

1 STATE OF CONNECTICUT
2 CONNECTICUT SITING COUNCIL

3
4 Docket No. 502

5 Cellco Partnership d/b/a Verizon Wireless
6 application for a Certificate of Environmental
7 Compatibility and Public Need for the
8 construction, maintenance, and operation of a
9 telecommunications facility located at 118 Newton
10 Road, Woodbridge, Connecticut.

11
12
13 VIA ZOOM AND TELECONFERENCE

14
15 Continued Public Hearing held on Tuesday,
16 September 21, 2021, beginning at 2 p.m.
17 via remote access.

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20 H e l d B e f o r e :

21 JOHN MORISSETTE, Presiding Officer

22
23
24
25 Reporter: Lisa L. Warner, CSR #061

1 **A p p e a r a n c e s :**

2 **Council Members:**

3 EDWARD EDELSON
4 ROBERT SILVESTRI
5 DANIEL P. LYNCH, JR.
6 LOUANNE COOLEY

7 **Council Staff:**

8 MELANIE BACHMAN, ESQ.
9 Executive Director and
10 Staff Attorney

11 ROBERT MERCIER
12 Siting Analyst

13 LISA FONTAINE
14 Fiscal Administrative Officer

15 **For Applicant, Cellco Partnership d/b/a
16 Verizon Wireless:**

17 ROBINSON & COLE LLP
18 280 Trumbull Street
19 Hartford, Connecticut 06103-3597
20 BY: KENNETH C. BALDWIN, ESQ.

21 **For CEPA Intervenor, Woodbridge Newton
22 Neighborhood Environmental Trust
23 (WNNET):**

24 LAW OFFICE OF KEITH R. AINSWORTH, ESQ.
25 51 Elm Street, Suite 201
26 New Haven, Connecticut 06105-2049
27 BY: KEITH R. AINSWORTH, ESQ.

28 **For Party, Town of Woodbridge:**

29 BERCHEM MOSES PC
30 1221 Post Road East
31 Westport, Connecticut 06880
32 BY: NICHOLAS R. BAMONTE, ESQ.

1 **A p p e a r a n c e s: (Cont'd)**

2
3 **For Ochsner Place, LLC, Mark Greengarden and**
4 **Michele Greengarden:**

5 **MARK GREENGARDEN**
6 **MICHELE GREENGARDEN**
7 **15 Soundview Drive**
8 **Woodbridge, Connecticut 06525**

9
10
11 **Also present: Gerald Weiner, Esq.**

12
13 **Zoom co-host: Aaron Demarest**

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17 ****All participants were present via remote access.**

1 MR. MORISSETTE: Good afternoon, ladies
2 and gentlemen. This continued remote evidentiary
3 hearing session is called to order this Tuesday,
4 September 21, 2021, at 2 p.m. My name is John
5 Morissette, member and presiding officer of the
6 Connecticut Siting Council.

7 Can everyone hear me okay? Very good.
8 Thank you.

9 As everyone is aware, there is
10 currently a statewide effort to prevent the spread
11 of the Coronavirus. This is why the Council is
12 holding this remote hearing, and we ask for your
13 patience. If you haven't done so already, I ask
14 that everyone please mute their computer audio
15 and/or telephones now. A copy of the prepared
16 agenda is available on the Council's Docket No.
17 502 webpage, along with the record of this matter,
18 the public hearing notice, instructions for public
19 access to this remote public hearing, and the
20 Council's Citizens Guide to Siting Council
21 Procedures.

22 Other members of the Council are Mr. Ed
23 Edelson, Mr. Silvestri, Ms. Cooley, Mr. Lynch,
24 Executive Director Melanie Bachman, Staff Analyst
25 Robert Mercier, and Fiscal Administrative Officer

1 Lisa Fontaine.

2 This evidentiary session is a
3 continuation of the remote public hearing held on
4 July 13, 2021 and August 31, 2021. It is held
5 pursuant to the provisions of Title 16 of the
6 Connecticut General Statutes and of the Uniform
7 Administrative Procedure Act upon an application
8 from Cellco Partnership d/b/a Verizon Wireless for
9 a Certificate of Environmental Compatibility and
10 Public Need for the construction, maintenance, and
11 operation of a telecommunications facility located
12 at 118 Newton Road, Woodbridge, Connecticut.

13 Please be advised that the Council's
14 project evaluation criteria under the statute does
15 not include consideration for property values.

16 A verbatim transcript will be made of
17 this hearing and deposited with the Woodbridge
18 Town Clerk's Office for the convenience of the
19 public.

20 The Council will take a 10 to 15 minute
21 break at a convenient juncture around 3:30.

22 We have a motion on the agenda. On
23 September 16, 2021, WNNET submitted a motion for
24 hearing continuation to accept SHPO rulings, or in
25 the alternative, to deny the application as

1 incomplete.

2 Attorney Bachman may wish to comment.

3 MS. BACHMAN: Thank you, Mr.

4 Morissette. As you mentioned, on September 16th
5 WNNET submitted a motion for a hearing
6 continuation, or in the alternative, to deny the
7 application as incomplete on the basis that a SHPO
8 determination has not been submitted for the
9 alternative site suggested by WNNET at 15
10 Meetinghouse Lane. On September 17th, Cellco
11 objected to WNNET's motion.

12 Cellco submitted this application on
13 May 13, 2021 for a tower site at 118 Newton Road.
14 The Council deemed the application complete on
15 June 3, 2021. The Council solicited comments from
16 SHPO and other state agencies on June 4, 2021.
17 SHPO did not comment on the site that is proposed
18 in the application at 118 Newton Road, and there
19 is no pending application for a tower site at 15
20 Meetinghouse Lane; therefore, staff recommends
21 that the motion be denied as well as its
22 alternative. Thank you.

23 MR. MORISSETTE: Thank you, Attorney
24 Bachman. Is there a motion?

25 MR. EDELSON: Ed Edelson. Motion to

1 deny the request from the town -- from WNNET,
2 excuse me.

3 MR. MORISSETTE: Thank you, Mr.
4 Edelson. Is there a second?

5 MR. SILVESTRI: Silvestri. I'll
6 second.

7 MR. MORISSETTE: Thank you, Mr.
8 Silvestri. We have a motion and a second to deny
9 the motion on the table. Any discussion?

10 Mr. Edelson.

11 MR. EDELSON: I just would like to make
12 the point that there seems to be confusion about
13 our process, which is we get to review an
14 application that's put before us. We don't get to
15 review all the possible sites that might be out
16 there. And so I'm very confused why counsel or
17 the intervenors would put something like this
18 forward when we're very clear about the fact that
19 we get to review and approve or deny a particular
20 application. And so I found this to be almost
21 disingenuous in its intention, and I'll leave it
22 at that. Thank you.

23 MR. MORISSETTE: Thank you, Mr.
24 Edelson. Any discussion?

25 Mr. Silvestri.

1 MR. SILVESTRI: Thank you, Mr.
2 Morissette. A couple comments. The application
3 for a cell tower as 118 Newton Road was indeed
4 deemed complete, but again, I'd like to note that
5 the application was not for 4 Meetinghouse Lane or
6 15 Meetinghouse Lane. Those two parcels arose
7 during the proceedings and as potential, how
8 should we say, alternative locations, and their
9 potential suitability appears to be a topic for
10 the continued evidentiary hearing today. However,
11 should the applicant wish to pursue location of a
12 cell tower at these sites, or for that matter any
13 other site, a new application with specific
14 details for a new site would be necessary. But at
15 this point, the applicant did not include
16 Meetinghouse Lane as a desirable alternative
17 location with a due diligence application
18 accordingly. So for those reasons, I'll be voting
19 to deny the motion for the hearing continuation
20 and regarding SHPO's ruling as well. Thank you.

21 MR. MORISSETTE: Thank you, Mr.
22 Silvestri.

23 Ms. Cooley, any discussion?

24 MS. COOLEY: No, I have no discussion.
25 I believe the other Council members have

1 succinctly stated our position, which I agree
2 with.

3 MR. MORISSETTE: Thank you, Ms. Cooley.
4 Mr. Lynch, any discussion? Mr. Lynch,
5 any discussion?

6 MR. LYNCH: No discussion,
7 Mr. Chairman. I think everything that needs to be
8 said has been said.

9 MR. MORISSETTE: Thank you, Mr. Lynch.
10 I also have no further discussion, and I do agree
11 with Mr. Edelson and Mr. Silvestri and their
12 comments.

13 We will now move to the vote.
14 Mr. Edelson, how do you vote?

15 MR. EDELSON: I vote to approve my
16 motion which was to deny the request. Thank you.

17 MR. MORISSETTE: Thank you,
18 Mr. Edelson.

19 Mr. Silvestri, how do you vote?

20 MR. SILVESTRI: Vote to approve the
21 motion to deny. Thank you.

22 MR. MORISSETTE: Thank you. Ms.
23 Cooley, how do you vote?

24 MS. COOLEY: I also vote to approve the
25 motion to deny. Thank you.

1 MR. MORISSETTE: Thank you, Ms. Cooley.
2 And Mr. Lynch, how do you vote?

3 MR. LYNCH: I do vote to approve the
4 motion to deny.

5 MR. MORISSETTE: Thank you, Mr. Lynch.
6 And I also vote to approve the motion to deny. We
7 have a unanimous decision. The motion is passed,
8 and it is denied. Thank you.

9 We will now continue with the
10 appearance of the Town of Woodbridge.

11 MR. GREENGARDEN: Excuse me, Mr.
12 Morissette. This is Mark Greengarden.

13 MR. MORISSETTE: Yes, Mr. Greengarden.

14 MR. GREENGARDEN: I'd like the record
15 to reflect I object to the Council's decision to
16 deny the continuation. Taking the feedback we
17 received from the Council members --

18 MR. MORISSETTE: It is not your time to
19 speak, Mr. Greengarden. Please hold off until
20 it's your moment to speak. Thank you.

21 In accordance with the Council's
22 September 1, 2021 conclusion of evidentiary
23 hearing memo, we will commence with the appearance
24 of the Town of Woodbridge. Will the Town of
25 Woodbridge present their witness panel for the

1 purposes of taking the oath? Attorney Bachman
2 will administer the oath.

3 MR. BAMONTE: Thank you, Mr.
4 Morissette. Nicholas Bamonte on behalf of the
5 Town of Woodbridge. With me is the town's First
6 Selectwoman Beth Heller who is ready to be sworn
7 at Attorney Bachman's discretion.

8 MR. MORISSETTE: Thank you, Attorney
9 Bamonte.

10 Attorney Bachman.

11 MS. BACHMAN: Thank you.

12 B E T H H E L L E R,

13 called as a witness, being first duly sworn
14 (remotely) by Ms. Bachman, was examined and
15 testified on her oath as follows:

16 MS. BACHMAN: Thank you.

17 MR. MORISSETTE: Thank you, Attorney
18 Bachman.

19 Attorney Bamonte, please begin by
20 verifying the exhibits by the appropriate sworn
21 witnesses.

22 MR. BAMONTE: Will do, Mr. Morissette.

23 DIRECT EXAMINATION

24 MR. BAMONTE: Okay. Good afternoon,
25 Ms. Heller. I'm just going to ask you a couple

1 very quick questions about the document that we
2 filed back in July as your prefiled testimony.
3 For everyone's sake, that's identified in the
4 hearing program as Roman IV-B-2. So Ms. Heller,
5 are you familiar with the prefiled testimony
6 document that I'm referring to?

7 THE WITNESS (Heller): Yes.

8 MR. BAMONTE: And do you have any
9 clarifications or corrections to that document?

10 THE WITNESS (Heller): No.

11 MR. BAMONTE: Is that document true and
12 accurate to the best of your knowledge?

13 THE WITNESS (Heller): Yes.

14 MR. BAMONTE: And do you adopt that
15 document as your testimony in this matter?

16 THE WITNESS (Heller): Yes.

17 MR. BAMONTE: Mr. Morissette, I offer
18 Ms. Heller's prefile testimony as a full exhibit.

19 MR. MORISSETTE: Thank you, Attorney
20 Bamonte.

21 Does any party or intervenor object to
22 the admission of the Town of Woodbridge's
23 exhibits? Attorney Baldwin.

24 MR. BALDWIN: Mr. Morissette, I don't
25 have an objection, but I guess I have a question,

1 if Ms. Heller is also going to be verifying the
2 Woodbridge responses to Council interrogatories.

3 MR. MORISSETTE: A very good question.
4 Attorney Bamonte.

5 MR. BAMONTE: Yeah, I mean, I can
6 certainly walk her through those as well. I know
7 that some of the other parties had not gone
8 through the verification process for their
9 interrogatory responses, so I wasn't sure what the
10 Council's preference was here, but I'm happy to do
11 that very quickly as well.

12 MR. MORISSETTE: Thank you, Attorney
13 Bamonte. Please continue.

14 MR. BAMONTE: Thank you, Mr.
15 Morissette. So Ms. Heller, you and I have spoken
16 offline, but are you also familiar with the
17 interrogatory responses that the town prepared and
18 also filed earlier this summer in this pending
19 matter?

20 THE WITNESS (Heller): Yes.

21 MR. BAMONTE: Okay. And are those
22 answers -- well, I will ask first, do you have any
23 clarifications or corrections to those answers
24 that the town provided?

25 THE WITNESS (Heller): No.

1 MR. BAMONTE: And are those answers
2 true and accurate to the best of your knowledge?

3 THE WITNESS (Heller): Yes.

4 MR. BAMONTE: And so I guess we can
5 also adopt that as part of your testimony in this
6 matter. Do you agree to that?

7 THE WITNESS (Heller): Yes.

8 MR. BAMONTE: Okay. So Mr. Morissette,
9 I think that covers us as far as our interrogatory
10 responses and the specific prefile testimony. So
11 I offer those as a full exhibit.

12 MR. MORISSETTE: Thank you, Attorney
13 Bamonte.

14 Attorney Baldwin?

15 MR. BALDWIN: No objection from the
16 applicant, Mr. Morissette. Thank you.

17 MR. MORISSETTE: Thank you, Attorney
18 Baldwin.

19 Attorney Ainsworth?

20 MR. AINSWORTH: No objection, sir.

21 MR. MORISSETTE: Thank you. Mark and
22 Michele Greengarden?

23 MR. GREENGARDEN: No objection.

24 MR. MORISSETTE: Thank you. The
25 exhibits are hereby admitted.

1 (Town of Woodbridge Exhibits IV-B-1
2 through IV-B-3: Received in evidence - described
3 in index.)

4 MR. MORISSETTE: We'll now begin with
5 cross-examination of the town by the Council
6 starting with Mr. Mercier followed by Mr. Edelson.

7 Mr. Mercier.

8 CROSS-EXAMINATION

9 MR. MERCIER: Yes. Thank you. Just
10 going through the town's responses to the Council
11 interrogatories, Interrogatory 1 stated that the
12 town is willing to consider hosting a tower at one
13 of several properties in the Meetinghouse Lane
14 area. Two of the properties were the police
15 station at 4 Meetinghouse Lane, and the other
16 property was the public works facility at 15
17 Meetinghouse Lane. Assuming that a tower
18 developer or a carrier wanted to build a tower at
19 one of these town properties, what process would
20 they have to follow to get town approval for a
21 lease?

22 THE WITNESS (Heller): Should I answer
23 that?

24 MR. BAMONTE: Ms. Heller, if you know
25 the answer, yes, you can go ahead.

1 THE WITNESS (Heller): I'm not
2 completely certain of the entire answer, but I
3 know that it would definitely require approval of
4 the Board of Selectman of which I am one member.
5 Other than that, I would have to get back to you
6 on the other steps of the process.

7 MR. MERCIER: Okay. I was just
8 wondering if the board would require like public
9 meetings, something of that nature.

10 MR. BAMONTE: Mr. Mercier, if I could
11 just add, this is Nicholas Bamonte, I believe
12 there also may be in terms of public meetings a
13 review required by the Planning and Zoning
14 Commission under General Statutes 8-24 for the
15 leasing of municipal property. That isn't a
16 binding decision. It's a recommendation by the
17 P&Z, although that would be at a public meeting.
18 So that is one more additional element of this
19 process that I believe would be part of the steps
20 necessary to actually reach an approved lease if a
21 tower provider was in fact interested in taking
22 advantage of those properties.

23 MR. WEINER: This is Gerald Weiner.
24 I'm town attorney. And I'd just like to add one
25 thing to that statement that --

1 MR. MORISSETTE: Excuse me. Excuse me,
2 Mr. Weiner.

3 MR. WEINER: Yes.

4 MR. MORISSETTE: You are not a sworn in
5 witness in this matter and are not on the hearing
6 list agenda for testimony. And, in fact, Attorney
7 Bamonte, please refrain from providing evidentiary
8 information going forward. It's the witness that
9 needs to answer the question, but thank you for
10 the information regardless.

11 MR. WEINER: Mr. Morissette, I believe
12 I'm a counsel of record in this case for
13 Woodbridge. I'm not a hundred percent sure, but I
14 might be. I think I am.

15 MR. MORISSETTE: Let's check on that.
16 Thank you. If you are, then that would be a
17 different story, I apologize. I don't see you.

18 Attorney Bachman, do you wish to
19 comment?

20 MS. BACHMAN: As far as we know, Mr.
21 Morissette, he's not a counsel of record. Should
22 he have been listed as a witness, yes, or --

23 MR. WEINER: Okay. I thought I was
24 listed as counsel. I've been getting copies of
25 everything. That's fine. Okay. Thank you.

1 MS. BACHMAN: The representative for
2 the party is listed as Attorney Bloom and Attorney
3 Bamonte.

4 MR. WEINER: Okay. Thank you.

5 MR. MORISSETTE: Thank you. Please
6 continue. First Selectman Heller, did you have
7 more to respond?

8 THE WITNESS (Heller): No, I do not.

9 MR. MORISSETTE: Okay. Mr. Mercier,
10 please continue.

11 MR. MERCIER: Thank you. In regards to
12 the 4 Meetinghouse Lane site, that's the police
13 station, there's an existing tower there on the
14 south side of the building, did the town have a --
15 if that parcel, police station parcel was
16 considered for a tower facility, is there a
17 specific location on the property where a new
18 tower could go, would it be where the existing
19 tower is, or adjacent to it, or somewhere else? I
20 wasn't sure if that was discussed with anybody at
21 the police department.

22 THE WITNESS (Heller): It was not at
23 this point as far as I know.

24 MR. MERCIER: Okay. Thank you.

25 THE WITNESS (Heller): You're welcome.

1 MR. MERCIER: And the other property of
2 interest was the 15 Meetinghouse Lane public works
3 facility. Was there any discussion as to, or
4 thought as to where a new tower facility could go
5 on that particular parcel?

6 THE WITNESS (Heller): I believe there
7 was some thought and discussion regarding that
8 matter, but we'd have to clarify that. I can't
9 answer that for certain.

10 MR. MERCIER: Okay. Thank you.

11 THE WITNESS (Heller): You're welcome.

12 MR. MERCIER: Now, if a new tower went
13 up on either of those parcels, is the town
14 concerned about any visual impact to the adjacent
15 Woodbridge Green Historic District?

16 THE WITNESS (Heller): I'm not certain
17 of that answer. I'd have to get back to you and
18 look at the maps on where it would be for sure.

19 MR. MERCIER: Okay. I guess that would
20 be, yeah, where the tower would go would obviously
21 play into that. Okay. Thank you. I have no
22 other questions at this time.

23 MR. MORISSETTE: Thank you, Mr.
24 Mercier. We will now continue with Mr. Edelson
25 followed by Mr. Silvestri.

1 Mr. Edelson.

2 MR. EDELSON: Yes. Thank you, Mr.
3 Morissette. Thank you, First Selectwoman Heller,
4 for being here as a witness. So my first question
5 is, just from your perspective and I think
6 speaking maybe for your board, do you consider
7 that the Town of Woodbridge has reliable and good
8 coverage, cell service coverage, to be part of the
9 infrastructure of the town?

10 THE WITNESS (Heller): I'm not sure I
11 understand the question.

12 MR. EDELSON: Well, if all of a sudden
13 all of the carriers, Verizon, AT&T, T-Mobile,
14 whatever, they all said we're no longer going to
15 service the Town of Woodbridge, would you feel
16 that quality of life and the ability of people to
17 conduct their business would be interfered with
18 and that would have a detrimental effect on the
19 Town of Woodbridge as one way to look at it?

20 THE WITNESS (Heller): I would imagine
21 so.

22 MR. EDELSON: Or another way, it's
23 more, you know, I would say from my own
24 perspective, 20 years ago we might have said cell
25 service was a nice thing to have versus today for

1 people to conduct their lives from an emergency
2 response point of view, from just an information
3 point of view of being in touch with people, cell
4 service has become almost a necessity. And that's
5 why I use the word infrastructure because I think,
6 if I were in your position, if all of a sudden you
7 no longer had a volunteer fire department, you
8 would say, well, then we have a problem with our
9 infrastructure in town, or if you no longer had an
10 ambulance service, people would say we are missing
11 something that we're required to have in this
12 town. And I want to get a sense of where you see
13 in terms of those priorities the importance and I
14 would say the benefit of having cell service.

15 THE WITNESS (Heller): I do think it is
16 important to have cell service in our town.

17 MR. EDELSON: Thank you. Because it's
18 important in our work that we're always trying to
19 balance public benefit versus environmental and
20 community impact. So we always have to look at
21 both sides of the ledger.

22 Now, as you probably heard from the
23 questioning going on, we as a Council are limited
24 really to looking at applications that come before
25 us. One of the things the town can do is look at

1 a whole area and say this is how you could go
2 about providing service for the whole town,
3 identifying where gaps might be, where future
4 towers could be, or other devices for providing
5 the cell service. So my question is, are you
6 aware of the Town of Woodbridge either considering
7 or conducting a town-wide study of the coverage
8 and capacity of cell service in the Town of
9 Woodbridge?

10 THE WITNESS (Heller): The town
11 conducted a study? I'm not --

12 MR. EDELSON: Typically with a
13 consultant --

14 THE WITNESS (Heller): I'm not aware of
15 the town conducting a study.

16 MR. EDELSON: Are you aware that other
17 towns in Connecticut, and I'm thinking here of New
18 Canaan, have done this in order to identify where
19 gaps are and where probable good locations for
20 future towers might be so it's done in a
21 comprehensive fashion that puts all of the impacts
22 before the town or before -- well, before the town
23 and the people at one time?

24 THE WITNESS (Heller): I am not aware
25 of that.

1 MR. EDELSON: Again, thank you for
2 being here. And thank you, Mr. Morissette. I
3 have no further questions.

4 MR. MORISSETTE: Thank you, Mr.
5 Edelson. We will now continue with
6 cross-examination by Mr. Silvestri followed by
7 Ms. Cooley.

8 Mr. Silvestri.

9 MR. SILVESTRI: Thank you, Mr.
10 Morissette.

11 And good afternoon, First Selectwoman
12 Heller. Thank you.

13 THE WITNESS (Heller): You're welcome.

14 MR. SILVESTRI: Mr. Mercier and Mr.
15 Edelson kind of asked most of the questions I was
16 going to pose, so I do have one that's remaining.
17 And First Selectwoman Heller, in your response to
18 our first set of interrogatories on page 1, it's
19 listed, "In addition, subject to confirmation that
20 no legal impediments exist," and then it goes on
21 to say conditioned upon Board of Alderman
22 approval, the town is willing to consider
23 different town-owned properties.

24 The question I have for you, do you
25 know of any legal impediments that exist for

1 either 4 Meetinghouse or 15 Meetinghouse Lane?

2 THE WITNESS (Heller): Not at this
3 point.

4 MR. SILVESTRI: Very good. Thank you.
5 Mr. Morissette, that's the only
6 question I have at this point. Thank you.

7 MR. MORISSETTE: Thank you, Mr.
8 Silvestri. We will now continue with
9 cross-examination by Ms. Cooley followed by Mr.
10 Lynch.

11 Ms. Cooley.

12 MS. COOLEY: Thank you, Mr. Morissette.
13 Thank you, First Selectman Heller, for
14 joining us today. We appreciate your time that
15 you're giving us. And I just had one question,
16 and that is, has the town or, to your knowledge,
17 has the town received any complaints from town
18 residents about their ability to access cell
19 service anywhere in town or while driving through
20 town?

21 THE WITNESS (Heller): I am not aware
22 of any.

23 MS. COOLEY: Okay. Thank you. That's
24 all that I have.

25 MR. MORISSETTE: Thank you, Ms. Cooley.

1 We'll now continue with
2 cross-examination by Mr. Lynch followed by myself.
3 Mr. Lynch.

4 MR. LYNCH: No further questions, Mr.
5 Morissette.

6 MR. MORISSETTE: Thank you, Mr. Lynch.
7 I have a follow-up question along the lines of Mr.
8 Mercier and Mr. Silvestri having to do with
9 Question 1. And concerning Meetinghouse, the two
10 sites at Meetinghouse Road, has there been any
11 further clarification or consideration within the
12 town about those two sites?

13 THE WITNESS (Heller): Within the town
14 there has not been.

15 MR. MORISSETTE: Very good. So it's
16 basically where you left it off with the response
17 to Question 1. Has there been any further
18 discussion with any carriers to develop either of
19 those sites, including the applicant?

20 THE WITNESS (Heller): Not that I'm
21 aware of.

22 MR. MORISSETTE: Very good. Thank you.
23 That concludes my questions as well.

24 We'll now continue with
25 cross-examination of the town by the applicant.

1 Attorney Baldwin.

2 MR. BALDWIN: Just a couple quick
3 questions. Ms. Heller, when you talked about the
4 process to get town approval for use of town
5 property, you mentioned Board of Selectman
6 approval. And just to clarify, you mentioned in
7 your response to Interrogatory Number 1 Board of
8 Aldermen. Is Woodbridge an alderman township or
9 is it a board of selectmen ruled township?

10 THE WITNESS (Heller): It is a board of
11 selectmen.

12 MR. BALDWIN: Thank you. And then
13 Attorney Bamonte mentioned the 8-24 process in the
14 general statutes. Did that refresh your
15 recollection at all as to what else might have to
16 happen for the town to proceed with a lease of
17 town property? Are you familiar with the 8-24
18 process?

19 THE WITNESS (Heller): Sure. I would
20 have to defer to our town council or our attorney
21 for that opinion, which is what we usually do in
22 these cases.

23 MR. BALDWIN: Fair enough. Thank you.
24 Last question. Can you confirm for the Siting
25 Council that the property at 4 Meetinghouse Lane

1 and at 15 Meetinghouse Lane also lies in the
2 town's A residence zone, like the subject parcel
3 in this application?

4 THE WITNESS (Heller): I cannot confirm
5 that. I believe it is, but I can't confirm it.

6 MR. BALDWIN: Okay. Thank you.

7 Nothing further, Mr. Morissette.

8 MR. MORISSETTE: Thank you, Attorney
9 Baldwin. We will continue with cross-examination
10 of the town by the grouped party and intervenors
11 and CEPA intervenors WNNET, Mark and Michele
12 Greengarden, and Ochsner Place, LLC. Attorney
13 Ainsworth, please.

14 MR. AINSWORTH: Thank you, Mr.
15 Chairman.

16 First Selectman Heller, is it your
17 understanding that the carriers are threatening to
18 no longer service the town in any fashion for cell
19 service?

20 THE WITNESS (Heller): I'm not aware of
21 that at all.

22 MR. AINSWORTH: So that doesn't seem
23 like a reasonable threat of possibility?

24 THE WITNESS (Heller): I'm not aware of
25 it.

1 MR. AINSWORTH: Okay. Now, with regard
2 to 15 Meetinghouse Lane, did the town give
3 permission to WNNET to conduct a CW drive test to
4 test out a potential cell tower at that location?

5 THE WITNESS (Heller): Yes.

6 MR. AINSWORTH: And what was the reason
7 that the town gave the permission to do that test?

8 THE WITNESS (Heller): I believe the
9 reason was to consider it as an alternate site.

10 MR. AINSWORTH: And if the town had
11 considered that site to be inappropriate in some
12 fashion just from a general policy standpoint,
13 would it have given that permission?

14 THE WITNESS (Heller): You said
15 "inappropriate"?

16 MR. AINSWORTH: Inappropriate, yes. If
17 the town had thought this was not a good site for
18 town policy reasons, would it have given that
19 permission to do that test?

20 THE WITNESS (Heller): I can't speak on
21 behalf of the other selectmen, but I would have
22 said that I would have not have given permission.

23 MR. AINSWORTH: And within the historic
24 green district in the center of town, is there
25 also not the police station?

1 THE WITNESS (Heller): That's correct.

2 MR. AINSWORTH: And does that police
3 station have a radio tower that's currently in
4 existence within that district?

5 THE WITNESS (Heller): Yes.

6 MR. AINSWORTH: And are you aware of
7 whether or not the town garage at 15 Meetinghouse
8 Lane is within the district or outside of it?

9 THE WITNESS (Heller): I believe it is
10 within to the best of my knowledge.

11 MR. AINSWORTH: And did the town also
12 give permission for WNNET to conduct a test at the
13 4 Meetinghouse Lane site?

14 THE WITNESS (Heller): I'm not sure
15 about that. I would have to check. I do remember
16 the 15 Meetinghouse Lane. I'm not sure about
17 number 4.

18 MR. AINSWORTH: Okay. I have no
19 further questions. Thank you very much.

20 THE WITNESS (Heller): You're welcome.

21 MR. MORISSETTE: Thank you, Attorney
22 Ainsworth. We'll now continue with
23 cross-examination by Mark and Michele Greengarden.
24 Mr. Greengarden.

25 MR. GREENGARDEN: Thank you. Selectman

1 Heller, I just have one question. If proposed, do
2 you support having a tower located at 15
3 Meetinghouse Lane?

4 THE WITNESS (Heller): On a personal
5 level --

6 MR. GREENGARDEN: Versus the 118 Newton
7 Road site?

8 THE WITNESS (Heller): I do. Me
9 personally, yes, I do.

10 MR. GREENGARDEN: Thank you very much.

11 THE WITNESS (Heller): You're welcome.

12 MR. MORISSETTE: Thank you, Mr.
13 Greengarden, and thank you, First Selectperson
14 Heller.

15 THE WITNESS (Heller): You're welcome.
16 (Witness excused.)

17 MR. MORISSETTE: We will now continue
18 with the appearance of the grouped party
19 intervenors and CEPA intervenors, WNNET, Mark and
20 Michele Greengarden, and Ochsner Place. We will
21 continue with the appearance of the grouped party
22 intervenors and CEPA intervenors to swear in their
23 new witness, Mitchell Smooke, and verify the new
24 exhibits marked as Roman Numeral III, Items B-7 on
25 the hearing program, and also Shelly Greengarden,

1 if she's going to testify.

2 MR. AINSWORTH: I'll leave it up to the
3 Greengardens to determine that whether Shelly will
4 be there. I understand that she's present but --

5 I have with me here today Mitchell
6 Smooke. He's ready to be sworn in.

7 MR. MORISSETTE: Thank you, Attorney
8 Ainsworth. Attorney Bachman, please begin by
9 swearing Mr. Smooke.

10 MS. BACHMAN: Thank you, Mr.
11 Morissette. Given that the parties are grouped,
12 could we perhaps swear in both witnesses at the
13 same time, including Ms. Greengarden?

14 MICHELE GREENGARDEN: Yes.

15 MS. BACHMAN: Thank you.

16 M I C H E L E G R E E N G A R D E N ,

17 M I T C H E L L S M O O K E ,

18 called as witnesses, being first duly sworn
19 (remotely) by Ms. Bachman, were examined and
20 testified on their oaths as follows:

21 D A V I D P. M A X S O N ,

22 M A R I E - H E L E N E G R A T T O N ,

23 M A R K G R E E N G A R D E N ,

24 having been previously duly sworn, continued
25 to testify on their oaths as follows:

1 MS. BACHMAN: Thank you.

2 MR. MORISSETTE: Thank you, Attorney
3 Bachman.

4 Attorney Ainsworth, please begin by
5 identifying the new exhibits you have filed in
6 this matter and verifying the exhibit by the
7 appropriate sworn witness.

8 DIRECT EXAMINATION

9 MR. AINSWORTH: Okay. Thank you very
10 much, Mr. Chairman. The hearing program
11 identifies Late-File Exhibit III-B-7, and my
12 address is going to be to Mr. Smooke and
13 Mr. Maxson and Marie Gratton who are also present,
14 and I remind them that they are still under oath
15 from the previous proceeding.

16 So with regard to exhibit or Late-File
17 Exhibit III-B-7, which is the report by Isotrope
18 with the appendix and photographs at 15
19 Meetinghouse Lane, did you at my request assist in
20 conducting a crane test and CW drive test for 15
21 Meetinghouse Lane in the production of that
22 document? And I'll have to start with each one of
23 you. Mr. Smooke?

24 THE WITNESS (Smooke): Yes, I did.

25 MR. AINSWORTH: Mr. Maxson?

1 THE WITNESS (Maxson): Yes, I did.

2 MS. AINSWORTH: And Ms. Gratton?

3 THE WITNESS (Gratton): Yes, I did.

4 MR. AINSWORTH: And with regard to Mr.
5 Smooke, did you also take photographs that appear
6 in the appendix to III-B-7?

7 THE WITNESS (Smooke): Yes, I did.

8 MR. AINSWORTH: And with regard to all
9 three of you, do you have any deletions, additions
10 or corrections to Exhibit III-B-7? And I'll start
11 with Mr. Smooke.

12 THE WITNESS (Smooke): No, I don't.

13 MR. AINSWORTH: Mr. Maxson?

14 THE WITNESS (Maxson): No.

15 MR. AINSWORTH: Ms. Gratton?

16 THE WITNESS (Gratton): No.

17 MR. AINSWORTH: And does Exhibit
18 III-B-7 represent a true and accurate copy of the
19 Late-File testimony that you prepared or assisted
20 in preparing? Mr. Smooke.

21 THE WITNESS (Smooke): Yes, it does.

22 MR. AINSWORTH: And Mr. Maxson.

23 THE WITNESS (Maxson): Yes.

24 MR. AINSWORTH: Ms. Gratton.

25 THE WITNESS (Gratton): Yes, it does.

1 MR. AINSWORTH: Thank you. And do each
2 of you adopt Exhibit III-B-7 as your testimony
3 before the Council today? Mr. Smooke.

4 THE WITNESS (Smooke): Yes, I do.

5 MR. AINSWORTH: Mr. Maxson.

6 THE WITNESS (Maxson): Yes.

7 MR. AINSWORTH: And Ms. Gratton.

8 THE WITNESS (Gratton): Yes, I do.

9 MR. AINSWORTH: Thank you. I offer
10 III-B-7 as a full exhibit and the panel for
11 cross-examination.

12 MR. MORISSETTE: Thank you, Attorney
13 Ainsworth.

14 Does any party or intervenor object to
15 the admission of WNNET's exhibits? Attorney
16 Baldwin.

17 MR. BALDWIN: No objection. Thank you.

18 MR. MORISSETTE: Attorney Bamonte?

19 MR. BAMONTE: No objection, Mr.
20 Morissette.

21 MR. MORISSETTE: Thank you. The
22 exhibits are hereby admitted.

23 (WNNET's Exhibit III-B-7: Received in
24 evidence - Described in index.)

25 MR. MORISSETTE: We'll now begin with

1 cross-examination of WNNET, Mark and Michele
2 Greengarden, and Ochsner Place, LLC by the Council
3 starting with Mr. Mercier followed by Mr. Edelson.

4 Mr. Mercier. Mr. Mercier?

5 (No response.)

6 MR. MORISSETTE: It looks like Mr.
7 Mercier is having technical difficulties. We will
8 continue with cross-examination in the meantime by
9 Mr. Edelson.

10 Mr. Edelson.

11 MR. EDELSON: All right. I assume if
12 Mr. Mercier gets reconnected, we'll go right back
13 to him.

14 CROSS-EXAMINATION

15 MR. EDELSON: I need a little help, I
16 think, with my first question. Maybe
17 Mr. Ainsworth can help direct it to the right
18 person. But as I read through the late filing, I
19 found myself confused as far as what is the
20 position of the intervenor. Are they objecting on
21 the basis that a distributed antenna system or a
22 DAS would be a better alternative to the proposed
23 site, or are they saying that a macro tower is the
24 appropriate solution just it's not at the correct
25 site? I'm trying to get an understanding of what

1 is the position of the intervenor with regard to
2 the application, is it the technology, small cell
3 versus macro tower, or is it location, location 1
4 versus location 2? And again, I'm not sure who to
5 address this to.

6 MR. AINSWORTH: Generally while we, I
7 believe, theoretically that a small cell
8 technology could work, our position is that there
9 is a macro --

10 MR. BALDWIN: Mr. Morissette.

11 MR. MORISSETTE: Attorney Ainsworth,
12 please don't testify.

13 MR. BALDWIN: Thank you.

14 MR. MORISSETTE: Please direct the
15 question to one of your witnesses. Thank you.

16 MR. AINSWORTH: Then that would be most
17 appropriately directed to Mr. Maxson.

18 MR. MORISSETTE: Thank you, Attorney
19 Ainsworth.

20 THE WITNESS (Maxson): Thank you.
21 David Maxson with Isotrope. The first part of my
22 response to the Council's inquiries is indeed just
23 that, there was substantial discussion about
24 distributed antenna systems from the members of
25 the Council at the last meeting, and I was asked

1 by the Council at that time to provide more detail
2 about distributed antenna systems in other parts
3 of the country which is what the first part of my
4 report is.

5 The primary recommendation that comes
6 out of this report is really related to the
7 coverage analysis and the drive test that we
8 conducted showing that the coverage from a tower
9 at the DPW site at 15 Meetinghouse Lane would be
10 quite comparable to the coverage that would be --
11 that's being proposed from 118 Newton Road. So
12 that's the primary point of the report.

13 MR. EDELSON: So I'm not trying to put
14 words in your mouth, but you are correct that
15 in -- well, we have a process where we have asked
16 questions about distributed antenna systems, and
17 really you were just responding to our general
18 inquiry about that as an alternative. But that's
19 really, if you will, despite my concerns maybe
20 about what you submitted, that's not really
21 relevant today. Our real focus should be on
22 whether or not the applicant has done, in my
23 opinion, their due diligence to look at
24 alternative sites and have picked a site that
25 demonstrates it provides the best benefit with the

1 least impact. That's really what's in front of us
2 today. Is that --

3 THE WITNESS (Maxson): I would agree,
4 yes.

5 MR. EDELSON: Okay. So --

6 MR. MORISSETTE: Excuse me, Mr.
7 Edelson, I'm sorry to interrupt, but I think Mr.
8 Mercier is available, if you'd like to go back, or
9 do you want to finish your line of questioning?

10 MR. EDELSON: I think I would prefer to
11 hear from Mr. Mercier first. I think it's a
12 better process when we do it that way.

13 MR. MORISSETTE: Thank you. Mr.
14 Mercier, were you able to connect?

15 MR. EDELSON: He seems to be on mute
16 right now. There we go.

17 MR. MERCIER: Yes, I have reconnected.

18 MR. MORISSETTE: Thank you, Mr.
19 Mercier.

20 MR. MERCIER: I missed some of
21 Mr. Edelson's cross-examination, so I'll just
22 continue on with Mr. Maxson, if that's okay.

23 MR. MORISSETTE: Certainly.

24 MR. MERCIER: Mr. Maxson, I'm going to
25 go back to your initial prefile testimony that was

1 on August 24th. And attached to that prefilled
2 there were several coverage plots. One of them
3 was Figure 5 that was modeled from 15 Meetinghouse
4 Lane. And I was just trying to determine where on
5 the parcel was it modeled, basically what
6 elevation, did you do it at a parking lot, did you
7 do it somewhere down by a woodchip pile, or do you
8 have that type of detail?

9 THE WITNESS (Maxson): I can certainly
10 look that up and provide that to you. I used a
11 location that was at the elevation, the basic
12 elevation of the paved parking lot next to the DPW
13 garage, which, if you're familiar with the
14 territory there, that's on a berm that's below the
15 elevation of Meetinghouse Lane, and it's above the
16 elevation of the next parcel that is also owned by
17 the town that has the baseball fields and a
18 material storage lot in it.

19 MR. MERCIER: Okay. Do you know the
20 elevation of that particular spot, or you said you
21 had to look that up?

22 THE WITNESS (Maxson): This particular
23 spot that I modeled I don't, but the general
24 elevation of that paved area is in the vicinity of
25 315 feet above sea level.

1 MR. MERCIER: Okay. And that was the
2 location where you placed the crane for the CW
3 test that you ran; is that correct?

4 THE WITNESS (Maxson): Yes.

5 MR. MERCIER: Thank you. Now, did
6 anyone from the town or other entity direct you to
7 that particular location, or you just chose that
8 because it was a flat area? I'm not sure, I'm
9 trying to determine why you chose that spot.

10 THE WITNESS (Maxson): And chose that
11 spot for which?

12 MR. MERCIER: That would be for the
13 model which is also where your crane was.

14 THE WITNESS (Maxson): For the model,
15 the specific spot I chose just to, looking at the
16 aerial photograph and sort of guesstimating as to a
17 location where you could put a fenced area. When
18 we conducted the drive test, the folks at the DPW
19 garage directed us to that north end of the
20 parking area. They had cleared that area of
21 parked vehicles so that we could place the crane
22 there.

23 MR. MERCIER: Okay. Is that also about
24 315 feet elevation above sea level?

25 THE WITNESS (Maxson): Yes,

1 approximately.

2 MR. MERCIER: Sorry, I had the mute on.
3 When you do the CW drive test and you hook the
4 transmitter up to the crane and you raise it up,
5 when you're driving around trying to determine
6 where the signals are along the roads, are you
7 receiving only signals from the transmitter or are
8 you picking up other, we'll just say, Cellco
9 signals from an adjacent tower?

10 THE WITNESS (Maxson): Just from the
11 transmitter. This is called a CW test, so the
12 receiver is very precisely tuned to a signal
13 that's on just a very narrow frequency. And that
14 ensures that there are no interfering signals that
15 would be picked up during the course of the
16 measurements.

17 MR. MERCIER: Okay. I understand you
18 did two drive tests there up to 120 feet and 150
19 feet. I'm just trying to determine why you used
20 the 150 foot drive test if you had a plot in your
21 initial modeling from that 15 Meetinghouse Lane at
22 140 feet, and also you requested that a coverage
23 model from Cellco be produced at 140 feet. So why
24 did you go up an extra 10 feet?

25 THE WITNESS (Maxson): Well, I was

1 looking at the possibility of even potentially 160
2 feet, if necessary. So knowing that we had a
3 baseline and with our 120 foot height coverage
4 measurement, I just thought using 150 feet sort of
5 split the difference between a high location on
6 the site and a relatively low location on the
7 site, and generally there is not a huge difference
8 in coverage with a 10 foot change in elevation
9 unless there's a significant terrain feature
10 that's in the way which is not the case here.

11 MR. MERCIER: Okay. When you did the
12 150 foot crane test, did the town say -- did the
13 town provide any input as to what height they
14 would like at that location, was it 150, was it
15 120, was it 160?

16 THE WITNESS (Maxson): No, I suggested
17 those heights to WNNET, and it was WNNET that
18 agreed to them.

19 MR. MERCIER: Okay. Have you had the
20 opportunity to look at the coverage plot submitted
21 by Cellco for the 15 Meetinghouse Lane property?
22 I believe that was at 140 feet.

23 THE WITNESS (Maxson): Yes, I have.

24 MR. MERCIER: Okay. They had a ground
25 elevation there of 305 feet above mean sea level.

1 So I'm just trying to determine why you had a
2 crane a little bit higher, well, obviously because
3 of the parking area but --

4 THE WITNESS (Maxson): Yes, I looked at
5 the Town of Woodbridge GIS tool on the web, and it
6 has a contour layer, and 305 feet above mean sea
7 level is about halfway down the slope between the
8 berm where the parking area is and the flat ground
9 at the bottom of the berm where the tennis courts
10 and the material storage area is.

11 MR. MERCIER: Okay, yeah, so it's in a
12 wooded area going down slope; is that right?

13 THE WITNESS (Maxson): I don't know if
14 the slope is -- it's only partially wooded. I'm
15 not sure if the spot that they -- well, I think
16 the spot that they chose was a set of coordinates
17 that I gave them on the pavement at approximately
18 314, 315 feet above sea level. How their computer
19 tool gave them a 305 foot elevation I don't know.

20 MR. MERCIER: Okay. So you don't know
21 if the town actually -- okay, so it was
22 coordinates you gave them, and they modeled it at
23 a different location is what you're saying; is
24 that right?

25 THE WITNESS (Maxson): No. I've run

1 into this situation myself over the years that the
2 resolution of the terrain database that you're
3 using in a computer model may be something on the
4 order of 10 meters or 30 meters. So the data
5 point that gives you the elevation when you have a
6 being in your terrain grid that's on the edge of a
7 very steep slope, that data point may not be
8 precisely the correct height. So the way to
9 verify the height would be to go to something like
10 the contour map that is available which can tell
11 you what the contours are of the parking lot
12 itself.

13 MR. MERCIER: Okay. Thank you. I have
14 a couple questions for Mr. Smooke. Mr. Smooke, I
15 was looking through the crane test visual
16 assessment materials. It appears the photo was
17 taken of the crane when it was at 120 feet and 150
18 feet for the same locations except for Photo 2.
19 Photo 2 was the view from the police department
20 picture taken facing northeast visible year round.
21 I didn't see a corresponding photo of 150 foot
22 crane from this location. Was that an error or do
23 you have one that wasn't submitted?

24 THE WITNESS (Smooke): No. The only
25 photo that was taken of the crane was the 120 foot

1 from the parking lot of the public works. There
2 are pictures of the 150 foot crane from around the
3 center of town.

4 MR. MERCIER: Okay, yes, I'm looking at
5 Photo 2. It says view from police department.
6 This is page 3 of your analysis, "picture taken
7 facing northeast visible year round." I didn't
8 see a corresponding 150 foot crane photograph from
9 this location, however. All the other photos have
10 120 and 150 for the same location. So I'm just
11 wondering why this one wasn't taken at 150.

12 THE WITNESS (Gratton): If I could just
13 clarify. We actually do have the picture. I
14 realize it was just omitted from the report, so
15 we're happy to send it along. You can't see it
16 from the angle it was taken, but we're happy to
17 submit it.

18 MR. MERCIER: Okay. Just to confirm
19 the location, I see a yellow box around the police
20 department. Was that on the north side of the
21 box, the south side, how is the photograph angled
22 towards the crane?

23 THE WITNESS (Smooke): So the picture
24 was taken, if you notice where it is, the police
25 station sign where it says "police business

1 parking only," that was where the picture was
2 taken from facing the Town Hall. So that's about
3 two-thirds of the way to the actual building
4 itself.

5 MR. MERCIER: Okay. Thank you. Now,
6 are you familiar with the Woodbridge Green
7 Historic District?

8 THE WITNESS (Smooke): Yes, I am.

9 MR. MERCIER: Was that the only photo
10 taken from the historic district from actually
11 within the boundaries?

12 THE WITNESS (Smooke): No, the first
13 picture, which is taken from the Town Hall, sorry,
14 there was a picture taken from in front of the
15 Town Hall. That's in the district. There was
16 another picture taken from the fire department
17 across the street at the district. And then there
18 were some pictures taken from off of Center Road
19 towards the district also. I also went back after
20 this was filed and took pictures from the First
21 Church of Christ, the Rectory, the Alice Newton
22 Park, and from the green near the gazebo facing
23 towards the public works building which also
24 illustrated the heavy equipment, the gas pumps
25 which were visible from the green. Those are not

1 in the report, however.

2 THE WITNESS (Gratton): Mr. Mercier, I
3 would just like to clarify. First Selectman
4 Heller actually she made a mistake. 15
5 Meetinghouse Lane is not in the historical
6 district. If you review the application that was
7 approved, the actual numbers are 3, 4, 7 and 11
8 Meetinghouse Lane, as well as 4 and 10 Newton Road
9 are the official addresses within the district.
10 And we actually have pictures that were taken from
11 11 Meetinghouse Lane which is the Town Hall, 4
12 Meetinghouse Lane which is the police station. We
13 took pictures from 15 Newton Road, which is
14 actually the corner right in back of where 10
15 Newton Road is. And then the firehouse that
16 Mitchell is referring to is right in back of 4
17 Meetinghouse Lane and 4 Newton Road. Again, all
18 this information, I'm happy to send along, is in
19 the Rational Register application for the
20 addresses.

21 MR. MERCIER: Doesn't the application
22 have a map of the boundaries of the historic
23 district?

24 THE WITNESS (Gratton): Yes.

25 MR. MERCIER: Okay. So you're stating

1 to me that numerous pictures were taken from
2 within the historic district boundaries?

3 THE WITNESS (Gratton): Yes, or the
4 corner of the street, like the mailbox right
5 across the street from it.

6 MR. MERCIER: Okay. So not within the
7 boundaries, that what I was asking.

8 THE WITNESS (Gratton): Two of them
9 were, 4 and 11 were. So two of the pictures were.

10 MR. MERCIER: Okay.

11 THE WITNESS (Smooke): And then after
12 the report was submitted, I went back and took
13 some additional pictures.

14 MR. MERCIER: Thank you. I have no
15 other questions at this time.

16 MR. MORISSETTE: Thank you, Mr.
17 Mercier. We'll now continue with
18 cross-examination by Mr. Edelson.

19 Mr. Edelson.

20 MR. EDELSON: Thank you, Mr.
21 Morissette. I think I'd like to address my first
22 question to Professor Smooke. In the Isotrope
23 report it refers to -- let me find my point
24 here -- it described the Verizon submission as
25 being, quote, variable, inconsistent and

1 contradictory, closed quote. And as I read the
2 report, a lot of that seemed to be focused around
3 the fact that different methodologies came up with
4 different results. Now, a model, as we know, is
5 not reality. A model, whether it's a propagation
6 model or any simulation is to some degree a
7 simplification. And so we all see that models do
8 not always reflect reality, in fact, we often see
9 similar models coming up with different results,
10 and I'm thinking here of hurricane models that we
11 see trajectories of hurricanes.

12 So from your point of view, when you
13 see in your professional work different
14 methodologies coming up with somewhat different
15 results, do you see that as noting that those
16 models therefore are variable, inconsistent and
17 contradictory, or that they've just made different
18 approaches to the way they wanted to reflect and
19 portray reality?

20 THE WITNESS (Smooke): Are you sure you
21 want this directed at me as opposed to David?

22 MR. EDELSON: I do, because I feel like
23 this is a very imprecise way of looking at
24 comparing models. We are always comparing models
25 with different methodologies, but that doesn't

1 mean that they therefore -- well, now I'm giving
2 you my opinion. I want your opinion, so that's
3 why I'm asking you as someone who I believe from
4 your resume works with modeling, albeit not radio
5 propagation modeling, but I assume other models,
6 the way materials might respond in various or
7 under various circumstances or other things of
8 that nature.

9 THE WITNESS (Smooke): Fair enough.
10 With respect to the comments, I did not write
11 those specifically. But with respect to modeling,
12 you're usually taking a physical process that is
13 modeled with a set of equations. These are very
14 often ordinary or partial differential equations,
15 and there could be a time as well as a spatial
16 component to these that require initial conditions
17 and boundary conditions. And providing that you
18 have the correct initial and boundary conditions
19 for that problem and you can solve it on a fine
20 enough grid, you should get a very good result
21 providing all the physics is embedded in those
22 equations.

23 MR. EDELSON: Okay. That was a lot of
24 assumptions there too, but I'll take that for your
25 answer. Thank you.

1 So my next question, I think, would be
2 for the Greengardens, and I probably would say you
3 can answer this individually. But if I understand
4 what's in front of us is that the applicant has
5 proposed a site and the intervenor has indicated
6 that their work to identify that site did not take
7 into account all the logical or all the available
8 alternatives, and in particular we're looking at
9 Meetinghouse Lane.

10 Now, here's a corporation from what we
11 can see is going to spend upwards of a half a
12 million dollars on this answer to a coverage gap
13 that seems to be well accepted that there is a
14 need for enhanced coverage and capacity in a
15 certain area of Woodbridge. And I'm curious. As
16 you have put your position together and you have
17 tried to show that there is a better site, why do
18 you think that a corporation like Verizon that's
19 going to be spending money would not want to use
20 the best available site for meeting their coverage
21 and capacity? And I'll put out there do you think
22 it's because they lack competency in doing site
23 search, or do you think it's just their lack of
24 knowledge about how to locate antennas?

25 THE WITNESS (Mark Greengarden): Mr.

1 Edelson, if I can refer you back to the original
2 site search that Verizon submitted, one of the
3 locations that they were entertaining was the
4 town's public works area on Meetinghouse Lane in
5 Woodbridge. They did not do a drive test at that
6 location to determine how it measured up to the
7 118 Newton Road, and that's why as a group we
8 hired the experts based on feedback that we
9 received from you about a gold standard drive-by
10 test. We rented a crane, we hired experts, we
11 used our own money, thousands of dollars as
12 private citizens, to be able to compare the
13 apples-to-apples that were alluded to.

14 So I don't have the answer why they
15 don't want to go there. I only know that they
16 didn't have all the information that's now
17 available to them in making that decision.

18 THE WITNESS (Michele Greengarden): And
19 if I may, no one is disputing that we need perhaps
20 enhanced coverage of a cell tower in the
21 Woodbridge area. It just would be best to be
22 suited for the whole of Woodbridge and the town
23 member residents for it to be at the 15
24 Meetinghouse Lane site where it would benefit the
25 town as well as the residents as opposed to a

1 private citizen and in a much more residential
2 area.

3 THE WITNESS (Mark Greengarden): And it
4 would have less of a scenic impact at that
5 location.

6 MR. EDELSON: But you are aware at the
7 prior hearing, if I understood correctly, Verizon
8 testified that they felt that the coverage was not
9 as good from the Meetinghouse locations. That was
10 their position. So therefore I want to just be
11 clear I'm understanding you correctly. So your
12 position is they did not do the appropriate
13 modeling or analysis of the radio propagation from
14 that site, from those alternative sites?

15 THE WITNESS (Michele Greengarden): If
16 I understand you correctly, we feel that we did
17 the due diligence that would have been nice for
18 Verizon to have done at the 15 Meetinghouse Lane
19 site to make it comparable in seeing which place
20 suited the needs of Verizon and the residents of
21 Woodbridge.

22 MR. EDELSON: And I believe I'm correct
23 in saying that no one from the Town of Woodbridge
24 came to AT&T and offered the site, is that your
25 understanding too?

1 THE WITNESS (Mark Greengarden): I'm
2 not sure that's accurate because I believe in an
3 interrogatory that the town submitted they did
4 offer them the site at 15 Meetinghouse Lane.

5 THE WITNESS (Michele Greengarden):
6 They said they would entertain it.

7 MR. EDELSON: I'm sorry, there was some
8 over -- I didn't hear the last part. I heard
9 somebody else speaking at the same time.

10 THE WITNESS (Mark Greengarden): I
11 believe in the interrogatories that the town
12 submitted they offered, when the question was
13 asked about other sites that they would consider,
14 the site at 15 Meetinghouse Lane was recommended
15 by the town in their interrogatories.

16 MR. EDELSON: Okay. And I guess my
17 last question is for Mr. Maxson. As I referred to
18 before, in your report you characterized Verizon
19 as, their submission as being variable,
20 inconsistent and contradictory. And what I wasn't
21 clear about is you then talked about four
22 different areas, and one of those seemed below
23 that. Are those the four areas that you believe
24 their submission was variable, inconsistent and
25 contradictory, or were there other things in

1 addition? I wasn't sure if you had delineated
2 everything right there in the report or that was a
3 more general statement.

4 THE WITNESS (Maxson): Thank you. I
5 think this relates to your question to Professor
6 Smooke as well. The two coverage maps, existing
7 coverage maps that I provided, were not with
8 different models. It was the same model done by
9 Verizon with different settings. And I was using
10 the circles and arrows on the two maps to
11 illustrate places where it was obvious that they
12 were using different settings to produce what
13 should have been the same coverage. And in fact,
14 I have also looked at the analysis recently
15 submitted with 15 Meetinghouse Lane at the same
16 areas, and the existing coverage outside of the
17 reach of their 15 Meetinghouse Lane model is
18 different yet again from the model they submitted,
19 the analysis they submitted with the technical
20 report, which is different from the analysis that
21 they submitted with their application.

22 So my point is that using the exact
23 same tool they have come up with three different
24 representations of coverage which means that the
25 representation of coverage of the different

1 locations, like the alternative location and the
2 proposed location, are also variable from one
3 session to another on the Verizon tool. So it's
4 not that we're comparing their model to my model,
5 which I agree would be like comparing spaghetti
6 models for hurricanes, and there are statistical
7 accuracy of each model and they may not -- one
8 does not prove another one wrong. But when you're
9 using the exact same model three different times
10 and three different times you're using different
11 settings, you have variable and inconsistent
12 inputs producing variable and inconsistent
13 outputs.

14 And then the rest of -- the next step
15 in my report is I look at their scan test of
16 existing coverage, and it's entirely different
17 from their computer projections. So what we have
18 is a whole set of data that is internally
19 generated by Verizon that's conflicting.

20 MR. EDELSON: Thanks for that
21 clarification. I'm going to have to go back and
22 look at the report because I came away with a very
23 different understanding. So I appreciate that.

24 So just to be clear, because as you
25 know, we receive many applications from Verizon

1 and, as far as I know, always using the similar or
2 the same model, obviously, with different
3 parameters for different locations. So your
4 comment is really, or your observations are really
5 specific to this submission, not to their modeling
6 technology or their modeling methods in general?

7 THE WITNESS (Maxson): Well, it does
8 place into question how rigorous they are with
9 other presentations. But in this particular case
10 the three presentations made at three different
11 times are different. When one would expect them
12 to be outside of the area of influence of the
13 proposed facilities, one expects that the settings
14 for the model would not change, and they
15 apparently have changed from one time to the next
16 in this hearing.

17 MR. EDELSON: But if I understand
18 correctly, and as you know, one of the reasons
19 we're here today was to give Verizon the
20 opportunity to submit modeling results from the
21 other locations we've been talking about, but I
22 think if I read you correctly, you basically
23 implied we shouldn't even pay any attention to
24 those because of this prior issue of contradictory
25 results, you are basically telling, the way I read

1 it, that I as a commissioner should, you know, pay
2 no attention to those diagrams, they can't be
3 trusted. And I'm very concerned about that
4 because on the one hand are you making a statement
5 about the methodology in general or just because
6 of what's happening here in Woodbridge? So maybe
7 you can clarify a little bit more about how I
8 should interpret your caution about looking at
9 their new submission or Late-File exhibits.

10 THE WITNESS (Maxson): Right. I
11 apologize if you're hearing a train in the
12 background. The methodology used in this hearing
13 relied on their computer model, which is a well
14 respected tool, computer modeling tool, but it
15 relied on settings that were changed from one time
16 to the next creating a moving target in terms of
17 what the existing gap is and what a proposed
18 facility would do or an alternative facility would
19 do to address that gap. I can't speak to other
20 proceedings where I haven't compared because the
21 applicant declined to provide us with those inputs
22 that they didn't go to that level of detail to
23 explaining what their settings were in their
24 computer model. And there are many settings.

25 MR. EDELSON: I think you really

1 answered my question when you said, and please
2 correct me if I'm wrong, that the tool itself is
3 not in question. They are using a tool, a
4 technology that I think you said well respected,
5 you know, understood in the industry to be a solid
6 tool for one to use. Any tool can be misused,
7 there's no doubt about that, but it's not the tool
8 itself that you're concerned about.

9 THE WITNESS (Maxson): That's correct.

10 MR. EDELSON: Okay. Thank you. I
11 think, Mr. Morissette, with that that's all the
12 questions I have right now. Thank you.

13 MR. MORISSETTE: Thank you, Mr.
14 Edelson. We'll now continue with
15 cross-examination by Mr. Silvestri followed by
16 Ms. Cooley.

17 Mr. Silvestri.

18 MR. SILVESTRI: Thank you, Mr.
19 Morissette. Unfortunately from our last hearing
20 we ran out of time before I was able to come up
21 with my set of questions, so I'm going to
22 backtrack to what I had from that hearing back in
23 August, but also, unfortunately, I did have
24 follow-up questions for Ms. Gadwa and Mr. Logan
25 but I don't see them on my screen. Are they

1 present?

2 MR. AINSWORTH: They are not, sir.

3 MR. SILVESTRI: Okay. All right. I'll
4 cross that one off.

5 Okay. Mr. Greengarden, good afternoon.
6 And you're next on my list for followups from our
7 last hearing. The questions I have for you go
8 back to the responses to Council Interrogatories,
9 number 1, that have the various photographs that
10 are there. The first question I have for you,
11 there were different millimeter lenses that were
12 used with the Nikon camera. I saw 26 millimeter,
13 35, 44, 46, et cetera. Why were different
14 millimeters used?

15 THE WITNESS (Mark Greengarden): I'm
16 actually not a photographer by trade, but the
17 camera I use has an automatic lens. And when you
18 aim it at a subject, it sets the millimeters by
19 itself.

20 MR. SILVESTRI: Thank you. I didn't
21 realize that those are automatic as well. So
22 thank you on that one.

23 A follow-up question on that, and I'm
24 not sure if you can answer. Do you know if any of
25 the millimeter lenses or the settings actually

1 represent what is seen by the naked eye without
2 any type of magnification?

3 THE WITNESS (Mark Greengarden): I
4 think that the subject that you're taking the
5 picture of is actually closer than what the lens
6 is, portrays.

7 MR. SILVESTRI: Okay. All right. And
8 then one follow-up question on that. On page 23
9 of that report it has an iPhone picture there.
10 And I'm curious if you have any idea how an iPhone
11 compares in millimeters to the Nikon camera.

12 THE WITNESS (Mark Greengarden): I
13 honestly can't answer your question. I don't
14 know.

15 MR. SILVESTRI: Okay. Thank you.
16 That's all the questions I have for you,
17 Mr. Greengarden, and I thank you for that as well.

18 THE WITNESS (Mark Greengarden): You're
19 welcome.

20 MR. SILVESTRI: Thank you. Mr. Maxson,
21 you're next on my list. Again, going back to the
22 hearing in August where I couldn't pose a
23 question, if you look at the August 24th Isotrope
24 report that you have and the coverage plots, there
25 is what I'll call a square, a bisected square that

1 appears on various maps. And I'm trying to figure
2 out what those bisected squares are. For example,
3 on Figure 5, which you had talked about with Mr.
4 Mercier, if you look at that, and just to the
5 right of where it says Hamden in yellow, there's
6 one of those squares. Could you tell me what
7 those are because they tend to move around on the
8 coverage plots?

9 THE WITNESS (Maxson): That's a great
10 question. Yes, I can. We tend to take
11 screenshots of the maps so that we can format them
12 for presentation, and sometimes we leave the
13 cursor on the screen when we snap the screenshot
14 rather than moving it off the screen. Essentially
15 that's the cursor, and it has no bearing on the
16 meaning of the map itself.

17 MR. SILVESTRI: Okay. Thank you for
18 that one. I was trying to figure that out for the
19 longest time because it kept popping here and
20 there. So thank you on that one.

21 Going back, when I look at the original
22 application coverage plots for 118 Newton Road and
23 then I look at what was submitted by Verizon for
24 the Late-File, unfortunately for me, and I'll pose
25 this question also to Verizon, but unfortunately

1 for me I'm kind of looking at two different scales
2 of the coverage map, so it's a little bit hard for
3 me to compare apples to apples, if you will. But
4 I'm curious, when I look at it, I'm kind of
5 looking at what's at 15 Meetinghouse Lane and
6 saying, gee, the coverage isn't bad, and I look at
7 what they provided for 118 Newton Road and I say,
8 okay, that's what they're proposing, I'm looking
9 at these and saying to me they're kind of equal.
10 So I'm kind of curious as to what your
11 interpretation of the comparison of Verizon's
12 coverage plots originally submitted for 118 Newton
13 Road and 15 Meetinghouse Lane play out.

14 THE WITNESS (Maxson): Okay. I just
15 had my attention directed to my maps with my
16 cursor, so I see we've moved on to the Verizon's
17 original submissions and then their recent 115
18 Meetinghouse Lane submission.

19 MR. SILVESTRI: Correct, yes. Again,
20 I'm looking at it, and the scale are different,
21 but I'm looking at all the different colors that
22 are there, and I'm trying to get it straight in my
23 mind what looks like 118 Newton Road for coverage
24 and what they had submitted just recently for 15
25 Meetinghouse Lane. And I'm looking at that and

1 say, gee, the color pattern seems there, they
2 almost seem to overlay, if the scales were right.
3 And again, I'll pose this question to them when
4 the time comes, but I'm curious as to what your
5 interpretation of that comparison between those
6 two coverage plots is.

7 THE WITNESS (Maxson): I didn't spend a
8 whole lot of time focusing on that because we did
9 do the CW drive test which is, as discussed at the
10 previous meeting, a more precise way of
11 representing coverage at least on the roads. But
12 what I had anticipated was that we wouldn't see a
13 tremendous amount of difference despite the change
14 in ground elevation of the tower partly because
15 the tower potentially could be taller at 15
16 Meetinghouse Lane, but also because I have this
17 kind of general concept about radio propagation
18 that I'd like to describe as trying to eliminate a
19 mixing bowl, you can put a little lamp at the
20 bottom of the mixing bowl and light it going
21 uphill, or you can put a lamp on the rim of the
22 mixing bowl and light it down. So the way the
23 terrain rises as you head north, you're not losing
24 a tremendous amount of coverage simply because
25 you've moved from 118 Newton to 15 Meetinghouse

1 and you've lowered the elevation of the base of
2 the tower. It's still illuminating pretty much
3 the same general area. And my expectation was
4 that their computer model should show that. There
5 may be some subtle differences because of the
6 orientation with respect to smaller hills and
7 things, but the general coverage, and this is why
8 we recommended it from the beginning, it looked
9 like the general coverage would be substantially
10 addressed from 15 Meetinghouse.

11 MR. SILVESTRI: Thank you for that
12 response. One follow-up question I do have for
13 you. Again, with the Verizon Late-File that came
14 in for 15 Meetinghouse Lane and any comments on
15 how their coverage plot would compare to what you
16 came up with at 15 Meetinghouse Lane?

17 THE WITNESS (Maxson): How their
18 coverage plot would compare with our drive test?

19 MR. SILVESTRI: With that or what you
20 had for, I forgot what height that you did the 15
21 Meetinghouse Lane at, but I'm curious how apples
22 might compare to apples, if they do it all here.

23 THE WITNESS (Maxson): My recollection
24 is that my original propagation model of the 15
25 Meetinghouse Lane was a little more optimistic,

1 shall we say, than Verizon's. And I would note
2 that in that progression of three different
3 settings for Verizon's maps going from the
4 original technical report to the application to
5 the 15 Meetinghouse Lane map that they presented
6 this week, or last week, their model has gotten
7 progressively more pessimistic, in other words,
8 the baseline coverage underneath the proposed
9 coverage is reducing each step you go forward,
10 which means that the coverage of the facility
11 under test is also being reduced proportionately.
12 So if they had showed 15 Meetinghouse Lane
13 coverage using the settings they used in the
14 technical report, it would look far better than it
15 does using the settings they used last week.

16 MR. SILVESTRI: Just a clarification,
17 if you will, Mr. Maxson. When you say the
18 "baseline coverage underneath," could you explain
19 that a little bit better?

20 THE WITNESS (Maxson): Yes. That was
21 not a term of art by any means. What I did with
22 my comparison of their technical report filing and
23 their application filing was I looked at locations
24 on the map where the facility of interest in the
25 middle has no influence and looked at what their

1 existing coverage looks like at those remote
2 locations. And even though you might have a
3 different facility under test in the middle, when
4 you're looking out at these locations where that
5 facility has no influence, you should see the
6 exact same existing coverage, and you don't. It
7 gets progressively more pessimistic from technical
8 report to application to this most recent
9 submission which means the coverage footprints are
10 shrinking. And so when I talk about, when I
11 mentioned the existing baseline, that's what I'm
12 referring to is that existing coverage outside the
13 influence of the facility that's being
14 demonstrated.

15 MR. SILVESTRI: So if I could kind of
16 rephrase that so I'm understanding it. If you
17 look at a proposed coverage plot, if you stripped
18 away what's being proposed by a new cell tower,
19 you would have a baseline. And if I understand
20 you correctly, you're saying that if you strip
21 that away from the different plots that were
22 provided, the baseline is a little bit different
23 from one to the other?

24 THE WITNESS (Maxson): Yes, it's
25 apparent to me that the settings they used to

1 create the computer model for those three
2 different steps in the process, three different
3 submissions, changed to be progressively more
4 pessimistic, in other words, to progressively show
5 less coverage from each cell site.

6 MR. SILVESTRI: Got you. I think I
7 understand that. Thank you, Mr. Maxson.

8 THE WITNESS (Maxson): Thank you.

9 MR. SILVESTRI: Mr. Morissette, that's
10 all the questions I have. And I thank you.

11 MR. MORISSETTE: Thank you, Mr.
12 Silvestri. We'll now continue with
13 cross-examination by Ms. Cooley.

14 MS. COOLEY: Thank you, Mr. Morissette.
15 I just have one question just to make sure that
16 I'm understanding this correctly. This is to the
17 previous witness, Mr. Maxson. When you're talking
18 about the differences that you are seeing from the
19 testing that you do compared to Verizon, you have
20 only looked at the two what they were calling
21 alternative sites but you didn't do any kind of
22 testing on the 118 Newton Road site at all, any
23 modeling for that, so there isn't any comparison
24 to Verizon's data from that site; is that correct?

25 THE WITNESS (Maxson): Any modeling for

1 118 Newton Road?

2 MS. COOLEY: Yes.

3 THE WITNESS (Maxson): Yes, in my
4 original submission I think we provided a model of
5 that, yes.

6 MS. COOLEY: Okay. And did you see the
7 same kinds of differences between your work and
8 Verizon's models in that or --

9 THE WITNESS (Maxson): The differences
10 between my models and Verizon's models are, as
11 discussed earlier, likely to be the kinds of
12 differences you see when you're looking at two
13 different models of a hurricane track or predicted
14 hurricane track. So yes, there are differences
15 the way my computer model predicts the impact of
16 certain things like diffraction over terrain or
17 path loss through vegetation at different
18 frequencies and those kinds of things. So I would
19 expect to see some differences in my computer
20 model and Verizon's computer model. The thing
21 that I was calling attention to last week was that
22 in Verizon's computer model there are differences
23 each time they use the model.

24 MS. COOLEY: Okay. All right. I think
25 I get that then. Okay. Thank you. I appreciate

1 that.

2 THE WITNESS (Maxson): Thank you.

3 MS. COOLEY: I think that covers it for
4 me for now. Thank you very much.

5 Thank you, Mr. Morissette.

6 MR. MORISSETTE: Thank you, Ms. Cooley.

7 Mr. Maxson, I have a couple questions
8 for you relating to your Late-File. Figures 5 and
9 6 I found quite interesting. And the conclusion
10 that you came up with was that Figure 5 had better
11 coverage because Hamden was off in the model. Can
12 you elaborate on how that could be with Hamden
13 being off and having better coverage? I would
14 have intuitively thought the opposite.

15 THE WITNESS (Maxson): Sorry, I muted.
16 Yes, I think you got the crux of my point. As I
17 picked a couple of locations where I used the
18 orange arrows and the orange circle to mark points
19 of comparison, I picked those locations because
20 they are well out of the influence of the coverage
21 from the Hamden facility. So if this were an
22 existing coverage map, what's under the orange
23 circle on both pages and what's under the orange
24 arrow on both pages should be identical, but some
25 settings had to have changed between those two

1 sessions when they produced the maps for the
2 technical report and when they produced the maps
3 for the application regardless of whether or not
4 Hamden was turned on. And that's what I used to
5 illustrate this moving target that the settings
6 for the model had shifted from one session to the
7 next.

8 MR. MORISSETTE: Very good. Thank you
9 for that clarification. If you could provide some
10 clarification on the differences between a scan
11 test and a CW test. My fundamental understanding
12 is that the CW test is with a transmitter on the
13 crane and including the proposed facility where
14 the scan test is just the existing transmitter
15 without other facilities incorporated into the
16 readings?

17 THE WITNESS (Maxson): Almost. The CW
18 test is specifically intended to measure a
19 proposed height at a proposed facility location
20 and nothing else. So when you get out to the
21 edges of your CW test, you're not picking up other
22 cell sites, you're just getting a weaker and
23 weaker and weaker signal of your site on your
24 test.

25 When you do a scan test, you're

1 scanning the existing network for the best signal
2 and you're recording what the best signal is. And
3 when you do that, you also collect data like,
4 well, which cell site is giving us the best signal
5 on this corner and other sort of quality of
6 service indications. But the basic information in
7 the scan test is what's the strongest signal at
8 this particular location where the vehicle is at
9 this moment, and so that's an existing coverage
10 test, whereas the CW test is a proposed coverage
11 of only the proposed facility not of the entire
12 network.

13 MR. MORISSETTE: Very good. Thank you
14 for that clarification.

15 Mr. Greengarden, I'd like to give you
16 the opportunity to -- I interrupted you earlier on
17 the record -- give you the opportunity to voice
18 your objection at this point, if you would like.

19 THE WITNESS (Mark Greengarden): I just
20 wanted to say that we worked hard and that we
21 asked for the extension of time so that we were
22 able to get the SHPO's feedback to make everything
23 fair all the way around. That's all I wanted to
24 say.

25 MR. MORISSETTE: Thank you, Mr.

1 Greengarden. That concludes my questioning as
2 well. We will now take a 10-minute break, we will
3 be back at 3:40, and we will continue with
4 cross-examination by Attorney Baldwin. Thank you.
5 We'll see everyone at 3:40.

6 (Whereupon, a recess was taken from
7 3:30 p.m. until 3:40 p.m.)

8 MR. MORISSETTE: We will continue with
9 cross-examination of WNNET, Mark and Michele
10 Greengarden, and Ochsner Place, LLC by the
11 applicant. Attorney Baldwin.

12 MR. BALDWIN: Thank you, Mr.
13 Morissette. First, as I just learned, and as Mr.
14 Silvestri just learned, we don't have two of the
15 witnesses that WNNET presented at the last
16 hearing, Sigrun Gadwa and George Logan. If they
17 are not here to be cross-examined, we didn't even
18 have an opportunity to cross-examine them at all
19 in this proceeding at the last hearing. I would
20 therefore move that the Council strike WNNET
21 Exhibit 5 from the record and strike all of the
22 testimony that Ms. Gadwa and Mr. Logan gave at the
23 August 31, 2021 hearing.

24 MR. MORISSETTE: Thank you, Attorney
25 Baldwin. I'll ask Attorney Bachman to comment.

1 MS. BACHMAN: Thank you, Mr.
2 Morissette. I think it would be appropriate if we
3 heard from Attorney Ainsworth at this point, and
4 perhaps then I will comment thereafter.

5 MR. MORISSETTE: Thank you, Attorney
6 Bachman.

7 Attorney Ainsworth.

8 MR. AINSWORTH: I have no objection to
9 the motion.

10 MR. MORISSETTE: Thank you. Attorney
11 Bachman.

12 MS. BACHMAN: And how Attorney
13 Ainsworth has no objection to Attorney Baldwin's
14 motion, Mr. Morissette, the motion could be
15 granted.

16 MR. MORISSETTE: Very good. Attorney
17 Baldwin, the motion is granted.

18 MR. BALDWIN: Thank you, Mr.
19 Morissette.

20 MR. MORISSETTE: Thank you. Please
21 continue.

22 MR. BALDWIN: I do have some questions,
23 first for Ochsner Place, LLC. Mr. Greengarden, in
24 your testimony that you submitted to the Council
25 you talk about the facility proposed at 118 Newton

1 Road as causing flooding on the street, Soundview
2 Drive, and on your property. Could you turn to
3 plan Sheet C-2 in the application for me?

4 THE WITNESS (Michele Greengarden):
5 Which document? Can you please be more specific?

6 MR. BALDWIN: It's the application.
7 Behind attachment 1 there are project plans for
8 the proposed cell site, and I'm looking at site
9 plan sheet number C-2.

10 THE WITNESS (Mark Greengarden): I
11 don't have that document available. Maybe you can
12 tell me what it says.

13 MR. BALDWIN: Well, okay. This is a
14 site plan presented, and this site plan shows the
15 proposed property near the tower location where
16 the access road would extend onto the Soufrine
17 property. The site plan, I guess, speaks for
18 itself, but it shows ground elevations at the
19 northern property line near Soundview Drive and a
20 ground elevation of 472 feet. And then as you
21 progress into the property to the south, those
22 ground elevations drop to 468, 463, 460, and then
23 ultimately a ground elevation of 454 at the
24 proposed tower site.

25 So my question, Mr. Greengarden, if the

1 elevations go downhill as you go south, how is any
2 development of the tower site on the Soufrine
3 property going to affect stormwater drainage at a
4 higher elevation on Soundview Drive and on your
5 property?

6 THE WITNESS (Mark Greengarden): I
7 believe there are two catch basins at the end of
8 Soundview Drive, and I believe that the applicant
9 is planning on making access in that area. And my
10 concern bringing that up was that by making the
11 driveway into it, there's a potential for water to
12 run off into the catch basins which were not
13 designed for that purpose.

14 MR. BALDWIN: But again, if the grades
15 run away from those catch basins, how is that any
16 stormwater, any stormwater from that new driveway
17 going to get into those catch basins?

18 THE WITNESS (Mark Greengarden): I'm
19 not an engineer, so I can't really answer that
20 question for you, but my concern, like I said, any
21 time you disturb land that there's potential for
22 the water runoff to run back through the catch
23 basins and overwhelm them.

24 MR. BALDWIN: Do those catch basins
25 drain onto your property now?

1 THE WITNESS (Mark Greengarden):
2 They're close to my property, but they don't drain
3 on my property.

4 MR. BALDWIN: Okay. Do you have
5 flooding on your property now?

6 THE WITNESS (Mark Greengarden): No, we
7 do not.

8 MR. BALDWIN: Okay. Thank you. One
9 question for Mr. Maxson. Mr. Maxson, in the drive
10 test that you performed are the results of that
11 drive test based on an omnidirectional antenna, or
12 did you do any post-processing of that drive test
13 to model three sectors from that location?

14 THE WITNESS (Maxson): It was an
15 omnidirectional antenna.

16 MR. BALDWIN: Thank you. Mr. Smooke,
17 if I could refer you to your portion of the most
18 recent exhibit submitted on behalf of WNNET. I'm
19 a little confused. There was a lot of discussion
20 and comments during your responses to other
21 questioners. The submission is as it is in the
22 record. There are not additional photographs.
23 But let me start with this: Mr. Smooke, what's
24 your home address?

25 THE WITNESS (Smooke): 23 Penny Lane.

1 MR. BALDWIN: So you're the same
2 Mitchell Smooke that spoke at the public hearing
3 on July 13th?

4 THE WITNESS (Smooke): Correct.

5 MR. BALDWIN: And you are responsible
6 for pulling together the drive test photos that
7 are included in that appendix in the Isotrope
8 report identified as WNNET Exhibit 7, correct?

9 THE WITNESS (Smooke): Correct.

10 MR. BALDWIN: And again, take you to
11 page 2 of that report. At the top it says 120
12 foot crane from the public works property,
13 correct?

14 THE WITNESS (Smooke): Correct.

15 MR. BALDWIN: And if you go to the next
16 page, that's the photograph that shows the crane
17 peeking up above the trees right behind the Town
18 Hall building. Would it in fact be the case that
19 if you add another 30 feet onto that top of the
20 crane, the tower would be more prominent behind
21 Town Hall?

22 THE WITNESS (Smooke): It would be 30
23 feet higher.

24 MR. BALDWIN: And if, as Mr. Maxson
25 stated, a tower height of 160 feet was selected,

1 it would be even higher, wouldn't it?

2 THE WITNESS (Smooke): It would be 40
3 feet higher from this position.

4 MR. BALDWIN: And you do understand
5 that the Town Hall is one of the historic
6 resources identified by the town in the Woodbridge
7 Green Historic District, correct?

8 THE WITNESS (Smooke): I believe so. I
9 haven't seen the document that specifically
10 outlines that.

11 MR. BALDWIN: Going on to page 4, same
12 question, if a tower of 150 feet or 160 feet at
13 that location was built in accordance with Mr.
14 Maxson's testimony, a tower would appear more
15 prominently above that treeline; isn't that
16 correct?

17 THE WITNESS (Smooke): Which picture is
18 this?

19 MR. BALDWIN: This is on page 4, view
20 from Center Road baseball field parking lot.

21 THE WITNESS (Smooke): Yeah, picture
22 number 4, yes.

23 MR. BALDWIN: And the same would be
24 true, I'm now on page 6, number 5, view from 146
25 Center Road mailbox, 150 or 160 foot tower at that

1 location would extend above that treeline from
2 that viewpoint, correct?

3 THE WITNESS (Smooke): From this
4 viewpoint, yes, you would see it up a little
5 higher.

6 MR. BALDWIN: Okay. Do you have access
7 to the original application, Mr. Smooke?

8 THE WITNESS (Smooke): No, I don't.

9 MR. BALDWIN: Have you reviewed that
10 application?

11 THE WITNESS (Smooke): I've read some
12 of the documents from it in preparation for some
13 meetings that we've had, but I don't have it,
14 access in front of me here.

15 MR. BALDWIN: Okay. Bear with me, if
16 you can. In attachment 9 of the application is a
17 visual assessment that the applicant provided to
18 the Siting Council, and it includes two
19 photographs taken from Penny Lane pretty close to
20 where your property is located, and it shows that
21 the proposed tower, 118 Newton Road, from one of
22 the photographs would have what they call seasonal
23 views, meaning it may be visible through the
24 existing trees. Do you think that's
25 representative of the views from your property?

1 THE WITNESS (Smooke): I really don't
2 know.

3 MR. BALDWIN: Okay. If it does, let's
4 assume hypothetically it does represent the views,
5 you have a view of that proposed tower through the
6 trees, would the development of a tree tower or a
7 monopine do you think be less obtrusive than a
8 traditional steel monopole?

9 THE WITNESS (Smooke): I'd have to see
10 what these look like. You're talking about like a
11 stealth tower?

12 MR. BALDWIN: Yes.

13 THE WITNESS (Smooke): I would have to
14 see pictures of it. I'm not that familiar with it
15 except by name.

16 MR. BALDWIN: About how far is your
17 home from the proposed tower site at 15
18 Meetinghouse Road?

19 THE WITNESS (Smooke): It is
20 probably -- I don't have the exact distances --
21 I'm going to say slightly over a quarter of a
22 mile.

23 MR. BALDWIN: Would you be surprised if
24 I told you as the crow flies it's closer to a
25 mile?

1 THE WITNESS (Smooke): I mean, I can't
2 comment on that. I'd have to see specifically the
3 map.

4 MR. BALDWIN: Okay. Do you think you'd
5 be able to see a 150 foot tower at the DPW site
6 from your property?

7 THE WITNESS (Smooke): No.

8 MR. BALDWIN: Do you think anyone else
9 around the 118 Newton Road site would be able to
10 see the tower at the DPW site at 150 feet?

11 THE WITNESS (Smooke): I can't comment
12 on that. I don't know.

13 MR. BALDWIN: Did you knock on any
14 doors of the neighbors who live around the
15 Meetinghouse Lane area and ask them if they would
16 object to a 150 or 160 foot tower at the DPW site?

17 THE WITNESS (Smooke): All that was
18 done -- the short answer is no. All that was done
19 is to take pictures around the center of the town
20 and up and down the four roads.

21 MR. BALDWIN: I have nothing further.
22 Thank you, Mr. Morissette.

23 MR. MORISSETTE: Thank you, Attorney
24 Baldwin. We will continue with cross-examination
25 of WNNET, Mark and Michele Greengarden, and

1 Ochsner Place, LLC by the Town of Woodbridge.
2 Attorney Bamonte.

3 MR. BAMONTE: Thank you, Mr.
4 Morissette. We don't have any questions for the
5 Greengardens or Ochsner Place. I think, the one
6 question I do have have might be for either
7 Mr. Smooke or Mr. Maxson.

8 So, if I may, I see it mentioned in
9 WNNET's Late-File Exhibit 7, so that's the recent
10 Isotrope report entitled Isotrope's response to
11 Council inquiries. And at page 20 of the report
12 under the heading Environmental Compatibility,
13 it's stated that the alternative site at 15
14 Meetinghouse Lane is an excellent location for a
15 new cell tower because it has almost no visibility
16 to residential uses. So I'd just like to drill
17 down on that a little bit more. So again, I'm not
18 sure if Mr. Smooke or Mr. Maxson is the best to
19 answer this, but could you expand on that
20 conclusion and how you reach it?

21 THE WITNESS (Maxson): This is David
22 Maxson. I'll start first, but Mr. Smooke was
23 going around looking for the tower and taking
24 photographs, so he can certainly comment on his
25 experience of it. But based on my experience

1 dealing with cell tower siting and with geographic
2 information systems and aerial photography, it
3 looked to me like this location was very well
4 screened from the nearest residences, first of
5 all, because there's no residence closer than 500
6 feet from a potential location of the tower, and
7 those residences that are closest are in heavily
8 wooded -- separated by heavy woods.

9 And then second of all, because it's
10 set way back on a lot that's in nonresidential use
11 and it's surrounded by lots in nonresidential use,
12 that puts it that much farther visually from the
13 other residences in the area. But I defer to
14 Professor Smooke's comments on his photographs.

15 THE WITNESS (Smooke): So when we
16 started to take the pictures, the idea was to move
17 outward from the center of town, for example, in
18 front of the Town Hall, in front of the police
19 department, in front of the fire department, and
20 you could see the tower from the central portion.
21 We then went down Center Road south towards where
22 it becomes Racebrook Road, which is Route 114, and
23 you could see at the tennis court and a little bit
24 at the ball field, but as you started to head
25 further south and you got into more of the

1 residential areas, there was no view whatsoever.
2 There's a lot of vegetation, the trees block it,
3 and it was pretty clear that you could not see all
4 the way in the back of the public works parking
5 lot.

6 We then did the same moving up Newton
7 Road, and very quickly, as you come out of the
8 Meetinghouse Road and make a left-hand turn and go
9 up Newton Road, again, the woods are so thick
10 there that you cannot see anything.

11 Then what we also did is we went down
12 Center Road towards the Blue Check Deli and
13 virtually within a couple a hundred meters you
14 didn't see anything, the vegetation was so
15 intense.

16 And then the other thing we did is we
17 moved up Beecher Road, and there is the Fitzgerald
18 fitness trails there and the dog park. You can
19 see a tip of this crane from that area, but as you
20 start to move on Beecher Road towards the schools,
21 again, very quickly you don't see anything.

22 So that was the reason that these
23 directions were taken in the photographs from
24 those locations. I think that's basically the
25 motivation for why we did it. It was mostly

1 visible from the center of town.

2 MR. BAMONTE: Okay. Thank you both.

3 Mr. Morissette, no further questions
4 from the town.

5 MR. MORISSETTE: Thank you, Attorney
6 Bamonte.

7 (Witnesses excused.)

8 MR. MORISSETTE: We will continue with
9 the appearance of the applicant, Cellco
10 Partnership d/b/a Verizon Wireless, to verify the
11 new exhibits marked Roman Numeral II, Items B-11
12 on the hearing program.

13 Attorney Baldwin, please begin by
14 identifying the new exhibits you have filed in
15 this matter and verifying the exhibits by the
16 appropriate sworn witnesses.

17 Z I A D C H E I B A N,
18 M I C H A E L L I B E R T I N E,
19 D E A N G U S T A F S O N,
20 B R I A N G A U D E T,
21 T I M O T H Y P A R K S,

22 having been previously duly sworn, continued
23 to testify on their oath as follows:

24 DIRECT EXAMINATION

25 MR. BALDWIN: Thank you, Mr.

1 Morissette. As referenced, there is one
2 additional exhibit that we have to offer this
3 afternoon listed in the hearing program under
4 Roman II-B, number 11. And I just need
5 Mr. Cheiban and Mr. Libertine to verify this one
6 because it relates almost specifically to RF and
7 historic district issues.

8 So I'll ask both of those witnesses who
9 are sworn, did you prepare or assist in the
10 preparation of the information contained in
11 Applicant's Exhibit 11 in Item Roman II-B-11 in
12 the hearing program? Mr. Cheiban.

13 THE WITNESS (Cheiban): Yes.

14 MR. BALDWIN: Mr. Libertine.

15 THE WITNESS (Libertine): Yes, I did.

16 MR. BALDWIN: And do you have any
17 corrections, modifications or clarifications to
18 offer regarding any of that information at this
19 time? Mr. Cheiban.

20 THE WITNESS (Cheiban): No.

21 MR. BALDWIN: Mr. Libertine.

22 THE WITNESS (Libertine): No.

23 MR. BALDWIN: Is the information
24 contained in that exhibit true and accurate to the
25 best of your knowledge? Mr. Cheiban.

1 THE WITNESS (Cheiban): Yes.

2 MR. BALDWIN: Mr. Libertine.

3 THE WITNESS (Libertine): Yes.

4 MR. BALDWIN: And do you adopt the
5 information contained in Exhibit 11 as your
6 testimony in this proceeding? Mr. Cheiban?

7 THE WITNESS (Cheiban): Yes.

8 MR. BALDWIN: Mr. Libertine?

9 THE WITNESS (Libertine): Yes.

10 MR. BALDWIN: Mr. Morissette, I offer
11 it as a full exhibit.

12 MR. MORISSETTE: Thank you, Attorney
13 Baldwin. Does any party or intervenor object to
14 the admission of the applicant's new exhibits?

15 Attorney Ainsworth.

16 MR. AINSWORTH: No objection.

17 MR. MORISSETTE: Thank you. Attorney
18 Bamonte?

19 MR. BAMONTE: No objection.

20 MR. MORISSETTE: Thank you. Mark and
21 Michele Greengarden?

22 MR. GREENGARDEN: No objection.

23 MR. MORISSETTE: Thank you. The
24 exhibits are hereby admitted.

25 (Applicant's Exhibit II-B-11: Received

1 in evidence - described in index.)

2 MR. MORISSETTE: We will commence with
3 cross-examination of the applicant by the Council
4 starting with Mr. Mercier and followed by Mr.
5 Edelson.

6 Mr. Mercier.

7 CROSS-EXAMINATION

8 MR. MERCIER: Thank you. I just have a
9 couple questions regarding some of the coverage
10 plots that were submitted in the technical report
11 filing with the town and also the application. As
12 was discussed earlier, there seems to be some
13 differences on these coverage models for existing
14 700 megahertz service, so I'm just trying to
15 determine why are there differences in the
16 coverage footprint for the existing towers in the
17 area.

18 THE WITNESS (Cheiban): Yes, Mr.
19 Mercier. So there is two different things going
20 on here, and I'm going to refer to the Isotrope
21 report. So one major difference between the two
22 as far as the proposed coverage is that the
23 technical report was proposing 140 foot tower.
24 And then based on the, you know, what we heard
25 from the neighbors during the public information

1 meeting, we looked for ways to reduce the visual
2 impact. And so the application was filed for a
3 100 foot tower, so 40 foot lower, and that made a
4 big difference as far as the proposed coverage.

5 The other factor that's coming into
6 play here as far as just the existing towers is
7 that we are continuously upgrading our network.
8 And while doing so, we are changing equipment and
9 changing, in particular, the antennas. And we
10 went from some single band antennas, so that only
11 serves, say, 700 megahertz or 2100 megahertz, to
12 multiband antennas which can in the same housing
13 serve multiple bands. And the characteristics of
14 these antennas and of the radios that are attached
15 are slightly different.

16 The way we do our plots is basically we
17 just take -- so the tech report and the
18 application were provided at different times, and
19 we take just the existing system as it is on that
20 day we prepare the plot. We don't go back in time
21 and say, well, this is what was at the site six
22 months ago. And so that is -- those are the two
23 reasons that there are differences in the coverage
24 and the plots.

25 MR. MERCIER: Okay. So for the

1 existing service basically what you're saying is
2 you did some network upgrades which diminished
3 your service quality, I'll say, in the area of the
4 proposed site that was partially served by
5 existing towers in the area. So your coverage
6 footprint is kind of reduced when you did the
7 upgrades, so therefore you have a more deficient,
8 you have a more deficient area to cover; is that
9 correct?

10 THE WITNESS (Cheiban): Yeah. I mean,
11 it's a tradeoff between, you know, deploying these
12 multiband antennas and getting a little bit,
13 slightly less coverage.

14 MR. MERCIER: Now, I understand you did
15 a scan test, I think, in September 2020. Why was
16 that conducted rather than just rely on your
17 models?

18 THE WITNESS (Cheiban): All right. So
19 I would like, first of all, to correct one thing.
20 This was not a scan test. This was a test
21 conducted with a mobile device, a phone, inside a
22 vehicle, and we do these on and off to check the
23 quality of our service. And it basically, it
24 shows the actual experience of a user with a phone
25 inside a vehicle. Now, being inside the vehicle

1 reduces the signal level by 6 to 10 dB just
2 because by virtue of the obstruction that the
3 vehicle itself causes to the signal.

4 MR. MERCIER: Okay. So for this
5 particular type of drive test it's not specific to
6 this proposed cell site, it's just driving the
7 whole area, surrounding area to see how your
8 service is; is that how it works?

9 THE WITNESS (Cheiban): Yeah. I mean,
10 we collect data, either us or through third
11 parties we collect data on our network to, you
12 know, to have a baseline of, you know, what our
13 service is currently or what the level is, and to
14 see if there's any deficiencies or anything that
15 needs to be improved.

16 MR. MERCIER: So in this instance would
17 this particular drive test be more accurate than
18 your coverage models for these roads?

19 THE WITNESS (Cheiban): Yes, it
20 definitely would be because it's an actual
21 measurement of the network versus a calculation.

22 MR. MERCIER: Now, for the proposed
23 tower at 118 Newton Road, what is the goal for the
24 surrounding area, is it just to get in-building
25 service or are you happy with in-vehicle service?

1 THE WITNESS (Cheiban): It is both. We
2 are trying to improve the in-vehicle service on
3 the roads, and we're also trying to improve the
4 coverage inside the houses and other buildings
5 nearby.

6 MR. MERCIER: Okay. So for a baseline
7 threshold are you looking for in-building or
8 in-vehicle just because it seems like looking at
9 the maps there's a lot of structures along the
10 roads in this area?

11 THE WITNESS (Cheiban): Right. So, I
12 mean, along, say, the 63, the 67 and some of the
13 other roads, we would be satisfied with the
14 in-vehicle level, but for the buildings themselves
15 we need to get a higher threshold.

16 MR. MERCIER: Okay. I'm going to turn
17 to the Late-File Exhibit of September 14th. It's
18 hearing program number 11. In the last page of
19 that filing there was a map titled WNNET alternate
20 site locations, and I see two locations listed,
21 Site 1 and Site 2. I'm not really sure what they
22 actually represent, if you could please clarify.

23 THE WITNESS (Libertine): Yes, this is
24 Mike Libertine. We were provided some locations
25 through the process, and so they were just on a

1 map, and there were some coordinates provided
2 after the fact. And so these were the best
3 representations of two alternate sites that we
4 were asked to consider, and so we plotted them
5 with respect to the two town properties and with
6 respect to the historic district. So they are
7 meant to represent two locations that I presume
8 would be acceptable for consideration as
9 alternative sites by the town.

10 MR. MERCIER: Okay. I'm just looking
11 at the corresponding plots that were the two pages
12 previous to that, and one is at the police
13 station, but I don't see it marked, so I'm just
14 trying to determine why there were two on the town
15 garage parcel rather than one at the police
16 station, or was two locations given to you for the
17 town garage plus the police station?

18 THE WITNESS (Libertine): That's my
19 understanding, and the police station would be
20 somewhere relative to the existing tower or at
21 least close proximity.

22 MR. MERCIER: Okay. So when you have
23 Site 1 and Site 2 listed on the town garage
24 parcel, you chose to model Site 2; is that right?

25 THE WITNESS (Cheiban): Actually, I can

1 answer that one. We actually modeled the -- we
2 got some specific coordinates from Dave Maxson
3 through Attorney Ainsworth, and we modeled that
4 location. And I'm not sure if that's location 1
5 or 2. I believe it is near location 2 but not
6 exactly at that spot.

7 THE WITNESS (Libertine): That's
8 correct, it is close to -- it's not exactly on top
9 of where we're representing Site 2, but it's very
10 close to there.

11 MR. MERCIER: Okay. I'm just saying
12 because the elevation listed on the coverage plots
13 are 15 Meetinghouse Lane, that was attachment 3,
14 it was located at 305 feet above mean sea level,
15 or as Mr. Maxson's crane was placed at 315
16 approximately. So would the lower 10 foot height
17 have any effect on your coverage plots compared to
18 his continuous wave test, say, for 120 feet?

19 THE WITNESS (Cheiban): So I think we
20 modeled it at the 140 feet, and that was, again,
21 at the request of Attorney Ainsworth. So I
22 believe that would be pretty close to his CW test
23 which was conducted at 150. The 10 foot
24 difference in elevation is, you know, not
25 particularly significant here. The terrain slopes

1 down and, you know, we don't have a definite
2 location, we just basically modeled the
3 coordinates that they gave us. And the 305 feet
4 above mean sea level is what our propagation tool,
5 you know, the software that generates these
6 coverage plots, that's the elevation it has for
7 those specific coordinates. And those can vary a
8 little bit from one source to the next, you know,
9 it's not, I don't think the difference really
10 makes, is really material to the propagation plot.

11 MR. MERCIER: Okay. He did go up to
12 150 for his crane test at the 315, so really a 20
13 foot difference. Would that be any improvement,
14 the 150 over the site you modeled?

15 THE WITNESS (Cheiban): Yes. I mean,
16 to compare apples to apples, you know, with the
17 location that we modeled we need to be at 160
18 which would be equivalent to the 150 at the 10
19 foot higher elevation.

20 MR. MERCIER: Okay. Can you please
21 explain why a tower, whether it's 140 or 160 feet,
22 at the 15 Meetinghouse Lane property will not work
23 for Cellco?

24 THE WITNESS (Cheiban): Sure. So there
25 are several things to consider. Number one is

1 that we deploy multiple frequencies on these cell
2 sites. So the propagation plots and the CW tests
3 were performed by Isotrope, were only for what we
4 call the low band. So they did their CW test at
5 800 megahertz and they did their propagation, I
6 believe, for the 700 megahertz. And that showed
7 coverage, so at 150 feet the coverage was a little
8 bit less than the CW test that we conducted at 118
9 Newton Road at 100 feet. So the higher elevation
10 of 118 Newton Road gave us better coverage.

11 The other thing, so the higher
12 frequencies are AWS, which is 2100 megahertz or
13 PCS which is 1900, we don't, you know, get the
14 coverage that we need out of that location which
15 is a mile, about a mile south of the 118 Newton
16 Road.

17 Our objective, as we've stated
18 previously, was to cover the northern portion,
19 including near the intersection of CT63 and CT67.
20 We couldn't find a suitable parcel or a property
21 owner willing to work with us at that location,
22 and we had to move south a little bit, about
23 three-quarters of a mile. But what the 15
24 Meetinghouse Lane does is it moves us further
25 south from our objective, it moves us another mile

1 south. So coverage wise we would not get the
2 coverage we need for the higher frequencies.

3 Capacity wise, if you can refer to the
4 application, the existing 700 megahertz coverage,
5 I don't know if you have that in front of you, but
6 it basically shows an area that is covered in
7 yellow with a little bit of green in the center of
8 it, and that is essentially the area we're trying
9 to improve the coverage in. So Woodbridge North
10 2, the 118 Newton Road location, is more or less
11 the center of that yellow area. The Meetinghouse
12 Lane location is, like I said, about a mile south,
13 so it puts us kind of on the edge of that yellow
14 area. And the capacity implication is that we
15 would not be able to use the three sectors that we
16 typically deploy on a cell site would not be
17 usable from Meetinghouse Lane. But if we are at
18 118 Newton Road, we would be distributing that
19 traffic among the three sectors.

20 MR. MERCIER: Okay. I'm looking at the
21 plot, and you said area of yellow. Are you
22 talking at the intersection of 67 and 63 or just
23 south of that?

24 THE WITNESS (Cheiban): Just south of
25 that there is, you know --

1 MR. MERCIER: That whole yellow area,
2 you know, there's a little green in the middle
3 like a bull's eye however.

4 THE WITNESS (Cheiban): Yes.

5 MR. MERCIER: I understand now. Thank
6 you. Now, if you can just talk a little bit about
7 Isotrope's CW test he performed, a little bit more
8 about that, and why you believe it's not really
9 accurate of Cellco's network. Because I'm looking
10 at it, and it shows, you know, it looks to have
11 adequate coverage up around the, up towards the
12 intersection of Route 63 and 67 and some of the
13 roads to the west of that.

14 THE WITNESS (Cheiban): So I'm not
15 saying it's not accurate. What I am -- so what
16 I'm saying is that it covers less of that target
17 area than the site we proposed. So even though
18 it's at 150 feet, so it's a taller tower, it
19 covers less because of its location.

20 The other thing about this CW drive
21 test, as we just found out from Mr. Maxson, is
22 that they did not post-process the data to show
23 three sectors. So when we deploy the three
24 sectors, which is basically the standard for the
25 cell sites, there is a decrease in signal at the

1 scene in between the two sectors, and they did not
2 model that. So what they're presenting is
3 actually an optimistic picture of what -- is more
4 than what we get in reality. When we performed
5 our drive test, we did post-process the data to
6 show the effect of the three sectors, and we also
7 did the drive test at the low band at 750
8 megahertz and at AWS at 2100 megahertz, and that
9 2100 megahertz is actually a key frequency for us
10 for the 5G service. So we use a feature called
11 carrier aggregation where the mobile phone
12 combines the data it receives on both frequencies,
13 and we need multiple frequencies to be, to have
14 service in a given area in order for this to work.
15 It's not enough to have just the low band.

16 MR. MERCIER: Okay. Thank you. I have
17 no other questions.

18 MR. MORISSETTE: Thank you, Mr.
19 Mercier. We'll now continue with
20 cross-examination by Mr. Edelson.

21 Mr. Edelson.

22 MR. EDELSON: Mr. Morissette, if I
23 could begin with, I guess, a question for you and
24 maybe for Attorney Bachman. This is new for me
25 where we've had a motion accepted to, I guess it

1 was to dismiss the filings and testimony of two of
2 the witnesses. So does that mean that anything
3 that was offered by them would not be part of our
4 finding of fact and therefore be inappropriate to
5 ask questions about that? I'm just trying to
6 understand what I as a commissioner should do or
7 not do with regard to those.

8 MR. MORISSETTE: Well, I'll start and
9 then I'll have Attorney Bachman correct me. Well,
10 you can't ask questions because they're no longer
11 witnesses. They've been dismissed, I will call
12 it, and I believe their testimony is no longer
13 valid because it's been rejected.

14 Attorney Bachman, do you wish to
15 comment?

16 MS. BACHMAN: Thank you, Mr.
17 Morissette. You covered that well. You are
18 correct, they aren't available today, and the
19 exhibits that they offered have been stricken from
20 the record, including testimony from the
21 transcript of the last hearing.

22 MR. EDELSON: So my question is really,
23 I had planned on asking the applicant to respond
24 to some of the things they said, but at this point
25 it's as if they didn't say them, so it would be

1 inappropriate for me to ask a question of the
2 applicant about that; is that correct?

3 MR. MORISSETTE: Correct, but you could
4 frame it in another fashion.

5 MR. EDELSON: Okay.

6 MR. MORISSETTE: Thank you, Attorney
7 Bachman.

8 MR. EDELSON: Thank you. So I would
9 like to take an opportunity with Mr. Cheiban. Mr.
10 Maxson referred last time and in his Isotrope
11 report he refers to a location in Pennsylvania, I
12 think, Lower Merion, and in the Isotrope report,
13 the late filing, it indicates that's a Verizon
14 project, but the date on that was 2016. So I'm
15 curious, do you know is that a small or a
16 distributed antenna system that has been
17 implemented by Verizon?

18 THE WITNESS (Cheiban): Mr. Edelson,
19 I'm sorry, but I have no knowledge of that system
20 in Pennsylvania.

21 MR. EDELSON: Okay. I was just hoping
22 we might get some real-world feedback on such a
23 system. So the question again to you, sir, is,
24 I'd like to give you a chance to indicate if there
25 are any other areas besides the -- this is in

1 regard to the Isotrope comment that the reports
2 are variable, inconsistent and contradictory. I
3 understood you clearly saying they were done with
4 different tower heights which would obviously be
5 quite a big difference. Is there anything else
6 that you feel you'd like to respond to with regard
7 to the statement that your work was, as I say,
8 variable, inconsistent and contradictory?

9 THE WITNESS (Cheiban): All I can say
10 is that we did not change any, like change any
11 settings other than the fact that, as I mentioned
12 earlier, some of the antennas were changed as part
13 of our ongoing upgrades to our network, but there
14 was nothing that I inputted into the system that
15 was different, just the fact that, you know, let's
16 say if you go back six months, six months back
17 there was a different antenna than what's on the
18 site today, and I modeled what was at the site at
19 the time that each plot was prepared.

20 And I think, you know, there are slight
21 differences, but there is no disagreement about
22 the fact that this area has poor coverage. We
23 submitted the mobile phone drive test that shows
24 that. We've also talked about the number of
25 customer complaints that we've received over the

1 years. So there's no dispute about the fact that
2 our coverage is inadequate in this area regardless
3 of what the slight difference in two plots might
4 show.

5 And the other thing that's in this
6 Isotrope report is that, you know, we are moving
7 the goal post and changing the objective. That is
8 not true. Our objective has been the same since
9 2014. We actually submitted the search area
10 request form in response to the interrogatories
11 from WNNET, and it says that the objective is to
12 cover the 63 and the 67 near the intersection of
13 the two and the neighbor residences. We
14 unfortunately were not able to find a site. So we
15 would love to be a little bit further north than
16 where we are currently proposing at 118 Newton
17 Road, but we have to face the reality that nobody
18 was willing to work with us around that location
19 and we moved a little bit south, but we don't want
20 to move even further south further away from the
21 objective.

22 MR. EDELSON: Okay. Thank you. So
23 maybe a question for Mr. Gaudet. Are you aware of
24 any behavioral differences in animal life around a
25 tower, in other words, that the siting and

1 operation of a tower affects animals' behavior in
2 and around that site?

3 MR. AINSWORTH: Objection. Beyond the
4 scope of direct.

5 MR. MORISSETTE: We'll let the question
6 stand on its own. Please continue.

7 MR. BALDWIN: I'm not sure Mr. Gaudet
8 is the appropriate witness, but perhaps if he is
9 and wants to offer an answer, I just would like to
10 open it up to any of our witnesses.

11 MR. EDELSON: I think you're right. I
12 think I should have asked that to Mr. Gustafson.

13 MR. BALDWIN: Thank you.

14 THE WITNESS (Gustafson): Sure. Good
15 afternoon, Dean Gustafson from All-Points. So
16 this is not an area of my expertise but
17 anecdotally --

18 MR. AINSWORTH: Then on that basis I
19 would object. If he doesn't have expertise, then
20 what's he's doing testifying to it.

21 MR. MORISSETTE: Yes, I agree with
22 that. Does anybody else have expertise in this
23 area, Attorney Baldwin?

24 MR. BALDWIN: I don't think so, Mr.
25 Morissette. Thank you.

1 MR. MORISSETTE: Okay. All right. Mr.
2 Edelson, we're going to move on. Thank you.

3 MR. EDELSON: Okay. I understand. So
4 I think this question will be, I think, for
5 Mr. Parks. I'm looking for somebody to summarize
6 for me to make it simple -- Mr. Greengarden, I
7 think, did a very good job of summarizing their
8 position of why they thought this was not a good
9 application, not a good site on behalf of
10 Verizon -- just like a summary statement of why
11 Verizon believes this is the best site that they
12 have given all of the site selection work that
13 they've done and are aware of.

14 THE WITNESS (Parks): I think I should
15 probably defer to Ziad. It's more of an RF
16 question than it would be real estate.

17 MR. EDELSON: As long as it takes into
18 account the whole scope of the visibility, the
19 environmental impact, the effect on the
20 neighborhood. So we're trying to --

21 MR. BALDWIN: Maybe what we could do,
22 Mr. Edelson, is go around the horn with the panel
23 and deal with that response -- because it's a fair
24 question -- and deal with that response from an RF
25 perspective, from a visibility perspective, from

1 an environmental perspective and let each of our
2 witnesses respond in their own expertise.

3 MR. EDELSON: That would be fine.

4 Thank you.

5 THE WITNESS (Cheiban): Okay. From a
6 network RF perspective, this was the best site
7 that we could find. It's satisfies most of our
8 objectives. And as I just stated a few minutes
9 ago, it's not the ideal location that we were
10 looking for, but it was pretty clear after several
11 years of site search that we were not going to get
12 the location that we desired, and this was the
13 next best thing. Even at 100 feet, it is a much
14 better site than the proposed alternative at 15
15 Meetinghouse Lane. For me there is no question of
16 that. The coverage that we get at the higher
17 frequencies is significantly better from the 118
18 Newton Road. And the capacity would also be
19 better since we can distribute the traffic among
20 three sectors versus two for the one at 15
21 Meetinghouse Lane. As far as the other, the
22 visibility, I would defer to the other people.

23 THE WITNESS (Gaudet): Yes, I can speak
24 towards the visibility. But before I do that, can
25 you hear me fine, Mr. Edelson?

1 MR. EDELSON: Yes.

2 THE WITNESS (Gaudet): Great. So as
3 far as the visual impact of this site, and I'll
4 refer to the alternate location being proposed at
5 15 Meetinghouse Lane, the proposed location at 118
6 Newton is substantially less in terms of predicted
7 visibility both on a seasonal and year-round
8 basis. We're looking at approximately 50 acres
9 predicted year round for the 118 Newton Road site
10 at 100 feet.

11 For the 15 Meetinghouse Lane at 120
12 feet we are looking at about 98 acres of predicted
13 visibility split between 8 year round and 90 acres
14 of seasonal visibility. At 150 feet that goes up
15 to 102 acres overall. So you're essentially
16 doubling the visibility by going to that alternate
17 location.

18 At the last meeting, last hearing, Mr.
19 Morissette had asked a question regarding shifting
20 the lower location, I guess it would be to the
21 east on the property, so we're pulling it back
22 from the property line, more centralized, and that
23 would reduce the visual impacts certainly to
24 Soundview Drive at the cul-de-sac as well.

25 THE WITNESS (Libertine): I will jump

1 in. This is Mike Libertine. Having been involved
2 in the telecommunications siting experience for
3 nearly 25 years, I can say without a doubt that
4 rarely do we ever find the perfect site. And so
5 we're faced really similarly with what the Council
6 is faced with, and that's trying to find a site
7 that balances all these different competing
8 interests. I think here RF usually, as usual,
9 does guide us in terms of what's going to work
10 best for them. From there we have to then try to
11 make a site work or come to the table and say,
12 look, there are some issues here that are deal
13 killers. There are none that are even close here.
14 Granted, yes, we're in a residential neighborhood.
15 There are dozens of towers in Connecticut that are
16 in residential neighborhoods, so this is not an
17 uncommon situation.

18 One of the things, from my perspective,
19 we always have to look at is what are the visual
20 and other physical impacts on not only the
21 community at large and neighbors but also things
22 that we have to do from both the federal and state
23 level, whether it be wetlands, which is certainly
24 Mr. Gustafson's expertise and not mine. But one
25 of the agencies we do have to deal with is the

1 State Historic Preservation Office as well as the
2 local community where there's open space and other
3 considerations. In our case here we do not have
4 any visual impact on any open space, any of the
5 parks, recreational areas, and most importantly,
6 on the historic district.

7 As we were evaluating the potential
8 alternative sites that were put forward by WNNET,
9 one of my concerns was that that may have been a
10 nonstarter with the SHPO. I can't say that. I
11 would never want to put myself or represent that I
12 know how the SHPO is going to think, but I can say
13 in the few decades of working with that office I
14 will tell that you that unequivocally their first
15 and foremost charge is going to be what is the
16 visual impact from a historic district, and
17 certainly this, or those alternatives would have a
18 visual impact on those districts. I hope that
19 helps some clarification.

20 MR. EDELSON: Yes. Anyone else, do you
21 want to -- we've pretty much gone around the horn?

22 MR. BALDWIN: Unless Mr. Gustafson has
23 something to add, and he's trying to unmute.

24 THE WITNESS (Gustafson): The only
25 thing -- Dean Gustafson, All-Points. The only

1 thing I would add is that there are no wetlands in
2 proximity to this proposed project, so it will
3 have no adverse effect on the wetland resources.

4 With respect to wildlife, the proposed
5 facility is located, you know, within an area
6 that's been historically used for agricultural
7 purposes, and the project consists of a 50 by 50
8 fenced compound with a gravel access road from
9 Soundview Drive that generally follows an existing
10 farm path. So considering the facility is
11 unmanned, it generates very little traffic. The
12 overall proposed facility's effect to possible
13 wildlife impacts would be fairly minimal, and
14 would certainly be less than a typical
15 single-family residential development which could
16 have far higher level of human activity and
17 vehicular traffic. Thank you.

18 MR. EDELSON: Thank you. And I got a
19 little out of order, and I apologize. There was
20 one other question I had about some of the radio
21 frequency plots, and that was the two plots that
22 compared the strength of the signal, I believe,
23 with and without the Hamden site. And I wondered
24 if anyone, or Mr. Cheiban, if you would like to
25 comment on what was seen as an anomaly between the

1 two plots regarding the Hamden site.

2 THE WITNESS (Cheiban): So the tech
3 report was submitted without, modeled without the
4 Hamden site as we intend to decommission that
5 site. And we wanted to show what our network
6 would look like at the time that this site would
7 get built probably. During the public information
8 hearing, some of the residents brought that up,
9 and they were under the impression that we took
10 that site out because we were trying to hide that
11 it would actually provide coverage where we needed
12 in the coverage objective. So we prepared the
13 application with that site, included it just to
14 show that that wasn't the case. So there is
15 really nothing, it just basically, based on the
16 feedback that we heard during that public
17 information hearing, we decided to modify the
18 plots to show everything and kind of eliminate any
19 source of confusion or misunderstanding.

20 MR. EDELSON: Maybe I got very confused
21 then, because I thought the implication was the
22 plot showed better coverage without the Hamden
23 site than with it.

24 THE WITNESS (Cheiban): So that part is
25 an anomaly that has to do -- it has nothing to do

1 with the Hamden site. It has to do with some of
2 the upgrades we've been doing on our other sites
3 where we changed the antennas to accommodate more
4 frequencies. And so those antennas that
5 accommodate more frequencies are slightly less
6 effective than the ones that accommodate only a
7 single frequency. So, nothing to do with the
8 Hamden site. It's a coincidence that it turned
9 out that way.

10 MR. EDELSON: I'll leave it at that.
11 And thank you very much, Mr. Morissette, that's
12 all I've got. Thank you.

13 MR. MORISSETTE: Thank you, Mr.
14 Edelson. We'll now continue with
15 cross-examination by Mr. Silvestri, followed by
16 Ms. Cooley.

17 Mr. Silvestri.

18 MR. SILVESTRI: Thank you, Mr.
19 Morissette. If you could pull out two sheets of
20 paper, if you will. In the Late-File that was
21 just provided if you could pull out attachment 3
22 of the Late-File, and if you could go back to the
23 original application, attachment 6, page 2. If
24 you could have those two in front of you, I'll
25 pose my question.

1 First of all, in attachment 3 of the
2 Late-File, on the top of the page it has the term
3 "raw land." What does raw land mean for 15
4 Meetinghouse Lane?

5 THE WITNESS (Cheiban): Okay. This is
6 just an expression we use in the industry to
7 indicate that there is no existing tower and we
8 would have to build a brand new tower there.

9 MR. SILVESTRI: So you could use raw
10 land also for 118 Newton Road?

11 THE WITNESS (Cheiban): That is
12 correct.

13 MR. SILVESTRI: All right. Then the
14 big question, and I posed this to Mr. Maxson
15 earlier, when I look at attachment 3 that was just
16 submitted and the application, attachment 6 on
17 page 2, again, the scales are different, the color
18 unfortunately is different, one has blue, the
19 other has at least purple on my screen, so it's
20 very difficult for me to overlay these things and
21 see if they match. But visually I'm looking at it
22 and saying the plot for 15 Meetinghouse Lane looks
23 very, very similar to what you have on existing
24 and proposed Verizon Wireless coverage in
25 attachment 6, page 2. Any comment on that?

1 THE WITNESS (Cheiban): Yes. Mr.
2 Silvestri, so the scale is indeed different, the
3 size of the paper is different, so this was
4 unintentional. And what you're seeing as the
5 purple is actually the same as the blue on the
6 application. I think that is just an artifact of
7 the printing that it turned out a little bit
8 different.

9 As far as the coverage levels, if you
10 look at Highway 63, you will see that the coverage
11 from the 118 Newton Road that was included in the
12 application is significantly better than the one
13 from 15 Meetinghouse Lane. So on the plot that
14 was the Late-File exhibit there is some yellow on
15 that Highway 63, but on the one that was in the
16 application it is blue, which is the in-building
17 level and with a few dots of green. And I'm
18 talking about the portion of the 63 that's south
19 of the 67.

20 MR. SILVESTRI: I could see that.
21 Okay, keep going.

22 THE WITNESS (Cheiban): And then I
23 don't know which -- I mean, in general, generally
24 speaking, comparing those two plots, the coverage
25 from the 118 Newton Road is better. Just, I don't

1 know some of these street names. They are kind of
2 side streets. It's kind of hard to, you know,
3 mention specifics on that one. But generally
4 speaking, we do get more coverage, and that's
5 expected because we're a mile north. And even
6 though the tower is shorter, it is on a higher
7 elevation, and the higher elevation more than
8 compensates for the shorter tower. That's
9 actually what allowed us to drop the height from
10 the initial 140 that we were proposing to the
11 current 100 feet.

12 MR. SILVESTRI: Let me just pose one
13 follow-up question to that, in particular, what
14 you just mentioned about Route 63 and the apparent
15 difference between the two. Early on in our
16 proceedings you had mentioned that a small cell
17 would be needed somewhere around Route 67 to
18 provide the coverage that's needed up there.
19 Would a small cell in that area of 63 that you
20 just mentioned solve that particular problem?

21 THE WITNESS (Cheiban): So, in theory
22 it's always, you know, it is possible to do that.
23 We would be, you know, reducing the reliability of
24 our network as far as -- actually, I should say
25 the resiliency of our network in the face of

1 outages because we have no way of providing power
2 backup to the small cells. In practice, I am not,
3 you know, I have not looked at -- actually, I have
4 looked. I have not found usable poles in that
5 area, so I can't, you know, my impression is that
6 it's going to be difficult to find poles to
7 compensate for the difference in coverage between,
8 you know, the 118 Newton Road location and the 15
9 Meetinghouse Lane location.

10 MR. SILVESTRI: One other question for
11 you. Looking at the 15 Meetinghouse Lane, it was
12 proposed possibly a 140 foot pole at a ground
13 elevation of 305 feet. That would bring the top
14 of the pole to 445 feet. When you mentioned
15 higher elevation at 118 Newton Road, what would be
16 the top of the pole?

17 THE WITNESS (Cheiban): I would have to
18 look that up. Yeah, so the ground elevation is
19 454 at 118 Newton Road plus 100 feet that's 554.

20 MR. SILVESTRI: 554, okay. Thank you
21 for your responses.

22 Mr. Morissette, I'm all set. Thank
23 you.

24 MR. MORISSETTE: Thank you, Mr.
25 Silvestri. We will now continue cross-examination

1 by Ms. Cooley.

2 Ms. Cooley.

3 MS. COOLEY: Thank you, Mr. Morissette.
4 I just have a question about small cell placement.
5 I believe earlier in testimony there were
6 questions about whether or not up where 67 and 63
7 come together there might be businesses that small
8 cells could be put on, on the exterior. Is that a
9 possibility, or has that been considered at all?

10 THE WITNESS (Cheiban): So I believe
11 that question was asked by Mr. Silvestri, and it
12 was referring to actually a different area, not
13 the intersection of the 63 and the 67. That
14 intersection is entirely residential. We have
15 searched for a site there extensively, and we
16 could not find anything. So short answer is no
17 that there are no small cell opportunities there.

18 MS. COOLEY: Okay. So if small cells
19 were deployed there, the only opportunity would be
20 to either find existing poles or put up new poles?

21 THE WITNESS (Cheiban): That is
22 correct. The existing poles were encumbered by
23 electrical equipment such as transformers and
24 things of that nature. Putting up a new pole
25 would require having a property owner that's

1 willing to work with us, and based on our previous
2 search, that is unlikely in this area.

3 MS. COOLEY: Okay. So in order to
4 build the site at the proposed site, you would
5 still have a coverage gap up there. How would you
6 deal with that, if not with small cells?

7 THE WITNESS (Cheiban): So based on the
8 CW drive test that we conducted, we had a very
9 small gap on the 67. And we found one usable pole
10 that is owned by UI, and we're going to -- and
11 we're in the process of applying for putting a
12 small cell on that pole and we're waiting to hear
13 back from UI.

14 MS. COOLEY: Okay. All right. Thank
15 you. And I appreciate your answers earlier to
16 Mr. Edelson's question. That cleared up quite a
17 few bits of confusion that I had as well.

18 So that is all that I had, Mr.
19 Morissette. Thank you.

20 MR. MORISSETTE: Thank you, Ms. Cooley.

21 I have a quick follow-up question to
22 Mr. Cheiban, and it relates to the comment or the
23 response associated with the changing of some of
24 the antennas that caused some of the differences
25 in the propagation plots. Now, am I incorrect in

1 understanding that as you go through and change
2 out antennas on your system that essentially you
3 are updating your database to run propagation
4 plots on or access to?

5 THE WITNESS (Cheiban): Whenever
6 modification to an existing site is implemented,
7 we update the database to reflect the current
8 antenna and the current equipment.

9 MR. MORISSETTE: So that's in general
10 for the specific site and application that you're
11 dealing with, but not in general terms, you don't
12 continually update your data so that you could run
13 a propagation plot with using the best information
14 available at any time so it's not stagnant?

15 THE WITNESS (Cheiban): No, we do
16 update it on an ongoing basis. As soon as the
17 modification is implemented, we update the
18 database to reflect that. So that is an ongoing
19 process.

20 MR. MORISSETTE: Okay. So if you were
21 in a situation where you ran a, well, similar to
22 this, you run a propagation plot and your coverage
23 is not as good as it was before, could you not go
24 back and tweak your antenna locations or your
25 angles or your coverage areas to get back the

1 coverage that you lost, and isn't that a continual
2 process?

3 THE WITNESS (Cheiban): So what happens
4 is the, you know, the space limitations, you know,
5 trying to fit multiple frequencies into one
6 antenna radome involves some tradeoffs where we
7 get slightly less performance out of the antenna.
8 So we gain the additional frequencies, but we lose
9 a little bit on the coverage side. And it
10 basically is not something that we can compensate
11 for because it is kind of more important for us to
12 be able to deploy those additional frequencies
13 than to try to save a dB or two of coverage.

14 MR. MORISSETTE: Okay. So it really
15 comes down to, because the antennas have multiple
16 frequencies built into what you're trying to
17 accomplish, you've got a tradeoff going here and
18 it's not necessarily how it's installed, it's the
19 antenna you're using?

20 THE WITNESS (Cheiban): That is
21 correct. We get a better performance out of an
22 antenna that's specialized for only one frequency
23 than out of one that is able to fit multiple
24 frequencies.

25 MR. MORISSETTE: Okay. Thank you.

1 Thank you for those responses.

2 All right. We will continue with
3 cross-examination of the applicant by the grouped
4 party intervenor and CEPA intervenors, WNNET, Mark
5 and Michele Greengarden, and Ochsner Place.
6 Attorney Ainsworth.

7 MR. AINSWORTH: Yes, Mr. Chairman. I
8 want to apologize. My camera at some point turned
9 off, and I have not been able to turn it back on,
10 so we'll have to do without my face.

11 So, at the time that you proposed the
12 application, this is directed to the panel, the
13 antenna upgrades that caused the worse coverage
14 than had previously been in existence had not yet
15 been implemented, correct?

16 A VOICE: That is correct.

17 THE COURT REPORTER: Who said "that is
18 correct"?

19 MR. AINSWORTH: That was me.

20 THE WITNESS (Cheiban): This is Ziad
21 Cheiban from Verizon. I was just answering
22 Attorney Ainsworth's question.

23 THE COURT REPORTER: Thank you.

24 MR. MORISSETTE: I'm sorry, there's
25 some confusion here. Do you have the answer you

1 need, Attorney Ainsworth?

2 MR. AINSWORTH: So the answer was that
3 that is correct?

4 THE WITNESS (Cheiban): Yes.

5 MR. AINSWORTH: All right. So wouldn't
6 comparing Meetinghouse coverage and existing
7 coverage now with the original coverage in the
8 application put Meetinghouse at a disadvantage
9 because the comparison with the original coverage
10 was better at that time when you put together both
11 the town consult maps and the application maps
12 than they are when you did the run of Meetinghouse
13 Lane?

14 THE WITNESS (Cheiban): The differences
15 in coverage are very slight, and so effectively,
16 no, not really, it would not be putting
17 Meetinghouse Lane at a disadvantage.

18 MR. AINSWORTH: Okay. So I want to be
19 clear. The difference in the antenna height from
20 140 to 100 would have absolutely zero impact on
21 existing coverage because that change in height
22 was with regard to the proposed tower, correct?

23 THE WITNESS (Cheiban): Yes.

24 MR. AINSWORTH: Okay. So when the
25 whole question of the differences between the

1 various plots came up, the whole discussion about
2 the difference in height of the proposed tower had
3 nothing to do with what Mr. Maxson was talking
4 about, correct?

5 THE WITNESS (Cheiban): That is false.
6 So Mr. Maxson pointed out two differences. One of
7 them was for the existing coverage which, as I
8 mentioned, is due to antenna and equipment
9 changes. And the other, which was on the right
10 side of the plots that he produced, or he copied,
11 was for the proposed coverage. And so the
12 proposed coverage is between the technical report
13 was done at 140 feet, and the application was done
14 at 100 feet, and that's where that antenna height
15 came into play.

16 MR. AINSWORTH: All right. So the
17 difference there, well, so was the difference
18 significant between those two, in your opinion,
19 between those two heights?

20 MR. BALDWIN: Which two heights are you
21 talking about, Mr. Ainsworth?

22 MR. AINSWORTH: Very good. Thank you
23 for clarifying. The 100 and the 140.

24 THE WITNESS (Cheiban): Yes, the
25 difference was significant.

1 MR. AINSWORTH: Now, so the antennas
2 that were changed, were there changes in antennas
3 between the time of the first hearing in this
4 proceeding and this proceeding?

5 THE WITNESS (Cheiban): I do not know
6 for sure.

7 MR. AINSWORTH: Okay. So I'm just
8 trying to clarify because the antennas that you
9 gave us in response to WNNET in response to the
10 interrogatories gave us antenna models, and I'd
11 just like to know if those are still currently
12 accurate or whether those models have changed.

13 THE WITNESS (Cheiban): Those were
14 submitted last week, and to the best of my
15 knowledge they are still correct.

16 MR. AINSWORTH: Okay. Let's see, okay.
17 Now, on the visual impact there was some testimony
18 from Mr. Gaudet that you talked about the
19 additional visibility impact. Did you actually do
20 a visibility impact at 15 Meetinghouse with a map
21 like All-Points submitted for the application?

22 THE WITNESS (Gaudet): Yeah, so we ran
23 an analysis similar, same process, same tool. It
24 is a computer-based model, so it's not verified in
25 the field as we do for what's seen in the actual

1 visibility analysis, but we did run a computer
2 generated viewshed analysis.

3 MR. AINSWORTH: And did you submit that
4 for the record?

5 THE WITNESS (Gaudet): We did not.

6 MR. AINSWORTH: And so when you talk
7 about you counted the number of acres of impact,
8 you were -- did you count the number of residences
9 and businesses that would be covered by the
10 different towers?

11 THE WITNESS (Gaudet): We did not look
12 at businesses but residences we did, and there
13 would be a total of 14 residences, two of those
14 having year-round views from the proposed
15 Meetinghouse Lane at either 120 or 150.

16 MR. AINSWORTH: Okay. And how does
17 that compare to at Soundview, how many residences
18 there would have a view of the tower?

19 THE WITNESS (Gaudet): It's comparable.
20 I don't remember the exact number offhand from the
21 Newton Road, but it's comparable.

22 MR. AINSWORTH: When you say
23 "comparable," within how many --

24 THE WITNESS (Gaudet): Within a few
25 residences.

1 MR. AINSWORTH: Okay.

2 THE WITNESS (Gaudet): And if you give
3 me a minute, I can pull that information up.

4 MR. AINSWORTH: Okay. I'll move on to
5 other materials. Did you consider that the area
6 around Meetinghouse Lane contains ball fields and
7 large swaths of municipal open property?

8 THE WITNESS (Gaudet): Yes.

9 MR. AINSWORTH: And did you determine
10 how many buildings or structures within the
11 historic district would have a view and what the
12 quality of that view would be?

13 THE WITNESS (Gaudet): Essentially
14 every, almost every building within the district
15 will have a view. Those differ between some of
16 them are seasonal as you're -- it looks -- give me
17 one second to just look at the map here.

18 MR. AINSWORTH: Is that map in
19 evidence?

20 THE WITNESS (Gaudet): It is not.

21 MR. AINSWORTH: Okay.

22 THE WITNESS (Gaudet): So it's --

23 MR. AINSWORTH: Well, I don't want you
24 testifying from things that are not in evidence,
25 so I will continue on. Are you aware that the

1 Meetinghouse Lane location is actually a public
2 works department?

3 THE WITNESS (Gaudet): Yes.

4 MR. AINSWORTH: And despite it being in
5 a residential zone, it is not actually a
6 residential property as is the one in Soundview?

7 THE WITNESS (Gaudet): Yes, it's
8 certainly not a residential property if it's a
9 public works facility.

10 MR. AINSWORTH: Okay. And the proposed
11 tower at 118 Newton Road is actually on a
12 residential property; is it not?

13 THE WITNESS (Gaudet): That is correct.

14 MR. AINSWORTH: And all of the adjacent
15 properties to 118 Newton Road are in fact
16 residential?

17 THE WITNESS (Gaudet): To my knowledge,
18 yes.

19 MR. AINSWORTH: And none of the
20 adjacent properties to 15 Meetinghouse Road are in
21 fact residential, correct?

22 THE WITNESS (Gaudet): That I don't
23 know.

24 MR. AINSWORTH: Okay. Now, you were
25 asked some questions about small cells, and there

1 was a -- and actually I don't know if it was Mr.
2 Gaudet, I think it was one of the other panelists.
3 So changing to the small cell discussion --

4 THE WITNESS (Gaudet): I'm sorry, Mr.
5 Ainsworth, if I can just answer. I just got the
6 number. It was 15 residences would be impacted
7 visually on a seasonal year-round basis at the 118
8 Newton Road with the 100 foot height.

9 MR. AINSWORTH: And that doesn't take
10 into account the quality of the impact, does it?

11 THE WITNESS (Gaudet): Give me one
12 second. In the sense that we can determine that
13 they're seasonal or year round, we're anticipating
14 eight of those to be year round, 8 of the 15.

15 MR. AINSWORTH: And just because it's
16 year round doesn't necessarily mean that it's
17 significant year round, I mean, year round could
18 be a very small view that happens to be year round
19 as opposed to a very broad-based sort of imposing
20 view?

21 THE WITNESS (Gaudet): Correct. And I
22 think that in the area, certainly when you're in
23 close proximity to the tower, there will be both
24 seasonal and year-round views depending on where
25 you are on the property. It's important to note

1 too that in the viewshed analyses what shows up as
2 year round or seasonal could be one inch of a
3 tower is visible. So it's not necessarily the
4 entire facility would be visible. It is if any
5 portion of the facility is expected or anticipated
6 to be visible from that location.

7 MR. AINSWORTH: Based on a computer
8 model, correct?

9 THE WITNESS (Gaudet): Correct.

10 MR. AINSWORTH: And did you do any
11 analysis on the distance between the nearest
12 residence at Newton Road and the nearest residence
13 at 15 Meetinghouse?

14 THE WITNESS (Gaudet): That I did not
15 do.

16 MR. AINSWORTH: So turning back to the
17 small cell discussion, there was testimony
18 regarding, I believe the testimony was, we could
19 not get a pole in near the intersection of 67 and
20 63. Are you aware of Public Act 19-163 which
21 requires the state to make available public
22 rights-of-way and state rights-of-way for the
23 express purpose of installing wireless
24 communication facilities?

25 THE WITNESS (Cheiban): Is this the one

1 that establishes the 5G Council?

2 MR. AINSWORTH: Among other things.
3 It's quite an extensive statute. But are you
4 aware of the statute that provides that the state
5 is, the DOT specifically, is required to make its
6 road right-of-ways available for the installation
7 of wireless communication facilities without
8 distinction as to 5G or 4G?

9 THE WITNESS (Cheiban): I am broadly
10 aware of its existence. I'm not an attorney, so I
11 don't know all the details.

12 MR. AINSWORTH: That would be important
13 to you to know if you are trying to testify
14 regarding the availability of sites for small
15 cells in and about two state roads?

16 MR. BALDWIN: What Mr. Cheiban
17 testified to, Mr. Morissette, was Verizon's
18 existing ability to use existing distribution
19 poles within the public right-of-way whether they
20 are state rights-of-way or local rights-of-way,
21 nothing more.

22 MR. MORISSETTE: Very good. Let the
23 record stand as it is. Thank you.

24 MR. AINSWORTH: So is it possible that
25 you could utilize state rights-of-way on Route 63

1 or 67 to provide additional capacity that might be
2 lacking, as you testified, regarding what might be
3 coming out of 15 Meetinghouse?

4 THE WITNESS (Cheiban): We would love
5 nothing more than to be able to put small cells or
6 macro cell sites in the DOT right-of-way.
7 Unfortunately, the track record has been very bad.
8 I think Verizon has tried many times over the
9 years to do so, and we've never been successful.
10 I have one where I actually submitted through this
11 5G Council after this law was passed. And I went
12 out there on a site walk with the DOT personnel,
13 and they had plans for future expansion in their
14 right-of-way that were either shorter or more long
15 term, and they asked us to move the proposed small
16 cell. When we did and we did the survey, it
17 turned out that they had moved us off their
18 property and onto somebody else's property.

19 MR. AINSWORTH: What town was that?

20 THE WITNESS (Cheiban): New Haven.

21 MR. AINSWORTH: Okay. So that has
22 nothing to do with the Route 63 and 67, you don't
23 know what the response would be under this law for
24 that location?

25 THE WITNESS (Cheiban): So Verizon has

1 been in the existence in this market for 20 years,
2 and prior to that it was Bell Atlantic. And we
3 have employees that have been around for over 20
4 years. And I've asked them if anybody has ever
5 been able to build anything on DOT property, and
6 the answer was no.

7 MR. AINSWORTH: And do you think that
8 might have been the reason why 19-163 was passed
9 recently?

10 MR. BALDWIN: Objection. I'm not going
11 to ask my witness to speculate about the reasoning
12 behind the 5G Council.

13 MR. AINSWORTH: Sure. So then let's
14 ask another question then. The 19-163 bill was
15 passed in 2019, correct?

16 MR. BALDWIN: You're asking Mr. Cheiban
17 when Public Act 19-163 was passed?

18 MR. AINSWORTH: Correct.

19 THE WITNESS (Cheiban): I don't know
20 the exact date when it was passed.

21 MR. AINSWORTH: Okay. So the testimony
22 regarding Verizon's experience for the last 20
23 years would not be relevant to a statute that was
24 passed in 2019, would it?

25 MR. BALDWIN: Mr. Morissette,

1 Mr. Ainsworth asked the question about DOT
2 rights-of-way. Mr. Cheiban was simply sharing
3 experience from the past. Was it relevant to what
4 might happen in the future? No, it never is. But
5 he was simply sharing anecdotal evidence from his
6 experience and experience of others at Verizon
7 about dealing with the DOT.

8 MR. MORISSETTE: That's fine, he's
9 sharing his experiences. Please move on.

10 Attorney Ainsworth, do you have much
11 more, considering the hour, do you have much more
12 to go?

13 MR. AINSWORTH: Yeah, those were like
14 the first three topics. I have several others.
15 There was a lot of ground covered today.

16 MR. MORISSETTE: Several more topics?

17 MR. AINSWORTH: Yes, I have a number of
18 questions.

19 MR. MORISSETTE: Okay. Well, given the
20 hour, we are going to continue this at another
21 date. It will be Tuesday, October 19th. So we
22 will stop questioning at this point, and we will
23 have a continuation. The Council announces that
24 it will continue the evidentiary session of this
25 public hearing on Tuesday, October 19, 2021, at 2

1 p.m. via Zoom remote conferencing. A copy of the
2 agenda for the continued remote evidentiary
3 hearing session will be available on the Council's
4 Docket No. 502 webpage, along with the record of
5 this matter, the public hearing notice,
6 instructions for public access to this remote
7 evidentiary hearing session, and the Council's
8 Citizens Guide to Siting Council procedures.

9 Please note that anyone who has not
10 become a party or intervenor, but who desires to
11 make his or her views known to the Council, may
12 file written statements with the Council until the
13 record closes.

14 Copies of the transcript of this
15 hearing will be filed at the Woodbridge Town
16 Clerk's Office.

17 I hereby declare this hearing
18 adjourned, and we will readjourn on October 19th.
19 Thank you everyone. Have a good evening.

20 (Whereupon, the witnesses were excused
21 and the hearing adjourned at 5:04 p.m.)
22
23
24
25

1 CERTIFICATE FOR REMOTE HEARING

2
3 I hereby certify that the foregoing 135 pages
4 are a complete and accurate computer-aided
5 transcription of my original stenotype notes taken
6 of the CONTINUED REMOTE PUBLIC HEARING IN RE:
7 DOCKET NO. 502, CELLCO PARTNERSHIP d/b/a VERIZON
8 WIRELESS APPLICATION FOR A CERTIFICATE OF
9 ENVIRONMENTAL COMPATIBILITY AND PUBLIC NEED FOR
10 THE CONSTRUCTION, MAINTENANCE, AND OPERATION OF A
11 TELECOMMUNICATIONS FACILITY LOCATED AT 118 NEWTON
12 ROAD, WOODBRIDGE, CONNECTICUT, which was held
13 before JOHN MORISSETTE, PRESIDING OFFICER, on
14 September 21, 2021.

15
16
17 

18 -----
19 Lisa L. Warner, CSR 061
20 Court Reporter
21 BCT REPORTING SERVICE
22 55 WHITING STREET, SUITE 1A
23 PLAINVILLE, CONNECTICUT 06062
24
25

I N D E X

TOWN OF WOODBRIDGE WITNESS: (Sworn on page 11)

BETH HELLER

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Mr. Morissette	25
Mr. Baldwin	26
Mr. Ainsworth	27
Mr. Greengarden	30

WNNET WITNESSES:

MICHELE GREENGARDEN (Sworn on page 31)

MITCHELL SMOOKE (Sworn on page 31)

MARK GREENGARDEN (previously sworn)

DAVID P. MAXSON (previously sworn)

MARIE-HELENE GRATTON (previously sworn)

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APPLICANT WITNESSES: (Previously sworn)

ZIAD CHEIBAN

TIMOTHY PARKS

MICHAEL LIBERTINE

BRIAN GAUDET

DEAN GUSTAFSON

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1 I n d e x: (Cont'd)

2
3 TOWN OF WOODBRIDGE EXHIBITS
(Received in evidence)

4 EXHIBIT	DESCRIPTION	PAGE
5 IV-B-1	Request for party status, dated June 9, 2021	15
6 IV-B-2	Pre-Filed testimony of First Selectwoman Beth Heller, dated June 6, 2021	15
7 IV-B-3	Responses to Council interrogatories, Set One, dated August 17, 2021	15

9
10 WNNET EXHIBITS
(Received in evidence)

11 EXHIBIT	DESCRIPTION	PAGE
12 III-B-7	Late-File Exhibits and resume of Mitchell Smooke, received September 14, 2021	34

14
15 APPLICANT EXHIBIT
(Received in evidence)

16 EXHIBIT	DESCRIPTION	PAGE
17 II-B-11	Late-Filed Exhibits, dated September 14, 2021	88

18
19
20
21 *All exhibits were retained by the Council.
22
23
24
25