

TOWNSHIP OF CHATHAM  
ZONING BOARD OF ADJUSTMENT

IN THE MATTER OF:	)	TRANSCRIPT
	)	OF
NEW CINGULAR WIRELESS, PCS	)	PROCEEDINGS
("AT&T") and T-MOBILE NORTHEAST,	)	
LLC ("T-MOBILE")	)	
300 SHUNPIKE ROAD	)	
BLOCK 95, LOT 18.01	)	
	)	
CALENDAR BOA: 12-95-18.01	)	PUBLIC HEARING

ORIGINAL

REGULAR BOARD MEETING

B E F O R E:

TONY VIVONA, Chairman  
 GREGORY BORSINGER  
 MICHAEL HYLAND  
 TINA ROMANO  
 JOHN K. RUSCHKE  
 WILLIAM STYPLE  
 JON WESTON  
 RICK WILLIAMS

A L S O P R E S E N T:

STEPHEN E. SHAW, ESQ., Board Attorney  
 ROBERT A. MICHAELS, P.P., Board Planner  
 KALI TSIMBOUKIS, Recording Secretary

JOB NO. CS 2011490

1 TRANSCRIPT of the stenographic notes of  
2 the proceedings in the above-entitled matter, as taken  
3 by and before ANGELA C. BUONANTUONO, a Certified  
4 Court Reporter, Registered Professional Reporter,  
5 Certified LiveNote Reporter and Notary Public of the  
6 State of New Jersey, held at the TOWNSHIP OF CHATHAM  
7 MUNICIPAL BUILDING, COUNCIL CHAMBERS, 58 Meyersville  
8 Road, Chatham, New Jersey, 07928 on Thursday, March  
9 19, 2015, commencing at 7:30 in the evening.

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14 A P P E A R A N C E S:

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I N D E X

WITNESS: ALEC NORRIS, PE	PAGE NO.
EXAMINATION BY MS. FAIRWEATHER	5

E X H I B I T S

EXHIBIT NO.	DESCRIPTION	PAGE NO.
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(No exhibits were marked.)

1 CHAIRMAN VIVONA: All right, we'll start  
2 with the hearing. Next is Calendar BOA 12-95-18.01,  
3 New Cingular Wireless, "AT&T", and T-Mobile  
4 Northeast, LLC.

5 MS. FAIRWEATHER: Good evening.

6 CHAIRMAN VIVONA: Good evening.

7 MS. FAIRWEATHER: Judy Fairweather from  
8 PinilisHalpern on behalf of New Cingular and T-Mobile  
9 this evening. We're before you asking for an  
10 extension of our temporary site at 300 Shunpike Road.  
11 Both AT&T and T-Mobile have applications in -- as a  
12 matter of fact, I heard tonight that we're coming for  
13 permanent approval in April -- to move to 200  
14 Shunpike Road back onto PSE&G towers.

15 Those of you who may not have been here  
16 back in 2012, but when PSE&G took down that whole  
17 line of towers to replace them, all the carriers on  
18 the tower had to go to temporary sites, and we have  
19 been there for over two years. We are now ready to  
20 go back on PSE&G.

21 I have my engineer, Alec Norris, tonight  
22 to address -- we believed when we started this it was  
23 going to take two years and, of course, it's taken  
24 longer. I have Alec to explain the procedure and why  
25 we're asking for an eight-month extension before you

1 this evening.

2 So if it's all right with you, Mr. Chair,  
3 I'll continue, unless you have some questions?

4 CHAIRMAN VIVONA: No. Do we need to swear  
5 him in? Please raise your right hand.

6 Do you swear to tell the truth, the whole  
7 truth and nothing but the truth, so help you God?

8 MR. NORRIS: I do.

9 CHAIRMAN VIVONA: We don't need any  
10 qualifications until he testifies?

11 MR. SHAW: He's going to testify now.

12 MS. FAIRWEATHER: I'll quickly...

13 E X A M I N A T I O N

14 BY MS. FAIRWEATHER:

15 Q. Alec, are you a licensed engineer  
16 responsible for the plans for the permanent site and  
17 also for what's going on with the temporary site with  
18 PSE&G?

19 A. I am. I am, but the temporary plans for  
20 the Cell On Wheels was prepared by somebody else.

21 Q. Okay. And do you meet periodically with  
22 PSE&G discussing the whole transition of the  
23 temporary sites back to the permanent sites?

24 A. I do.

25 Q. And you're responsible for us and

1 T-Mobile going back to PSE&G's permanent site?

2 A. Yes.

3 MR. SHAW: He's accepted as an expert.

4 And just for purposes of our tape, Alex, if you could  
5 restate your name for the record?

6 THE WITNESS: Sure. It's Alec, A-l-e-c,  
7 Norris, N-o-r-r-i-s.

8 BY MS. FAIRWEATHER:

9 Q. And who are you with and your address?

10 A. I work for Dewberry Engineers, it's 133  
11 Gaither Drive, Mount Laurel, New Jersey.

12 Q. And, just for the record, you're a  
13 licensed professional engineer in the State of New  
14 Jersey?

15 A. That is correct.

16 Q. Great. So, Alec, can you please explain  
17 to them, to the board, we'll be in next month to get  
18 approval for the permanent site to go back onto PSE&G  
19 towers, but yet we have asked for an extension until  
20 December 1st. Can you explain why? How does that  
21 happen?

22 A. This whole thing has been a process.  
23 PSE&G has a process, just like the Township would  
24 have a process, so there's certain things that need  
25 to fall into place and so forth. So systematically

1 going through all that, you know, drawing approvals  
2 take 30 days, and they have their internal reviews  
3 for everything. So we're finally getting to a point  
4 now we're coming for zoning April 16th for the  
5 permanent site. And then once all the permits are in  
6 place, construction permits, building permits,  
7 everything else and submitted to PSE&G, then they  
8 will look to get their building materials. All the  
9 items that have to be installed on the tower will  
10 arrive at PSE&G's warehouse. They have basically a  
11 checklist. They need to have everything in place and  
12 once that's in place then they can reach out to PJM,  
13 and PJM is in charge of the grid for like the North  
14 Atlantic and the Mid-West, I think it's 13 states,  
15 and they are the ones who are responsible for  
16 coordinating the power outage that will be required  
17 for the Roselle-Metuchen line.

18           There's a lot of variables with the  
19 timeframe on that, but I think three months more or  
20 less is kind of a reasonable timeframe.

21           Q.       But, Alec, what happens in the summer?  
22 We're asking until December 1st. So what happens  
23 from the middle of June, July, August and maybe to  
24 the beginning of September?

25           A.       That's correct. So if the power outages

1 are being -- let's say, they're scheduled in August,  
2 well usually in August you have warmer temperatures  
3 and if you hit I think it's 82 degrees, they're going  
4 to -- they have to bump your timeframe for the  
5 outage, so you're not going to get it. Basically  
6 June, July, August are pretty much out.

7 So they'll schedule it and do their best  
8 to get you in, but depending on temperatures and how  
9 things work out, I am anticipating a fall  
10 installation.

11 Q. And June, July and August, that's because  
12 the demand for electricity is so high; is that  
13 correct?

14 A. That's correct.

15 Q. It's their peak periods so they won't do  
16 a power outage?

17 A. That is correct.

18 CHAIRMAN VIVONA: How long is the power  
19 outage scheduled?

20 THE WITNESS: Usually, for a tower like  
21 this they'll probably do it within a couple of days.  
22 And that's for all the tower work. PSE&G will do all  
23 their tower work, the coaxial cables, the platform  
24 and antennas. All the ground work is done by a  
25 contractor for the carrier.

1           So we'll try and do the power outages for  
2 just a short timeframe so that it's not down very  
3 much, and they just go tower to tower, do what they  
4 have to do, and then get it back up.

5           CHAIRMAN VIVONA: Okay.

6           MS. FAIRWEATHER: And, just for the  
7 record, T-Mobile is going on a PSE&G tower, they're  
8 going back to PSE&G, but they're going to the tower  
9 that is located in Chatham Borough. But they're  
10 going through zoning and everything just as AT&T is,  
11 and that's why the December 1st date would also work  
12 for them.

13          CHAIRMAN VIVONA: Okay.

14          MS. FAIRWEATHER: And that's it, Mr.  
15 Chair. That's why we're asking for an extension,  
16 sir.

17          CHAIRMAN VIVONA: Okay. Anybody have any  
18 questions for Ms. Fairweather or Mr. Norris?

19          UNIDENTIFIED SPEAKER: I really don't  
20 know what the etiquette is here, but may I ask a  
21 question?

22          CHAIRMAN VIVONA: One second.

23          MR. SHAW: After the board gets done  
24 asking questions then they open up for questions of  
25 the public or questions of the public for this

1 witness.

2 My only question, again, was just to try  
3 to focus on the procedures. There has to be an  
4 approval for both the Chatham Township site and the  
5 Chatham Borough site to be able to close up the  
6 temporary site.

7 Is that done? Do they try to do those  
8 power changes at the same time, or are they just  
9 going to be tracking separately with -- tracking  
10 separately with PSE&G in terms of scheduling?

11 THE WITNESS: There's monthly meetings,  
12 the second Tuesday of every month there's a meeting  
13 at PSE&G for these types of installations, this type  
14 of project with the replacements, and they're trying  
15 to get everybody on the same page.

16 Basically what they would like, what  
17 PSE&G would like is for everybody to have all their  
18 permits and approvals and everything in place so when  
19 they schedule the outage for the Roselle-Metuchen  
20 line, they can do all of it at once.

21 MS. FAIRWEATHER: And the way the  
22 carriers are now we're going back to PSE&G, in  
23 several of the cases we already have zoning approval  
24 and are applying for building permits. In other  
25 cases it's like this, where we have the hearings

1 scheduled in the next 30 days or so, so that they all  
2 seem to be falling in line so that they're all going  
3 to be approved probably within 30 to 45, at the most  
4 60 days.

5 BY MS. FAIRWEATHER:

6 Q. And then, Alec, the next step is you have  
7 to get the zoning approval for PSE&G, then you have  
8 to get the building permit for PSE&G, and  
9 construction drawings for PSE&G. They review all  
10 that, have 30 days to review, PSE&G always has 30  
11 days to review.

12 Once they agree with the construction  
13 drawings and believe that we have the correct  
14 approvals, then the carriers have to physically get  
15 antennas, cabling and everything else that goes on  
16 the tower, in PSE&G's warehouse; is that correct?

17 A. That's correct.

18 Q. And then PSE&G does all the tower work?

19 A. Right.

20 Q. And the carriers do the ground work?

21 A. Yes.

22 MR. SHAW: Also, in terms of sequencing  
23 and timing, the prior resolution essentially had  
24 established a three-month time window after you had  
25 relocated equipment in order to implement a

1 Restoration Plan which includes watering and things  
2 like that. So if this was going to be done in --

3 MS. FAIRWEATHER: Late fall.

4 MR. SHAW: -- late fall, if it ends up not  
5 being completed until, you know, late November or  
6 December, then the time period for doing plantings  
7 really should be set for the spring of the following  
8 year so that any plantings can survive.

9 MS. FAIRWEATHER: Yes.

10 THE WITNESS: That would make sense. The  
11 springtime plantings in accordance with French &  
12 Parrello plans.

13 MR. SHAW: So in addition to an extension  
14 to the 1st of December, you also would be looking for  
15 an extension of the time period for plantings which  
16 should reflect what the seasonal nature is, so would  
17 a May 1st date be appropriate for being able to get  
18 plantings in?

19 MS. FAIRWEATHER: Yes.

20 CHAIRMAN VIVONA: Where is the temporary  
21 COW that these are replacing?

22 THE WITNESS: The temporary COW is behind  
23 the church, the Lutheran Church.

24 MR. WESTON: How long will it take to  
25 remove the temporary tower?

1 THE WITNESS: I'm not sure exactly. I  
2 have to imagine it would be pretty quick. You know,  
3 once the permanent sites are both up, I have to  
4 imagine it would be within a week or so. I don't  
5 think it would take very long to decommission that  
6 one and remove it.

7 MS. FAIRWEATHER: What I have been asking  
8 the towns is, you know, once we're on-air and  
9 functioning and making sure we're functioning, to  
10 give us a couple of weeks to take it down.

11 MR. BORSINGER: I have a question. A  
12 couple of years ago I read that a researcher down at  
13 Bell Labs came up with a new kind of tower, it was a  
14 lot smaller, lot less, you know visual than this.

15 Is there any new technology out there?

16 THE WITNESS: There is certain technology  
17 where you would have a smaller installation but it  
18 would go on a smaller type of pole, let's say, a  
19 utility, the poles that are running along your  
20 street, for example.

21 MR. BORSINGER: It wouldn't replace  
22 these?

23 THE WITNESS: No. This is a larger  
24 installation that would cover more ground.

25 MS. FAIRWEATHER: Right. If you go on

1 the little poles and put the small little antennas on  
2 it, it's basically just for a couple of blocks, where  
3 as this will do the whole area. And the transmission  
4 tower is already there.

5 MR. WESTON: Have we gotten any issues --  
6 or are there any issues associated with the operation  
7 of the temporary tower?

8 And also, has the Township gotten any  
9 comments or complaints from the public about the  
10 operation of the temporary tower?

11 MS. FAIRWEATHER: I know of no complaints  
12 because I haven't been notified. And we have, from  
13 an operational standpoint and functional standpoint,  
14 it has been perfect for the last over two years.  
15 From AT&T's standpoint it has been functioning  
16 perfectly and no one has called me.

17 MR. WESTON: Okay.

18 CHAIRMAN VIVONA: John, anything?

19 MR. RUSCHKE: No comments.

20 CHAIRMAN VIVONA: So if no one else on  
21 the board has any other questions, we'll open it up  
22 to the public.

23 What I would ask you to do is stand,  
24 state your name and your address clearly for the  
25 record. And then you may ask a question only of the

1 testimony that was given. If it's not in his  
2 testimony, you are more than welcome to wait until  
3 the correct person makes their statements then you  
4 can ask questions of that.

5 MR. DANENBERG: Brian Danenberg, 68  
6 Westminster in Chatham Township.

7 AT&T is currently a tenant on the  
8 T-Mobile mast. Are they also going over to the power  
9 lines?

10 MS. FAIRWEATHER: Yes.

11 MR. DANENBERG: And there's an  
12 outstanding lease on the temporary site. Is T-Mobile  
13 going to honor that lease?

14 MS. FAIRWEATHER: I have no idea about  
15 the lease. I'm here to get the extension. I'm a  
16 land use attorney.

17 MR. DANENBERG: Okay.

18 CHAIRMAN VIVONA: Thank you. Anybody  
19 else? Nothing heard. At this point we can make a  
20 motion to --

21 MR. SHAW: Open for general comments from  
22 the public on the application.

23 CHAIRMAN VIVONA: Okay. Any other  
24 comments from the public? None heard.

25 So this is just for an extension, this is

1 not for anything else. So if someone can make a  
2 motion to grant?

3 MR. SHAW: The extension would be through  
4 December 1st. And relative to the landscaping, it  
5 would be through May 1st.

6 MS. ROMANO: I can accept to approve the  
7 extension.

8 CHAIRMAN VIVONA: Okay. Can we have a  
9 second for the extension, please?

10 MR. STYPLE: Second.

11 CHAIRMAN VIVONA: Okay, roll-call?

12 MS. TSIMBOUKIS: Mr. Vivona?

13 CHAIRMAN VIVONA: Yes.

14 MS. TSIMBOUKIS: Mr. Weston?

15 MR. WESTON: Yes.

16 MS. TSIMBOUKIS: Ms. Romano?

17 MS. ROMANO: Yes.

18 MS. TSIMBOUKIS: Mr. Hyland?

19 MR. HYLAND: Yes.

20 MS. TSIMBOUKIS: Mr. Styple?

21 MR. STYPLE: Yes.

22 MS. TSIMBOUKIS: Mr. Borsinger?

23 MR. BORSINGER: Yes.

24 MS. FAIRWEATHER: Thank you all very  
25 much.

1 MR. SHAW: And before we go I also have  
2 prepared, since I believe April 1st is the date that  
3 the other resolution expires, I have prepared a  
4 resolution for this evening. I will review the  
5 pertinent portions of it.

6 Essentially what the resolution does is  
7 it recites all of the previous variances that were  
8 granted when the tower was originally approved. It  
9 notes that Condition 6 of the resolution provided  
10 that it was effective until August 1st of 2014, with  
11 planting and reforestation plantings be done by  
12 November 1st of 2014. And a provision that the  
13 applicant and co-applicant may seek relief from this  
14 condition by filing application to amend the  
15 Resolution of Approval in the newspaper and certified  
16 notice.

17 This was previously extended by  
18 Resolution adopted July 17th, 2014, which  
19 contemplated the removal of the temporary facilities  
20 by April 1st of 2015. So there was an application  
21 filed to grant a further eight-month extension.

22 The facility is currently a temporary  
23 100-foot wireless telecommunications facility located  
24 on the Gloria Dei Lutheran Church. The applicant and  
25 co-applicant relied on the testimony of Alec Norris,

1 P.E. of Dewberry, who, as you heard, testified it is  
2 a time-consuming process and that PSE&G must approve  
3 the municipal application, in addition to having  
4 30 days to approve any changes trigger another 30-day  
5 review period by PSE&G. PSE&G will not schedule an  
6 outage for construction of the new facilities until  
7 the building permits are issued and all applicant and  
8 co-applicant's equipment is in the PSE&G warehouse.

9 PSE&G then contacts PJM, the company  
10 responsible for the Northeast grid, to schedule an  
11 outage which could take up to three months. Since  
12 PSE&G will not do an outage if the temperature may be  
13 above 82 degrees, summers cannot be scheduled.

14 The applicant and co-applicant indicated  
15 they require eight months for the replacement of the  
16 temporary site. Restoration of the site will be  
17 completed within three months, unless installation  
18 occurs in November in which case restoration will be  
19 completed the following spring.

20 The Resolution then goes on to grant the  
21 request for extension which will be effective until  
22 December 1st, 2015. Disturbed areas shall be  
23 restored in accordance with the approved Restoration  
24 Plan, within three months of relocation, or by May  
25 1st, 2016 if relocated November of 2015, and shall be

1 watered and otherwise maintained.

2 All the other terms and conditions of the  
3 June 21st, 2012 resolution which granted the original  
4 approval for the temporary location will remain in  
5 effect.

6 It will be appropriate, if anyone has  
7 gotten through it far enough, to entertain a motion  
8 to adopt the resolution as distributed and read into  
9 the record.

10 MR. HYLAND: Yes, I so move.

11 CHAIRMAN VIVONA: Can we have a second,  
12 please?

13 MR. WESTON: Second.

14 CHAIRMAN VIVONA: Okay, roll-call.

15 MR. DANENBERG: Is there public  
16 discussion on that?

17 MR. SHAW: Not beyond that. They opened  
18 up for public comment. That was why we asked if  
19 there was any public comment.

20 MR. DANENBERG: It seemed like you would  
21 extend it after that.

22 MR. SHAW: If you have a public comment  
23 you want to make, please put it on the record.

24 MR. DANENBERG: In so many words, I  
25 didn't -- you spoke in a dry voice and I didn't

1 really understand what you were saying and I'm not  
2 sure what is being voted on here.

3 MR. SHAW: What is being voted on is a  
4 resolution approving the vote that was just taken to  
5 extend the time period for the temporary tower for  
6 eight months and to provide for completion of the  
7 Landscaping Plan, if construction does not begin  
8 before November, to have the Restoration Plan done in  
9 the spring, specifically by May 1st.

10 MR. DANENBERG: I heard language about  
11 the restoration of the existing property back to the  
12 state it was before T-Mobile assumed --

13 MR. SHAW: There is a specific  
14 Restoration Plan which was approved back in 2012 and  
15 that's the plan that I was referring to that has to  
16 be completed within three months of the work -- of  
17 the removal of the tower, or if it isn't removed  
18 until November, since there are a number of plantings  
19 involved and they have to be watered, that the time  
20 period for implementing the Restoration Plan would  
21 then be May 1st.

22 MR. DANENBERG: So is it true that what  
23 you're saying is that T-Mobile would be responsible  
24 for restoration of the land commensurate with the  
25 season?

1 MR. SHAW: They will be required to,  
2 they're required to implement the Restoration Plan  
3 within three months. However, if it's November when  
4 they completed it, you can't do plantings in the  
5 middle of the winter, so the Restoration Plan would  
6 then be -- the deadline for completing it would be  
7 extended to May 1st.

8 MR. DANENBERG: Right, commensurate with  
9 the season?

10 MR. SHAW: Yes. If that's what you mean,  
11 yes.

12 MR. DANENBERG: When reasonable.

13 MR. SHAW: When you can plant, right.

14 MR. DANENBERG: Fine. I'm sorry, thank  
15 you.

16 MR. SHAW: That's fine.

17 MS. TSIMBOUKIS: Mr. Borsinger?

18 MR. BORSINGER: Yes.

19 MS. TSIMBOUKIS: Mr. Styple?

20 MR. STYPLE: Yes.

21 MS. TSIMBOUKIS: Mr. Hyland?

22 MR. HYLAND: Yes.

23 MS. TSIMBOUKIS: Ms. Romano?

24 MS. ROMANO: Yes.

25 MS. TSIMBOUKIS: Mr. Weston?

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MR. WESTON: Yes.

MS. TSIMBOUKIS: Mr. Vivona?

CHAIRMAN VIVONA: Yes.

MS. FAIRWEATHER: Thank you and I will  
see you all next month.

(Hearing concluded at 7:57 p.m..)

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C E R T I F I C A T E

I, ANGELA C. BUONANTUONO, a Notary Public and Certified Court Reporter of the State of New Jersey and Registered Professional Reporter, do hereby certify that prior to the commencement of the examination, the witness was duly sworn to testify the truth, the whole truth and nothing but the truth.

I DO FURTHER CERTIFY that the foregoing is a true and accurate transcript of the testimony as taken stenographically by and before me at the time, place and on the date hereinbefore set forth.

I DO FURTHER CERTIFY that I am neither a relative nor employee nor attorney nor counsel of any of the parties to this action, and that I am neither a relative nor employee of such attorney or counsel, and that I am not financially interested in the action.



---

Angela C. Buonantuono, CCR, RPR, CLR  
Notary Public of the State of New Jersey  
License No. 30XI00233100

<b>&amp;</b>	<b>6</b>	<b>applicant's</b> 18:8	<b>beginning</b> 7:24
<b>&amp;</b> 2:21 12:11	<b>6</b> 17:9	<b>applicants</b> 2:18	<b>behalf</b> 4:8
<b>0</b>	<b>60</b> 11:4	<b>application</b> 15:22	<b>believe</b> 11:13 17:2
<b>07901</b> 2:23	<b>68</b> 15:5	17:14,20 18:3	<b>believed</b> 4:22
<b>07928</b> 2:8	<b>7</b>	<b>applications</b> 4:11	<b>bell</b> 13:13
<b>07960</b> 2:16	<b>7:30</b> 2:9	<b>applying</b> 10:24	<b>best</b> 8:7
<b>1</b>	<b>7:57</b> 22:7	<b>appropriate</b> 12:17	<b>beyond</b> 19:17
<b>100</b> 17:23	<b>8</b>	19:6	<b>block</b> 1:7
<b>12-95-18.01</b> 1:8 4:2	<b>82</b> 8:3 18:13	<b>approval</b> 4:13 6:18	<b>blocks</b> 14:2
<b>13</b> 7:14	<b>9</b>	10:4,23 11:7 17:15	<b>bmk</b> 2:24
<b>133</b> 6:10	<b>95</b> 1:7	19:4	<b>boa</b> 1:8 4:2
<b>160</b> 2:15	<b>973-376-0903</b> 2:24	<b>approvals</b> 7:1 10:18	<b>board</b> 1:2,9,21,21
<b>16th</b> 7:4	<b>973-376-0909</b> 2:23	11:14	6:17 9:23 14:21
<b>17th</b> 17:18	<b>973-401-1111</b> 2:16	<b>approve</b> 16:6 18:2,4	<b>borough</b> 9:9 10:5
<b>18.01</b> 1:7	<b>973-401-1114</b> 2:17	<b>approved</b> 11:3 17:8	<b>borsinger</b> 1:13
<b>180</b> 2:22	<b>a</b>	18:23 20:14	13:11,21 16:22,23
<b>19</b> 2:9	<b>able</b> 10:5 12:17	<b>approving</b> 20:4	21:17,18
<b>1st</b> 6:20 7:22 9:11	<b>accept</b> 16:6	<b>april</b> 4:13 7:4 17:2	<b>brian</b> 15:5
12:14,17 16:4,5	<b>accepted</b> 6:3	17:20	<b>brown</b> 2:21
17:2,10,12,20 18:22	<b>accurate</b> 23:10	<b>area</b> 14:3	<b>building</b> 2:7 7:6,8
18:25 20:9,21 21:7	<b>action</b> 23:15,18	<b>areas</b> 18:22	10:24 11:8 18:7
<b>2</b>	<b>addition</b> 12:13 18:3	<b>arrive</b> 7:10	<b>bump</b> 8:4
<b>200</b> 4:13	<b>address</b> 4:22 6:9	<b>asked</b> 6:19 19:18	<b>buonantuono</b> 2:3
<b>2011490</b> 1:25	14:24	<b>asking</b> 4:9,25 7:22	23:3,23
<b>2012</b> 4:16 19:3	<b>adjustment</b> 1:2	9:15,24 13:7	<b>c</b>
20:14	<b>adopt</b> 19:8	<b>associated</b> 14:6	<b>c</b> 2:3,13 6:6 23:1,1,3
<b>2014</b> 17:10,12,18	<b>adopted</b> 17:18	<b>assumed</b> 20:12	23:23
<b>2015</b> 2:9 17:20	<b>ago</b> 13:12	<b>at&amp;t</b> 1:5 4:3,11 9:10	<b>cables</b> 8:23
18:22,25	<b>agree</b> 11:12	15:7	<b>cabling</b> 11:15
<b>2016</b> 18:25	<b>air</b> 13:8	<b>at&amp;t's</b> 14:15	<b>calendar</b> 1:8 4:2
<b>21st</b> 19:3	<b>alec</b> 3:3 4:21,24 5:15	<b>atlantic</b> 7:14	<b>call</b> 16:11 19:14
<b>3</b>	6:6,16 7:21 11:6	<b>attorney</b> 1:21 15:16	<b>called</b> 14:16
<b>30</b> 7:2 11:1,3,10,10	<b>alex</b> 6:4	23:14,16	<b>carrier</b> 8:25
18:4,4	<b>amend</b> 17:14	<b>attorneys</b> 2:18,25	<b>carriers</b> 4:17 10:22
<b>300</b> 1:6 4:10	<b>angela</b> 2:3 23:3,23	<b>august</b> 7:23 8:1,2,6	11:14,20
<b>30xi00233100</b> 23:25	<b>antennas</b> 8:24 11:15	8:11 17:10	<b>case</b> 18:18
<b>4</b>	14:1	<b>b</b>	<b>cases</b> 10:23,25
<b>45</b> 11:3	<b>anticipating</b> 8:9	<b>b</b> 1:12 3:13	<b>ccr</b> 23:23
<b>5</b>	<b>anybody</b> 9:17 15:18	<b>back</b> 4:14,16,20	<b>cell</b> 5:20
<b>5</b> 3:4	<b>applicant</b> 2:25	5:23 6:1,18 9:4,8	<b>certain</b> 6:24 13:16
<b>58</b> 2:7	17:13,13,24,25 18:7	10:22 20:11,14	<b>certified</b> 2:3,5 17:15
	18:14,14	<b>basically</b> 7:10 8:5	23:4
		10:16 14:2	<b>certify</b> 23:6,9,13

<b>chair</b> 5:2 9:15 <b>chairman</b> 1:13 4:1,6 5:4,9 8:18 9:5,13,17 9:22 12:20 14:18,20 15:18,23 16:8,11,13 19:11,14 22:3 <b>chambers</b> 2:7 <b>changes</b> 10:8 18:4 <b>charge</b> 7:13 <b>chatham</b> 1:1 2:6,8 9:9 10:4,5 15:6 <b>checklist</b> 7:11 <b>church</b> 12:23,23 17:24 <b>cingular</b> 1:5 2:18 4:3,8 <b>clearly</b> 14:24 <b>close</b> 10:5 <b>clr</b> 23:23 <b>coaxial</b> 8:23 <b>coming</b> 4:12 7:4 <b>commencement</b> 23:6 <b>commencing</b> 2:9 <b>commensurate</b> 20:24 21:8 <b>comment</b> 19:18,19 19:22 <b>comments</b> 14:9,19 15:21,24 <b>company</b> 18:9 <b>complaints</b> 14:9,11 <b>completed</b> 12:5 18:17,19 20:16 21:4 <b>completing</b> 21:6 <b>completion</b> 20:6 <b>concluded</b> 22:7 <b>condition</b> 17:9,14 <b>conditions</b> 19:2 <b>construction</b> 7:6 11:9,12 18:6 20:7 <b>consuming</b> 18:2 <b>contacts</b> 18:9 <b>contemplated</b> 17:19	<b>continue</b> 5:3 <b>contractor</b> 8:25 <b>coordinating</b> 7:16 <b>correct</b> 6:15 7:25 8:13,14,17 11:13,16 11:17 15:3 <b>council</b> 2:7 <b>counsel</b> 23:14,17 <b>couple</b> 8:21 13:10 13:12 14:2 <b>course</b> 4:23 <b>court</b> 2:4 23:4 <b>cover</b> 13:24 <b>cow</b> 12:21,22 <b>cs</b> 1:25 <b>currently</b> 15:7 17:22	<b>doing</b> 12:6 <b>drawing</b> 7:1 <b>drawings</b> 11:9,13 <b>drive</b> 6:11 <b>dry</b> 19:25 <b>duly</b> 23:7	<b>expires</b> 17:3 <b>explain</b> 4:24 6:16,20 <b>extend</b> 19:21 20:5 <b>extended</b> 17:17 21:7 <b>extension</b> 4:10,25 6:19 9:15 12:13,15 15:15,25 16:3,7,9 17:21 18:21
	<b>d</b>	<b>e</b>	<b>f</b>
	<b>d</b> 3:1 <b>danenberg</b> 15:5,5 15:11,17 19:15,20 19:24 20:10,22 21:8 21:12,14 <b>date</b> 9:11 12:17 17:2 23:12 <b>day</b> 18:4 <b>days</b> 7:2 8:21 11:1,4 11:10,11 18:4 <b>deadline</b> 21:6 <b>december</b> 6:20 7:22 9:11 12:6,14 16:4 18:22 <b>decommission</b> 13:5 <b>degrees</b> 8:3 18:13 <b>dei</b> 17:24 <b>demand</b> 8:12 <b>depending</b> 8:8 <b>description</b> 3:14 <b>dewberry</b> 6:10 18:1 <b>discussing</b> 5:22 <b>discussion</b> 19:16 <b>distributed</b> 19:8 <b>disturbed</b> 18:22	<b>e</b> 1:12,12,20,20,21 2:13,13,20,20 3:1 3:13 5:13 6:6 23:1,1 <b>effect</b> 19:5 <b>effective</b> 17:10 18:21 <b>eight</b> 4:25 17:21 18:15 20:6 <b>electricity</b> 8:12 <b>email</b> 2:17,24 <b>employee</b> 23:14,16 <b>ends</b> 12:4 <b>engineer</b> 4:21 5:15 6:13 <b>engineers</b> 6:10 <b>entertain</b> 19:7 <b>entitled</b> 2:2 <b>equipment</b> 11:25 18:8 <b>esq</b> 1:21 <b>esquire</b> 2:15,22 <b>essentially</b> 11:23 17:6 <b>established</b> 11:24 <b>etiquette</b> 9:20 <b>evening</b> 2:9 4:5,6,9 5:1 17:4 <b>everybody</b> 10:15,17 <b>exactly</b> 13:1 <b>examination</b> 3:4 23:7 <b>example</b> 13:20 <b>exhibit</b> 3:14 <b>exhibits</b> 3:16 <b>existing</b> 20:11 <b>expert</b> 6:3	<b>f</b> 1:12 2:17,24 23:1 <b>facilities</b> 17:19 18:6 <b>facility</b> 17:22,23 <b>fact</b> 4:12 <b>fairweather</b> 2:15 3:4 4:5,7,7 5:12,14 6:8 9:6,14,18 10:21 11:5 12:3,9,19 13:7 13:25 14:11 15:10 15:14 16:24 22:4 <b>fall</b> 6:25 8:9 12:3,4 <b>falling</b> 11:2 <b>far</b> 19:7 <b>filed</b> 17:21 <b>filing</b> 17:14 <b>finally</b> 7:3 <b>financially</b> 23:17 <b>fine</b> 21:14,16 <b>focus</b> 10:3 <b>following</b> 12:7 18:19 <b>foot</b> 17:23 <b>foregoing</b> 23:9 <b>forth</b> 6:25 23:12 <b>french</b> 12:11 <b>functional</b> 14:13 <b>functioning</b> 13:9,9 14:15 <b>further</b> 17:21 23:9 23:13
			<b>g</b>
			<b>gaiter</b> 6:11 <b>general</b> 15:21 <b>getting</b> 7:3 <b>give</b> 13:10

<p><b>given</b> 15:1  <b>gloria</b> 17:24  <b>go</b> 4:18,20 6:18 9:3  13:18,25 17:1  <b>god</b> 5:7  <b>goes</b> 11:15 18:20  <b>going</b> 4:23 5:11,17  6:1 7:1 8:3,5 9:7,8,8  9:10 10:9,22 11:2  12:2 15:8,13  <b>good</b> 4:5,6  <b>gotten</b> 14:5,8 19:7  <b>grant</b> 16:2 17:21  18:20  <b>granted</b> 17:8 19:3  <b>great</b> 6:16  <b>gregory</b> 1:13  <b>grid</b> 7:13 18:10  <b>ground</b> 8:24 11:20  13:24</p>	<p><b>implementing</b> 20:20  <b>includes</b> 12:1  <b>indicated</b> 18:14  <b>installation</b> 8:10  13:17,24 18:17  <b>installations</b> 10:13  <b>installed</b> 7:9  <b>interested</b> 23:17  <b>internal</b> 7:2  <b>involved</b> 20:19  <b>issued</b> 18:7  <b>issues</b> 14:5,6  <b>items</b> 7:9</p>	<p><b>laurel</b> 6:11  <b>law.com</b> 2:24  <b>lease</b> 15:12,13,15  <b>license</b> 23:25  <b>licensed</b> 5:15 6:13  <b>line</b> 4:17 7:17 10:20  11:2  <b>lines</b> 15:9  <b>little</b> 14:1,1  <b>livenote</b> 2:5  <b>llc</b> 1:6 2:19,25 4:4  <b>llp</b> 2:14  <b>located</b> 9:9 17:23  <b>location</b> 19:4  <b>long</b> 8:18 12:24 13:5  <b>longer</b> 4:24  <b>look</b> 7:8  <b>looking</b> 12:14  <b>lot</b> 1:7 7:18 13:14,14  <b>lutheran</b> 12:23  17:24</p>	<p><b>month</b> 4:25 6:17  10:12 11:24 17:21  22:5  <b>monthly</b> 10:11  <b>months</b> 7:19 18:11  18:15,17,24 20:6,16  21:3  <b>morris</b> 2:15  <b>morristown</b> 2:16  <b>moskowitz</b> 2:21  <b>motion</b> 15:20 16:2  19:7  <b>mount</b> 6:11  <b>move</b> 4:13 19:10  <b>municipal</b> 2:7 18:3</p>
<p><b>h</b></p>	<p style="text-align: center;"><b>j</b></p> <p><b>jersey</b> 2:6,8,16,23  6:11,14 23:5,24  <b>jfairweather</b> 2:17  <b>job</b> 1:25  <b>john</b> 1:15 14:18  <b>jon</b> 1:16  <b>judith</b> 2:15  <b>judy</b> 4:7  <b>july</b> 7:23 8:6,11  17:18  <b>june</b> 7:23 8:6,11  19:3</p>	<p><b>m</b></p>	<p><b>n</b></p>
<p><b>h</b> 3:13  <b>halpern</b> 2:14  <b>hand</b> 5:5  <b>happen</b> 6:21  <b>happens</b> 7:21,22  <b>heard</b> 4:12 15:19,24  18:1 20:10  <b>hearing</b> 1:8 4:2 22:7  <b>hearings</b> 10:25  <b>held</b> 2:6  <b>help</b> 5:7  <b>hereinbefore</b> 23:12  <b>high</b> 8:12  <b>hit</b> 8:3  <b>honor</b> 15:13  <b>hyland</b> 1:14 16:18  16:19 19:10 21:21  21:22</p>	<p style="text-align: center;"><b>k</b></p> <p><b>k</b> 1:15  <b>kali</b> 1:22  <b>kallen</b> 2:21  <b>kind</b> 7:20 13:13  <b>know</b> 7:1 9:20 12:5  13:2,8,14 14:11</p>	<p><b>m</b> 5:13  <b>maintained</b> 19:1  <b>making</b> 13:9  <b>march</b> 2:8  <b>marked</b> 3:16  <b>mast</b> 15:8  <b>materials</b> 7:8  <b>matter</b> 1:4 2:2 4:12  <b>mean</b> 21:10  <b>meet</b> 5:21  <b>meeting</b> 1:9 10:12  <b>meetings</b> 10:11  <b>metuchen</b> 7:17  10:19  <b>meyersville</b> 2:7  <b>michael</b> 1:14  <b>michaels</b> 1:21  <b>mid</b> 7:14  <b>middle</b> 7:23 21:5  <b>mobile</b> 1:5,6 2:19,25  4:3,8,11 6:1 9:7  15:8,12 20:12,23</p>	<p style="text-align: center;"><b>n</b></p> <p><b>n</b> 1:20 2:13,20 3:1  5:13,13 6:7  <b>name</b> 6:5 14:24  <b>nature</b> 12:16  <b>need</b> 5:4,9 6:24 7:11  <b>neither</b> 23:13,16  <b>new</b> 1:5 2:6,8,16,18  2:23 4:3,8 6:11,13  13:13,15 18:6 23:5  23:24  <b>newspaper</b> 17:15  <b>norris</b> 3:3 4:21 5:8  6:7 9:18 17:25  <b>north</b> 7:13  <b>northeast</b> 1:5 2:19  2:25 4:4 18:10  <b>notary</b> 2:5 23:3,24  <b>notes</b> 2:1 17:9  <b>notice</b> 17:16  <b>notified</b> 14:12  <b>november</b> 12:5  17:12 18:18,25 20:8  20:18 21:3  <b>number</b> 20:18</p>
<p><b>i</b></p>	<p style="text-align: center;"><b>l</b></p> <p><b>l</b> 1:20 2:20 6:6  <b>labs</b> 13:13  <b>land</b> 15:16 20:24  <b>landscaping</b> 16:4  20:7  <b>language</b> 20:10  <b>larger</b> 13:23  <b>late</b> 12:3,4,5</p>	<p><b>o</b></p>	<p><b>o</b></p>
<p><b>idea</b> 15:14  <b>imagine</b> 13:2,4  <b>implement</b> 11:25  21:2</p>			<p><b>o</b> 1:12,20 2:20 5:13  6:7</p>

<p><b>occurs</b> 18:18  <b>okay</b> 5:21 9:5,13,17  14:17 15:17,23 16:8  16:11 19:14  <b>once</b> 7:5,12 10:20  11:12 13:3,8  <b>ones</b> 7:15  <b>open</b> 9:24 14:21  15:21  <b>opened</b> 19:17  <b>operation</b> 14:6,10  <b>operational</b> 14:13  <b>order</b> 11:25  <b>original</b> 19:3  <b>originally</b> 17:8  <b>outage</b> 7:16 8:5,16  8:19 10:19 18:6,11  18:12  <b>outages</b> 7:25 9:1  <b>outstanding</b> 15:12</p>	<p><b>person</b> 15:3  <b>pertinent</b> 17:5  <b>physically</b> 11:14  <b>pinilis</b> 2:14  <b>pinilishalpern</b> 4:8  <b>pinilishalpern.com</b>  2:17  <b>pjm</b> 7:12,13 18:9  <b>place</b> 6:25 7:6,11,12  10:18 23:12  <b>plan</b> 12:1 18:24 20:7  20:8,14,15,20 21:2  21:5  <b>planner</b> 1:21  <b>plans</b> 5:16,19 12:12  <b>plant</b> 21:13  <b>planting</b> 17:11  <b>plantings</b> 12:6,8,11  12:15,18 17:11  20:18 21:4</p>	<p><b>property</b> 20:11  <b>provide</b> 20:6  <b>provided</b> 17:9  <b>provision</b> 17:12  <b>pse&amp;g</b> 4:14,16,20  5:18,22 6:18,23 7:7  8:22 9:7,8 10:10,13  10:17,22 11:7,8,9  11:10,18 18:2,5,5,8  18:9,12  <b>pse&amp;g's</b> 6:1 7:10  11:16  <b>public</b> 1:8 2:5 9:25  9:25 14:9,22 15:22  15:24 19:15,18,19  19:22 23:4,24  <b>purposes</b> 6:4  <b>put</b> 14:1 19:23</p>	<p><b>reforestation</b> 17:11  <b>registered</b> 2:4 23:5  <b>regular</b> 1:9  <b>relative</b> 16:4 23:14  23:16  <b>relied</b> 17:25  <b>relief</b> 17:13  <b>relocated</b> 11:25  18:25  <b>relocation</b> 18:24  <b>remain</b> 19:4  <b>removal</b> 17:19  20:17  <b>remove</b> 12:25 13:6  <b>removed</b> 20:17  <b>replace</b> 4:17 13:21  <b>replacement</b> 18:15  <b>replacements</b> 10:14  <b>replacing</b> 12:21  <b>reporter</b> 2:4,4,5  23:4,5  <b>request</b> 18:21  <b>require</b> 18:15  <b>required</b> 7:16 21:1,2  <b>researcher</b> 13:12  <b>resolution</b> 11:23  17:3,4,6,9,15,18  18:20 19:3,8 20:4  <b>responsible</b> 5:16,25  7:15 18:10 20:23  <b>restate</b> 6:5  <b>restoration</b> 12:1  18:16,18,23 20:8,11  20:14,20,24 21:2,5  <b>restored</b> 18:23  <b>review</b> 11:9,10,11  17:4 18:5  <b>reviews</b> 7:2  <b>richard</b> 2:22  <b>rick</b> 1:16  <b>right</b> 4:1 5:2,5 11:19  13:25 21:8,13  <b>river</b> 2:22  <b>road</b> 1:6 2:8,22 4:10  4:14</p>
<p style="text-align: center;"><b>p</b></p>	<p><b>platform</b> 8:23  <b>please</b> 5:5 6:16 16:9  19:12,23  <b>point</b> 7:3 15:19  <b>pole</b> 13:18  <b>poles</b> 13:19 14:1  <b>portions</b> 17:5  <b>power</b> 7:16,25 8:16  8:18 9:1 10:8 15:8  <b>prepared</b> 5:20 17:2  17:3  <b>pretty</b> 8:6 13:2  <b>previous</b> 17:7  <b>previously</b> 17:17  <b>prior</b> 11:23 23:6  <b>probably</b> 8:21 11:3  <b>procedure</b> 4:24  <b>procedures</b> 10:3  <b>proceedings</b> 1:5 2:2  <b>process</b> 6:22,23,24  18:2  <b>professional</b> 2:4  6:13 23:5  <b>project</b> 10:14</p>	<p style="text-align: center;"><b>q</b></p>	<p><b>qualifications</b> 5:10  <b>question</b> 9:21 10:2  13:11 14:25  <b>questions</b> 5:3 9:18  9:24,24,25 14:21  15:4  <b>quick</b> 13:2  <b>quickly</b> 5:12</p>
<p><b>p</b> 1:20 2:13,13,20  <b>p.c.</b> 2:21  <b>p.e.</b> 18:1  <b>p.m..</b> 22:7  <b>p.p.</b> 1:21  <b>page</b> 3:3,14 10:15  <b>parrello</b> 12:12  <b>parties</b> 23:15  <b>pcs</b> 1:5 2:18  <b>pe</b> 3:3  <b>peak</b> 8:15  <b>perfect</b> 14:14  <b>perfectly</b> 14:16  <b>period</b> 12:6,15 18:5  20:5,20  <b>periodically</b> 5:21  <b>periods</b> 8:15  <b>permanent</b> 4:13  5:16,23 6:1,18 7:5  13:3  <b>permit</b> 11:8  <b>permits</b> 7:5,6,6  10:18,24 18:7</p>	<p style="text-align: center;"><b>r</b></p>	<p><b>r</b> 1:12,20 2:13,20 6:7  6:7 23:1  <b>raise</b> 5:5  <b>reach</b> 7:12  <b>read</b> 13:12 19:8  <b>ready</b> 4:19  <b>really</b> 9:19 12:7 20:1  <b>reasonable</b> 7:20  21:12  <b>recites</b> 17:7  <b>record</b> 6:5,12 9:7  14:25 19:9,23  <b>recording</b> 1:22  <b>referring</b> 20:15  <b>reflect</b> 12:16</p>	<p><b>replacing</b> 12:21  <b>reporter</b> 2:4,4,5  23:4,5  <b>request</b> 18:21  <b>require</b> 18:15  <b>required</b> 7:16 21:1,2  <b>researcher</b> 13:12  <b>resolution</b> 11:23  17:3,4,6,9,15,18  18:20 19:3,8 20:4  <b>responsible</b> 5:16,25  7:15 18:10 20:23  <b>restate</b> 6:5  <b>restoration</b> 12:1  18:16,18,23 20:8,11  20:14,20,24 21:2,5  <b>restored</b> 18:23  <b>review</b> 11:9,10,11  17:4 18:5  <b>reviews</b> 7:2  <b>richard</b> 2:22  <b>rick</b> 1:16  <b>right</b> 4:1 5:2,5 11:19  13:25 21:8,13  <b>river</b> 2:22  <b>road</b> 1:6 2:8,22 4:10  4:14</p>

<p><b>robert</b> 1:21  <b>roll</b> 16:11 19:14  <b>romano</b> 1:14 16:6              16:16,17 21:23,24  <b>roselle</b> 7:17 10:19  <b>rpr</b> 23:23  <b>rschkolnick</b> 2:24  <b>running</b> 13:19  <b>ruschke</b> 1:15 14:19</p>	<p><b>sites</b> 4:18 5:23,23              13:3  <b>small</b> 14:1  <b>smaller</b> 13:14,17,18  <b>somebody</b> 5:20  <b>sorry</b> 21:14  <b>speaker</b> 9:19  <b>specific</b> 20:13  <b>specifically</b> 20:9  <b>spoke</b> 19:25  <b>spring</b> 12:7 18:19              20:9  <b>springtime</b> 12:11  <b>stand</b> 14:23  <b>standpoint</b> 14:13,13              14:15  <b>start</b> 4:1  <b>started</b> 4:22  <b>state</b> 2:6 6:13 14:24              20:12 23:4,24  <b>statements</b> 15:3  <b>states</b> 7:14  <b>stenographic</b> 2:1  <b>stenographically</b>              23:11  <b>step</b> 11:6  <b>stephen</b> 1:21  <b>street</b> 2:15 13:20  <b>style</b> 1:15 16:10,20              16:21 21:19,20  <b>submitted</b> 7:7  <b>summer</b> 7:21  <b>summers</b> 18:13  <b>summit</b> 2:23  <b>sure</b> 6:6 13:1,9 20:2  <b>survive</b> 12:8  <b>swear</b> 5:4,6  <b>sworn</b> 23:7  <b>systematically</b> 6:25</p>	<p>23:1,1  <b>take</b> 4:23 7:2 12:24              13:5,10 18:11  <b>taken</b> 2:2 4:23 20:4              23:11  <b>tape</b> 6:4  <b>technology</b> 13:15,16  <b>telecommunications</b>              17:23  <b>tell</b> 5:6  <b>temperature</b> 18:12  <b>temperatures</b> 8:2,8  <b>temporary</b> 4:10,18              5:17,19,23 10:6              12:20,22,25 14:7,10              15:12 17:19,22              18:16 19:4 20:5  <b>tenant</b> 15:7  <b>terms</b> 10:10 11:22              19:2  <b>testified</b> 18:1  <b>testifies</b> 5:10  <b>testify</b> 5:11 23:7  <b>testimony</b> 15:1,2              17:25 23:10  <b>thank</b> 15:18 16:24              21:14 22:4  <b>thing</b> 6:22  <b>things</b> 6:24 8:9 12:1  <b>think</b> 7:14,19 8:3              13:5  <b>three</b> 7:19 11:24              18:11,17,24 20:16              21:3  <b>thursday</b> 2:8  <b>time</b> 10:8 11:24 12:6              12:15 18:2 20:5,19              23:11  <b>timeframe</b> 7:19,20              8:4 9:2  <b>timing</b> 11:23  <b>tina</b> 1:14  <b>tonight</b> 4:12,21  <b>tony</b> 1:13</p>	<p><b>tower</b> 4:18 7:9 8:20              8:22,23 9:3,3,7,8              11:16,18 12:25              13:13 14:4,7,10              17:8 20:5,17  <b>towers</b> 4:14,17 6:19  <b>towns</b> 13:8  <b>township</b> 1:1 2:6              6:23 10:4 14:8 15:6  <b>tracking</b> 10:9,9  <b>transcript</b> 1:4 2:1              23:10  <b>transition</b> 5:22  <b>transmission</b> 14:3  <b>trigger</b> 18:4  <b>true</b> 20:22 23:10  <b>truth</b> 5:6,7,7 23:8,8              23:8  <b>try</b> 9:1 10:2,7  <b>trying</b> 10:14  <b>tsimboukis</b> 1:22              16:12,14,16,18,20              16:22 21:17,19,21              21:23,25 22:2  <b>tuesday</b> 10:12  <b>two</b> 4:19,23 14:14  <b>type</b> 10:13 13:18  <b>types</b> 10:13</p>
<p><b>s</b></p>	<p><b>t</b></p>	<p><b>u</b></p>	<p><b>v</b></p>
<p><b>s</b> 1:20,20 2:13,20,20              2:22 3:13 6:7  <b>saying</b> 20:1,23  <b>schedule</b> 8:7 10:19              18:5,10  <b>scheduled</b> 8:1,19              11:1 18:13  <b>scheduling</b> 10:10  <b>schkolnick</b> 2:22  <b>season</b> 20:25 21:9  <b>seasonal</b> 12:16  <b>second</b> 9:22 10:12              16:9,10 19:11,13  <b>secretary</b> 1:22  <b>see</b> 22:5  <b>seek</b> 17:13  <b>sense</b> 12:10  <b>separately</b> 10:9,10  <b>september</b> 7:24  <b>sequencing</b> 11:22  <b>set</b> 12:7 23:12  <b>shaw</b> 1:21 5:11 6:3              9:23 11:22 12:4,13              15:21 16:3 17:1              19:17,22 20:3,13              21:1,10,13,16  <b>short</b> 9:2  <b>shunpike</b> 1:6 4:10              4:14  <b>sir</b> 9:16  <b>site</b> 4:10 5:16,17 6:1              6:18 7:5 10:4,5,6              15:12 18:16,16</p>	<p><b>t</b> 1:5,6,20 2:16,19,20              2:23,25 3:13 4:3,8              4:11 5:13 6:1 9:7              15:8,12 20:12,23</p>	<p><b>understand</b> 20:1  <b>unidentified</b> 9:19  <b>use</b> 15:16  <b>usually</b> 8:2,20  <b>utility</b> 13:19</p>	<p><b>variables</b> 7:18  <b>variances</b> 17:7  <b>visual</b> 13:14  <b>vivona</b> 1:13 4:1,6              5:4,9 8:18 9:5,13,17              9:22 12:20 14:18,20              15:18,23 16:8,11,12              16:13 19:11,14 22:2              22:3</p>

<p><b>voice</b> 19:25  <b>vote</b> 20:4  <b>voted</b> 20:2,3</p>	<p style="text-align: center;"><b>z</b></p> <p><b>zoning</b> 1:2 7:4 9:10  10:23 11:7</p>
<p style="text-align: center;"><b>w</b></p>	
<p><b>wait</b> 15:2  <b>want</b> 19:23  <b>warehouse</b> 7:10  11:16 18:8  <b>warmer</b> 8:2  <b>watered</b> 19:1 20:19  <b>watering</b> 12:1  <b>way</b> 10:21  <b>week</b> 13:4  <b>weeks</b> 13:10  <b>welcome</b> 15:2  <b>west</b> 7:14  <b>westminster</b> 15:6  <b>weston</b> 1:16 12:24  14:5,17 16:14,15  19:13 21:25 22:1  <b>wheels</b> 5:20  <b>william</b> 1:15  <b>williams</b> 1:16  <b>window</b> 11:24  <b>winter</b> 21:5  <b>wireless</b> 1:5 2:18 4:3  17:23  <b>witness</b> 3:3 6:6 8:20  10:1,11 12:10,22  13:1,16,23 23:7  <b>words</b> 19:24  <b>work</b> 6:10 8:9,22,23  8:24 9:11 11:18,20  20:16</p>	
<p style="text-align: center;"><b>x</b></p>	
<p><b>x</b> 3:1,13 5:13</p>	
<p style="text-align: center;"><b>y</b></p>	
<p><b>year</b> 12:8  <b>years</b> 4:19,23 13:12  14:14</p>	