this right-of-way debate, is there
3 any concern or question about whether or not the
4 actual utility company, power company, would install
5 those lines if there's an open question as to the
6 right-of-way easement?

7 MR. CAMPANELLI: Okay, it's kind of a few
8 things mixed together, but I'm happy to address it.

9 Utilities have -- typically have easements
10 and rights-of-ways to install public utilities, okay.

11 Wireless companies, although they have been
12 recognized as public utilities by the New York State
13 Public Service Commission, they are critically
14 different than normal public utilities. And this
15 actually affects the question that this gentleman
16 asked earlier, and that is unlike normal public
17 utilities, you typically with those have a single
18 infrastructure. You have one infrastructure in the
19 old days for utility poles and phone lines, right?
20 You have one infrastructure for collecting sewage,
21 one for distributing water. Unlike that, under the
22 Telecommunications Act, even if for argument's sake
23 AT&T comes in and they saturate the area --

24 MR. KEELEY: For the electric, though.

25 MR. CAMPANELLI: -- they put cell towers

1 everywhere, Verizon then has the right to come in and
2 duplicate that, so you get multiple towers.

3 As far as the electrical --

4 CHAIRMAN RICE: I don't think they do have
5 that right.

6 MR. CAMPANELLI: Absolutely have that right.

7 CHAIRMAN RICE: I don't think they have to
8 co-locate under our code.

9 MR. CAMPANELLI: You can ask them -- you can
10 set up a preference saying that we want -- we have a
11 list of priorities. First thing is if you want to
12 put up a tower, you have to first see if you can co-
13 locate. And if you can't reasonably co-locate, then
14 you have to be able to put it elsewhere.

15 CHAIRMAN RICE: I think you're exaggerating.

16 MR. CAMPANELLI: Well, let's say for
17 argument's sake AT&T has towers and there's no space
18 for the towers from Verizon --

19 CHAIRMAN RICE: The Board has been through a
20 lot over the last six months, so we're not completely
21 unaware of what we're doing.

22 MR. CAMPANELLI: Okay. So the power
23 companies can run power lines only to the extent that
24 they have legal easements over the properties.

25 If you look at your deeds for your

1 properties, you're going to see these easements or
2 the deeds that precede them.

3 MR. KEELEY: It's not a concern.

4 CHAIRMAN RICE: Okay. Andrew, thank you
5 very much. It was a great presentation. You have
6 some things for us?

7 MR. GAUDIOSO: Mr. Chairman, can I just have
8 a couple responses because there were some statements
9 that we made, some misleading submissions.

10 CHAIRMAN RICE: Can you make it short? We
11 still have to get to --

12 MR. GAUDIOSO: Yeah, I'll make it real
13 short. Number one, we're on Nelsonville tonight.

14 CHAIRMAN RICE: Yes.

15 MR. GAUDIOSO: Number two, Mr. Gaynor was at
16 the balloon test. I'd just like his opinion whether
17 we withheld any photographs that were asked of us or
18 did we submit every photograph that was taken for
19 every location that was asked of us.

20 MR. CAMPANELLI: I didn't say you withheld
21 photographs. I said the visual impact analysis
22 omitted photographs.

23 MR. GAUDIOSO: I'm not talking to you right
24 now. I'm talking to Mr. Gaynor.

25 Did we submit every photograph that was

1 asked from us from every location?

2 MR. GAYNOR: That's correct.

3 MR. GAUDIOSO: Okay, thank you.

4 And secondly, there is no requirement in the
5 code for a setback from the compound or the fence.
6 In any event, the statement that we have a leased
7 area of only an x number of square feet, that's a
8 false assumption. I never said we're leasing the
9 space.

10 Secondly, we're not proposing a 150-foot
11 tower that was stated as far as the ice wall issue.

12 Thirdly, which I think is very important, we
13 did submit the drop-call data and that I mentioned
14 before. Even at the 700 megahertz frequency range,
15 we're well over 15 percent in dropped calls.

16 And I applaud Chairman Marino for his
17 anecdotal information. That's been consistent with
18 what other Board members have said on the record at
19 other meetings. And I think that's important.

20 And finally, as far as the utilities, we
21 have a right of way. It's been submitted. It's been
22 shown, whether we're able to bring utilities in,
23 whether the -- you know, the thought is, I mean, just
24 think about it. We have a parcel. We have an
25 easement. Whether it's a cell tower or a house,

1 utilities are going to that property. Thank you.

2 CHAIRMAN RICE: All right, thanks. Who's
3 next that would like to speak? I know we have --

4 MS. MINNERS: Matthew Bowen.

5 MR. BOWEN: Yes.

6 CHAIRMAN RICE: Thank you.

7 MR. BOWEN: Thank you. Is this a good spot?

8 CHAIRMAN RICE: Yeah, it's a good spot.

9 MR. BOWEN: Great. My name is Matthew
10 Bowen. I'm a resident of Beacon, and my daughter
11 attends a school here, the Manitou School here in the
12 Cold Spring area, which, you know, we do find these
13 lines between Nelsonville and Cold Spring, and
14 they're fine lines.

15 The quest of my communication, though, I'll
16 get to. I certainly don't envy the Zoning Board and
17 the Planning Board for the decisions you have to
18 make. It's obviously not going to be a win-win all
19 over the place. My past experience as an honorably
20 discharged veteran in the realm of electronic
21 warfare, frequency mastery and such, and a 25-year IT
22 veteran and currently practicing information
23 technology, when I see my daughter having to -- with
24 the idea of spending, you know, maybe one-fifth of
25 her life right next door to a cell phone tower and

1 attending school and such right next to where this
2 tower would go, I get serious considerations of
3 whether or not I want my daughter to attend that
4 school, serious consideration.

5 I don't know what the, you know, looking at
6 taxes and revenues and things of that nature for
7 these villages and the likes thereof, and I think the
8 Manitou School does provide a fairly decent benefit
9 to the area here both employment-wise, tax-wise, and
10 certainly provides what I consider to be a superior
11 location for my child. If this tower were to be
12 erected there, I have serious consideration of
13 withdrawing my daughter. There are loads of other
14 public schools and certain -- I mean, private schools
15 and certainly a public school with which is in her,
16 you know, neighborhood and such.

17 So, yeah, all things considered, I don't
18 envy you at all for having to try to weigh these
19 things out, you know. You come from various walks of
20 life. You don't have the expertise in some of these
21 very finite areas of engineering and a boatload of
22 other avenues there, but it is a difficult process,
23 but this idea of -- I think maybe Exhibit J comes to
24 mind of the alternate sites which I haven't looked at
25 and I've heard some mention of some of the reasons

1 why some of these sites might not work aqueduct
2 underline and various other factors, that these
3 alternate site are to be looked at -- and, again, I
4 don't know how you weight that out sitting over here
5 on the Planning Board, Zoning Board avenue
6 (indiscernible) being an applicant where, you know,
7 they're not Verizon. They're not AT&T. They, you
8 know, and I would not presuppose how these avenues
9 look from that line of business activity where they
10 erect things and lease out portions of space and
11 such, but --

12 Thank you for the opportunity to speak, and
13 I wish you the best in serving the community.

14 CHAIRMAN RICE: Thank you. Thanks for
15 coming all the way down and --

16 (APPLAUSE)

17 CHAIRMAN RICE: Pauline.

18 MS. MINNERS: Phillipstown Cell Solutions
19 Group.

20 CHAIRMAN RICE: How are you?

21 MR. BIAFORE: Good evening.

22 CHAIRMAN RICE: Okay, you sent a new report
23 this evening. We have part of it and we -- are you
24 going to speak to that?

25 MR. BIAFORE: Yes, Mr. Chairman. I should

1 begin by apologizing. I'm a little under the
2 weather. I'll do my best to make this -- I'll get
3 through it, but --

4 CHAIRMAN RICE: Okay.

5 MR. BIAFORE: -- if I have a cough
6 (indiscernible), please forgive me.

7 My name is Jason Biafore. I'm speaking
8 tonight on behalf of the Phillipstown Cell Solutions
9 Group. I'm a member of that group. I want it to be
10 clear for the record because I thought that last time
11 perhaps there maybe was an impression that I was an
12 attorney representing the group. I'm a member of the
13 group --

14 CHAIRMAN RICE: Right.

15 MR. BIAFORE: -- they're not my client, just
16 to be clear. But again, PCS wants to thank both
17 Boards for your high degree of professionalism,
18 courtesy that you've shown to all parties. We've
19 been doing our best to review the Applicant's
20 submissions along with you. I can assure you of
21 that, but of course, you have that added burden of
22 being the decision-maker here. We just hope that our
23 submissions have prepared -- that we've prepared will
24 help guide you in that decision even if some of our
25 submissions are as long and tedious to weigh through

1 as the Applicant's. But we do sincerely thank you
2 for all your efforts in doing all you can to ensure a
3 fair and open process in this proceeding.

4 I am a local resident. I live off of
5 (indiscernible) in close proximity to Peekskill Road.
6 The way my house is angled is that it faces the cell
7 tower location. The length of my house faces that --
8 the proposed site. I will have a view of that cell
9 tower. It will affect my view. I know that ridge
10 line very well, and I know precisely between which
11 trees. I'll see that looking out, and I don't want
12 to see it. I don't, because that will have a
13 negative impact on my property. And as others have
14 said here, one of the reasons that my family chose to
15 move to this area was for the beauty, the natural
16 beauty, to escape the rat race. That's part of it.
17 So this will have a negative visual impact on me
18 personally. And I say that because I urge everyone
19 else here who will have that same experience to step
20 forward and voice that concern because it's
21 important.

22 And also, we're not doing this on a whim.
23 We're not opposing this for fun. Obviously, this is
24 a deeply held conviction among our group that this
25 particular application is wrong for this area. It is

1 not the right location. It's not the right design,
2 and we urge you to deny this application based, in
3 large part, on the substantial evidence that we've
4 submitted in support of our opposition.

5 (APPLAUSE)

6 And we hope that in hearing the voices
7 tonight you'll look at, collectively, the negative
8 impact that this proposed tower would have on our
9 community.

10 And in that spirit, I know a number of our
11 group will speak tonight as well on some of the
12 various issues that we've been working on in our
13 submissions to help you make your decision.

14 We do also have some expert testimony to
15 follow. We hope that you'll give that consideration
16 the full weight.

17 Now, part of the submission that we
18 submitted today included a letter that I drafted in
19 response to correspondence that counsel for Homeland
20 and Verizon submitted I believe on December 27th, if
21 I'm not mistaken, and also counsel for Cuddy & Feder
22 representing AT&T on December 28th.

23 And also, part of the -- my comments tonight
24 are in response to the email that we received from
25 the Board on December 22nd, which was in response to

1 our initial opposition statement, and I just want to
2 touch on that briefly. And this goes to the balloon
3 test. We kind of skipped over this in the last
4 submission, and I saw that in the response there was
5 an explanation for our concern with the way the
6 balloon test was conducted by the Applicant.

7 The code is clear in its requirement for
8 public notice. I submit that it's a due process
9 issue. It's for the benefit of the community.

10 Now, I know the email -- and I wasn't at
11 that workshop in October, whenever it was, when,
12 apparently, in my submission, an unlawful side
13 agreement was entered into between the Applicant and
14 the neighbors.

15 The Applicant has been through these types
16 of applications countless times. Anything that they
17 can do to minimize exposure of this application, to
18 minimize the public's awareness of it, is only going
19 to suit their aims. That's why this -- I'm sure they
20 were all too happy to enter into an agreement with
21 neighbors. Sure, you know, we'll just -- I don't
22 even know the arrangement that was made with respect
23 to putting it --

24 MR. GAUDIOSO: Mr. Chairman, that's really
25 unfair. I have to interrupt.

1 (MULTIPLE SPEAKERS)

2 MR. BIAFORE: You'll have your chance.

3 MR. GAUDIOSO: That's completely unfair.

4 MR. BIAFORE: You'll have your chance,

5 Counsel.

6 CHAIRMAN RICE: The email you're speaking to
7 is the email I wrote to Jason explaining the
8 circumstances of how that balloon test arrangement
9 was made. You're objecting to it was made before the
10 Secore site was involved. It was very few people
11 that came to the meetings. It was still held in the
12 old Nelsonville Village Hall because -- well, where,
13 and correct me if I'm wrong. What I'm saying to you,
14 though, is I wrote you that email to clarify --

15 MR. BIAFORE: Yes.

16 CHAIRMAN RICE: -- we very much disagree the
17 way you're characterized it. You can talk about it
18 in a legal way, the neighbors at that meeting asked
19 us to show some flexibility on when the balloon test
20 could be. Again, the Board was under the shock
21 clock. We felt we needed to get this done. We set a
22 date for it. We said in case it rains or there's
23 wind, let's move it to a Saturday, and the neighbors
24 at that time, the same opposition group, said "We
25 will let everybody know via social media that this

1 balloon test date has changed.

2 MR. BIAFORE: I understand.

3 CHAIRMAN RICE: Now, you weren't there, but
4 it was -- there's no (indiscernible). There's
5 nothing underhanded about it.

6 MR. BIAFORE: That's not --

7 CHAIRMAN RICE: And I wouldn't, I mean, we
8 were working with the Applicant. We have worked with
9 the Applicant.

10 MR. BIAFORE: I understand.

11 CHAIRMAN RICE: So there's nothing unusual
12 about it. That's why I wrote you the email that
13 explained step by step how it happened.

14 MR. BIAFORE: And I understand that, Mr.
15 Chairman.

16 CHAIRMAN RICE: Yeah.

17 MR. BIAFORE: With all respect --

18 CHAIRMAN RICE: Right.

19 MR. BIAFORE: -- this is not a critique of
20 your efforts to accommodate the Applicant.

21 CHAIRMAN RICE: We were accommodating the
22 neighbors more, the opposition.

23 MR. BIAFORE: With all due respect, Mr.
24 Chairman, and believe me, I in no way mean to cast a
25 shadow on your efforts in this proceeding at all

1 whatsoever. Let me make that clear.

2 CHAIRMAN RICE: No, you know,
3 (indiscernible).

4 MR. BIAFORE: But what I also need to make
5 clear, and this is an important point for the record,
6 for the record, an agreement with the neighbors,
7 accommodating the neighbors is not what the code
8 requires. The code requires public notice --

9 CHAIRMAN RICE: It was a public notice as
10 I've explained to you.

11 MR. BIAFORE: -- for the community, not as
12 required by the code. No later than 14 days prior,
13 no earlier than seven days or however. There needed
14 to be at least one or two publications in the Village
15 newspapers. That's required under the code.

16 CHAIRMAN RICE: It was published, right,
17 Pauline?

18 MS. MINNERS: It was in the paper, yes.

19 MR. BIAFORE: Yeah, three days before and
20 then the one with the wrong date.

21 The reason that this is important, and I'll
22 -- if you recall --

23 CHAIRMAN RICE: No one was particularly
24 interested at that time.

25 MR. BIAFORE: That's irrelevant, Mr.

1 Chairman.

2 CHAIRMAN RICE: It was published, yes. No,
3 I hear you.

4 MR. BIAFORE: With all respect, it's what
5 the code requires.

6 (MULTIPLE SPEAKERS)

7 MR. BIAFORE: Hear me out on this point.

8 CHAIRMAN RICE: Right.

9 MR. BIAFORE: We're getting lost here and I
10 don't mean to be antagonistic. Counsel knows this
11 code inside and out, upside down, backwards.

12 CHAIRMAN RICE: Right.

13 MR. BIAFORE: He knows what is required. We
14 hear from him all the time, "Your code says actual
15 need, not significant gap."

16 CHAIRMAN RICE: Right.

17 MR. BIAFORE: He knows it inside and out.
18 He knows that public notice is required. He knows
19 that if he can have something other than what's
20 required --

21 MR. GAUDIOSO: Mr. Chairman, I object. I
22 don't know how counsel can stand here and testify to
23 the Board --

24 MR. BIAFORE: The community
25 (indiscernible) --

1 MR. GAUDIOSO: -- what I know and what's in
2 my head and what my intentions are.

3 MR. BIAFORE: All right, I'll move on.

4 MR. GAUDIOSO: It's ridiculous.

5 CHAIRMAN RICE: Okay. Let's move beyond
6 this point because I've made an explanation to you.
7 There's nothing to be gained by talking about this.
8 You can talk about it --

9 MR. BIAFORE: Well, yes, there is, because
10 the visual impact assessment is defective. That's
11 what's (indiscernible). It's defective.

12 CHAIRMAN RICE: Okay. All right. Next
13 point. Let's keep moving.

14 MR. BIAFORE: The last thing I'll say on
15 this is that one of the chief complaints on that
16 November 15th hearing was that, "Hey, what balloon
17 test? Never saw it. Never knew about it." And I --
18 that was not from me, from -- those were public
19 concerns, but --

20 CHAIRMAN RICE: Right.

21 MR. BIAFORE: -- I won't say anymore on it
22 other than the public notice requirement was not
23 followed.

24 CHAIRMAN RICE: Okay.

25 MR. BIAFORE: And I do apologize if I'm

1 offending anyone. I don't mean to.

2 CHAIRMAN RICE: No, you're not offending. I
3 just want to let -- we wanted to give you a logical
4 explanation why that happened. We believe it was --
5 and maybe it wasn't 14 days, so I can't tell you.

6 MR. BIAFORE: I think it's an important
7 point.

8 CHAIRMAN RICE: Okay. Next. What do we
9 have?

10 MR. BIAFORE: Well, this has been touched
11 on. I'll just mention it briefly. Counsel has said
12 repeatedly in the materials that there is a
13 significant gap, but that the code doesn't require
14 that.

15 CHAIRMAN RICE: Correct.

16 MR. BIAFORE: In my submission today you'll
17 see that in a recent Second Circuit decision, I
18 believe it's East Fishkill, the town there has a very
19 similar code requirement of actual need, visual
20 impact, reduced insignificance. It's nearly
21 identical in many respects. And in that case, the
22 Board applied a significant gap analysis, if you
23 will, in trying to determine whether there was an
24 actual need.

25 And I believe in Cuddy & Feder's

1 correspondence, they say, "Well, the court just said
2 that the Board couldn't do that." That's not what
3 the court said at all. The court looked at that
4 analysis and denied -- sorry, did not uphold the
5 Board's denial, not because they chose to look at it
6 in terms of is there a significant gap, but the
7 reasons that they gave in support of that analysis
8 did not amount to substantial evidence. And that's a
9 key distinction.

10 Also very quickly, the public utility
11 standard in New York is one off necessity for need,
12 and they apply test of a gap as well, so there's
13 legal precedent for looking at it in that context.

14 And if we look at that requirement in the
15 code for a moment, actual need, as we heard earlier
16 tonight, and we've heard from Mr. Grafe, I believe,
17 in his own December 9th letter, he talks about the
18 need for offloading of peak web traffic, et etcetera.
19 This, to make no mistake, is not a cell phone tower
20 as we commonly understand it. It's a data tower. It
21 has designed future capacity as part of its key
22 design as it's been proposed. So this --

23 CHAIRMAN RICE: And that's an important
24 point if that's true because future capacity is not
25 (indiscernible).

1 MR. BIAFORE: Exactly. Exactly.

2 CHAIRMAN RICE: But you're basing that on
3 what, on --

4 MR. BIAFORE: Well, in part, on Mr. Grafe's
5 own correspondence December 9th where he says that
6 the one frequency band, I believe, the 2,100 or 23,
7 whichever it is, the higher one, we'll be there to
8 accept offloading of peak web browsing traffic.

9 Now, I would submit there's not been any
10 data, no substantial evidence whatsoever submitted by
11 the Applicant that shows if, when, how this peak web-
12 browsing traffic occurs. So where is this need?
13 This is a future need, speculative need for the past
14 additional capacity. That's what this is all about.

15 CHAIRMAN RICE: Okay. Anything else, Jason?

16 MR. BIAFORE: Well, I didn't want to get too
17 much into the information services personal wireless
18 services.

19 MR. MARINO: Is that all in the report? If
20 you can basically summarize -- it's getting a little
21 late --

22 MR. BIAFORE: I understand.

23 MR. MARINO: -- and other people still want
24 to speak.

25 MR. BIAFORE: I understand.

1 MR. MARINO: I just don't want to be
2 redundant. If it's already in the report -- we are
3 going to read -- believe me, we're reading everything
4 and we're going to go through everything.

5 MR. BIAFORE: It's in the email that I sent,
6 you know, to summarize it. I would say that counsel
7 has not come forward with any legal authority
8 whatsoever to indicate that his tower is not an
9 information services facility not covered by the
10 Telecommunications Act.

11 This is what we touched on the first time --

12 CHAIRMAN RICE: Right.

13 MR. BIAFORE: -- and I'll admit I wasn't
14 sure myself until I did additional digging and
15 research on this. The V-O-L-T-E, however you
16 pronounce it, Volte, the LTE technology has been
17 ruled by courts not to be a personal wireless service
18 subject to the Telecommunications Act.

19 In addition, AT&T themselves, one of the
20 applicants in this application made a submission, and
21 you've included it as an exhibit to our report today,
22 include -- made a submission to the FCC in 2015
23 arguing, in fact, that voice-over LTE is an
24 information service that should not be regulated as a
25 common carrier service.

1 CHAIRMAN RICE: I think I saw that in your
2 -- yes. Okay.

3 MR. BIAFORE: And that is important to look
4 at that very closely.

5 CHAIRMAN RICE: Right.

6 MR. BIAFORE: So there are other issues here
7 I suppose, but I will just --

8 CHAIRMAN RICE: I think to (indiscernible)
9 we will -- Jason, I'm sorry you're not
10 (indiscernible), but we appreciate --

11 MR. BIAFORE: All right. Thank you.

12 CHAIRMAN RICE: -- all the work you've done.
13 I know you've done a lot of work.

14 (APPLAUSE)

15 CHAIRMAN RICE: One more last --

16 MR. BIAFORE: (Drops something on the floor)
17 I'm actually glad that I dropped this because I would
18 have totally forgot.

19 CHAIRMAN RICE: Oh. Wait a second.

20 MR. BIAFORE: This is a publicly
21 accessible --

22 CHAIRMAN RICE: Okay. That's for the Board?

23 MR. BIAFORE: Yes, and for counsel. This
24 shows that according to Homeland, that they think
25 that they already have the tower in Rockledge. It's

1 noted on this site. It's filed as of April of --

2 CHAIRMAN RICE: Did they build it overnight?

3 We don't know about --

4 MR. BIAFORE: I don't know, but if you go
5 online and look for it, it's there, and it's been
6 there since April of 2017, a whole two months prior
7 to this application.

8 MR. KEELEY: And that filing number is the
9 FAA filing, I believe, that --

10 MR. BIAFORE: Probably.

11 MR. KEELEY: -- was submitted where they had
12 to put up the -- do the test to see whether they
13 needed FAA (indiscernible).

14 MR. BIAFORE: Probably. But you'll note
15 that it says 131 feet, and I think that's key because
16 that speaks to what their intention is with this
17 town.

18 CHAIRMAN RICE: We have talked about that.
19 That is worrisome. FCC allows you to do that.
20 Andrew, is that --

21 MR. GAUDIOSO: And let me perfectly clear
22 about this. What Mr. Campanelli testified to was
23 factually inaccurate. It's not 25 feet, number one.
24 There's six different criteria, and those statements
25 were just factually inaccurate.

1 CHAIRMAN RICE: We've looked at it before.
2 It's not the first time we've heard of that.

3 MS. BRANAGAN: I heard it was 20 percent
4 higher --

5 CHAIRMAN RICE: 20 percent?

6 MS. BRANAGAN: -- that you can go 20 percent
7 higher.

8 MR. GAUDIOSO: No, that's incorrect.

9 CHAIRMAN RICE: Okay.

10 MS. BRANAGAN: So we're --

11 MR. CAMPANELLI: I can provide the decision
12 from the FCC that lays out exactly what I'm saying.

13 CHAIRMAN RICE: Yeah. That would be better.

14 MR. CAMPANELLI: Two things I would
15 recommend. First of all, there's an easy way to
16 resolve this issue. If the "Applicant is willing to
17 say it's going to be 110 feet, boards will often say
18 "Would you be willing to stipulate to a covenant
19 running with the decision that you will not apply
20 for --

21 CHAIRMAN RICE: We're aware of our rights to
22 do that.

23 MS. BRANAGAN: Yeah.

24 MR. CAMPANELLI: And if they say no, also
25 look at the base of the tower structure. If it was

1 originally designed at 140, the base of the tower is
2 designed to hold 140. If it's not (indiscernible)
3 when they change it to 110, it's still designed to
4 accommodate a 140-foot tower.

5 CHAIRMAN RICE: Okay. Well, thank you for
6 that (indiscernible).

7 MR. BIAFORE: The last thing I'd say is that
8 I believe that this is a better-ask-for-forgiveness
9 scenario than ask for permission. That's what my
10 final (indiscernible).

11 CHAIRMAN RICE: Okay, thank you.

12 (APPLAUSE)

13 MR. GAUDIOSO: Whoa, whoa, Mr. Chairman, we
14 have a response to that. If that means that somehow
15 by this document that we were somehow doing --

16 CHAIRMAN RICE: Presumptuous?

17 MR. GAUDIOSO: -- something that was
18 illegal, that's completely inaccurate, number one.

19 MR. BIAFORE: I didn't say that.

20 MR. GAUDIOSO: I don't understand the
21 comment then, ask for forgiveness rather than gain
22 permission.

23 MR. BIAFORE: I think it speaks for itself,
24 Counsel.

25 MR. GAUDIOSO: I'm sorry?

1 MR. BIAFORE: I think it speaks for itself,
2 and it's not implying anything illegal.

3 MR. VICENTE: He needs to speak for himself.

4 CHAIRMAN RICE: Well, we got to move on.

5 MR. MARINO: Let's focus --

6 (MULTIPLE SPEAKERS)

7 CHAIRMAN RICE: Now hold on one second.
8 Who's next?

9 MS. MINNERS: Well, I guess they want more
10 of the PCS Group.

11 CHAIRMAN RICE: Okay. And we're going to
12 limit your time. We can't -- are you telling us
13 anything new? Let's limit it to five minutes.

14 MS. RIGOSKI (phonetic): All right. Good
15 evening.

16 CHAIRMAN RICE: And who are you, ma'am?

17 MS. RIGOSKI: Yeah, my name is Deb Rigoski,
18 and I'm a resident of Nelsonville, and I'm also a
19 member of PCS, so thank you for the opportunity to
20 speak tonight, and I will try to be as brief as
21 possible.

22 CHAIRMAN RICE: Yeas, thank you.

23 MS. RIGOSKI: Sorry?

24 CHAIRMAN RICE: Yes. We concur.

25 MS. RIGOSKI: Our Village code required

1 review boards to consider visual impact to ensure
2 that a proposed tower "will not have a significant
3 adverse impact on scenic or historic resources." And
4 as the lead agency overseeing the State Environmental
5 Quality Review, or SEQRA, the ZBA is similarly tasked
6 with determining if the project will impact community
7 character, esthetic historic and environmental
8 resources, among other considerations.

9 So I'd like to highlight just a few of the
10 New York State Department of Environmental
11 Conservation Guidelines for SEQRA to demonstrate how
12 useful they are in assessing this current
13 application. And this is something we discussed at
14 length in the report that we submitted today.

15 CHAIRMAN RICE: Okay. Now, the Board is
16 quite aware of the SEQRA requirements, so can you hit
17 a couple of them, the ones that you think are the
18 most important.

19 MS. RIGOSKI: I just want to finish. It
20 will just take a few minutes.

21 CHAIRMAN RICE: Not too many minutes.

22 MS. RIGOSKI: When the lead agency makes its
23 (indiscernible) assessment, the DEC instructs it to
24 give careful attention to any impact on a designated
25 or inventory resource, and I quote from the DEC, "The

1 cornerstone of the DEC guidance document is its
2 inventory of esthetic resources of statewide or
3 national significance. The scenic and esthetic
4 resources identified in the guidance have all been
5 protected by law or regulation and are, therefore,
6 special places that the public has deemed worthy of
7 protection due to the apparent esthetic value
8 associated with the resource."

9 So we know the Village of Nelsonville in its
10 entirety is nestled in one of the few New York State
11 designated scenic areas of statewide significance.
12 So it's an inherent esthetic value that's been well
13 established.

14 So how does the DEC advise reviewers to
15 assess impact? The DEC instructs the lead agency to
16 consider, and I quote, "Has the value of the esthetic
17 resources been established by designation? For
18 example, state park, a designated and scenic vista, a
19 designated open space. How many people could observe
20 the potential impacts? Depending on the project, the
21 lead agency will need to know, for example, whether
22 the resource is designated as important. Is it
23 viewed by thousands of people annually when they use
24 the resource, for example, a park, or if the
25 potential impact is adjacent to that resource?"

1 Now, how does the DEC understand moderate to
2 large impact to designated resources? The DEC
3 considers the potential for moderate to large impact
4 when, and I quote from the DEC, "the project will be
5 visible and is in sharp contrast to surrounding land
6 uses by virtue of its scale, dimension, color or
7 height. The project is not in sharp contrast to
8 existing and uses in the area if it's very visible.
9 The project will obstruct or partially obstruct
10 publicly accessible views of the scenic resource.
11 The project is situated so it changes the visual
12 aspect of the scenic resource. And finally, it
13 reasons that any project activity that changes the
14 views from or to a scenic resource could potentially
15 have adverse impacts."

16 So no objective observer would claim that a
17 synthetic fir tree protruding dozens of feet above
18 the natural tree line is a solution that reduces the
19 visibility of an object to insignificant levels as
20 required in our Village code.

21 The clear difference in scale in addition to
22 the contrast that would result from the monopine's
23 placement among deciduous trees with extended leaf
24 (indiscernible) creates significant adverse visual
25 impact on a state-designated scenic resource which,

1 to quote the DEC, "the public has deemed worthy of
2 protection."

3 Thank you.

4 (APPLAUSE)

5 CHAIRMAN RICE: Thank you. Pauline, who do
6 we have next?

7 MS. MINNERS: Well, I think the --

8 CHAIRMAN RICE: Again, we've --

9 MS. MINNERS: -- PCS Group wants to all talk
10 before, I mean --

11 CHAIRMAN RICE: We've heard from you guys
12 many, many times, but if you can keep your --

13 FEMALE SPEAKER: I would submit that we're
14 citizens and we get to (indiscernible).

15 FEMALE SPEAKER: Yes.

16 (APPLAUSE)

17 FEMALE SPEAKER: I would like to make a
18 comment.

19 MR. MARINO: This is the third time we've
20 had this three- to four- to five-hour meeting. If
21 you have something new, we're more than happy to hear
22 it. If it's repetitive --

23 FEMALE SPEAKER: We want to hear this. This
24 is our meeting. You gave him 40 minutes.

25 (MULTIPLE SPEAKERS)

1 MR. MARINO: He's the applicant. It's
2 really -- it's our meeting. It's not your meeting.

3 MS. CLEMENTS: It's actually a board
4 meeting.

5 MALE SPEAKER: You work for us.

6 MR. MARINO: Excuse me.

7 MS. CLEMENTS: It's volunteer.

8 MR. MARINO: But anyway -- all right.

9 (MULTIPLE SPEAKERS)

10 CHAIRMAN RICE: Let's get back to order here
11 right now.

12 MS. MINNERS: Let's go in order then.

13 CHAIRMAN RICE: Let's go in order. Who's
14 next?

15 MS. MINNERS: Al --

16 CHAIRMAN RICE: And keep it to the point.
17 That's the point we're making.

18 MS. CLEMENTS: Just to clarify the point.

19 FEMALE SPEAKER: He's repeating himself.

20 MS. CLEMENTS: Wait, wait. I would -- I
21 just -- I think the point that we want to make, so
22 right now, you know, tempers are short. We've read a
23 lot of things -- I think one of the things that is
24 important for the public to keep in mind is we are
25 reading all of these things. We are hearing all of

1 these things. And what we're asking for is an
2 exchange for the -- for our volunteer service to the
3 community to respect our time as well by providing us
4 with new or different information and to accept the
5 fact that we are reading and taking in everything
6 that you all are saying. It's not that we don't
7 care, we also -- it's trying to be somewhat
8 protective as well of our time and for you all to
9 know that we are reading and seeing these things. It
10 is somewhat frustrating because it's the same thing
11 over and over again.

12 FEMALE SPEAKER: Thank you for all you do.

13 MALE SPEAKER: Yeah, thank you.

14 (APPLAUSE)

15 CHAIRMAN RICE: All right. (Indiscernible)

16 MR. AGLIFARI: Good evening, Honorable
17 Chairman, Members of the Board, my name is Alex
18 Aglifari.

19 CHAIRMAN RICE: Al.

20 MR. AGLIFARI: I work for CMS.

21 CHAIRMAN RICE: Right. We have your report,
22 so --

23 MR. AGLIFARI: Yes. I'm here to speak on
24 behalf of the Citizen Group, and I will be brief.

25 CHAIRMAN RICE: Yes, please. We read your

1 report as Peggy is making that point.

2 MR. AGLIFARI: Yes. I'm not -- I just want
3 to touch on something that was mentioned a little
4 earlier.

5 MALE SPEAKER: Let him speak.

6 CHAIRMAN RICE: Well, we are letting him
7 speak. I said he's submitted a report yesterday and
8 we --

9 MR. MARINO: Which is in the record. If you
10 want to read it, you can go online and read it.

11 MR. AGLIFARI: And I just wanted to
12 elaborate a little more --

13 CHAIRMAN RICE: Yes, please do. Go ahead.

14 MR. AGLIFARI: The Chairman mentioned a
15 little earlier, lots has been said about alternative
16 locations --

17 CHAIRMAN RICE: Yes.

18 MR. AGLIFARI: -- you know, the visual
19 impact and the substantial impact, and -- but nothing
20 has been said about alternative methods for AT&T and
21 Verizon to propagate their signal and to achieve
22 coverage, you know, if there is a coverage. Assuming
23 that there is a coverage in Nelsonville, which is a
24 little more than one square mile, we feel that a
25 tower that's going to propagate over 80 percent of

1 its signal is going to be outside of your
2 jurisdiction. So we feel that a 110-foot monopine is
3 the wrong structure to service this area.

4 Verizon and AT&T utilize what was touched on
5 distributed at (indiscernible) systems which could be
6 mounted on existing utility poles within the right of
7 way. There'd be no environmental issues, no egress
8 or access issues, no -- you know, and it would
9 provide the least obtrusive visual impact.

10 CHAIRMAN RICE: What about the people that
11 are worried about the RF that's not -- the Board does
12 not consider, but do they want a tenant next to their
13 house without Board approval?

14 MR. AGLIFARI: Well, I mean, extensive
15 studies have been done. They're very low power
16 compared to the macro sites --

17 CHAIRMAN RICE: Low power, right.

18 MR. AGLIFARI: -- because they are lower and
19 closer to residences. In all the instances we found,
20 they've been safe.

21 CHAIRMAN RICE: And what would you space
22 them at, every 50 feet?

23 MR. AGLIFARI: Well, that would be up to the
24 coverage objectives of the carriers to tell us --

25 CHAIRMAN RICE: Right.

1 MR. AGLIFARI: -- but for one square mile we
2 feel that --

3 CHAIRMAN RICE: Just as an example if you're
4 the expert.

5 MR. AGLIFARI: Well, we're dealing with
6 communities outside -- especially Long Island where
7 the demographics are similar of the North Shore
8 specifically.

9 A couple months ago I did an inspection on
10 (indiscernible) --

11 CHAIRMAN RICE: Right.

12 MR. AGLIFARI: -- in the area of old
13 Brookville. That covered maybe a square mile or
14 three-quarters of a square-mile area.

15 CHAIRMAN RICE: And how many antennas did
16 the --

17 MR. AGLIFARI: It was five (indiscernible)
18 nodes.

19 CHAIRMAN RICE: Five nodes.

20 MR. AGLIFARI: Five strategically placed
21 along the road.

22 CHAIRMAN RICE: Did the Zoning Board review
23 where those notes went?

24 MR. AGLIFARI: Yes. It went before the
25 Board. In fact -- and they allowed that to go up.

1 And the thing is, too, I noticed in the AT&T
2 application they even pointed out the traffic along
3 the roadways, you know, accenting the need for
4 coverage (indiscernible). In fact, the houses would
5 be in more close proximity to the roadways, so we
6 feel that the deployment of the (indiscernible) along
7 those roadways, it would get better saturation to the
8 areas that they need it as opposed to just, you know,
9 a single tower on a hill.

10 CHAIRMAN RICE: Right.

11 MR. AGLIFARI: And also, the system was set
12 up -- if there was gaps in the future, we would put
13 up (indiscernible) because it would be an issue.
14 They could pinpoint those with (indiscernible) in
15 those specific areas without having another tower to
16 be put up somewhere else.

17 CHAIRMAN RICE: From what I read in the
18 reports that were submitted by the FCC is the idea is
19 those will go up without any review, the Planning
20 Board, Zoning Board, if they're under -- I'm making
21 this up, but if they're under 50 feet, you put them
22 up there next to somebody's house, they can't say
23 nothing about -- you can't --

24 MR. AGLIFARI: Well, they would still need a
25 right-of-way with the Village.

1 CHAIRMAN RICE: They would?

2 MR. AGLIFARI: They would still have to go
3 through --

4 CHAIRMAN RICE: That's not my understanding.
5 You're the expert. I'm just saying --

6 MR. AGLIFARI: Right.

7 CHAIRMAN RICE: -- if they're moving towards
8 this DAS system, they're going to put those on a pole
9 in front of your house, you got nothing to say about
10 it. That's where the federal government is moving.
11 I mean, Robert, you can correct me if I'm wrong, but
12 that's the impression I'm getting --

13 MR. AGLIFARI: Well, they're not there yet.

14 CHAIRMAN RICE: They're not there yet,
15 but --

16 MR. MARINO: And I do want to make the point
17 if you were here at the beginning of the meeting, we
18 did ask specifically for them to look into that.

19 CHAIRMAN RICE: Right. And they were going
20 to look into it.

21 MR. AGLIFARI: Right. I mean, they were
22 only proposing one option. There was even small
23 cells --

24 CHAIRMAN RICE: They're going to look into
25 the --

1 MR. MARINO: What I'm saying is the DAS
2 system you're talking about, we did ask them
3 specifically to look into that as an alternative --

4 MALE SPEAKER: You've asked them three times
5 and it still hasn't been provided.

6 MR. GAUDIOSO: And Mr. Aglifari's firm has
7 recently submitted reports saying DAS installations
8 were significant visual impacts, so I guess it
9 depends on the contacts, but --

10 MR. AGLIFARI: It's better for the
11 communities and, you know --

12 MR. GAUDIOSO: So you admit, though, your
13 firm said that that's --

14 MR. AGLIFARI: Right.

15 MR. GAUDIOSO: -- (indiscernible) are
16 significant visual impact.

17 CHAIRMAN RICE: And (indiscernible). It's
18 important for the public to understand that we have
19 this gigantic tower that's one option. The other
20 option perhaps is to have an antenna outside your
21 house that you have no control over. Just something
22 to think about. We're not --

23 MR. AGLIFARI: Well, it doesn't have to
24 necessarily have to be in front of people's houses.
25 It could be strategically placed --

1 CHAIRMAN RICE: Well, it could be, yeah, it
2 could be strategically placed, but --

3 MR. AGLIFARI: -- because they're
4 (indiscernible) where there's heavy vegetation --

5 CHAIRMAN RICE: Yeah. Hung on an existing
6 pole.

7 MR. AGLIFARI: Right, on an existing pole or
8 on a new pole.

9 CHAIRMAN RICE: Something for the public to
10 consider. If that's a system you want where they
11 come and they drop it in front of your house, you
12 have no -- and you have no -- it's moving towards --
13 they're trying to move it away from the Zoning Board,
14 a way from approvals. Let's say you have five
15 instead of one (indiscernible). That's why we're
16 asking to look into it, but is that a better system
17 for Nelsonville in either Cold Spring or Phillipstown
18 to hang antennas on telephone poles in front of your
19 house without your permission?

20 FEMALE SPEAKER: (Indiscernible) in front of
21 your house.

22 CHAIRMAN RICE: It is speculation. That's
23 why I'm bringing it up. Think about it. Read the
24 FCC reports and you'll see that that's something you
25 should consider as a village, do you want that in

1 front of your house and you have no recourse.

2 FEMALE SPEAKER: (Indiscernible)

3 CHAIRMAN RICE: Anyway -- I'm sorry? But
4 it's something to think about. So we asked the
5 Applicant to look at that, and you're bringing it up
6 and it sounds like other communities -- you see it as
7 a visual impairment --

8 MR. AGLIFARI: It's becoming the industry
9 standard.

10 MS. BRANAGAN: I have a question.

11 CHAIRMAN RICE: Yes, please.

12 MS. BRANAGAN: Is the Applicant going to
13 look at it because --

14 CHAIRMAN RICE: Yeah. I think Robert said
15 -- Robert -- our RF engineer has looked at it. We're
16 asking him for a little bit more to see --

17 MS. BRANAGAN: All I heard was he thinks
18 it's a visual, whatever he just said.

19 MR. GAUDIOSO: All I said -- I said that the
20 speaker --

21 MR. BRANAGAN: Clarify.

22 MR. GAUDIOSO: -- his firm has put in
23 writing that gas nodes are a significant visual
24 impact.

25 CHAIRMAN RICE: Right, something to

1 consider.

2 MS. BRANAGAN: So are you going to be
3 looking into it, though?

4 MR. GAUDIOSO: Has your firm said that gas
5 nodes are a significant visual impact?

6 MR. AGLIFARI: In certain instances, yes.

7 MR. GAUDIOSO: Okay, thank you.

8 MR. MARINO: Luckily in this situation, we
9 would have to make that decision.

10 CHAIRMAN RICE: Yeah. So it's up to make
11 that.

12 MR. AGLIFARI: In this community, it would
13 be, as opposed to a tower, it would be drastically
14 reduced.

15 CHAIRMAN RICE: It may be a great
16 alternative for this community, but let's think about
17 it.

18 MR. AGLIFARI: Right. Well, that's for your
19 board to decide.

20 CHAIRMAN RICE: Hold on a second. Who's
21 next?

22 MR. BIAFORE: If I can just have 10 seconds,
23 very quickly. I got sidetracked. I forgot to
24 mention. Counsel said earlier tonight that the
25 Second Circuit says the Zoning Board local

1 municipality cannot legislate preference for DAS.
2 That is correct; however, a Board may declare a
3 preference for DAS --

4 CHAIRMAN RICE: Sure.

5 MR. BIAFORE: -- and that has been upheld in
6 the Second Circuit.

7 CHAIRMAN RICE: That would make sense.

8 MR. BIAFORE: It's perfectly acceptable,
9 absolutely.

10 CHAIRMAN RICE: We can say what --

11 MR. GAUDIOSO: That's not correct.

12 MR. BIAFORE: That is correct. Mount Vernon
13 is the case --

14 CHAIRMAN RICE: The attorneys differ on
15 that, so let's move on.

16 MR. MARINO: Let's move on.

17 MR. BIAFORE: One other case that I forgot
18 to mention --

19 CHAIRMAN RICE: Yes.

20 MR. BIAFORE: -- that's very important, it
21 is of the First Circuit, but it is a decision that
22 says there's nothing in the Telecommunications Act
23 (indiscernible) applies or in our case, then in the
24 case in that decision, in the local code there's
25 nothing that says this Board may approve a cell site

1 that will provide coverage predominately outside of
2 its jurisdiction.

3 I know Mr. Grafe and others might say,
4 "Well, this is," you know, radio frequency
5 (indiscernible) --"

6 CHAIRMAN RICE: Well, that's an interesting
7 point, but --

8 MR. BIAFORE: -- but that is a legal --

9 CHAIRMAN RICE: Are you going to send us
10 that piece or it's in your --

11 MR. BIAFORE: It's in the materials.

12 CHAIRMAN RICE: All right. We'll look at
13 that. That's an interesting point, Jason.

14 MR. BIAFORE: But I want to draw your
15 attention to it.

16 CHAIRMAN RICE: Thank you.

17 MR. BIAFORE: Thank you.

18 CHAIRMAN RICE: Thank you. Are you done?

19 MR. AGLIFARI: That's really the point I
20 wanted to make. If there's any questions?

21 CHAIRMAN RICE: No. That's terrific.

22 MR. AGLIFARI: Thank you.

23 CHAIRMAN RICE: Yeah.

24 MS. MINNERS: Travis Light.

25 CHAIRMAN RICE: You got to wait, sir.

1 You've had your chance, Andrew.

2 MR. CAMPANELLI: Just quickly.

3 CHAIRMAN RICE: Andrew, you had your chance.
4 Just wait for a second. We'll let you -- we'll
5 circle back to you and you can make a point.

6 Who's next?

7 MS. MINNERS: Travis.

8 TRAVIS: That's me.

9 CHAIRMAN RICE: Travis, come up here so we
10 can hear you.

11 TRAVIS: Can you hear me from here?

12 CHAIRMAN RICE: No.

13 TRAVIS: (Indiscernible) walking up there?

14 CHAIRMAN RICE: I'm sorry.

15 TRAVIS: I just have two short questions.

16 CHAIRMAN RICE: Yes, okay.

17 TRAVIS: Okay, so we can hear each other.

18 Thank you for your time. You're talking
19 about stuff that is really important, and I
20 appreciate that you guys are giving it a lot of time
21 and making yourselves experts on our behalf on these
22 issues. And I think that a lot of people have raised
23 a lot of good points here, and I have something that
24 I'd like to drill down on that is somewhat unrelated,
25 but it's important to me.

1 CHAIRMAN RICE: Yes, sir. Let's hear it.

2 TRAVIS: At the beginning of counsel for
3 Homeland's statements, I believe he wanted to enter
4 into the record his sense of some impropriety on the
5 counsel in black over here.

6 CHAIRMAN RICE: On -- I don't know. Well,
7 go ahead.

8 MR. KEELEY: Keep going with your statement.

9 TRAVIS: Is that not true? He did
10 (indiscernible).

11 CHAIRMAN RICE: To our special counsel that
12 we fired, I believe. There was a conflict of
13 interest.

14 TRAVIS: He wanted something entered on the
15 record about some sense of impropriety of this
16 gentleman. Is that true, yes?

17 CHAIRMAN RICE: No. Our special --

18 (MULTIPLE SPEAKERS)

19 MR. MARINO: (Indiscernible) here this
20 evening.

21 CHAIRMAN RICE: Yeah. Our special counsel
22 has worked in the future with -- in the past with now
23 with Richard Comey of the CMS --

24 TRAVIS: Okay.

25 CHAIRMAN RICE: -- Cell Solutions and et

1 cetera, et cetera.

2 TRAVIS: Great, thank you for clearing that
3 up for me.

4 CHAIRMAN RICE: Yes.

5 TRAVIS: At the end of his presentation, I
6 believe he gestured or proposed or in some way
7 insinuate that in conjunction with the application of
8 the cell phone tower that Homeland and their counsel
9 and their counterparts or their other parties
10 involved in the application would be willing to aid
11 or make improvements to pave the road?

12 CHAIRMAN RICE: That's correct.

13 MR. GAUDIOSO: No, that's not correct.

14 We've never offered to pave the road.

15 CHAIRMAN RICE: Oh, pave, to make
16 improvements, not Rockledge, but the easement.

17 TRAVIS: Let's just say generally to make
18 improvements.

19 CHAIRMAN RICE: You're going to make
20 improvements?

21 MS. CLEMENTS: They agreed to make
22 improvements at the request of the Planning Board,
23 right? So that is, I mean, it is this weird circular
24 thing, right? The road (indiscernible).

25 CHAIRMAN RICE: You wouldn't pay for them?

1 Oh, you would pay for them? Yeah, but the not the
2 road --

3 MS. CLEMENTS: They don't necessarily say
4 they will -- they want to make those improvements.
5 We have asked them to make those, to consider making
6 those improvements --

7 CHAIRMAN RICE: Correct.

8 MS. CLEMENTS: -- but (indiscernible).

9 CHAIRMAN RICE: Yes.

10 MR. GAUDIOSO: And we've agreed.

11 MS. CLEMENTS: And they've agreed, but then
12 there's also this issue of it's on the right of way.

13 TRAVIS: Okay. So in conjunction with the
14 application, they're offering to provide improvements
15 to (indiscernible) Town Road.

16 CHAIRMAN RICE: To (indiscernible) Road?

17 No.

18 TRAVIS: Yes or no?

19 CHAIRMAN RICE: No.

20 MS. CLEMENTS: It's not a town road.

21 TRAVIS: So it's not that they haven't made
22 that gesture, it's a town road.

23 MR. MARINO: It's not a town road.

24 MS. CLEMENTS: It's not a town road.

25 TRAVIS: Private road or (indiscernible)?

1 CHAIRMAN RICE: Do we have a map of --

2 (MULTIPLE SPEAKERS)

3 MR. KEELEY: This goes back to the
4 conversation that the attorney that was representing
5 the residents there.

6 TRAVIS: (Indiscernible)

7 MR. KEELEY: So what's the distinction?

8 TRAVIS: No, I'm just asking if they in some
9 way gestured their willingness in conjunction with
10 their application to (indiscernible).

11 MR. KEELEY: In writing recently they said
12 that they would be willing to widen the road from I
13 believe 9 feet to 15 feet, make certain types of
14 improvements.

15 MR. GAUDIOSO: If I may, I mean, are you
16 insinuating that we are offering something to the
17 Village of Nelsonville? Is that the question? Is
18 that where you're going with this? Because the
19 answer is no. If that's the question, the answer is
20 no. We have not offered anything to the Village of
21 Nelsonville.

22 CHAIRMAN RICE: Oh, I see. No, no.

23 MR. GAUDIOSO: That's where I think he's
24 going with this, so let me make that perfectly clear.

25 CHAIRMAN RICE: Yeah. They haven't offered

1 to improve any Village properties or --

2 TRAVIS: (Indiscernible)

3 CHAIRMAN RICE: What's your point, sir?

4 We're going to move on.

5 TRAVIS: In conjunction with their

6 application --

7 CHAIRMAN RICE: Yes.

8 TRAVIS: -- they're also attaching an offer
9 or a gesture, proposal, whatever you want to call it,
10 to potentially make improvements to the road in
11 conjunction with the application.

12 MR. GAUDIOSO: No.

13 CHAIRMAN RICE: Okay. You said no, sir, so
14 you can --

15 TRAVIS: Thank you.

16 CHAIRMAN RICE: Thank you for asking that
17 question. I think we can -- you read the -- you can
18 go on the website and read all about it.

19 Okay, who's next?

20 TRAVIS: (Indiscernible)

21 CHAIRMAN RICE: I'm sorry?

22 TRAVIS: You're on the website?

23 CHAIRMAN RICE: Yeah. Yeah. There's a lot
24 of information. You can look at the site plans, the
25 whole thing.

1 Yes, who's next?

2 MS. MINNERS: Okay, Jen, I'm sorry, I can't
3 pronounce your last name, Sarwick (phonetic).

4 MS. SARWICK: I'll take one minute because I
5 see (indiscernible).

6 CHAIRMAN RICE: Jennifer, right? Yeah,
7 Jennifer has provided the Board with a lot of
8 information.

9 MS. SARWICK: I do not have a presentation.

10 CHAIRMAN RICE: Yes.

11 MS. SARWICK: I'm just a person. I am also
12 a fellow Board member. I serve on the board in Cold
13 Spring. I know how you guys feel. Actually, I don't
14 because this is like the longest (indiscernible)
15 meeting.

16 (LAUGHTER)

17 MS. SARWICK: But I just wanted to make a
18 couple points, just two, really.

19 CHAIRMAN RICE: Yes.

20 MS. SARWICK: The letter that you received
21 from Liz Campo-Kelley (phonetic), I don't think that
22 you can possibly ignore that.

23 CHAIRMAN RICE: No. No. We think --

24 MS. SARWICK: If you want to, I can provide
25 you with 10 other (indiscernible) architects to give

1 you a similar (indiscernible). And I would just like
2 to ask everyone on the Board to really give that a
3 consideration. I think it's, you know, it's like a
4 stake through the heart here.

5 We all have an interest in -- I do in
6 increased capacity and better cell service.

7 CHAIRMAN RICE: Sure.

8 MS. SARWICK: I would like people to have
9 their business here. I have my phone right now. I
10 don't want them to do it at the cost of one of the
11 most treasured sort of resources in our community.
12 There should be a different solution here. That's --
13 it's very simple. There's a different solution. I
14 hope you guys you will find it.

15 These guys -- Homeland does not build DAS
16 systems. They build towers. They're not going to
17 give you any of (indiscernible) about DAS or
18 alternative technologies, with all due respect. They
19 won't. They don't have an interest in it.

20 (APPLAUSE)

21 (Indiscernible) Exhibit O in our report,
22 I've included a variety of stealth, sorry, I forgot
23 what they're called, but they're stealth systems for
24 DAS and small cell systems.

25 CHAIRMAN RICE: Right.

1 MS. SARWICK: They're manufactured by the
2 same company that these (indiscernible) proposing
3 that will be manufactured with stealth monopines.
4 It's the exact same company.

5 CHAIRMAN RICE: Right, right, right.

6 MS. SARWICK: So there's like, you know, 15
7 pages of examples of -- these systems are in use in
8 other places and there's lots of places where they're
9 not super ugly. And I -- living on Main Street, I
10 would not mind having one on my phone pole in front
11 of my house. And I must ask you to give due
12 consideration to this.

13 CHAIRMAN RICE: We do. That's why we
14 brought it up.

15 MR. SARWICK: That's my (indiscernible).

16 (APPLAUSE)

17 CHAIRMAN RICE: Now, can I just ask
18 Homeland, does Homeland (indiscernible), do you
19 install them? Are they part of your --

20 MR. VICENTE: Mr. Chairman, what are you
21 saying?

22 CHAIRMAN RICE: Oh, I'm sorry, the -- do you
23 guys make --

24 MR. VICENTE: You're asking us if we do DAS
25 systems --

1 CHAIRMAN RICE: Yes, because Jennifer said
2 you did, so I'm just curious. Rumors are that you
3 did.

4 MR. VICENTE: So we're an infrastructure
5 (indiscernible). We build whatever infrastructure is
6 appropriate and the need for the site. Our parent
7 company, InSite Wireless Group, actually owns a
8 number of DAS systems and systems that are designed
9 by DAD systems. They own the Boston T, Rockefeller
10 Center, areas where they're appropriate and
11 justified. So we're an infrastructure developer. We
12 don't decide what's needed. The carriers do.

13 CHAIRMAN RICE: Right, got it. Okay, thank
14 you. But you do make it or your parent company makes
15 these systems?

16 MR. VICENTE: Our parent company does
17 mostly.

18 CHAIRMAN RICE: Yeah, okay.

19 MS. BRANAGAN: On that point --

20 CHAIRMAN RICE: Yes.

21 MS. BRANAGAN: Do you presently have an
22 agreement with Verizon and/or AT&T for the --

23 MR. VICENTE: May I?

24 MR. GAUDIOSO: Sure.

25 MR. VICENTE: Yes, we have agreements with

1 both Verizon and AT&T.

2 MS. BRANAGAN: Can we see the agreements?

3 MR. VICENTE: Generally, we don't offer
4 them. They're not necessary. I'll talk with
5 counsel.

6 MR. MARINO: If you wouldn't mind talking --
7 I don't think we need to see dollars and cents.

8 MR. GAUDIOSO: What are you interested in?
9 I mean, I guess that would be the question.

10 MR. MARINO: Confirmation that there are --

11 MR. GAUDIOSO: I'm going to be perfectly
12 frank with you, okay. We've had -- we have an
13 agreement with property owners as well --

14 MR. MARINO: Right.

15 MR. GAUDIOSO: -- and there have been
16 attempts to tortuously interfere without contractual
17 rights. And I'm going to be frank with you.

18 MS. BRANAGAN: Just want your
19 (indiscernible).

20 MR. GAUDIOSO: We're not going on a fishing
21 expedition. If there is something specific that you
22 have a question about that would possibly be in the
23 agreement, we'd be happy to answer it and possibly
24 provide the agreement, but just to say that, you
25 know, to provide an agreement, which is a proprietary

1 document, has proprietary information throughout it,
2 not required by the code. There's case law that says
3 it's not necessary to submit --

4 MS. BRANAGAN: But you have the agreements.
5 The agreements, you have them?

6 MR. GAUDIOSO: We have agreements, correct.

7 MS. BRANAGAN: You have written agreements?

8 CHAIRMAN RICE: I think that the point is,
9 Andrew's point is everybody has standing in this
10 case.

11 MR. GAUDIOSO: Yeah. I mean, we've signed
12 documents and submitted applications, so if you have
13 a specific thing that you wanted to know about our
14 agreement --

15 CHAIRMAN RICE: Okay.

16 MR. GAUDIOSO: -- and if it was relevant to
17 zoning, we'd be happy to answer that question.

18 CHAIRMAN RICE: Okay.

19 MR. KEELEY: I do have a comment in that
20 respect. We've treaded over this section many times,
21 but from sort of a different angle, 188.68(a)(1),
22 right, actual need by actual provider, you're not the
23 actual provider. We need to understand that you have
24 an actual interest, that there is an actual provider
25 (indiscernible).

1 MR. GAUDIOSO: And both AT&T and Verizon
2 Wireless have been co-applicants on this application
3 from July of 2017.

4 MR. KEELEY: So will you provide it, though?

5 MR. GAUDIOSO: Provide what?

6 MR. KEELEY: The lease agreement. Excuse
7 me, not the lease agreement, the agreement with
8 Verizon and AT&T.

9 MR. GAUDIOSO: No. I just said I'm making a
10 representation that they are applicants and co-
11 applicants on this application. They don't need to
12 necessarily have an agreement. Whether they do or
13 they don't doesn't necessarily mean that they can't
14 be a co-applicant. There's nothing in your code that
15 says there has to be a signed agreement.

16 And, again, our sensitivity is the fact that
17 there's been considerable pressure put on the
18 landlord and there's been tortious interference
19 without contractual rights in that regard, and we're
20 very sensitive to that issue.

21 MS. BRANAGAN: I actually don't know what
22 that means, "tortious interference."

23 MR. GAUDIOSO: That means if you have a
24 contract with someone --

25 CHAIRMAN RICE: Right.

1 MR. GAUDIOSO: -- and someone else comes
2 over and tells you you should break that contract
3 that you have, okay, that is an actionable offense.
4 And if that person actually breaks the contract and
5 causes damage, the person who is damaged has the
6 right to sue that third party.

7 CHAIRMAN RICE: Are we speaking of Mr.
8 Logan, the landowner?

9 MR. GAUDIOSO: Correct.

10 CHAIRMAN RICE: Pressure on him, you're
11 saying?

12 MR. GAUDIOSO: Correct.

13 CHAIRMAN RICE: Okay.

14 MS. CLEMENTS: I actually have a question at
15 this point that I would like to make that I
16 haven't --

17 CHAIRMAN RICE: I think this is a great time
18 for it.

19 MS. CLEMENTS: So there's the issue of like
20 alternatives that keeps coming up, and I want to
21 speak to Michelle's point, right, and try speaking
22 from a personal place. The place you referred to,
23 that first lookout on the yellow trail is a trail
24 that I hiked with my dog every week for 15 years,
25 right. And I think that the cell tower, I think that

1 getting to that place and looking out over and seeing
2 the cell tower, and I have to tell you is, from a
3 personal place, highly unfavorable.

4 There have got to be some -- I don't
5 understand, like there have got to be some
6 alternatives, like you want four, right, to this idea
7 -- and this hadn't occurred to me until I thought
8 about this earlier. You mentioned the flagpole and
9 you said if you have a flagpole you have to have it
10 be --

11 MR. GAUDIOSO: Stacked.

12 MS. CLEMENTS: -- stacked, right, higher and
13 higher. So right now, we're talking about 110 feet
14 high because you want AT&T, Verizon --

15 MR. GAUDIOSO: No, because we need AT&T,
16 because AT&T and Verizon need the service
17 (indiscernible).

18 MS. CLEMENTS: Right, okay. So what I mean,
19 I'm talking about multiple companies, right, this
20 issue of co-location, right, the 110 feet allows for
21 the co-location of AT&T and Verizon and possibly the
22 County. And I think there's even space for a couple
23 of more antennas.

24 MR. GAUDIOSO: Which your code requires.

25 MS. CLEMENTS: Yeah. Co-location, I

1 understand that. If you didn't require co-location,
2 if we weren't requiring co-location, could you have
3 multiple shorter towers? Like how tall does a tower
4 have to be to have one antenna on it?

5 MR. GAUDIOSO: So Verizon has already shown,
6 and AT&T, I believe, as well that even at 110 feet,
7 they would rather have more height. It's not a
8 matter of less height. You still have to be --

9 MS. CLEMENTS: With even just one antenna.

10 MR. GAUDIOSO: With even just one tower.
11 Even with one tower, which is what your code sets up
12 as the planning objective is to minimize the number
13 of towers, have co-location, not have a proliferation
14 of multiple towers.

15 If you think it's hard to put a tower in one
16 location, put your multiple towers in multiple
17 locations. And we could all say that RF exposure
18 isn't an issue. Go back and look at notes. It's
19 been the issue from day one now.

20 MS. CLEMENTS: But it's not --

21 MR. GAUDIOSO: Other issues as far as
22 esthetics, but the fact of the matter is --

23 MALE SPEAKER: That's an outrageous comment.

24 MR. GAUDIOSO: -- a lot of what's driving
25 this has been rate of frequency exposure.

1 MALE SPEAKER: Outrageous.

2 MS. CLEMENTS: Okay, but we actually have
3 all now agreed, and even the public has agreed at
4 this point that radio frequency exposure is actually
5 -- can't be entered into this decision to make, so --

6 MR. GAUDIOSO: But that's not what's driving
7 the -- the reality is that's still what's driving a
8 lot of the opposition.

9 (MULTIPLE SPEAKERS)

10 MR. GAUDIOSO: And quite frankly, I saw in
11 this room, I don't know how many --

12 (MULTIPLE SPEAKERS)

13 MR. GAUDIOSO: I'm sorry, Mr. Chairman,
14 that's not fair.

15 CHAIRMAN RICE: Guys, please, guys.

16 MR. GAUDIOSO: That's not fair. We're going
17 to be here all night --

18 (MULTIPLE SPEAKERS)

19 CHAIRMAN RICE: Excuse me.

20 MR. GAUDIOSO: -- (indiscernible) associated
21 with (indiscernible).

22 CHAIRMAN RICE: Excuse me. We do not --

23 MR. GAUDIOSO: We sat in this room and 2
24 Secore Street was looked at --

25 CHAIRMAN RICE: Let's have a civil

1 (indiscernible - both speaking at the same time).

2 MR. GAUDIOSO: -- as an alternative, and the
3 reason it was rejected was on radio frequency
4 exposure.

5 FEMALE SPEAKER: You don't get to say that.

6 MR. GAUDIOSO: Okay, and that's a fact.

7 MALE SPEAKER: There's no decision made, so
8 how can you it's the reason.

9 MS. CLEMENTS: So at this point, actually,
10 I'm speaking for myself, right --

11 MR. GAUDIOSO: Sure.

12 MS. CLEMENTS: -- (indiscernible) actually
13 going to be voting on this --

14 MR. GAUDIOSO: Sure.

15 MS. CLEMENTS: -- so the way I read what's
16 in the record now, what's being introduced more and
17 more from the community and the kinds of things that
18 you all are responding to, what's really been active,
19 what I would argue personally, where I think the
20 emphasis right now is is actually much more on
21 esthetics.

22 MALE SPEAKER: Yes.

23 FEMALE SPEAKER: Yes.

24 MS. CLEMENTS: And that's where our code
25 also really --

1 (APPLAUSE)

2 MR. GAUDIOSO: And that's fine. And that's
3 fine, but that doesn't eliminate the fact that at end
4 of the day, the decision and the code is not
5 permitted to prohibit service. And what I mean by
6 that is we can't just say no to this tower and no
7 place else.

8 And I started out at the beginning, I said
9 where else? And you just raised the point that we
10 have four other locations. I would love to know
11 where those four locations are.

12 MS. CLEMENTS: But this really for me is --
13 I'm trying to learn about it because I think -- I
14 know for me personally and I actually think from a
15 lot of people in the community, and we've heard this
16 repeatedly is the idea of 100 -- and I think it is
17 fair to assume that it could become a 130-foot --

18 MR. GAUDIOSO: I think that's pure
19 speculation.

20 MS. CLEMENTS: It's pure speculation, so I'm
21 going to speculate that it could be 130 feet, but
22 even at 110 feet I think the feeling really is is
23 that even though -- and I've heard Mr. Vincent --

24 MR. GAUDIOSO: Vicente.

25 MS. CLEMENTS: -- Vicente, say this in the

1 past that he wants it to blend in, but nobody really
2 thinks of those poles blending in, and the feeling
3 really is is that, you know, it's not something that
4 the community wants and so --

5 MR. GAUDIOSO: I think your own professional
6 consultant disagrees with what you just said.

7 MS. CLEMENTS: That's fine.

8 MR. GAUDIOSO: So you said no one says it.
9 Your own professional planning consultant

10 MS. CLEMENTS: Right. And I'm actually
11 going to be --

12 MR. GAUDIOSO: I know. Your own
13 professional planning consultant disagrees with that
14 statement.

15 MS. CLEMENTS: I'm the person that's going
16 to be making -- I'm the person that's going to be
17 voting.

18 MR. GAUDIOSO: I understand. It's got to be
19 based on substantial evidence, so -- the end of the
20 day, though, if it's not here, where is it?

21 MS. CLEMENTS: So I'm not asking where else.
22 I'm asking is there any way for the towers to not be
23 so tall?

24 MR. MARINO: So towery.

25 MS. CLEMENTS: So towery, so tall and so

1 wide.

2 MR. GAUDIOSO: So in compliance with the
3 code with to height, with respect to setbacks, with
4 respect to the zone that it's in and --

5 MS. CLEMENTS: And so out of character with
6 the community.

7 MALE SPEAKER: Yeah.

8 (APPLAUSE)

9 MR. GAUDIOSO: Your code created a process
10 and a location and allows the location and a design
11 and a height specifically what's being proposed. And
12 if the code is wrong, then the code should have
13 changed, but if the code as applied ends up with
14 nothing and a prohibition of service, that's a
15 violation of federal law, so it has to be -- if it's
16 not here, it's not this, what is it? And it has to
17 satisfy that gap in service. That's the dilemma that
18 we have to work with, and we'll look at the flagpole.
19 We will provide the information. We'll tell you
20 about the additional height of it. What I'm hearing
21 is that too tall is no good, so if we go to a
22 flagpole, it's going to be even taller. We'll look
23 other options. We'll submit some additional
24 information, but we've got to go in that direction
25 because, quite frankly, what we've been experiencing

1 is a lot of hard work, and we're frustrated tonight
2 as I feel the Board is because getting materials, you
3 know, we've been told in the past go get them in a
4 week early. We've done that. We're getting
5 materials at the last minute asking for additional
6 information.

7 MALE SPEAKER: Where's the alternatives?

8 MR. GAUDIOSO: I'm sorry, excuse me. When
9 I'm speaking --

10 (MULTIPLE SPEAKERS)

11 MR. MARINO: Please, let us ask the
12 questions.

13 CHAIRMAN RICE: Ladies and gentlemen, we
14 said no interruptions to speakers and we mean it.

15 MALE SPEAKER: It's getting frustrating.

16 CHAIRMAN RICE: And we mean it. Sir.

17 MR. GAUDIOSO: We've gotten to the point
18 where we're past the shot clock, and if it's a matter
19 of that, we're arguing over whether something is an
20 information service or not an information service.
21 We should be looking at the design and the site plan
22 and the issues that are relevant to what have been
23 raised as far as esthetics. That's one thing.

24 And we've heard some good feedback tonight
25 and you just raised a particular location that we'll

1 look at as well and that's fine, but there has to
2 come an end to this. You said -- talked about the
3 yellow trail and the lookout, so --

4 MS. CLEMENTS: No, I don't want it there.

5 MR. GAUDIOSO: No, no, I'm saying as an
6 analysis of what the actual visibility would be from
7 that location, so I think --

8 MS. CLEMENTS: Oh, yeah. I mean, I think
9 that that's why everybody comes to Cold Spring is to
10 hike those trails, you know.

11 MR. GAUDIOSO: Sure. I wish we would have
12 heard that before we did the visual analysis, but
13 we'll certainly go back and look at it. So we
14 understand that, but there has to come a point where
15 a decision is made.

16 MS. CLEMENTS: So I understand that, but I
17 still -- this is where -- again, it's -- the way I
18 understood your answer was that there is no way that
19 a single tower with a single antenna to be shorter
20 than 110 feet to meet what your objectives are for
21 the coverage.

22 MR. GAUDIOSO: To satisfy the coverage
23 requirements of both AT&T and Verizon if they -- I
24 can guarantee this. If they propose two different
25 cell sites, there would be an (indiscernible) why

1 weren't they co-locating because that's what the code
2 requires. So in this case they followed the code and
3 they're maintaining the height limitation. They're
4 in the correct zone, the permitted zone under the
5 code. They meet all of the setbacks, including the
6 setbacks on the height, and they're co-located. And
7 they're still not covering areas, but we're not going
8 for a variance because those areas are outside of the
9 Village.

10 MS. CLEMENTS: But I'm still not hearing,
11 and I can shut up at any time.

12 MR. GAUDIOSO: But this is productive. I
13 find this productive.

14 MS. CLEMENTS: What I'm still not hearing
15 is this DAS system which I understand there's
16 differences of opinion about whether it's appropriate
17 or not or this monopine, that's the word I want, this
18 monopine, and it just seems to me -- and yet what I
19 hear and truly perceive is that the primary -- I
20 understand (indiscernible) has been mentioned a lot
21 in the past, but that right now the primary concern
22 from the community is the esthetics. And it just
23 feels like there's got to be something between the
24 possibility of people having antennas in front of
25 their houses and 100 -- what could be 130-foot --

1 MR. GAUDIOSO: It's not 130. It's 110 feet.

2 MS. BRANAGAN: But everybody at --

3 MR. GAUDIOSO: And if you tell me what that
4 is in the middle --

5 MS. CLEMENTS: I don't know. That's my
6 question, is there anything in the middle?

7 MR. GAUDIOSO: No. I mean, there isn't.
8 We've shown -- we've looked at every property. Every
9 property we've been asked to look at, we've gone to
10 the landlord and they've said no.

11 MS. CLEMENTS: I know, but there's got to be
12 like the possibility of multiple smaller less-
13 obtrusive towers. Is that just my naïve --

14 MR. GAUDIOSO: Yeah. I think that's naïve
15 typically under the code, particularly given the
16 fact --

17 (MULTIPLE SPEAKERS)

18 MR. MARINO: We can work around our code.

19 MR. GAUDIOSO: No, you can't work around the
20 code.

21 MR. MARINO: There are certain parts of the
22 code we can work around.

23 MR. GAUDIOSO: There aren't certain parts of
24 the code you can work around.

25 CHAIRMAN RICE: No, we're talking about,

1 Robert, we're talking about -- you had suggested that
2 we reach out to you in case we would look at a
3 variance, either a used variance or an area variance.

4 That's a lot of the problems with it, you said the
5 site's much too long, you know. It doesn't meet the
6 variances. This site that you have, Andrew said
7 maybe, maybe not, but it seems to meet all the
8 setbacks, right?

9 MR. GAUDIOSO: It meets all the setbacks.
10 And the building inspector would agree
11 (indiscernible).

12 CHAIRMAN RICE: And there's a number of
13 other sites that may be more obtrusive and they're
14 sites that -- but don't meet the area setbacks.
15 There are other sites. We have to come to the
16 (indiscernible).

17 MR. GAUDIOSO: Yeah. And I'll
18 (indiscernible) 2 Secore Street.

19 CHAIRMAN RICE: Yeah.

20 MR. GAUDIOSO: We were willing to go through
21 a process --

22 CHAIRMAN RICE: Right.

23 MR. GAUDIOSO: -- that was outside of the
24 zoning code to pursue 2 Secore Street.

25 CHAIRMAN RICE: Right.

1 MR. GAUDIOSO: Wee spent considerable time
2 and effort even though from a zoning standpoint that
3 site was not complying. And the reason that site was
4 not leased by the Village Board was because of the
5 public outcry over radio frequency exposure --

6 CHAIRMAN RICE: Right.

7 MR. GAUDIOSO: -- to this particular
8 (indiscernible).

9 MR. KEELEY: You're characterizing that.

10 MALE SPEAKER: Same thing, (indiscernible).

11 MR. KEELEY: You're inaccurately
12 characterizing that.

13 MS. CLEMENTS: Yeah. Because it was -- at
14 that point you were still talking about a 110-foot
15 monopine. I mean, I -- yes, I understand there was
16 -- anyway, it just seems to me that there's got to be
17 some alternative to a single giant, hideous, ugly
18 antenna.

19 MR. GAUDIOSO: I don't think it's hideous
20 and ugly.

21 MR. HELLBOCK: Well, he did.

22 MR. GAUDIOSO: I think that's an unfair
23 characterization.

24 MR. HELLBOCK: Well, it's not going in your
25 neighborhood. Over here it's a whole different

1 story. When you look at our landscape, our
2 mountains, that antenna is ugly. I don't care how
3 good it looks to you. It's ugly.

4 (APPLAUSE)

5 MR. GAUDIOSO: I don't think it
6 (indiscernible) in the code, thankfully, and I don't
7 think whether one is near my house or not is
8 relevant to the zoning application, but with that
9 said, I think we've met the code as far as
10 (indiscernible).

11 CHAIRMAN RICE: Okay. Robert, thank you.
12 Who -- do we have any other speakers?

13 MS. MINNERS: Andrea Sadler.

14 CHAIRMAN RICE: How many more do we have?

15 MS. MINNERS: After Andrea, two more.

16 CHAIRMAN RICE: Okay. Andrea.

17 MS. SADLER: Hi. My name is Andrea Sadler.

18 CHAIRMAN RICE: Okay.

19 MS. SADLER: I'm a resident of Cold Spring.

20 CHAIRMAN RICE: Yes.

21 MS. SADLER: It's my first time at this
22 meeting although I (indiscernible) it, but I'm not as
23 up on all the details, so --

24 CHAIRMAN RICE: Okay.

25 MS. SADLER: -- if I repeat something,

1 please, I'm sorry.

2 CHAIRMAN RICE: We will.

3 MS. SADLER: But I want to be on the record
4 as saying this is one of the most beautiful places in
5 -- near the state of New York. And esthetics are
6 very important. People will choose not to live here
7 because there's a tower that not only is ugly, it
8 also has ill effects. It has ill health effects, and
9 I know we're not allowed to say because that's the
10 1996 law, but laws change and laws are made because
11 people lobby to make those laws. And politicians are
12 corrupt, and they don't always think about people
13 that are living in the areas where they put up these
14 things or feed us this food or whatever, it doesn't
15 work.

16 So I'm saying this law can change, so if we
17 put up a tower, it's going to be up there, and what I
18 understand is that the Applicant is not obliged to
19 take it down. We're going to be stuck with it.

20 CHAIRMAN RICE: That's not true, ma'am,
21 absolutely not true.

22 MR. MARINO: No, that's not true.

23 MS. SADLER: All right. That's good to
24 know.

25 CHAIRMAN RICE: Okay.

1 MS. SADLER: So -- but also, we need to
2 think about the future. We're in this rapidly --
3 time of rapid technology. We are moving to wireless
4 telecommunications. We don't need cell towers. Cell
5 towers are going to become obsolete very soon, and
6 I've done some research on that.

7 CHAIRMAN RICE: Wait a second. Isn't the
8 cell tower part of the wireless --

9 MS. SADLER: Pardon me?

10 CHAIRMAN RICE: The cell tower is wireless,
11 isn't it?

12 MS. SADLER: You don't need cell towers.
13 There's other ways to have --

14 CHAIRMAN RICE: Yes, yes, we've talked about
15 that DAS.

16 MS. SADLER: -- Wi-Fi without having cell
17 towers.

18 CHAIRMAN RICE: Okay.

19 MS. SADLER: So -- and typically, this is --
20 we have 10 cell towers in this area and, I'm sorry, I
21 don't know your name, sir.

22 CHAIRMAN RICE: William Rice. We have 10
23 cell towers in which area, in New York State or --

24 MR. SADLER: So -- I Googled it. It says
25 there are 10 cell towers in this area.

1 CHAIRMAN RICE: Which area? Phillipstown?

2 MS. SADLER: 105 16.

3 CHAIRMAN RICE: Okay. I don't know. That
4 may be true. Okay.

5 MS. SADLER: And you're saying that you
6 can't get cell phone service at your home?

7 CHAIRMAN RICE: I didn't say that. Steve
8 did.

9 MR. MARINO: I said that.

10 MS. SADLER: Yeah. So I'm just wondering
11 like do your neighbors have the same problem?

12 MS. BRANAGAN: Yes, we do.

13 MS. SADLER: And is there anything like
14 removing the routers or anything like that? I mean,
15 I'm just saying --

16 MR. MARINO: No. It's my cell phone.

17 CHAIRMAN RICE: All right.

18 MS. SADLER: Anyway, I'm just saying that
19 this is about making money, and I highly oppose this,
20 and I think we have to think about the future of this
21 community, and people will choose not to live here
22 because it's not what it is -- it won't be what it is
23 now.

24 CHAIRMAN RICE: Yes, thank you.

25 MS. SADLER: Thank you.

1 (APPLAUSE)

2 CHAIRMAN RICE: Our next speaker is?

3 MS. MINNERS: Eliza.

4 CHAIRMAN RICE: Eliza, uh-huh.

5 ELIZA: So I think I'm the final PCS
6 representative here.

7 CHAIRMAN RICE: Okay.

8 ELIZA: So I'll be quick. And I just wanted
9 to point out to you that as you know, the burden is
10 on the Applicant to prove substantial evidence that
11 their tower's proposal meets all the requirements of
12 the Village code. So Phillipstown Cell Solutions is
13 giving you and showing you in our submission tonight
14 and previously that Homeland Towers did not meet
15 their burden, and should you deny this application, a
16 court will ask "Did your decision make sense and is
17 it supported by the record you have in front of you?"

18 So in our opposing report, you will find a record,
19 any evidence that will support your denial.

20 Finally, I wanted to say thank you to you
21 guys. I feel like I've probably read a quarter of
22 what you've had to read. And I just wanted to speak
23 to the cemetery for a minute because I think it's
24 lost in a lot of this back-and-forth.

25 And I just wanted to say I don't know, you

1 probably have seen or read that play *Our Town* by
2 Thornton Wilder and --

3 CHAIRMAN RICE: Yes, we have. It was up on
4 the stage a couple years ago.

5 ELIZA: Yes, exactly. And I've always loved
6 that play and it's part of the reason I moved here.

7 CHAIRMAN RICE: Okay.

8 ELIZA: And the people in our town, we live
9 together, and if we are lucky we get old together,
10 and someday -- well, I know people in this town have
11 family in that cemetery and I've read their letters
12 and I've read their notes, and we've come to
13 understand the history and the beauty of that
14 cemetery, what it's done for the town throughout the
15 years. And the final scene in *Our Town*, I don't know
16 if you remember it takes place in the town cemetery
17 and all the people who have died are sitting next to
18 their gravestones and sort of commenting on life.
19 And the narrator in *Our Town*, he's standing in the
20 old cemetery and he says, "Yes, an awful lot of
21 sorrow has sort of quieted down up here. People just
22 wild with grief have brought their relatives up to
23 this hill. And we all know how it is. And then time
24 and sunny days and rainy days and snow. We're all
25 glad they're in a beautiful place and we're coming up

1 here ourselves when our fit is over." And I just
2 want you to keep the cemetery in mind when you make
3 your decision.

4 CHAIRMAN RICE: Okay, thank you.

5 ELIZA: Thank you.

6 (APPLAUSE)

7 CHAIRMAN RICE: Anyone else?

8 MS. MINNERS: No more after this. Doris
9 Chandler.

10 CHAIRMAN RICE: Who is speaking?

11 MS. MINNERS: Doris Chandler.

12 CHAIRMAN RICE: Doris?

13 MS. CHANDLER: My name is Doris Chandler.

14 CHAIRMAN RICE: Yes, Doris. Thank you.

15 MS. CHANDLER: You will recognize a new
16 accent in your midst. I live here. I come from
17 Birmingham, Alabama, and I'm the new pastor at First
18 Presbyterian Church in Phillipstown.

19 (APPLAUSE)

20 I hope at some point I get to meet all of
21 you in some other venue.

22 I don't have any words of wisdom to speak to
23 you about all the different legalities of this, but I
24 will speak to you from the heart about how this
25 places makes me feel.

1 It is beautiful. It's extraordinary. It is
2 a treasure. I come from a state who's just now
3 beginning to awaken to the fact that these treasures
4 need to be preserved.

5 You have a great responsibility to be
6 stewards, to be caretakers, to have a spirit of
7 generosity, not only for what you care deeply about,
8 but for the land and for its creatures. So I hope,
9 and I'm a science educator, I'm a retired science
10 educator, and I hope that you will, as a group, give
11 due consideration to maintaining the beauty of this.

12 It's extraordinary. It feeds the spirit. And when
13 you disturb it, at some point it's -- you can't go
14 back and undo it.

15 So really, I just comment you for your work
16 and I hope that you will come to a good and wise
17 decision. Thank you for your time.

18 (APPLAUSE)

19 CHAIRMAN RICE: And, Doris, thank you for
20 coming up. One more?

21 MS. ELDEN: Hi, sorry to --

22 CHAIRMAN RICE: And your name, ma'am?

23 MS. ELDEN: I'm Lara.

24 CHAIRMAN RICE: Lara, okay.

25 MS. ELDEN: Lara (indiscernible)-Elden.

1 And I just wanted to sort of make a statement. First
2 of all, thank you. I don't want to be the last
3 person speaking because I'm sure what I'm going to
4 say it's not very clear, but I have a question that
5 it might be asked too close to the end of this night,
6 not the end of this whole discussion, but end of this
7 night.

8 The representation for the Applicant keeps
9 -- Homeland keeps stating in a very matter-of-fact
10 way that there is no way to deny their application
11 without providing an alternative and then acting
12 like, "Oh, woe is me. We," you know, "we would
13 have," you know, "considered Secore Street" or this
14 other alternative that were not actual alternatives.
15 My question is does the alternative have to be
16 something that is handed to this company in
17 particular? Like why -- as a local municipality, why
18 do we have to provide under -- does the federal
19 regulations say that the alternative has to be built
20 by this company? So I'm sure they'll have an answer
21 and probably --

22 CHAIRMAN RICE: I don't think the federal
23 regulation has a -- do we have a monopoly?

24 MS. ELDEN: Why cannot -- yes, sorry, go
25 ahead.

1 CHAIRMAN RICE: Do you have a monopoly?

2 MR. GAUDIOSO: I'm not sure I understand the
3 question, but I'll do my best to answer it.

4 Both AT&T and Verizon Wireless are permitted
5 to provide the service and the municipality is
6 prohibited from prohibiting the service, so --

7 CHAIRMAN RICE: That's in the code. That's
8 just --

9 MS. ELDEN: Right.

10 MR. GAUDIOSO: So they have the opportunity
11 to provide some -- and what the (indiscernible) Court
12 decision said, which is Ninth Circuit, it's not
13 Second Circuit, but it's pretty well understood law,
14 is that with respect to less-intrusive alternatives,
15 the Applicant has an obligation to make a good-faith
16 analysis of less-intrusive alternatives.

17 CHAIRMAN RICE: That's correct.

18 MR. GAUDIOSO: And then the burden shifts to
19 the municipality if, you know, to say that there
20 might be something else. And I believe we've clearly
21 shifted that burden and we continue to look.

22 CHAIRMAN RICE: And the municipality did
23 offer up Secore Street.

24 MS. ELDEN: No, I know the history. I
25 apologize.

1 CHAIRMAN RICE: Okay.

2 MS. ELDEN: I'm just wondering, so the
3 federal law actually says that the job has to be
4 given to you. If you come into the community and you
5 propose that you want to build this cell tower and
6 the community is vehemently against it and, actually,
7 the municipality has the right to deny it under the
8 New York SASS --

9 CHAIRMAN RICE: We have the right to deny it
10 under our zoning code, to be very clear.

11 MS. ELDEN: Right. Well, don't you --

12 CHAIRMAN RICE: Yeah.

13 MS. ELDEN: Under the Scenic Areas of
14 Statewide Significance --

15 CHAIRMAN RICE: It has nothing to do with
16 this.

17 MS. ELDEN: No, it does, actually.

18 CHAIRMAN RICE: No, it does, but I'm just
19 saying our zoning code, regardless of any of that,
20 gives us a right to deny this application.

21 MS. ELDEN: Got it. I understand that.

22 CHAIRMAN RICE: We talked about this before
23 we ever knew about SASS and it's very helpful to know
24 about that. Our own zoning resolution gives us a
25 right to deny this.

1 MS. ELDEN: That's --

2 CHAIRMAN RICE: To be perfectly clear.

3 MS. ELDEN: -- good to know.

4 CHAIRMAN RICE: Yes.

5 MS. ELDEN: I guess my only question is why
6 as a municipality can the Zoning Board and the
7 Planning Board and, I'm sorry, I'm not -- I'm just
8 learning about all this stuff --

9 CHAIRMAN RICE: Sure.

10 MS. ELDEN: -- alongside our entire
11 community.

12 CHAIRMAN RICE: Sure.

13 MS. ELDEN: But why are we not allowed to
14 offer to say that, hey, you know, we don't think this
15 is appropriate under SASS or whatever for whatever
16 reason, and actually, we will consider alternatives,
17 but maybe alternative that are built by other -- are
18 there any other --

19 MALE SPEAKER: Of course there are.

20 MS. ELDEN: -- builders? So this is what I
21 -- it feels like we're just pigeon-holding to
22 providing them with the opportunity rather than --

23 MALE SPEAKER: That's what they want you to
24 believe.

25 MS. ELDEN: Right. That's what I'm asking

1 is why can't we say --

2 CHAIRMAN RICE: Are you saying there's other
3 providers out there that -- coming into the
4 community?

5 MS. ELDEN: I would assume. I'm just
6 curious. Doesn't the federal law state --

7 CHAIRMAN RICE: They haven't come before us.
8 I don't know.

9 MR. GAUDIOSO: Verizon and AT&T are the ones
10 that do not prohibit their service.

11 MALE SPEAKER: You can't prohibit their
12 service, but we can't choose somebody
13 (indiscernible).

14 FEMALE SPEAKER: We don't have to choose
15 anybody.

16 (MULTIPLE SPEAKERS)

17 MR. MARINO: I think the important thing
18 here is that there's a process. Our zoning allows
19 for them to come in and make an application to build
20 a cell tower in Nelsonville, okay. They have the
21 right to come in and make that application. We have
22 to deliberate based on their presentation and
23 comments from the public. And then we have to meet
24 -- we have to come to a decision based on what our
25 code says and the evidence that's been provided to

1 us, okay, but we're not at that point yet, so we
2 can't say tonight, well, you know what? We don't
3 like it, deny it. There's a process that we have to
4 go through and we will get to an endpoint and we will
5 either approve it or deny it, but it'll be based on
6 the facts that have been provided.

7 MS. ELDEN: I respect the process and I
8 really appreciate it. I just feel like the
9 statements that are being made over and over again
10 from the representation of the Applicant are
11 insinuating that if we don't -- if our municipality
12 through your volunteership denies the application
13 without providing an alternative handed to them, then
14 somehow they're going to sue you. And I just feel
15 like there's something wrong with this assumption.

16 MALE SPEAKER: That's not the correct
17 (indiscernible).

18 CHAIRMAN RICE: I don't get it. We don't
19 have to give them an alternative. We've asked them
20 to look at alternatives.

21 MS. ELDEN: But he keeps saying that --

22 CHAIRMAN RICE: They have looked at
23 alternate locations.

24 MS. ELDEN: -- you're not allowed to --

25 MS. MARINO: With all due respect to the

1 Applicant, we are certainly -- we're listening to
2 everything they have to say.

3 MS. ELDEN: Right.

4 MR. MARINO: We have a number of other
5 people that we're also listening to.

6 MS. ELDEN: Okay.

7 MR. MARINO: We have our own experts.

8 MS. ELDEN: Yes.

9 MR. MARINO: We have our own engineer and
10 building inspector. There's a lot of people that
11 we're listening to as well. So you know, we're going
12 to deliberate on everybody's --

13 MS. ELDEN: I just -- yes. I understand.
14 Thank you.

15 MR. MARINO: -- on the information we're
16 getting from everybody.

17 MS. ELDEN: I just feel like it's been
18 repeating that we have to give them the alternative,
19 that you have to give them the alternative site, and
20 then if you don't give them the alternative site,
21 something is going to happen.

22 CHAIRMAN RICE: We'd love to give them an
23 alternative site.

24 MS. ELDEN: But they've been repeating
25 themselves on that point.

1 MR. MARINO: We understand. Thank you.

2 CHAIRMAN RICE: Yes, thank you.

3 (APPLAUSE)

4 CHAIRMAN RICE: Okay. Is that it?

5 MS. MINNERS: That's it.

6 CHAIRMAN RICE: I think we're going to cut
7 off the public speaking, but thank you all for coming
8 up and speaking. I know it's hard to do, but thank
9 you for doing it. Thanks for all the preparation
10 that everyone's done for everything that's been sent
11 to us over the last couple days.

12 MR. GAUDIOSO: Mr. Chairman, you dropped
13 something.

14 MR. CAMPANELLI: There's something under
15 your foot.

16 Robert, are you -- do you want to summarize?

17 MR. GAUDIOSO: Not from the Applicant.

18 Let's make sure --

19 CHAIRMAN RICE: That's our payment, \$1 a
20 year we work for.

21 Is the -- do you want to summarize, Robert?

22 MR. KEELEY: Sorry, before you do --

23 CHAIRMAN RICE: Yeah.

24 MR. KEELEY: Just as has become tradition
25 here, may I add one more thing to your checklist?

1 MR. GAUDIOSO: Yeah, sure. And AT&T's
2 counsel is here.

3 MR. KEELEY: So just one small
4 clarification. And, again, maybe I missed it in the
5 paperwork, but in the beginning you said that we've
6 closed out, that's my little thing here, the tribal
7 consultation.

8 MR. GAUDIOSO: Right.

9 MR. KEELEY: That was said we've closed it
10 out. I think we may have still have the
11 (indiscernible) outstanding, so if we could just
12 follow up on that. Make sure that that box is
13 checked. I think that that may be one of the
14 remaining -- we don't need to address it now. You
15 can continue with your statement, but we can deal
16 with that later.

17 CHAIRMAN RICE: Because we want to get to
18 the -- Robert, if you have something to say we can
19 say that, then we want to move on to --

20 MR. GAUDIOSO: I know there was a question
21 for AT&T's counsel. He's here this evening.
22 (Indiscernible)

23 MS. BRANAGAN: No, it had to do with the
24 agreements. I did ask you guys because I didn't
25 think he was going to get here, and so --

1 CHAIRMAN RICE: Okay. We are -- you want to
2 -- do you have any questions to the Board or --

3 MR. GAUDIOSO: Number one, I would just
4 respectfully request very quickly copies of materials
5 that were previously submitted and submitted this
6 evening so we can respond.

7 CHAIRMAN RICE: Yeah. I'll send you the
8 list and you can --

9 MR. GAUDIOSO: We are at the shot clock
10 expiration date today, so I'm curious to see how the
11 Board wants to proceed.

12 MR. MARINO: At this point, William, if you
13 don't mind, at this point in the proceedings I would
14 like to suggest that after several public hearings
15 and a boatload of information that we close the
16 public hearing.

17 CHAIRMAN RICE: Yes.

18 MR. MARINO: We can leave the public
19 information portion open for another 10 days for
20 written comments if anyone else has written comments
21 they'd like to submit, but I think at this point we
22 need to close the public hearing and begin our
23 deliberations as two separate boards and move forward
24 one way or the other --

25 CHAIRMAN RICE: Right.

1 MR. MARINO: -- on this application.

2 MR. GAUDIOSO: The only thing I would ask is
3 we don't have a problem with closing the hearing and
4 leaving the written comment period open, but
5 unfortunately, we haven't received the materials to
6 be able to respond to them, so there's no way we're
7 going to be able to respond within 10 days.

8 CHAIRMAN RICE: Pauline, you can send --

9 MR. MARINO: We don't need your response in
10 the next 10 days.

11 MS. MINNERS: What response, the ones from
12 today?

13 MR. MARINO: We just -- we're going to leave
14 it open for -- well, you don't have as the public in
15 terms of responding.

16 MR. GAUDIOSO: So I will respectfully say
17 this, I think that would be unfair to the public, and
18 I would be concerned about a third-party challenge by
19 the public if we were able to submit stuff and they
20 weren't able to respond. So quite frankly --

21 FEMALE SPEAKER: Could you repeat that?

22 MR. GAUDIOSO: -- I would rather have both
23 bodies be able to, you know, provide responses --

24 CHAIRMAN RICE: Okay.

25 MR. GAUDIOSO: -- so there's a clear record.

1 And I'm saying that as a matter of fairness to all
2 parties. I appreciate your willingness to try and
3 wrap this up, but I'm just concerned that that
4 someone would complain.

5 I would also want to receive the Board's
6 feedback on whether you want the -- I know you have a
7 concern about the notice and the balloon test, and
8 that is under your code a requirement of the Board to
9 direct. The Board directed otherwise, and I'm
10 comfortable with that, but I want to make sure the
11 Board is comfortable with that because there's been
12 statements made with respect to the notification of
13 the balloon test.

14 CHAIRMAN RICE: I was comfortable with it.
15 I let Jason know. Jason has an issue with it. You
16 know, it's a legal issue and you've probably taken it
17 -- but it's --

18 MR. BIAFORE: Well, I can't speak for the
19 public, but I can, you know, it is a requirement. We
20 are in a full (indiscernible) condition, which is
21 also something I'm not necessarily suggesting and
22 that another balloon test be conducted, but what I am
23 suggesting is that the one that was conducted remains
24 defective because the public wasn't (indiscernible).

25 CHAIRMAN RICE: We'll talk to our special

1 counsel.

2 MR. BIAFORE: But it's out there. I'll
3 lease that out there.

4 CHAIRMAN RICE: Yeah, yeah, yeah. We got
5 it, yeah.

6 MR. GAUDIOSO: So what I would the
7 respectfully suggest at the Board's discretion is
8 close the public hearing, maybe leave the written
9 record open for 30 days in case counsel says we ought
10 to perform another balloon test and notice and allow
11 10 days thereafter for responses to whatever is
12 submitted within that 30-day period.

13 CHAIRMAN RICE: I think that seems good to
14 me. Well, what does the Board feel about that?

15 MR. GAUDIOSO: I understand that that 10-day
16 response is for only materials that are filed within
17 that 30 days, that any materials that are filed
18 within that 30 days are, obviously, shared with the
19 Applicant right away. And I just think that gives
20 both sides the opportunity to have a fair and full
21 opportunity to provide materials to the record.

22 MS. BRANAGAN: 30 days --

23 MR. KEELEY: So it 30 plus 10?

24 MR. GAUDIOSO: It's 30 days, 30 days for
25 materials, 10 days for responses only to those

1 materials and nothing new, and then a decision
2 thereafter.

3 MR. KEELEY: So that would bring us to early
4 February. The record is closed February 10th or so
5 to when the record is closed, then the boards can get
6 their parallel deliberations as you suggested, and
7 that would happen in February.

8 MR. MARINO: I think from a site plan
9 standpoint, we can start -- the Planning Board can
10 probably start earlier than that, start working on
11 site plan issues, so I think that's reasonable. So
12 then I would amend my motion to close the public
13 hearing, but leave the -- leave an opportunity for
14 additional written comment and response for 30 days
15 with the final 10 days left at the end for final
16 responses. That's my motion. That's my motion.

17 CHAIRMAN RICE: And I would second it.

18 MR. CAMPANELLI: Before the hearing is
19 closed, is the Applicant going to stipulate to extend
20 the shot clock to include that time as well as time
21 for the Board to render a determination?

22 MR. GAUDIOSO: We'll do this, we'll
23 stipulate to the shot clock, so what I'd like to do
24 is I'd like to come up with these dates, if I could
25 look at a calendar, go over these dates right now.

1 CHAIRMAN RICE: Okay.

2 MR. GAUDIOSO: Figure out that 30 plus 10
3 and ask you to have a meeting that night, and then we
4 can see if you're in a position to decide or if we
5 have to extend the shot clock again.

6 MR. MARINO: We'll be very close at that
7 point, I'm sure.

8 MR. KEELEY: Yeah, but if there's 10 days to
9 respond after that 30 days, we can't have a meeting
10 that night. We need time to read it after. Things
11 may be submitted, so it would be 30 days, plus 10,
12 plus --

13 MR. GAUDIOSO: (Indiscernible) have a
14 meeting.

15 CHAIRMAN RICE: Yes, we would like to do
16 that.

17 MR. GAUDIOSO: If I could look at the
18 calendar.

19 MS. CLEMENTS: So 30 days from today is --

20 CHAIRMAN RICE: We're saying calendar days,
21 right?

22 MR. GAUDIOSO: Yeah, so 30 days from today
23 is what? I thought --

24 MS. CLEMENTS: Yeah, 30 calendar days from
25 today, one, two, three, four is February 9th.

1 MR. BIAFORE: Mr. Chairman, is 30 days
2 really necessary? I mean, we were able to respond to
3 their latest submission within a week or so. I'm
4 sure he has a team of associates working on this
5 case.

6 MR. GAUDIOSO: With all due respect, he
7 doesn't know what I have or what I don't have. The
8 bottom line is I still haven't seen the documents
9 that were submitted.

10 CHAIRMAN RICE: Yeah. I mean, extending the
11 -- it's giving us a little more time to absorb. It
12 just seems like a smart thing to do, right?

13 MR. GAUDIOSO: And then 10 days after
14 February 9th is the 19th.

15 MALE SPEAKER: I would submit that 30 days
16 is more than necessary.

17 MR. MARINO: But we are going to stand up.

18 MR. KEELEY: A quick comment. This type of
19 dynamic is exactly what led to the change in the
20 balloon testing, the end of the meeting, comment from
21 the audience, and then this is exactly the dynamic,
22 so just because you weren't there and that's an issue
23 of concern to you, I just wanted to bring you into
24 that space. This is the exact same that the balloon
25 test got changed.

1 (MULTIPLE SPEAKERS)

2 MR. MARINO: February 9th is 30 days?

3 MS. CLEMENTS: February 9th is 30 days, 10
4 days after that would be --

5 MALE SPEAKER: The 19th.

6 FEMALE SPEAKER: (Indiscernible)

7 MS. CLEMENTS: Yeah, which probably isn't
8 good, so --

9 MR. MARINO: Well, we're not going to have a
10 meeting on that day, though.

11 MS. CLEMENTS: Right.

12 MR. GAUDIOSO: You want to make it the 20th?
13 You want to make it the 20th?

14 CHAIRMAN RICE: The 20th? Okay.

15 MS. CLEMENTS: Is what? It's to close up
16 the --

17 MR. GAUDIOSO: The 10 days, the 10-day
18 responses.

19 MR. MARINO: And then a meeting within a
20 week of that.

21 MR. GAUDIOSO: And then pick a meeting date
22 at your leisure.

23 THE MARINO: The first week of February.

24 MS. CLEMENTS: Actually, I just want to make
25 sure because that's giving almost 14, so 30 days from

1 today is February 9th.

2 MR. GAUDIOSO: February 20th for the
3 response.

4 MS. CLEMENTS: Oh, yeah, yeah, that
5 (indiscernible).

6 MR. GAUDIOSO: And then the final sometime
7 after the 25th for a meeting.

8 MS. CLEMENTS: The week of the 26th.

9 MR. GAUDIOSO: Well, we should pick that
10 date now to extend the shot clock for that date.

11 MS. CLEMENTS: For the meeting?

12 MR. GAUDIOSO: Yeah. What's the last day of
13 -- I know -- do we know what the last day of February
14 is?

15 MR. KEELEY: Wednesday, the 28th.

16 MS. CLEMENTS: Wednesday, the 28th.

17 MR. GAUDIOSO: So why don't we do this, why
18 don't we stipulate to extend the shot clock to the
19 28th, and if for some reason there's a problem, you
20 have your counsel contact me and we can certainly
21 work something out.

22 MS. MINNERS: What day are we putting the
23 meeting on?

24 MR. KEELEY: 26th, shot clock to the 28th.

25 (MULTIPLE SPEAKERS)

1 MR. MARINO: So that's my motion.

2 CHAIRMAN RICE: We're going to second that
3 motion.

4 MR. MARINO: William, second?

5 MS. MINNERS: Somebody second it.

6 WILLIAM: Seconded.

7 MR. MARINO: William seconded it.

8 CHAIRMAN RICE: Okay, so we're going to --

9 MR. MARINO: Everybody good with that then?
10 Aye?

11 CHAIRMAN RICE: So we're closing the public
12 hearing and we'll notify everybody when the next
13 meeting is.

14 MR. GAUDIOSO: Thank you very much for your
15 time.

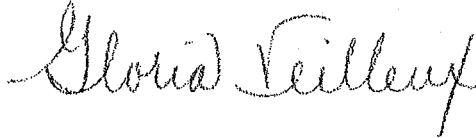
16 CHAIRMAN RICE: Thank you. Thank you,
17 everyone.

18

19 (Whereupon, the proceedings concluded.)

C E R T I F I C A T E

I, Gloria Veilleux, certify that the foregoing transcript of proceedings of the Village of Nelsonville Combined Public Hearing held on January 10, 2018, was prepared using the required transcription equipment and is a true and accurate record of the proceedings.



Gloria Veilleux

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