

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 Construction,
8 Maintenance, and Operation of a Telecommunications
9 Facility Located at 118 Newton Road, Woodbridge,
10 Connecticut

11
12 Zoom Remote Council Meeting (Teleconference),
13 on Tuesday, August 31, 2021, beginning at 2 p.m.

14
15 H e l d B e f o r e :

16 JOHN MORISSETTE, Member and Presiding Officer
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1 **A p p e a r a n c e s :**

2 **Council Members:**

3 **JOHN MORISSETTE, (Hearing Officer)**

4
5 **QUAT NGUYEN,**

6 **PURA Designee**

7
8 **ROBERT SILVESTRI**

9 **ED EDELSON**

10 **DANIEL P. LYNCH, JR.**

11
12 **Council Staff:**

13 **MELANIE BACHMAN, ESQ.,**

14 **Executive Director and Staff Attorney**

15
16 **ROBERT MERCIER,**

17 **Siting Analyst**

18
19 **LISA FONTAINE,**

20 **Fiscal Administrative Officer**

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

2 **For Cellco Partnership d/b/a Verizon Wireless**

3 **(Applicant):**

4 **ROBINSON & COLE, LLP**

5 **280 Trumbull Street**

6 **Hartford, Connecticut 06103-3597**

7 **By: KENNETH C. BALDWIN, ESQ.**

8 **KBaldwin@rc.com**

9 **860.275.8200**

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11 **For the TOWN OF WOODBRIDGE (Intervener):**

12 **BERCHEM MOSES, PC**

13 **1221 Post Road East**

14 **Westport, Connecticut 06880**

15 **By: NICHOLAS R. BAMONTE, ESQ.**

16 **nbamonte@berchemmoses.com**

17 **203.571.1713**

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19 **For Mark and Michele Greengarden (Intervenor):**

20 **MARK GREENGARDEN, pro se**

21

22

23

24

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

2 For the Woodbridge Newton Environmental Trust, WNNET,
3 (Intervener):

4 LAW OFFICES OF KEITH R. AINSWORTH, ESQ., LLC
5 51 Elm Street, #201
6 New Haven, Connecticut 06510

7 By: KEITH R. AINSWORTH, ESQ.

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1 THE HEARING OFFICER: Good afternoon, ladies and
2 gentlemen. Can everyone hear me okay?

3 Great. Thank you.

4 This continued remote evidentiary
5 hearing session is called to order this Tuesday,
6 August, 31, 2021, at 2 p.m.

7 My name is John Morissette, member and
8 Presiding Officer of the Connecticut Siting
9 Council.

10 As everyone is aware, there is currently a
11 statewide effort to prevent the spread of the
12 coronavirus. This is why the Council is holding
13 this remote hearing, and we ask for your patience.

14 If you haven't done so already, I ask that
15 everyone please mute your computer audio and
16 telephones now.

17 A copy of the prepared agenda is available on
18 the Council's Docket Number 502 webpage, along
19 with a record of this matter, a public hearing
20 notice, instructions for public access to this
21 remote public hearing, and the Council's citizen's
22 guide to Siting Council procedures.

23 Other members of the Council are Mr. Edelson,
24 Mr. Silvestri, Mr. Nguyen, Mr. Lynch. We have the
25 Executive Director Melanie Bachman, Staff Analyst

1 Robert Mercier, Fiscal Administrative Officer Lisa
2 Fontaine.

3 This evidentiary session is a continuation of
4 the remote public hearing held on July 13, 2021.
5 It is held pursuant to the provisions of Title 16
6 of the Connecticut General Statute, and of the
7 Uniform Administrative Procedure Act upon an
8 application from Cellco Partnership, d/b/a Verizon
9 Wireless, for a certificate of environmental
10 compatibility and public need for the
11 construction, maintenance and operation of a
12 telecommunications facility located at 118 Newtown
13 Road, Woodbridge, Connecticut.

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

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

21 The Council will take a 10 to 15-minute break
22 at a convenient juncture around 3:30 p.m.

23 We'll continue with the appearance of the
24 Applicant Cellco Partnership, d/b/a Verizon
25 Wireless, to verify the new exhibits marked Roman

1 numeral two, items B7 through '10 on the hearing
2 program.

3 Attorney Baldwin, please begin by identifying
4 the new exhibits that you have filed in this
5 matter and verifying the exhibits by the
6 appropriate sworn witnesses.

7 Attorney Baldwin?

8 MR. BALDWIN: Thank you, Mr. Morissette.

9 Good afternoon, everyone. Kenneth Baldwin
10 with Robinson & Cole on behalf of the Applicant,
11 Cellco Partnership, doing business as Verizon
12 Wireless.

13 Our witness panel is the same as in the
14 previous hearing, and I would remind those
15 witnesses that they remain sworn in this
16 proceeding.

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

23 recalled as witnesses, being previously duly
24 sworn, were examined and testified on their
25 oaths as follows:

1 MR. BALDWIN: We have four additional exhibits listed
2 in the hearing program, Mr. Morissette. As you
3 stated under Roman 2B, item 7 through 10, they
4 include the Applicant's responses to the Siting
5 Council's set two interrogatories, the Applicant's
6 late-file exhibit responses dated August 17, the
7 Applicant's responses to the WNNET
8 interrogatories, and the Applicant's supplemental
9 responses to late-file exhibits, August 17, 2021.

10 Can I ask my witnesses would you please
11 answer according to the following questions?

12 Did you prepare or assist in the preparation
13 of these new exhibits listed in the hearing
14 program under Roman 2B, items 7 through 10.

15 Mr. Cheiban?

16 THE WITNESS (Cheiban): Yes.

17 MR. BALDWIN: Mr. Parks?

18 THE WITNESS (Parks): Yes.

19 MR. BALDWIN: Mr. Bhembe?

20 THE WITNESS (Bhembe): Yes.

21 MR. BALDWIN: Mr. Libertine?

22 THE WITNESS (Libertine): Yes.

23 MR. BALDWIN: Mr. Gaudet?

24 THE WITNESS (Gaudet): Yes.

25 MR. BALDWIN: And Mr. Gustafson?

1 THE WITNESS (Gustafson): Yes.

2 MR. BALDWIN: And do you have any corrections,
3 modifications or amendments to offer to any of the
4 information contained in those exhibits?

5 Mr. Cheiban?

6 THE WITNESS (Cheiban): No.

7 MR. BALDWIN: Mr. Parks?

8 THE WITNESS (Parks): No.

9 MR. BALDWIN: Mr. Bhembe?

10 THE WITNESS (Bhembe): No.

11 MR. BALDWIN: Mr. Libertine?

12 THE WITNESS (Libertine): No.

13 MR. BALDWIN: Mr. Gaudet?

14 THE WITNESS (Gaudet): No.

15 MR. BALDWIN: Mr. Gustafson?

16 THE WITNESS (Gustafson): No.

17 MR. BALDWIN: And is the information contained in those
18 exhibits true and accurate to the best of your
19 knowledge?

20 Mr. Cheiban?

21 THE WITNESS (Cheiban): Yes.

22 MR. BALDWIN: Mr. Parks?

23 THE WITNESS (Parks): Yes.

24 MR. BALDWIN: Mr. Bhembe?

25 THE WITNESS (Bhembe): Yes.

1 MR. BALDWIN: Mr. Libertine?

2 THE WITNESS (Libertine): Yes.

3 MR. BALDWIN: Mr. Gaudet?

4 THE WITNESS (Gaudet): Yes.

5 MR. BALDWIN: Mr. Gustafson?

6 THE WITNESS (Gustafson): Yes.

7 MR. BALDWIN: And do adopt the information contained in
8 those exhibits as your testimony in this
9 proceeding?

10 Mr. Cheiban?

11 THE WITNESS (Cheiban): Yes.

12 MR. BALDWIN: Mr. Parks?

13 THE WITNESS (Parks): Yes.

14 MR. BALDWIN: Mr. Bhembe?

15 THE WITNESS (Bhembe): Yes.

16 MR. BALDWIN: Mr. Libertine?

17 THE WITNESS (Libertine): Yes.

18 MR. BALDWIN: Mr. Gaudet?

19 THE WITNESS (Gaudet): Yes.

20 MR. BALDWIN: And Mr. Gustafson?

21 THE WITNESS (Gustafson): Yes.

22 MR. BALDWIN: Mr. Morissette, I offer them as full
23 exhibits.

24 THE HEARING OFFICER: Thank you, Attorney Baldwin.

25 Does any party or intervener object to the

1 admission of the Applicant's new exhibits?

2 Attorney Ainsworth?

3 MR. AINSWORTH: No objection.

4 THE HEARING OFFICER: Thank you.

5 Attorney Bloom or Attorney Bamonte?

6 MR. BAMONTE: Thank you, Mr. Morissette.

7 No objection from the Town.

8 THE HEARING OFFICER: Thank you.

9 Mark and Michele Greengarden?

10 MARK GREENGARDEN: No objection.

11 THE HEARING OFFICER: Thank you.

12 The exhibits are hereby admitted.

13 We will commence with cross-examination of
14 the Applicant by the grouped parties, Intervener
15 and CEPA Interveners, WNNET, Mark and Michele
16 Greengarden, and Ochsner Place, starting with
17 Attorney Ainsworth.

18 Attorney Ainsworth?

19 MR. AINSWORTH: Good afternoon.

20 THE HEARING OFFICER: Good afternoon.

21 MR. AINSWORTH: Let me pull up my notes. I wasn't sure
22 if the Council was going to go first.

23 There we go.

24 Okay. So this is Keith Ainsworth of the New
25 Haven Bar. I'm here for the Woodbridge Newton

1 Environmental Trust, otherwise known as WNNET
2 and -- let's see.

3 Okay. And this is to the Applicants panel.
4 I'm not sure who will be the appropriate person to
5 answer, but were you aware that Police Regulations
6 16-15(j)213 states that the applicant shall post a
7 sign that's visible to the public at least ten
8 days prior to the public hearing, and it gives
9 dimensions of the sign at or in the vicinity of
10 where the proposed facility would be located?

11 MR. BALDWIN: Mr. Morissette, I'll just point out that
12 there is an affidavit of publication -- I'm sorry.
13 There is a sign posting affidavit. It's not
14 listed in the hearing program -- oh, there is.
15 This is --

16 Item five, Exhibit 5 is a sign posting
17 affidavit dated July 12th. It is in the hearing
18 program and addresses Attorney Ainsworth's point.

19 Is there a question relevant to that
20 particular affidavit?

21 MR. AINSWORTH: Certainly. So it says -- the
22 regulations state that the Applicant shall post a
23 sign. That's not a discretionary provision.

24 Is it?

25 MR. BALDWIN: To the extent that you're asking the

1 witnesses to make some legal conclusions, I'm not
2 sure they're qualified to do that.

3 MR. AINSWORTH: Fair enough. All right. So then more
4 to the factual point. In the Applicant's sign
5 posting affidavit submitted, the affidavit notes
6 that the sign was not posted at least ten days
7 prior to this Siting Council hearing.

8 Is that correct?

9 THE WITNESS (Gaudet): Brian Gaudet. That's correct.

10 MR. AINSWORTH: And the sign was installed on July 7th.

11 Is that not correct?

12 THE WITNESS (Gaudet): That sounds accurate. I forget
13 the exact date.

14 MR. AINSWORTH: Okay. And the sign depicted on page 6
15 of the affidavit doesn't mention when the sign-up
16 date for participation in the public hearing was,
17 you know, was to pass. Does it?

18 MR. BALDWIN: Mr. Morissette, I'll simply point out
19 that the sign, the language on the sign is as
20 dictated by the Siting Council in it's guidelines.

21 THE HEARING OFFICER: Thank you, Attorney Baldwin. It
22 is also outlined in the affidavit as well, is my
23 understanding.

24 MR. BALDWIN: Correct.

25 MR. AINSWORTH: Okay. So the hearing notice for the

1 July 13th hearing states that the interested
2 persons may join the session, but they must sign
3 up in advance to speak. And to participate they
4 have to sign up by July 6, 2021.

5 That date precedes the date on which the sign
6 was posted. Correct?

7 MR. BALDWIN: I'm not sure I understand -- well, okay.
8 Brian?

9 THE WITNESS (Gaudet): I'm sorry. We had a loss of
10 Internet for a second. So I missed what you said,
11 Attorney Ainsworth.

12 MR. AINSWORTH: Okay. Put simply, the hearing notice
13 required that people sign up for the July 13th
14 hearing by July 6th. That sign-up date had
15 already passed by the time the sign was installed.

16 Correct?

17 MR. BALDWIN: Are you talking about the Council's
18 hearing notice, the one that's published in the
19 newspaper?

20 MR. AINSWORTH: Yes.

21 MR. BALDWIN: Okay.

22 THE WITNESS (Gaudet): I'm not sure when the -- the
23 Council's hearing notice was posted.

24 MR. AINSWORTH: That wasn't the question. The question
25 was, the sign-up date for participating in the

1 public hearing of July 6th predates the date that
2 the sign was posted near the site for the proposed
3 facility.

4 MR. BALDWIN: Mr. Morissette, we'll stipulate that the
5 sign was posted the day after the Siting Council
6 notice set for sign-up for public comment. I think
7 factually that that's correct.

8 But I'll also ask Mr. Ainsworth to stipulate
9 that the requirement for sign-up prior to the
10 public hearing is not a requirement beyond the
11 sign. That is something that appears in the
12 Siting Council's public hearing notice, which they
13 take care of themselves.

14 THE HEARING OFFICER: Thank you, Attorney Baldwin.

15 Please continue.

16 MR. AINSWORTH: Certainly.

17 Okay. So now on sheet T1 of the project
18 overview of the application, the directions to the
19 site direct a person to a site off of Route 22,
20 which is on Newt Road in Hamden. Why is that?

21 MR. BALDWIN: Mr. Bhembe?

22 THE WITNESS (Bhembe): I would have to review and get
23 back to you. It's -- it is possible that maybe
24 the directions were not pasted on the drawings and
25 complete, but I would have to verify.

1 MR. AINSWORTH: Okay. All right. Now in Applicant's
2 Late-Filed Exhibit 10 you note that in the late
3 filing that there were 45 inadequate service
4 complaints, 40 residential and 5 in-vehicle
5 complaints.

6 Do you record the identities of the
7 individuals who complain?

8 THE WITNESS (Cheiban): Yes, we do.

9 MR. AINSWORTH: And is there anything in the record
10 that indicates whether this was 40 complaints from
11 40 people, or 40 complaints from the same person?

12 THE WITNESS (Cheiban): 40 complaints from different
13 people.

14 MR. AINSWORTH: And is there anything in the record
15 that indicates that?

16 THE WITNESS (Cheiban): No.

17 MR. BALDWIN: He just testified to that fact.

18 MR. AINSWORTH: Okay. And in Applicant's responses to
19 the first set of Council interrogatories on
20 June 30th state that you've had more than 30
21 complaints about poor coverage in the last three
22 years. Why the difference in answers?

23 THE WITNESS (Cheiban): We -- I mean, there there is no
24 contradiction between the two statements.

25 Forty is more than 30.

1 MR. AINSWORTH: Now in WNNET, in its interrogatories
2 the Applicant asked that it provide the inputs
3 into its software modeling program so that the
4 coverage maps might be reproduced by an
5 independent party, including the Interveners.

6 Applicant appears not to have responded to
7 question 1C. And what was that?

8 THE WITNESS (Cheiban): I think that that might have
9 just been a typographical error.

10 MR. AINSWORTH: So is there some plan to actually
11 provide a response to that inquiry? Because the
12 question says, please provide the identity of the
13 technical tools used.

14 And of course the answer was that there was
15 propagation software used -- but then the other
16 half of the questions was, the assumptions or
17 inputs that gave rise to the data outputs so that
18 the same may be reproduced. Without those, of
19 course, it makes it a little difficult to confirm
20 the coverage plots produced.

21 Was there a plan to be an answer? And do you
22 have it?

23 THE WITNESS (Cheiban): Okay. Attorney Ainsworth, so
24 the -- the question was asking for -- so we did
25 provide the tool that we used, which is Atoll, the

1 software that we used.

2 It was asking for the test data which we
3 indicated in the -- in answering this question
4 that we did not perform a drive test. And I, you
5 know, this is what this is referring to.

6 And the, you know, the ERIRP work provided --
7 and separate to that, and that was also answered.

8 MR. AINSWORTH: Okay. So I guess, where in the
9 response? It says, please provide the assumptions
10 or inputs that gave rise to the data outputs.

11 In other words, when you produced -- when you
12 ran the software you put into it inputs to tell
13 the software what kind of facility, what kind of
14 antenna, what kind of power. Is that not correct?

15 THE WITNESS (Cheiban): That is correct, but the -- the
16 question was phrased in a way that it was
17 basically impossible to answer, because it's
18 confusing drive test with -- CW drive test with
19 propagation.

20 And so we answered to the best of our
21 ability.

22 MR. AINSWORTH: Where? Where in the question does it
23 refer to a drive test?

24 THE WITNESS (Cheiban): It says, please provide the
25 test data in nonproprietary format with common

1 headers such as a CSD file, which is something
2 that is typically a drive test. That is not a
3 software propagation.

4 MR. AINSWORTH: Okay, but then the second part of it
5 is, please provide all inputs and assumptions such
6 as EIRP, transmit antenna, receive and link budget
7 parameters?

8 THE WITNESS (Cheiban): And then it says, indicate
9 whether post processing was performed on the drive
10 test data. And our answer was that, no test data
11 was generated, only propagation loss.

12 MR. AINSWORTH: Okay. But the technical tools used to
13 perform the study was your software that produces
14 the coverage plots. Correct?

15 MR. BALDWIN: Mr. Ainsworth -- perhaps Mr. Morissette,
16 if I might, through you?

17 Perhaps rather than going back and forth on
18 this point, if Mr. Ainsworth wants to rephrase the
19 question so that we understand exactly what he's
20 looking for, because apparently there's a
21 disconnect between what was asked and what
22 Mr. Cheiban is understanding was asked.

23 We can certainly attempt to get Mr. Ainsworth
24 the answers he's looking for, but we need to get
25 some clarification on the question.

1 THE HEARING OFFICER: That would be helpful. Thank
2 you, Attorney, Baldwin.

3 Mr. Ainsworth, if you could restate your
4 question so that they clearly understand what
5 you're looking for, and we'll see if we can get a
6 response.

7 MR. AINSWORTH: Thank you. Okay. So Cellco responded.
8 Cellco uses the Atoll program software from Forsk.
9 That is an RF propagation modeling tool that
10 produces the coverage maps that we commonly see in
11 these proceedings. Correct?

12 THE WITNESS (Cheiban): That is correct.

13 MR. AINSWORTH: Okay. And when operating that software
14 there are inputs that you tell the software, you
15 know, what it's to model. That would be the type
16 of antenna, it's azimuth, it's downtilt, its
17 effective radiated power, and perhaps other
18 aspects of the propagation modeling such as
19 clutter or terrain data. Am I correct?

20 THE WITNESS (Cheiban): Partially correct. So
21 the software itself has a database of our existing
22 size with their antennas and the, you know, EIRP.
23 And it also has a database of the terrain and the
24 clutter.

25 I don't think I can provide these, and

1 it's -- it certainly is not going to be a CSV file
2 format. It also has -- we have our own RF
3 propagation models, which as indicated in our
4 answer, are calibrated by an independent
5 third-party company.

6 MR. AINSWORTH: Okay. But if someone were trying to
7 reproduce the coverage plots so that they could
8 test the presentation, how would we get a copy of
9 what inputs were placed into the software so we
10 could run our own version of that?

11 MR. BALDWIN: Mr. Morissette, perhaps -- I think we
12 understand now what Mr. Ainsworth is looking for.
13 I'm not sure it's going to be something
14 Mr. Cheiban is going to be able to respond to off
15 the cuff.

16 Perhaps we could take this as a homework
17 assignment, or ask for another opportunity to
18 respond now that it's a little bit clearer what
19 they're looking for to this interrogatory response
20 in a supplement format.

21 THE HEARING OFFICER: That would be helpful. If we
22 could do it before the hearing ends today that
23 would be greatly appreciated. If we can't do it
24 by the end of the hearing and we have a
25 continuation, a late file would be appropriate.

1 Thank you.

2 Please continue, Attorney Ainsworth.

3 MR. AINSWORTH: Thank you, sir.

4 Okay. Applicant's Late-Filed Exhibit
5 Number 9, it mentions that 1990 Litchfield
6 Turnpike was too far away to work for coverage
7 purposes.

8 Was a coverage plot run to verify this
9 assertion?

10 THE WITNESS (Cheiban): Yes, it was.

11 MR. AINSWORTH: Is that submitted anywhere in the
12 record?

13 THE WITNESS (Cheiban): No, it was not.

14 MR. AINSWORTH: Okay. Now did at any point Verizon run
15 a coverage model on either of the Meetinghouse
16 Lane sites, either Number 4, or Number 15?

17 THE WITNESS (Cheiban): Yes.

18 MR. AINSWORTH: Okay. And do you have coverage plots
19 for those?

20 THE WITNESS (Cheiban): Those are not submitted.

21 MR. AINSWORTH: Okay. Is there any way we could get an
22 opportunity to review those and what assumptions
23 were made in running those, those coverage plots?

24 THE WITNESS (Cheiban): I think that's another one that
25 we have to take back.

1 MR. AINSWORTH: Understood. Thank you. At this time I
2 have no further questions for the Applicant on the
3 late files. Thank you.

4 MR. BALDWIN: Mr. Morissette, can I have one minute,
5 please?

6 THE HEARING OFFICER: Yes, Attorney Baldwin.

7 MR. BALDWIN: Thank you, Mr. Morissette.

8 THE HEARING OFFICER: Thank you, Attorney Baldwin.

9 And thank you, Attorney Ainsworth.

10 We will now continue with cross-examination
11 of the Applicant by Attorney Bamonte, I believe it
12 is.

13 MR. BAMONTE: Yes. Thank you, Mr. Morissette. No
14 questions from the Town on cross.

15 THE HEARING OFFICER: Thank you, Attorney Bamonte.

16 We'll now continue cross-examination of the
17 Applicant by Mark and Michele Greengarden.

18 MR. GREENGARDEN: No questions at this time.

19 THE HEARING OFFICER: Thank you. I will continue with
20 questions of the Applicant by the Council starting
21 with Mr. Mercier. Mr. Mercier?

22 MR. MERCIER: Thank you. I just have a couple
23 questions on the August 17th late-file responses.
24 That was Late-File Exhibit 4 where diagrams were
25 submitted showing an alternative location on the

1 site property.

2 Sorry. I lost my place. I was going to
3 compare the schematic images attached to the late
4 file, sheet number C2. It shows a general detail
5 of the compound, the lease area and the access
6 road.

7 When you compare that to an aerial image that
8 was provided as a response to a Council
9 interrogatory for the remote field review -- this
10 was interrogatory 37. It's just basically an
11 aerial image so I can try to understand where the
12 actual tower is going in relation to the physical
13 pieces shown on the aerial image.

14 Now we see where the alternative site is on
15 the host property. Is the access road to the
16 alternative site -- is that going through an area
17 of stored materials, maybe like a tractor or
18 things of that nature?

19 MR. BALDWIN: Mr. Mercier, I want to make sure we're
20 looking at the same exhibit from the first set of
21 interrogatory responses. Is that the aerial
22 photograph that's a part of the attachment six to
23 that response -- or Exhibit 6 to those responses,
24 Applicant's 4?

25 MR. MERCIER: Yeah, that's the photo log.

1 Thank you very much.

2 MR. BALDWIN: Thank you.

3 MR. MERCIER: I'm just trying to get a sense of where
4 on the photo log imagery, where the tower and the
5 access road will be?

6 THE WITNESS (Gaudet): Uh --

7 MR. MERCIER: (Unintelligible.)

8 THE WITNESS (Gaudet): Yeah, approximately where photo
9 location seven is. I believe it's in between six
10 and seven. It's was pretty -- agreed with this,
11 those property lines.

12 MR. MERCIER: Okay. In that general vicinity?

13 THE WITNESS (Gaudet): Yeah.

14 MR. MERCIER: Would that require the removal of any of
15 the stored details off to the east of photo six?

16 THE WITNESS (Gaudet): Give me one second just to look
17 at that photo.

18 THE REPORTER: This is the Reporter. If the last
19 speaker could identify themselves?

20 THE WITNESS (Gaudet): Yeah, sorry. Brian Gaudet with
21 All-Points.

22 So that, the material to the left there you
23 can see there's a small garden -- I don't recall
24 when I was on site, if there was any other stored
25 material further to the -- there.

1 If it is, it would be, you know, Cellco.

2 MR. MERCIER: Okay. Thank you, so there is basically
3 an open field or a maintained field?

4 THE WITNESS (Gaudet): Yes, exactly.

5 MR. MERCIER: Okay. Thank you. I just have a couple
6 questions regarding small cells. I know in the
7 previous transcript there was mention of a search
8 that was started for a utility pole that might be
9 suitable to support a small-cell installation on
10 Route 67 that was northwest of the site. That was
11 on transcript one, page 103.

12 What is the status of the search for a
13 utility pole to support a small cell? Has any
14 progress been made?

15 THE WITNESS (Cheiban): Yes, this is Ziad Cheiban with
16 Verizon. We found a candidate and we will be
17 submitting an application to UI, to the pole
18 owner, and then wait for their answer.

19 MR. MERCIER: Now if you locate a small cell, a utility
20 pole -- just for general knowledge, what's the
21 typical height you would locate at given that
22 there's utility lines on the pole? Do you have to
23 go to a height of 20, 25 feet? Or can you go
24 above the utility line?

25 THE WITNESS (Cheiban): So this is Ziad Cheiban again.

1 In Connecticut most utility companies do not allow
2 us to go above the primary power lines. If there
3 are primary power lines on that pole we need to go
4 in the comm space, the telecom space. And that's
5 typically about 24 to 26 feet in elevation.

6 If the pole happens to not have primary power
7 then we can go on top of the pole, and that's
8 typically 34 to 35 feet -- but it depends on the
9 exact pole, but I'm just giving rough numbers.

10 MR. MERCIER: Thank you. When you analyzed that pole
11 location that you identified and have submitted to
12 UI, would there be enough coverage from that small
13 cell? Was it modeled to determine that, you know,
14 it would fill in most of that gap that was
15 remaining if the proposed site was constructed?

16 THE WITNESS (Cheiban): If they, if UI approves us for
17 the pole, then yeah. It would fill that small
18 gap.

19 MR. MERCIER: Do you know if the coverage would extend
20 out into those residential areas further to the, I
21 guess, southwest of Route 67?

22 (Unintelligible) yellow on your existing
23 coverage map for 700 megahertz.

24 THE WITNESS (Cheiban): I -- I think it would cover
25 partially. I mean, it -- the typical radius would

1 be something like a few hundred feet, you know,
2 600 feet or so.

3 MR. MERCIER: Okay. So 600 feet extending outward from
4 the small-cell location. Correct?

5 THE WITNESS (Cheiban): Correct.

6 MR. MERCIER: Okay. Is that affected by foliage at
7 all, the leaves on the trees, and that blocking
8 signal?

9 THE WITNESS (Cheiban): All -- so all RF propagation is
10 affected by foliage, but it's particularly severe
11 for the small cells, because oftentimes the trees
12 are actually taller than the wood poles.

13 So that the short answer is, yes.

14 MR. MERCIER: Okay. So the 600 feet or so from this
15 particular small cell, that accounts for any "tree
16 clutter," I guess the term is. Is that correct?

17 THE WITNESS (Cheiban): Yes.

18 MR. MERCIER: Since you're going to install a small
19 cell up in that particular area up on Route 67, I
20 mean, is it feasible to just install small cells
21 to serve the proposed coverage footprint that
22 would be provided by the tower itself?

23 Is that feasible, to essentially replace the
24 tower with numerous small cells?

25 THE WITNESS (Cheiban): So that we -- we have two

1 issues relating to that. One is that the way, the
2 principle that Verizon uses in designing their
3 network is to avoid having any single point of
4 failure so that we can maintain service even if
5 there's a power outage, or some other event.

6 The small cells do not allow us to have power
7 backup. So that is a key point.

8 The other thing is, specific to this area I
9 did look for -- both are usable, and we couldn't
10 find hardly any, actually.

11 So any -- a pole in order to be able to be
12 co-locatable it needs to have no other electrical
13 equipment, no -- so what I'm talking about is
14 transformers, any kind of, like, fuses, circuit
15 breakers.

16 Any -- any electric equipment at all from the
17 electric company basically that goes to the pole
18 out, electric risers, telco. And you know, and
19 so that there weren't enough. I mean, there were
20 actually, like, hardly any usable poles in this
21 area. A lot of the poles are encumbered by
22 existing equipment.

23 MR. MERCIER: Okay. Thank you. Besides -- just to get
24 a sense of the equipment, besides your antenna
25 that's located on the utility pole, what other

1 equipment would be installed on the pole? Like a
2 utility box? A battery box? Anything of that
3 nature?

4 **THE WITNESS (Cheiban):** An electric meter with a
5 circuit breaker and there is the radio itself with
6 some coax copper cabling that goes up to the
7 antenna. And then there is, in addition to the
8 power, there's fiber connection for the radio.

9 **MR. MERCIER:** Going back to the UI pole that you
10 identified that might be suitable to co-locate on,
11 does the utility do a structural analysis on it to
12 conclude that it can support your equipment?

13 Or does Verizon take care of that?

14 **THE WITNESS (Cheiban):** I -- I believe the utility
15 themselves do that. And if they find the pole to
16 be -- I mean, if it's otherwise co-locatable but
17 just structurally not strong enough, they might
18 decide to replace it and then charge us for the
19 cost of replacing it.

20 **MR. MERCIER:** Okay. So that was my second question.
21 So if it wasn't usable they may replace it. They
22 may charge you. So you wouldn't actually have to
23 install another pole down the street since this
24 one might not be available if it wasn't
25 structurally adequate? Okay.

1 THE WITNESS (Cheiban): That's correct -- other than we
2 cannot actually install another pole down the
3 street. That's not within our -- our purview.

4 MR. MERCIER: Okay. That's an interesting point. So
5 if there were no usable poles in an area and you
6 wanted to install small cells, you could not
7 install your own pole just for that purpose?

8 THE WITNESS (Cheiban): So in the utility right-of-way
9 we -- we have no rights. If we found a property
10 owner that's willing to lease us a parcel and let
11 us put a pole, that we could do that. We'd have
12 to come back to the Siting Council and apply for
13 that pole.

14 MR. MERCIER: Okay. Thank you.

15 Just a couple questions regarding the, I
16 think it was a late file regarding the monopine
17 application. Let me look at my notes here.

18 Thank you. The monopine photo simulations
19 that were provided in the Council's interrogatory
20 set two that ended that document, looking at some
21 of the photos I didn't really see the cone on top
22 of the monopine. Was a cone design factored into
23 these photo simulations?

24 THE WITNESS (Gaudet): That's certainly an option. It
25 wasn't -- this is Brian Gaudet with All-Points.

1 It was not designed on the simulation alternative
2 and, you know, sort of a preliminary look.

3 I believe I mentioned in the last hearing the
4 monopines can be designed to protect -- to what
5 type of branching, the shape of branching, conical
6 top, flat top. There's a lot of design factors
7 that go into that.

8 The one thing with adding a conical top is
9 that it can increase the height anywhere between
10 six to ten feet.

11 MR. EDELSON: Mr. Morissette, could we ask Brian to
12 maybe get closer to the microphone? I'm hearing
13 him cutting in and out. Sometimes it's hard to
14 hear the whole sentence.

15 THE HEARING OFFICER: Thank you, Mr. Edelson.

16 Yes. Mr. Gaudet, you kind of broke up at the
17 end here. If you could repeat your answer that
18 would be helpful as well? And get closer, get
19 closer to the mic. Thank you.

20 THE WITNESS (Gaudet): Is this a little better?

21 THE HEARING OFFICER: Yes.

22 THE WITNESS (Gaudet): Great. So yeah. So I was
23 saying that the monopine can be designed
24 essentially to what -- what anybody requested it
25 to be. You can increase the number of branches

1 per foot. You can design it so that the -- the
2 length of the branches at the base of the tower
3 are longer. And you get the -- the true, sort of,
4 pine tree shape.

5 You can do a conical top. You can do a flat
6 top. A conical top does increase the height; it
7 would be six to ten feet.

8 MR. MERCIER: Thank you. Looking at photo one that was
9 provided that was at the end of Soundview Drive, I
10 think the cul-de-sac location. Would relocation
11 of the tower to the alternate site of the host
12 property, would that affect visibility at all?

13 Or is that just like a minor move compared to
14 this use here?

15 THE WITNESS (Gaudet): Sorry, Mr. Mercier. Our
16 Internet cut out there for a second. I -- I
17 believe you're asking changing the location to the
18 alternate location that is located on the
19 property -- would impact visibility at the end of
20 Soundview. Is that correct?

21 MR. MERCIER: That's correct. Thank you.

22 THE WITNESS (Gaudet): It will. You're bringing that
23 tower down closer to the cul-de-sac. So from a
24 visual perspective at the end of Soundview Drive
25 it's going to appear larger simply because it's at

1 a closer distance.

2 I will say the residences to the south will
3 benefit from a shift in that location. You're
4 moving it farther away from the treeline. That's
5 right on their northern property lines. So that
6 monopine option there would benefit in softening
7 those views.

8 It could also potentially open up the
9 visibility a little bit more down all along Newton
10 Road.

11 MR. MERCIER: Thank you.

12 Again, for these photo simulations, this was
13 based on a crane test that was provided in the
14 visibility analysis in the application.

15 Is that correct?

16 THE WITNESS (Gaudet): That is correct.

17 MR. MERCIER: And the crane, was there only one crane
18 test conducted for the visibility analysis?

19 THE WITNESS (Gaudet): Yes. So our -- our first
20 visibility analysis we had done max -- I forget.
21 I think it was 140 feet that was a balloon float.

22 Subsequently in March of this year we went
23 out and conducted a crane test on that. Then a
24 drive test would be performed to see if we could
25 drop down to a hundred-foot height now.

1 MR. MERCIER: Okay. So are the crane images within the
2 application, is that set at a hundred feet?

3 Or 140 feet.

4 THE WITNESS (Gaudet): The crane boom, the tip of the
5 boom is at 140 feet. The hoist was dropped down
6 with the flag on it to approximately 120 feet,
7 give or take. And then we scaled off of that
8 140-foot drop down to the hundred-foot height.

9 MR. BALDWIN: Brian, if you can just please keep your
10 voice up? You tend to tail off at the end. Then
11 it becomes hard to hear you.

12 THE WITNESS (Gaudet): Sure thing. Yeah, so the boom
13 was at a hundred feet, 140 feet. The hoist had a
14 flag on it at approximately 120 feet, and then we
15 scaled off the 140-foot boom height to simulate
16 the hundred-foot height of the tower.

17 MR. MERCIER: Okay. Did you have the opportunity to
18 examine the crane test photos submitted by the
19 intervener when that was submitted to the Council
20 on July 6th?

21 THE WITNESS (Gaudet): Yes.

22 MR. MERCIER: That were dated July -- okay. In those
23 images it appears that the crane was fully
24 extended at one point.

25 Was there varying crane heights at certain

1 times? Or was it always at, like, 140?

2 THE WITNESS (Gaudet): Yes. So -- so earlier on in the
3 day when we were evaluating this building we had
4 the crane boom at 140 feet. When we concluded
5 our -- our field test, our -- our survey of the
6 area the crane was then dropped down. It was
7 brought down entirely to mount the equipment
8 required for radio testing and drive testing.
9 That was subsequently -- brought the boom back up
10 to approximately 140 feet.

11 MR. MERCIER: Okay. So it never exceeded 140 feet?

12 THE WITNESS (Gaudet): Correct.

13 MR. MERCIER: Okay. Thank you. Did you get the
14 opportunity to examine the video that was
15 submitted by WNNET? That was the video produced
16 by Geomatrix.

17 And you know with the video there was an
18 associated letter with a couple of photographs.
19 Did you have the opportunity to look at those?

20 THE WITNESS (Gaudet): Yes, I did.

21 MR. MERCIER: Okay. In one of the photos, I believe
22 it's from 110 Newtown road, there was a balloon
23 shown and an image was -- of the tower was
24 produced off that, that balloon.

25 Could you tell me, was that the first visual

1 analysis you ever did? You mentioned earlier a
2 balloon fly where the balloon was flown at
3 140 feet.

4 THE WITNESS (Gaudet): Yeah, that was the only time we
5 flew a balloon out there. I believe it was 140
6 feet. I'm going to look into that. I'll get you
7 the exact height of what that, that balloon float
8 was at.

9 MR. MERCIER: Okay. Yeah, if you could confirm what
10 height that balloon fly was conducted at, I'd
11 appreciate it?

12 THE WITNESS (Gaudet): Of course.

13 It was 140 feet, Mr. Mercier.

14 MR. MERCIER: Thank you.

15 I have no other questions at this time.

16 Thank you.

17 THE HEARING OFFICER: Thank you, Mr. Mercier.

18 We will now continue with cross-examination
19 by Mr. Edelson, followed by Mr. Silvestri.

20 Mr. Edelson?

21 MR. EDELSON: Yes. Now I think the first question is
22 for Mister -- oh, I'm sorry. I forgot your name.

23 Bhembe, you responded to Attorney Ainsworth
24 regarding the service complaints. And so whether
25 the number is greater than 30, or is in the

1 mid-forties can you give us an idea of what is an
2 average number of service complaints for a service
3 area within Connecticut for Verizon?

4 I'm just trying to get a sense of, is 45 a
5 big number? A small number? An average number?

6 THE WITNESS (Cheiban): Mr. Edelson, this is Ziad
7 Cheiban.

8 MR. EDELSON: Sorry.

9 THE WITNESS (Cheiban): The -- I don't know what the
10 average number is, but what I can tell you is that
11 the complaints are the tip of the iceberg, because
12 in order to file a complaint you need to call in
13 the call center.

14 And it typically is a lengthy process because
15 they will have you reset your phone. They will
16 themselves reset some things on the account to try
17 to troubleshoot with you while you're on the
18 phone. So I would estimate it takes probably 30
19 minutes of somebody's time.

20 And I've been doing this for 25 years. I've
21 never seen a customer complaint unless there's a
22 real issue. It -- it, you know, it may not be a
23 network issue. It might be a phone issue, but
24 when people get that frustrated with the service
25 when they're willing to stay on the phone for 30

1 minutes or longer, it indicates that there's a
2 real problem there.

3 MR. EDELSON: Well, does Verizon have some sort of a
4 threshold that says, you know, assuming that the
5 issue is not related to the individual's phone,
6 but is related to the network that, let's say,
7 they received more than X number of complaints in
8 a certain period of six months or a year, that
9 that kind of is an indicator that there's a
10 problem worth addressing?

11 Is there some sort of mechanism to evaluate
12 complaints in that way?

13 THE WITNESS (Cheiban): There are, however that is
14 handled by a different group than me, and I don't
15 know what thresholds they use.

16 But when they see repeated complaints in a
17 certain area they will escalate it to us and the
18 network engineering team.

19 MR. EDELSON: Well, is it your understanding that that
20 was what gave rise to Verizon coming back to this
21 area? Or this was already known maybe because of
22 anticipating what was going to happen with the
23 Hamden site, that this was an area where coverage
24 was going to be an issue?

25 I'm just trying to get a sense of the

1 complaints, or the significance of the complaints
2 in the buildup to this proposal.

3 THE WITNESS (Cheiban): We knew from our own testing
4 and from third-party testing that we had weak
5 coverage in this area. The customer complaints
6 were corroboration for that information which we
7 already know. And -- and so we -- we were
8 basically just trying to improve the -- the
9 service in this area.

10 And -- and a lot of these complaints, you
11 know, we've had to deploy these, kind of, we call
12 them network extenders. They're basically a very
13 tiny cell site, like, that you deploy inside the
14 house to cover the house.

15 MR. EDELSON: I think I got that. So in response to
16 the interrogatories, and these were referred to
17 before about the plots for the drive test -- I'm
18 not sure I really completely understand how to
19 review these two diagrams. And I was hoping you
20 could give me a little bit of an explanation.

21 I guess the first thing is, are there two of
22 them? I thought the drive tests really were
23 more -- and this is probably my ignorance --
24 related to what a customer might experience if
25 they were driving. But these appear to be

1 specific to two frequencies, if I understand
2 correctly. And as a result, I'm wondering if they
3 necessarily reflect what a customer would see.

4 In other words, there are more than one
5 frequency out there, and their phone being moved
6 from frequency to frequency depending on the load
7 on the network at a particular point in time. So
8 I guess that's kind of what I'm after.

9 And I'm also, I guess, finding the color
10 scheme a little counterintuitive to what I would
11 expect as far as distance from the proposed site.
12 So it could be my misunderstanding. So anything
13 you could do to help me understand, it would be
14 appreciated.

15 **THE WITNESS (Cheiban):** I think you're referring to the
16 drive test, what we call the CW drive test that we
17 submitted on August 17th. It's Exhibit 9.

18 **MR. EDELSON:** That's correct. Okay. Let me get that
19 right, because I thought it was just -- oh, the
20 paper is messed up here.

21 Well, mine calls it, attachment two. Maybe
22 it was question nine.

23 **THE WITNESS (Cheiban):** I believe that's correct, yes.
24 So let me go through that. And this is -- and
25 actually the title of that page is, Woodbridge N2

1 CW test, and it has the frequency, 756.

2 MR. EDELSON: Correct.

3 THE WITNESS (Cheiban): Okay. So this is the crane
4 test that we did. So this test is an actual
5 measurement of the propagation from a
6 hundred-foot -- above the ground at the proposed
7 location. And it would basically replicate what a
8 phone would -- would measure if that tower were
9 available in that location.

10 So the first one is our 700 megahertz
11 frequency which is, you know, typically our
12 coverage layer is the one that -- Verizon
13 coverage. And our second one is our 2100
14 megahertz frequency which doesn't cover as far,
15 but provides additional capacity.

16 And as far as the color scheme, this is kind
17 of the standard that we use at Verizon. So blue
18 is, you know, a very good coverage. Green is
19 good. You know, it would cover inside the house
20 coverage. And then the -- the yellow would
21 provide coverage to a vehicle, inside a vehicle.

22 MR. EDELSON: So this is a simulation, as opposed to --
23 I think what I interpreted a drive test was where
24 you drive around with a device to measure the
25 power of the signal. That I am incorrect when I

1 made that assumption?

2 **THE WITNESS (Cheiban):** No, that is exactly what we
3 did. It's a measurement. So we put a transmitter
4 on the crane at a hundred feet up in the air. And
5 then we drive around and measured that signal.

6 This gives us a more accurate picture than
7 the propagation. The propagation is a software
8 calculation and it has a certain margin of error,
9 whereas this is an actual measurement.

10 **MR. EDELSON:** Okay. Am I correct in saying that we
11 have not seen many of these done by Verizon
12 before? Or I've just missed it?

13 **THE WITNESS (Cheiban):** We -- you're correct. We
14 typically do not do this because we have
15 confidence in our propagation model. In this case
16 because I dropped the height from the proposed 140
17 initially to a hundred feet, I wanted to be sure
18 that that wasn't a mistake and I had them -- I had
19 a third party perform this measurement.

20 **MR. EDELSON:** Thank you. I asked because I clearly was
21 misunderstanding how it all worked.

22 Just because the news has been filled with
23 horrific scenes from Hurricane Ida and we always
24 have questions about the resiliency of monopines,
25 I'm wondering if people from Verizon are aware of

1 any damage to monopines?

2 We've seen some obvious damage to the utility
3 poles, especially those in neighborhoods as well
4 as I think some pretty large transmission lines
5 that went down, but do you know of any experience
6 with regards to monopoles that might be in the
7 Louisiana/New Orleans area?

8 THE WITNESS (Cheiban): I am not aware of any. As I
9 stated earlier, I've been doing this for 25 years.
10 I've seen monopoles withstand hurricane force
11 winds and keep operating as if nothing had
12 happened.

13 I have not seen -- I mean, monopoles are
14 pretty sturdy structures and they typic -- I mean,
15 there have been -- not in any area that I was
16 involved in, there have been some -- a monopole
17 that failed, but that was -- it had a known defect
18 and the tower company that owned it had failed to
19 address it.

20 But a well-designed, well-maintained monopole
21 does not fail. I have not seen one fail.

22 MR. EDELSON: Okay. Well -- and I thank you, thank you
23 for the answer, because I think you've said it
24 before about your experience. And I was just
25 curious if this fairly fierce storm had provided

1 any data that would either corroborate, or put in
2 question the ability of the monopole to withstand
3 it.

4 Finally, I'd like to give Verizon an
5 opportunity, if they'd like, to respond to
6 Congresswoman Rosa DeLauro's request that the
7 Siting Council work with the Town to find a
8 reasonable alternative. And specifically, if the
9 company has any concerns with the idea of the
10 Siting Council collaborating directly with the
11 Town on finding alternatives for towers?

12 MR. BALDWIN: Excuse me. It's kind of a difficult and
13 unique question to comment on public comment, for
14 we're a little fuddled by the request.

15 I think the application is full of
16 information that indicates that Verizon did work
17 with the Town closely for many months trying to
18 find alternative locations, and that's set out in
19 the application itself.

20 MR. EDELSON: Correct.

21 MR. BALDWIN: I don't know if there's anything specific
22 in Representative DeLauro's letter that you want
23 us to try and respond to other than, you know, are
24 we willing to continue to work with the Town? I'm
25 not sure.

1 MR. EDELSON: Just to be clear, Attorney Baldwin, she
2 was literally asking the Siting Council to work
3 with the Town. She wasn't taking in the letter --
4 and the letter was addressed to the Council, not
5 to Verizon.

6 So that would be, from my point of view, a
7 very different function of the Council to work
8 with the Town to identify alternatives.

9 MR. BALDWIN: As the team's legal counsel, I'm not sure
10 that's the Siting Council's role legally.

11 MR. EDELSON: Okay.

12 THE HEARING OFFICER: I would agree with that Attorney
13 Baldwin -- but I'll ask Attorney Bachman to opine
14 on this question.

15 MS. BACHMAN: Thank you, Mr. Morissette.

16 Mr. Edelson, just following up on Attorney
17 Baldwin's comments that the entire application
18 process is a collaborative process between the
19 Applicant and the Town, and the municipal
20 consultation that's required by statute.

21 We don't necessarily expect, you know, every
22 tower application to come in with agreement from
23 the Town on the proposed site or the proposed
24 alternatives.

25 But this proceeding, clearly we have the Town

1 as a party, and certainly this proceeding is meant
2 to discuss possibilities, collaboration, to look
3 at alternatives, and see what would be the best
4 option in ruling on this application in the end.

5 But this entire proceeding is basically
6 working with the carriers and the Town and the
7 neighbors to see if there are any viable
8 alternatives. Thank you.

9 THE HEARING OFFICER: Thank you, Attorney Bachman.

10 Mr. Edelson, does that satisfy your line of
11 questioning?

12 MR. EDELSON: I just want to give the Applicant a
13 chance to comment on that, and they have.

14 So I have no further questions at this point,
15 Mr. Morissette. Thank you.

16 THE HEARING OFFICER: Thank you, Mr. Edelson.

17 We'll now continue with cross-examination,
18 but I'm going to change the order a little bit.
19 We are going to skip to Mr. Lynch.

20 Mr. Lynch, do you have any questions for the
21 applicant?

22 MR. LYNCH: (No response.)

23 THE HEARING OFFICER: Mr. Lynch, are you available for
24 asking questions?

25 MR. LYNCH: (No response.)

1 THE HEARING OFFICER: Okay. Moving on, we are now
2 going to go to Mr. Nguyen.

3 MR. LYNCH: Mr. Morissette, can you hear me?

4 THE HEARING OFFICER: Oh, there he is. Thank you,
5 Mr. Lynch. Yes, I can hear you. Please proceed.

6 MR. LYNCH: Technical difficulty here. I have two
7 quick follow-up questions, one of them following
8 up on Mr. Edelson's comment on the storms.

9 Now I already know the answer to this, but I
10 just want to get your comments. The storms that
11 have hit Louisiana and Mississippi -- in a few
12 years back in Florida I don't know of any
13 monopoles that have come down, but I do know of a
14 lot of monopoles that have been stripped of their
15 apparatus.

16 My question is, you know, how long would it
17 take for any of the telecom carriers on those
18 towers to be back up and operating?

19 THE WITNESS (Bhembe): Mr. Lynch, I -- I have never
20 heard of a monopole losing -- I mean, at least one
21 of our monopoles losing equipment during a
22 hurricane. I've typically seen -- like, the
23 antennas and everything stays right where it is
24 because they are designed, you know, in the -- in
25 the code they are designed to withstand those kind

1 of winds.

2 What typically happens is that we -- you lose
3 power or maybe you get a fiber cut which -- which
4 takes out the service, and that's why we have the
5 backup generator to -- in case that we lose power.

6 MR. LYNCH: I don't mean to disagree, but I have seen
7 monopoles that have been stripped naked. And
8 again, my question is, if that is the case -- even
9 though it's not on one of your towers, if it were
10 on one of your towers how long would it take to
11 repair it and get it back up and operating?

12 That's my question.

13 THE WITNESS (Parks): This is Tim Parks from Verizon.

14 About a decade ago when a tornado went through
15 Central, South Central Massachusetts our equipment
16 was knocked loose from a tower -- I'm sorry. I
17 don't remember the town. I want to say it was
18 Wilbraham.

19 I -- I believe we were back up and running
20 within 24 hours. I don't remember the exact time,
21 but I'm -- I think it was 24 hours.

22 MR. LYNCH: I'm assuming that was after the storm had
23 gone through?

24 THE WITNESS (Parks): Well, it was a tornado. So, yes.

25 MR. LYNCH: And my next question goes back to

1 Mr. Mercier's question on the small cells. I
2 understand that you can't have the cell going
3 above the power lines, but I wonder if that pole
4 also has a telephone wire line system on it do you
5 have to go below that also?

6 THE WITNESS (Bhembe): Let me make sure I understand
7 the question correctly. So you're saying if the
8 pole has both primary and secondary power? So
9 secondary is the one that runs below, you know,
10 kind of 25 -- like, basically ten feet below the
11 top of the pole?

12 MR. LYNCH: I guess I'm confused here. You have the
13 power lines on the top of the pole?

14 THE WITNESS (Gaudet): Correct.

15 MR. LYNCH: And then if there is a wire phone service,
16 Frontier or AT&T, whoever it might be below the
17 power line, do you have to put your equipment
18 below that?

19 THE WITNESS (Gaudet): Okay. I now understand the
20 question. Yes, so we can actually go pretty much
21 in that same area where the Cellco lines, you
22 know, cable or phone would be.

23 MR. LYNCH: Thank you. Mr. Morissette, I'm all done
24 with my questions.

25 THE HEARING OFFICER: Thank you, Mr. Lynch.

1 We'll now continue with cross-examination --

2 MR. LYNCH: I apologize, but I have to leave.

3 THE HEARING OFFICER: Very good. Thank you, Mr. Lynch.

4 We'll now continue with cross-examination by
5 Mr. Nguyen, then followed by Mr. Silvestri.

6 Thank you for your patience, Mr. Silvestri,
7 but Mr. Nguyen could you please continue with your
8 questions?

9 MR. NGUYEN: Yes. Thank you.

10 Just a couple of followups. First of all,
11 Mr. Cheiban, you mentioned that you had the
12 discussion with UI regarding a pole. And then if
13 I could ask, so what's the status about that? Do
14 we have a timeframe that you will hear from UI.

15 THE WITNESS (Cheiban): Yes, Mr. Nguyen. So we didn't
16 have a discussion. What we have is we have a
17 master lease agreement with UI, and we have a
18 process where we filed an application for that
19 specific pole. And they typically get back to us,
20 you know, within three to six months, depending.

21 MR. NGUYEN: And that pole in question is a
22 distribution pole. Isn't it?

23 THE WITNESS (Cheiban): Can you repeat the question?

24 MR. NGUYEN: Yes. Is that pole in the public's
25 right-of-way?

1 THE WITNESS (Cheiban): That is correct. It's in the
2 utility right-of-way.

3 MR. NGUYEN: And you mentioned that there's a
4 transmission line running on top of that pole?

5 THE WITNESS (Cheiban): The specific one that we have
6 in mind is a stud pole. It does not have primary
7 power on top.

8 MR. NGUYEN: Okay?

9 THE WITNESS (Cheiban): But I was answering more of a
10 general question for one of the other
11 commissioners.

12 MR. NGUYEN: Okay. So it is a stud pole. So that
13 means --

14 THE WITNESS (Cheiban): Yes, the one we have in mind is
15 a stud pole.

16 MR. NGUYEN: Okay. And theoretically you can, assuming
17 that they allow access, you can be on top of it
18 because there should be no restriction of the
19 utilities' equipment?

20 THE WITNESS (Cheiban): In this specific case that's
21 correct.

22 MR. NGUYEN: Okay. That's all I have, Mr. Morissette.
23 Thank you.

24 THE HEARING OFFICER: Thank you, Mr. Nguyen.

25 Mr. Silvestri, thanks for your patience.

1 It's your turn.

2 MR. SILVESTRI: Thank you, Mr. Morissette. Good
3 afternoon, everyone.

4 Let's see. Mr. Cheiban, I'd like to start
5 with you and kind of take a step back from what
6 Mr. Mercier was talking about with small cells.

7 So the first question I have for you, could
8 you explain how a small cell augments the coverage
9 of a cell tower?

10 THE WITNESS (Cheiban): Yes. So this has to do with
11 the, like, basically the principle that Verizon
12 uses to design their network is -- since we cannot
13 provide backup power to the small cells we use
14 them in the vast, like, the overwhelming majority
15 of the cases for capacity augmentation.

16 So we will have a tower or a building, or
17 whatever, like a microcell that has backup power.
18 And then if we need to increase capacity in
19 certain specific areas we would use small cells
20 for that purpose.

21 So in case the small -- there's a power
22 outage and the small cell loses power, we still
23 would be providing service. It won't be as fast.
24 It won't be as good, but we would still be
25 providing, you know, the service, a level of

1 service. So it degrades, but it does not
2 completely cause an outage.

3 MR. SILVESTRI: Now the relationship between the cell
4 tower and the small cell, do they communicate with
5 each other?

6 THE WITNESS (Cheiban): They don't directly communicate
7 to each other. They are all connected back to a
8 kind of central -- I'm going to call it, central
9 switching equipment to -- to use, kind of, an
10 older technology. And within that location all
11 the cells can communicate to each other.

12 MR. SILVESTRI: And that would be with fiberoptics?

13 THE WITNESS (Cheiban): That is correct.

14 MR. SILVESTRI: Thank you. Okay. So you really don't
15 need line of sight to any cell tower for a small
16 cell to operate?

17 THE WITNESS (Cheiban): That's correct. Line of sight
18 is typically only needed if there was a microwave
19 link between the two, whether they were towers or,
20 you know, other types of cells.

21 MR. SILVESTRI: Great. Thank you. And in general do
22 small cells operate at certain frequencies?

23 THE WITNESS (Cheiban): So we -- we are limited by the
24 amount of equipment that we can place on a pole
25 since we don't own the pole. It's owned by a

1 utility company, and our agreements with them
2 limit us to one radio, essentially one piece of
3 radio equipment.

4 And we typically deploy our PCS, or 1900 and
5 our AWS which is our 2100 megahertz frequency
6 forward capacity augmentation, but that's -- it's
7 a decision that is up to the engineer.

8 So we could deploy the 700 and the 850
9 instead, but we cannot deploy all of them together
10 because we have limitations, you know, because of
11 not owning the pole.

12 MR. SILVESTRI: Understood. Thank you.

13 If I'm correct from the last hearing, I
14 believe I heard that the current coverage in the
15 area is poorest for 700 megahertz. So would 700
16 be the megahertz of choice, if you will, the
17 frequency of choice for that particular small cell
18 near Route 67?

19 THE WITNESS (Cheiban): In this specific case, yes, it
20 would be because that's kind of -- that's the
21 frequency that we own that covers the farthest
22 and -- and that would be the one that makes the
23 most sense there.

24 MR. SILVESTRI: All right. Thank you. Also with pole
25 selection, if I remember correctly back in my

1 electric utility days, utility poles could be
2 owned by the electric utility company, they could
3 be owned by a phone company, or sometimes there
4 they're jointly owned.

5 You mentioned working with United
6 Illuminating. Did you have any opportunity to
7 look to see if any of the poles were owned by the
8 phone company and see if you could work with them?

9 THE WITNESS (Cheiban): That in general, yes, we have
10 run into such cases in other towns. In -- in this
11 specific case all the poles that I've seen have
12 electric power on them. So they would either be
13 owned by the electric utility, or jointly owned.

14 I don't -- I don't recall seeing any that
15 were strictly tellco in this area.

16 MR. SILVESTRI: Thank you. And aside again from the
17 fiberoptic that we just mentioned, you need some
18 type of electricity tap to allow that small cell
19 to operate. Correct?

20 THE WITNESS (Cheiban): That is correct.

21 MR. SILVESTRI: Thank you. And when you're about
22 talking about coverage you mentioned to
23 Mr. Mercier that the hypothetical one around Route
24 67 might extend about 600 feet being affected by
25 foliage, if you will.

1 If tree clutter was not an issue how far
2 might the small cell extend?

3 **THE WITNESS (Cheiban):** I -- I am not sure, but I mean,
4 we have pretty heavy foliage pretty much
5 throughout Connecticut. It's -- it's a, like,
6 problem pretty much everywhere -- or a good thing,
7 depending how you look at it.

8 **MR. SILVESTRI:** And again, the higher you could go with
9 a small cell, be it on a pole or on a building, or
10 some other type of structure, chances are the
11 better range that you would have from that small
12 cell. Would that be correct?

13 **THE WITNESS (Cheiban):** That is correct.

14 **MR. SILVESTRI:** Okay. Thank you. I want to take a
15 step back to what Mr. Edelson was talking about on
16 Louisiana and the other affected states from
17 hurricane Ida. I belong to InfraGard, amongst
18 other organizations, and InfraGard offered GETS
19 cards, G-E-T-S. That's the Government Emergency
20 Telecommunications Services. Verizon is listed on
21 there with an eight-hundred and an 855 number.

22 Can you tell me how Verizon works with this
23 GETS program?

24 **THE WITNESS (Cheiban):** I am not -- I am not familiar
25 with that program.

1 THE WITNESS (Parks): I am not familiar with that
2 either.

3 MR. SILVESTRI: Okay. I figured while we were on the
4 topic of the hurricane in Louisiana I would put
5 that one out, but thank you.

6 Okay. Different topic. Mr. Cheiban, when
7 Attorney Ainsworth was talking with you about the
8 Meetinghouse Lane Number 4 and Number 15, you
9 mentioned that you do have -- or did run coverage
10 plots. My question for you, at what heights did
11 you run those coverage plots?

12 THE WITNESS (Cheiban): 120 feet .

13 MR. SILVESTRI: One two zero. Correct?

14 THE WITNESS (Cheiban): Correct.

15 MR. SILVESTRI: Okay. Because I'm looking at the
16 filing from Isotrope from August 24, 2021. They
17 have an analysis of the proposed cell tower at
18 Meetinghouse Lane, either 4 or 15.

19 They're looking at 140 feet and 150 feet, and
20 they believe -- and I'll also cross-examine them
21 when the time comes -- but they believe that that
22 would provide the coverage that's needed in the
23 area.

24 Do you have any comments on Isotrope's report
25 at Meetinghouse Lane at 140 or 150 feet?

1 THE WITNESS (Cheiban): Yes. So we're -- we're using
2 different propagation models. As I mentioned,
3 ours are calibrated by a third-party company that
4 we contract that to.

5 But beyond the propagation, you know, the
6 propagation models are not really in agreement,
7 but beyond that what we did do is this CW crane
8 test where we put an actual transmitter at a
9 hundred feet and measured the signal. And that
10 actually shows a different -- so I'm not talking
11 about Meetinghouse Lane now. I'm talking about
12 the one at 118 Newton Road, the proposed one.

13 Our drive test showed that we do get a
14 significant amount of coverage on State Highway 67
15 and State Highway 63, and it does not agree with
16 the plots that were submitted by Isotrope. And
17 that, that is an actual measurement.

18 So it's actually a more accurate measurement,
19 you know, it's a more accurate representation of
20 the coverage that we get from that proposed tower.

21 MR. SILVESTRI: If I understand correctly -- and
22 Mr. Morissette, you can correct me on this if I'm
23 wrong, but I believe that Verizon is going to
24 submit the coverage plots at 120 feet for
25 Meetinghouse Lane?

1 THE HEARING OFFICER: We may not be able to take on
2 late-file exhibits if the hearing ends today,
3 unless it can be submitted prior to the end of the
4 hearing -- as of today.

5 MR. SILVESTRI: Okay. Thank you, Mr. Morissette.

6 Because what I'm looking at, I'd really like to
7 see apples to apples between what Isotrope had
8 reported at 140 and 150 with their coverage plots,
9 and if Verizon was going to do modeling either at
10 120 or at 140, or 150. I'd really like to see
11 apples to apples.

12 I don't know if that's possible, but that
13 would be my hope. I'll leave it at that.

14 THE WITNESS (Cheiban): Mister -- Mr. Silvestri, can I
15 go back to that question for a moment?

16 MR. SILVESTRI: Sure.

17 THE WITNESS (Cheiban): If -- if you look at page 9 and
18 and page 10 of the Isotrope reports, that it shows
19 that the proposed location at -- at 118 Newton
20 Road that covers the 67 partially -- I'm sorry.
21 It covers the 63 partially, and does not cover the
22 67.

23 Are you with me so far?

24 MR. SILVESTRI: So far so good. Yeah, keep going.

25 THE WITNESS (Cheiban): Okay. So then if I refer you

1 back to our drive test, the CW drive test which
2 was submitted on August 17th that I discussed a
3 little -- a little while ago, that one shows that
4 actually we cover the 67, that we cover a portion
5 of the 67. And we cover the 63 past the 67 all
6 the way to Apple Tree Lane.

7 MR. SILVESTRI: I can see that.

8 MR. BALDWIN: That's Exhibit 9 in attachment two.

9 THE WITNESS (Cheiban): So my point on this is, first
10 of all, the drive test which is more accurate does
11 not agree with the propagation plot from Isotrope.
12 Then going to page 10 of the Isotrope report it
13 shows no coverage.

14 You know, the 63 has a much bigger gap than
15 it does from 4 Meetinghouse Lane -- than it does
16 from 118 Newton Road.

17 MR. SILVESTRI: Okay. Let me ask you this, then. If
18 you turn to pages 11 and 12 of that report, the
19 next two pages, how do you see their coverage
20 plots versus what you're proposing at this point?

21 THE WITNESS (Cheiban): So again, there is a big gap.

22 So there is no coverage whatsoever on the 67, and
23 there is a big gap on 63.

24 MR. SILVESTRI: For both of those plots?

25 THE WITNESS (Cheiban): For both of those plots -- and

1 I'm not disagreeing with that gap. What I'm
2 saying is that the location that we chose, 118
3 Newton Road gives -- is -- is much -- gives a lot
4 more coverage, and that is confirmed by the CW
5 drive test that we did.

6 So we don't need to rely on either
7 propagation plots, because we have this, the
8 actual measurement that shows us how far it covers
9 the propagation --

10 MR. SILVESTRI: Let me ask --

11 THE WITNESS (Cheiban): Go ahead.

12 MR. SILVESTRI: I was going to ask you one other
13 question on those plots in general from Isotrope.

14 If you were to place the small cell that we
15 talked about at 67, would that cover the gap? And
16 would a small cell in the area of 63 cover the
17 other gap?

18 THE WITNESS (Cheiban): We would need multiple small
19 cells on 63. The problem is that there were no
20 poles that -- that I could see that were usable,
21 but a lot of the poles had electric equipment on
22 them and the trees were actually taller than the
23 poles in that area.

24 And again, I go back to the point I was
25 saying earlier which is -- so what we're doing is

1 we are, you know, we have the monopole with the
2 backup power. That's our proposal, and then we
3 have a small gap on 67 which we're filling with a
4 small cell.

5 If there's a power outage we lose -- or we
6 get degraded service in a very small section of
7 67, but we will maintain service in the larger
8 area thanks to the monopole and the backup power.
9 Whereas if we went all small cells, then if
10 there's a power outage we lose service in -- in
11 that whole area.

12 MR. SILVESTRI: Thank you for your answers to my
13 questions.

14 Mr. Morissette, I'm all set at this point.
15 Thank you.

16 THE HEARING OFFICER: Thank you, Mr. Silvestri.

17 Let's see. I have a few follow-up questions.
18 I would like to go to the drawing C-2, and I'd
19 like to cross-reference that to the photo
20 simulation of monopine options (unintelligible)
21 one.

22 MR. BALDWIN: Mr. Morissette, are we talking about C-2
23 in the original application?

24 THE HEARING OFFICER: No. I'm sorry, C-2 of the
25 revised alternative plan.

1 MR. BALDWIN: So that's Exhibit 8, attachment 2.

2 Okay.

3 THE HEARING OFFICER: Okay. Are you there? Okay. On
4 the drawing C-2 where the access road turns into
5 the property there are two apple trees, one
6 12-inch and one 14-inch. I'd like to get my
7 perspective with the drawing, the photo sim on
8 photo one as to where those trees are.

9 Are those the smaller apple trees on the left
10 of the monopine?

11 THE WITNESS (Gaudet): Give me one second. We're just
12 pulling up those photos.

13 THE HEARING OFFICER: Sure.

14 THE WITNESS (Gaudet): Yeah, those apple trees are to
15 the left. There they're hidden right now by that
16 foliage that you can see just before that pine
17 tree.

18 THE HEARING OFFICER: Okay. So the two brushy trees
19 there are not the apple trees. They're further,
20 further back into the property.

21 Is that correct?

22 THE WITNESS (Gaudet): Yeah, they're screened right
23 now. You can't see them from this location.

24 THE HEARING OFFICER: Okay. So the access road, would
25 the access road be before these trees here?

1 Or right at those trees, the smaller ones?

2 **THE WITNESS (Gaudet):** Are you saying would the access
3 road be behind those trees that we see in that, in
4 photo one?

5 **THE HEARING OFFICER:** I'm trying to determine where
6 that access road would be. Would it be behind it,
7 or in front of it? Or --

8 **THE WITNESS (Gaudet):** It would go between that, I'll
9 call it, brush there right at the -- the
10 cul-de-sac where you enter the property.

11 **THE HEARING OFFICER:** Okay.

12 **THE WITNESS (Gaudet):** And then go in between or on an
13 existing -- right now it's an existing dirt
14 driveway -- in between those two apple trees.

15 **THE HEARING OFFICER:** Okay. But you testified earlier
16 that the alternative location would be more
17 visible, but I'm not quite seeing that. And it
18 seems to me that it would be tucked away further
19 into the property and --

20 **THE WITNESS (Gaudet):** I think the simulations are --
21 were done for the original location, not the
22 alternative. We didn't provide any simulations
23 for the alternative location. And in -- I -- I
24 think to make a clearer point there, Soundview
25 Drive, that -- that tower is going to be visible

1 whether it's a monopole or monopine --
2 (unintelligible).

3 Visibility doesn't necessarily increase, but
4 it -- it being closer will appear larger from the
5 cul-de-sac.

6 **THE HEARING OFFICER:** Thank you for that. I do
7 understand that this is the simulation of the
8 original proposal. What I'm trying to get at is I
9 don't see that as being closer because on the
10 site, it's further back. What am I missing?

11 **THE WITNESS (Gaudet):** Yeah, that the monopine
12 simulation is for the original, which is -- which
13 is farther back from the cul-de-sac.

14 **THE HEARING OFFICER:** Right. So if I'm looking at this
15 photo simulation, the alternative monopine would
16 be further back from the corner. So it would be
17 more out of view.

18 **THE WITNESS (Gaudet):** I -- I see what you're saying.
19 So in looking at the photo -- I think I understand
20 what you're saying -- to the left, to the left
21 side of the photo?

22 **THE HEARING OFFICER:** Yes.

23 **THE WITNESS (Gaudet):** Yes. Yes, to that point. Yes,
24 it would be shielded slightly again from this
25 specific viewpoint by that brush that's there, and

1 the -- the foliage that is currently in place.

2 THE HEARING OFFICER: Okay. So it would be further
3 back and onto the property. There would be some
4 shielding with the trees that are existing there
5 as of -- and the apple trees that are within the
6 site. Okay. Thank you. So sorry for the
7 convoluted questioning.

8 THE WITNESS (Gaudet): No problem.

9 THE HEARING OFFICER: With the shift of the alternative
10 locations, is there any loss or impact on coverage
11 from the original proposal?

12 THE WITNESS (Cheiban): No. Those, those locations
13 are -- are very close to each other. It would not
14 really make a substantial difference.

15 THE HEARING OFFICER: Okay. Thank you. In Isotrope's
16 filing they talked about the shift of the 2004 to
17 2016 search, search ring.

18 Can you comment again as to why that
19 occurred?

20 THE WITNESS (Cheiban): Yes. So the original search
21 ring was issued in 2014, and it was close to the
22 intersection of the 63 and the 67. We were
23 unfortunately not able to find any properties that
24 were willing to work with us. And so we had to
25 start searching somewhere else, and we shifted the

1 ring slightly to the south.

2 That was the 2016 search.

3 THE HEARING OFFICER: Okay. Now when you did the shift
4 to the south did you have in your plan that, well,
5 we'll put a small cell up on Route 67 to fill that
6 gap? Was that part of your analysis?

7 THE WITNESS (Cheiban): So just to clarify, this was
8 done by a different engineer. I had not taken
9 over this area at that time in 2016 -- but no.
10 No, that was not part of the plan.

11 That's something that came out of the CW
12 drive test, the crane test that we did that showed
13 that there was a small gap at the 67 cell that had
14 the lower height of a hundred feet.

15 And so we decided to -- that it was an
16 acceptable compromise to lower the height, but add
17 that small cell and still meet our objective.

18 THE HEARING OFFICER: Okay. Now going back to your
19 coverage plots of Meetinghouse Lane, you have
20 coverage plots for both -- what is it? Four and
21 15. Is that correct?

22 THE WITNESS (Cheiban): I have -- so I have coverage
23 plots of the monopole and on -- the existing
24 monopole, and I'm not sure whether that one is 4
25 or 15.

1 Yeah, that is 4 Meetinghouse Lane. The
2 monopole is 4 Meetinghouse.

3 **THE HEARING OFFICER:** 4 Meetinghouse Lane?

4 **THE WITNESS (Cheiban):** Correct.

5 **THE HEARING OFFICER:** Based on the Isotrope analysis,
6 is that it appears from their analysis is that 4
7 Meetinghouse is a better location than 15.

8 Would you agree with that?

9 **THE WITNESS (Cheiban):** I need a minute to actually
10 review the plots.

11 **THE HEARING OFFICER:** Okay. That's fine. You don't
12 need to do that. That's his testimony. We'll ask
13 him. We'll ask him those questions when his turn
14 comes around.

15 So I just want to make sure that we beat up 4
16 Meetinghouse Lane pretty well here, because that
17 seems to be a very good alternative.

18 So the plots that you have on -- it's still
19 on 4 Meetinghouse Lane, does it still show gaps up
20 on 67?

21 **THE WITNESS (Cheiban):** Yes, it does. It shows gaps on
22 both 63 and 67.

23 **THE HEARING OFFICER:** Okay.

24 **THE WITNESS (Cheiban):** And in our opinion, in
25 Verizon's opinion 4 Meetinghouse Lane is not a

1 good location.

2 I think what Isotrope is arguing in this
3 report is that 118 Newton Road is not a good
4 location. It basically does not meet the full
5 coverage objective.

6 Four Meetinghouse Lane also does not meet the
7 full coverage objective. Therefore, they're both
8 equally bad. And so we should go with the
9 existing tower.

10 And my argument is, that actually that is not
11 true. The CW test, the measurement that we did
12 shows that 118 Newton Road provides significantly
13 more coverage than 4 meetinghouse Lane, and is
14 actually an acceptable site.

15 **THE HEARING OFFICER:** If you were to supplement 4
16 Meetinghouse Lane with small cells could you
17 obtain the same coverage as the proposed site?

18 **THE WITNESS (Cheiban):** In theory, yes. In practice,
19 as I've mentioned there are, like, hardly any
20 usable poles in this area. And that is not, you
21 know, the other issue that comes up then is we
22 don't have power backup.

23 So in my opinion, if we were, you know, for
24 the sake of argument to go on the existing
25 monopole at 4 Meetinghouse Lane we'd be back in

1 front of the Council asking for another tower
2 roughly in that same area.

3 And we know since we've been searching for
4 several years that there are not many options.
5 The only option we could find is that 118 Newton
6 Road.

7 THE HEARING OFFICER: You had testified earlier that --
8 and I want to make sure I understood this
9 correctly, that possibly four small cells would be
10 enough to supplement 4 Meetinghouse --

11 THE WITNESS (Cheiban): No. So --

12 THE HEARING OFFICER: Okay. If you could clarify that?

13 How many small spells would be necessary to
14 supplement 4 Meetinghouse Lane?

15 THE WITNESS (Cheiban): To the best of my recollection
16 I did not state any specific number of small
17 cells.

18 THE HEARING OFFICER: Okay.

19 THE WITNESS (Cheiban): But it definitely would be more
20 than four. I, you know, I don't want to take a
21 guess right now, but it definitely would be more
22 than four.

23 THE HEARING OFFICER: Okay. So if we were to
24 supplement 4 Meetinghouse Lane we would need more
25 than four small cells on Route 67.

1 And how many would we need on 63?

2 **THE WITNESS (Cheiban):** I -- I have not done a detailed
3 study on supplementing 4 Meetinghouse Lane. So I
4 mean, I can give a rough number, but --

5 **MR. BALDWIN:** Mr. Morissette, we certainly understand
6 there's no one on this panel that wants to finish
7 this hearing today more than I do, but I also want
8 to make sure that this record is complete. So if
9 there's a desire from the Council to have answers
10 to these questions, the plots from 4 Meetinghouse
11 Lane; we were already talking with Mr. Ainsworth
12 about some additional information that he was
13 looking for. I'm not sure we have much of a
14 choice.

15 Look, we understand this is a very
16 controversial site. We understand the Town's
17 concerns. We understand the neighbors' concerns.
18 I want to make sure this record is as complete as
19 well. I don't want the constraints on finishing
20 today to be to the detriment of the record in this
21 matter. I want to make sure it's as complete as
22 the Siting Council does.

23 So let me state at this point, I think we've
24 already got enough today to know that we're going
25 to need to give you a little bit more information

1 based on the questioning. And I would like to
2 loosen up the concern that you raised earlier
3 about trying to finish today. We'd like to, but
4 it's starting to look like that's not possible.

5 THE HEARING OFFICER: Yes. I'm going to ask Attorney
6 Bachman to opine on this. If we are able to
7 finish today, is it possible for the additional
8 late files to be added to the record after the
9 close of the hearing without a continuation?

10 Or would we be required to have a
11 continuation to ask questions on the late files?

12 MS. BACHMAN: Thank you, Mr. Morissette.

13 What we could do is close the hearing today
14 and with those additional late files, once
15 Attorney Ainsworth and Mr. Maxson have an
16 opportunity to review them, they could indicate
17 whether or not they have further
18 cross-examination.

19 So we would hold the evidentiary record open
20 until the late files are submitted. And then we
21 would ask Attorney Ainsworth and Mr. Maxson after
22 a reasonable amount of time to review the material
23 if they do have cross-examination. And then we
24 will hold a continued evidentiary session.

25 But Mr. Cheiban is here to answer questions

1 on what is in the record, and he's certainly
2 answered enough questions about the comparison
3 between the plots. But if it's the Council's
4 desire to receive hard copies of those plots and
5 continue the hearing and ask questions about them,
6 we can do that.

7 We can either just end the hearing now and
8 continue it at a later date. We could continue
9 with the party appearances and further
10 cross-examine them -- but do understand that once
11 Attorney Ainsworth and Mr. Maxson do receive those
12 materials, it may generate more questions for
13 everyone. And Mr. Maxson may want to submit
14 supplemental prefiled testimony after seeing that.

15 So bear that in mind, and you know we have
16 two options there. We could just continue it, or
17 we could close at the end and defer the parties,
18 Intervenors and Councilmembers if they have
19 further cross on any new exhibits that may be
20 submitted.

21 Thank you.

22 **THE HEARING OFFICER:** Thank you, Attorney Bachman.

23 I think that we are going to allow the late
24 files to ensure that the record is complete in
25 this matter. I think the information that's being

1 requested is important to get onto the record, and
2 it's important for the Councilmembers to have an
3 opportunity to review, and the other parties to
4 review and ask questions if necessary.

5 So we will allow for the late files both of
6 the Meetinghouse Lane plots and of the information
7 that Mr. Ainsworth is requesting. And we will
8 continue with our agenda for today, and if we end
9 the hearing then we will review the information
10 and act accordingly.

11 So with that we will take a ten-minute break,
12 and we will be back here at 3:50. And we will
13 continue with the appearance of the grouped party,
14 CEPA intervenors, WNNET, Mark and Michele
15 Greengarden, and the Ochsner Place intervenors.

16 Thank you, we will see you at 3:50.

17
18 (Pause: 3:38 p.m. to 3:50 pm.)
19

20 **THE HEARING OFFICER:** Thank you everyone. We're back
21 on the record. Is the Court Reporter with us?

22 **THE REPORTER:** I am here.

23 **THE HEARING OFFICER:** Thank you.

24 We will now continue with the appearance by
25 the grouped parties and intervenors, and the CEPA

1 intervenors which will be WNNET, Mark and Michele
2 Greengarden, and the Ochsner Place, LLC.

3 Will the group partes and Intervenor and CEPA
4 intervenors present their witness panel for the
5 purpose of taking the oath?

6 Attorney Bachman will administer the oath.

7 MR. AINSWORTH: Good afternoon. This is Keith
8 Ainsworth for WNNET. I just want to note for the
9 record in the list of prefiled testimony there was
10 prefiled testimony of Richard Feldman. That was
11 to be submitted as limited appearance testimony
12 and will not be sworn for cross-examination. So I
13 just wanted to make that note for the record.

14 THE HEARING OFFICER: Very good.

15 MR. AINSWORTH: But with me I have the WNNET team of
16 David Maxson from Isotrope Radiofrequency
17 Consulting Firm.

18 I have George Logan and Sigrun Gadwa of REMA
19 Ecological Wetland Scientists and Natural
20 Resources Specialists; Edgar Smith, the
21 videographer from Geomatrix who performed the
22 drone flight and neighborhood test; and Marie
23 Gratton the executive director of WNNET who
24 prepared the responses to the interrogatories and
25 can answer those questions; and Mark Greengarden a

1 resident of Woodbridge who obtained the
2 photographs in the interrogatory responses.

3 So with that I would like to ask each of the
4 panelists, did each of you at my direction prepare
5 the reports that bear your names for the
6 interrogatory responses, or the drone flight video
7 as the case may be, that appear in the hearing
8 program?

9 MS. BACHMAN: Attorney Ainsworth?

10 MR. AINSWORTH: Yes.

11 MS. BACHMAN: Can we swear in the witnesses before they
12 respond to your questions, please?

13 MR. AINSWORTH: That would be appropriate, yes.

14 MS. BACHMAN: Thank you.

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

16 G E O R G E T. L O G A N,

17 S I G R U N N. G A D W A,

18 E D G A R H. S M I T H,

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

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

21 called as witnesses, being first duly sworn
22 by the Executive Director, were examined and
23 testified on their oaths as follows:

24
25 THE HEARING OFFICER: Attorney Ainsworth, before you

1 proceed --

2 MR. AINSWORTH: Yes, sir.

3 THE HEARING OFFICER: Sigrun Godwa, was she on your
4 list?

5 MR. AINSWORTH: Yes. She was the coauthor of the REMA
6 report -- actually the primary author.

7 THE HEARING OFFICER: And is she available for
8 cross-examination?

9 MR. AINSWORTH: Yes, she is. She's appearing. I see
10 here on one of the boxes here on the Zoom video.

11 THE HEARING OFFICER: Okay. Very good. She's been
12 sworn in?

13 MR. AINSWORTH: Yes, sir.

14 THE HEARING OFFICER: Okay. And how about Shelley
15 Greengarden.

16 MR. AINSWORTH: We're substituting -- well,
17 substituting, but using -- it was Mark and Shelley
18 who were working together, but Mark will be
19 providing the testimony for the Greengardens.

20 THE HEARING OFFICER: Very good. Thank you for that
21 clarification. Please continue.

22 MR. AINSWORTH: So I'm going to ask -- and I will poll
23 you each, but did each of you at my direct prepare
24 the reports that bear your names for each of the
25 interrogatory responses or the drone flight video

1 of the tower location neighborhood that appears in
2 the prehearing program?

3 David Maxson?

4 THE WITNESS (Maxson): Yes.

5 MR. AINSWORTH: George Logan?

6 THE WITNESS (Logan): Yes.

7 MR. AINSWORTH: Sigrun Godwa?

8 THE WITNESS (Gadwa): Yes.

9 MR. AINSWORTH: Edgar Smith?

10 THE WITNESS (Smith): Yes.

11 MR. AINSWORTH: Marie Gratton?

12 THE WITNESS (Gratton): Yes.

13 MR. AINSWORTH: Mark Greengarden.

14 THE WITNESS (Greengarden): Yes.

15 MR. AINSWORTH: Thank you.

16 Do any of you have corrections, deletions or
17 additions to the materials that you prepared?

18 David Maxson?

19 THE WITNESS (Maxson): I have one clarification and
20 that's the street number of the address that I
21 notated as Number 15 Meetinghouse Lane.

22 Looking at the assessor's cards, that parcel
23 is parcel 11, Number 11 Meetinghouse Lane, and it
24 has three buildings on it which are numbered 11,
25 17 and 15.

1 MR. AINSWORTH: Thank you. Do you have any other
2 additions, corrections or deletions?

3 THE WITNESS (Maxson): I do not.

4 MR. AINSWORTH: Okay. Mr. Logan?

5 THE WITNESS (Logan): I do not.

6 MR. AINSWORTH: Ms. Gadwa?

7 THE WITNESS (Gadwa): I do not have any corrections.

8 I -- I could provide full copies of some of the
9 references that are in my report, if the
10 commission so desired -- if the Council so
11 desired. So I could have additions if -- if that
12 was desired.

13 MR. AINSWORTH: Okay. But you're referring to
14 citations that you've made within the report.

15 Correct?

16 THE WITNESS (Gadwa): Yeah. I've -- I've cited reports
17 and given one or two brief sentences on the
18 findings, but if the Council wanted to see the
19 whole report I could provide that as well.

20 MR. AINSWORTH: Understood. Okay. Edgar Smith?

21 THE WITNESS (Smith): Yes.

22 MR. AINSWORTH: Any deletions or corrections?

23 THE WITNESS (Smith): No, the video is complete and I
24 stand by it.

25 MR. AINSWORTH: Thank you. Marie Gratton?

1 THE WITNESS (Gratton): No corrections, no deletions,
2 no changes.

3 MR. AINSWORTH: Thank you. And Mr. Greengarden?

4 THE WITNESS (Greengarden): No corrections.

5 MR. AINSWORTH: Thank you. And do all of you adopt the
6 materials that you submitted under your names as
7 your testimony before this Council today as true
8 and accurate copies of the matters in question?

9 David Maxson?

10 THE WITNESS (Maxson): Yes.

11 MR. AINSWORTH: George Logan?

12 THE WITNESS (Logan): Yes.

13 MR. AINSWORTH: Sigrun Gadwa.

14 THE WITNESS (Gadwa): Yes.

15 MR. AINSWORTH: Edgar Smith?

16 THE WITNESS (Smith): Yes.

17 MR. AINSWORTH: Marie Gratton?

18 THE WITNESS (Gratton): Yes.

19 MR. AINSWORTH: And Mark Greengarden?

20 THE WITNESS (Greengarden): Yes, yes.

21 MR. AINSWORTH: Thank you.

22 Mr. Chairman, I submit the panel for
23 cross-examination.

24 THE HEARING OFFICER: Thank you, Attorney Ainsworth.

25 Does any party or intervener object to the

1 admission of WNNET, Mark and Michele Greengarden
2 and Ochsner Place, LLC, exhibits?

3 Attorney Baldwin?

4 MR. BALDWIN: Yes, Mr. Morissette. I do object, but
5 only as it relates to WNET's Exhibit Number 6.

6 A significant portion of the REMA report
7 relates to radio or frequency electromagnetic
8 radiation as it relates to the wildlife report.

9 Neither Mr. Logan nor Ms. Gadwa are experts
10 in this field. They cannot testify or subject
11 themselves to cross-examination regarding issues
12 related to radiofrequency emissions.

13 I would also point out that issues related to
14 radiofrequency emissions are under the exclusive
15 jurisdiction of the Federal Communications
16 Commission, and not this counsel. I would ask
17 that section 4.2, and any of the remaining
18 conclusions in the REMA report as it relates to
19 the impact of radiofrequency emissions of the
20 proposed facility be stricken from the report and
21 not included in this record.

22 MR. AINSWORTH: May I respond?

23 THE HEARING OFFICER: Thank you. Thank you,
24 Mr. Baldwin.

25 Attorney Ainsworth, go ahead. Respond,

1 please?

2 **MR. AINSWORTH:** First, Ms. Gadwa and Mr. Logan have
3 submitted their resumes. They are actual wildlife
4 and natural resource specialists. While not
5 physicists and approaching RF radio frequency
6 emissions from the physics standpoint or the
7 technical standpoints, they are actually experts
8 in how these kinds of things impact wildlife, and
9 I think they could be be -- they could be asked
10 questions on that point to establish their
11 credibility on that point.

12 And then number two, the exclusive
13 jurisdiction of the FCC on radiofrequency
14 emissions, they actually have a prohibition on
15 the -- or preemption on the radiofrequency
16 emissions as to human health, but the impacts on
17 wildlife are still very much a part of the
18 jurisdiction of this Council in balancing the
19 environmental impacts.

20 **MR. BALDWIN:** That's not true. There is case law that
21 actually comes out of the State of Connecticut,
22 and Ms. Bachman is aware of, that states very
23 clearly that health affects are both for human and
24 wildlife -- and we can certainly include that in
25 our brief at the end.

1 But I disagree. I think Mr. Ainsworth kind
2 of doubled back on himself. He said that
3 Ms. Gadwa and Mr. Logan are wildlife experts, and
4 aren't experts in physics or medical science.

5 But then he said that they can speak about
6 environmental health effects related to wildlife
7 simply because of their wildlife background -- but
8 we're talking about the impacts of radiofrequency
9 emissions on wildlife. That's the part they are
10 not experts in, and this evidence should be
11 stricken from the record.

12 **THE HEARING OFFICER:** Thank you, Attorney Baldwin. And
13 thank you, Attorney Ainsworth.

14 Attorney Bachman, would you wish to comment?

15 **MS. BACHMAN:** Thank you, Mr. Morissette.

16 Attorney Baldwin is correct. There is Siting
17 Council case law, Jaeger Versus Connecticut Siting
18 Council that did determine that this Council has
19 no authority and is preempted by the FCC on the
20 effects of radiofrequencies on human health and
21 wildlife.

22 That being said, Ms. Gadwa and Mr. Logan's
23 resumes are in the record. They are wildlife
24 experts, and with the understanding that this
25 Council is preempted on considering the effects of

1 radiofrequencies and the emissions on the
2 wildlife, we could continue and let the
3 information in for what it's worth, rather than
4 separating it from the report and proceed as
5 planned, Mr. Morissette.

6 Thank you.

7 THE HEARING OFFICER: Thank you, Attorney Bachman.

8 Being that it is an integral part of the
9 report and would be difficult to separate at this
10 point, we will allow it in for what it's worth and
11 we will continue.

12 Anything else, Attorney Baldwin?

13 MR. BALDWIN: Nothing further, Mr. Morissette.

14 Thank you.

15 THE HEARING OFFICER: Thank you. Attorney Bamonte?

16 MR. BAMONTE: No further objections from the Town's
17 perspective, Mr. Morissette.

18 THE HEARING OFFICER: Thank you. We therefore will
19 allow the exhibits in, and Section 4.2 of the REMA
20 report will be in the record for what it's worth.

21 Thank you. We will now begin with
22 cross-examination of WNNET, Mark and Michele
23 Greengarden, and Ochsner Place, LLC, by the
24 Council starting with Mr. Mercier.

25 Mr. Mercier?

1 MR. MERCIER: Thank you.

2 I'm going to quickly refer to WNET's
3 responses to Council interrogatories. That's
4 Hearing Program Item Number 4. I have a question
5 for Mr. Greengarden based on one of the
6 photographs attached to that document. It was a
7 photograph on page -- actually, it's listed as 16
8 Soundview Drive. That's ES number -- page 17, if
9 you're going on the like resources.

10 Essentially it shows a crane amongst some
11 pine trees and some paved surfaces in front. So
12 Mr. Greengarden, I'm just trying to determine is
13 the paved area shown in the foreground -- is that
14 your driveway? Or is that Soundview Drive?

15 THE WITNESS (Greengarden): That is from our driveway.

16 I was standing in front of our garage.

17 MR. MERCIER: Okay. And then there's a paved area
18 going across the page horizontally looking at it.
19 Is that Soundview Drive? Or is that also your
20 driveway?

21 THE WITNESS (Greengarden): That is our driveway.

22 MR. MERCIER: Okay. The whole thing? Okay.

23 THE WITNESS (Greengarden): You're talking about
24 page 18. Correct?

25 MR. MERCIER: There's no page number on it. It says

1 basically at the top of the page 15 Soundview
2 Drive. It says the proposed tower is
3 approximately 200 feet from the 15 Soundview Drive
4 property line. That's the page I'm looking at.

5 THE WITNESS (Greengarden): Okay. I'm trying to --
6 okay. Yeah, that, I see which picture you're
7 referring to. That is our driveway. Our driveway
8 is circular. So, yes, that is all from our
9 driveway.

10 MR. MERCIER: Yeah, there's a little lamp. There
11 there's a snowbank.

12 THE WITNESS (Greengarden): Yes. So my garage -- my
13 garage was to my back when I took the photo.

14 MR. MERCIER: And I suppose the next photo is also from
15 your property, in front of your garage. Is that
16 a zoom through the trees towards the tower?

17 THE WITNESS (Greengarden): Yes.

18 MR. MERCIER: Okay. Thank you. The other picture is
19 self-explanatory. Thank you very much.

20 I have a few questions regarding the video
21 and the letter produced by Geomatrix, and that's
22 Hearing Program Item Number 7. Mr. Smith?

23 THE WITNESS (Smith): Yes.

24 MR. MERCIER: I read the letter and it basically stated
25 that you used application material from Verizon to

1 decide on the placement and the scale of the
2 tower.

3 What documents are you referring to? Are you
4 referring to the physical analysis itself that was
5 provided in the application? Or are you referring
6 to the site plan?

7 **THE WITNESS (Smith):** I downloaded the docket that was
8 referred to by the -- the group, the Newton
9 Conservation Trust, to the docket and I downloaded
10 that and I looked at an artist's rendition of the
11 tower and I looked at a site plan.

12 And then included in that docket were photos
13 of the crane, and we relied heavily on the photos
14 of the crane in finding landmarks.

15 **MR. MERCIER:** Okay. For the photo simulations you
16 produced inside the video there's also -- I think
17 there's two statements on your letter. Is that
18 correct? Those two photos on your letter --

19 **THE WITNESS (Smith):** Smith.

20 **MR. MERCIER:** Are those the snippets of the --

21 **THE WITNESS (Smith):** Yes, that was. That was showing
22 the type of comparisons that we did.

23 **MR. MERCIER:** So for the video itself how did you
24 incorporate the height of the tower for the tower,
25 for the photo simulations that you used in the

1 video?

2 THE WITNESS (Smith): We found landmarks and determined
3 based on those landmarks how the tower would
4 appear from the vantage that the video was shot
5 at.

6 MR. MERCIER: For the height of the tower itself and
7 the video did you use the crane itself to
8 determine how to set the height?

9 THE WITNESS (Smith): We did. We used the -- we used a
10 point at the crane which seemed to be holding the
11 broadcasting equipment, too, as a benchmark for
12 where the tower would be.

13 We didn't have access to the private property
14 on which it was set. So we normally would have
15 taken a measurement. We relied on the accuracy of
16 the crane height to be represented in the video.

17 MR. MERCIER: Okay. Just so I understand, you used the
18 top of the crane to set the height of the tower in
19 your simulation. Is that correct?

20 THE WITNESS (Smith): Yeah. It appeared in my photo
21 that there was equipment hanging from the crane
22 and we presumed that that equipment would
23 represent the height of the tower.

24 MR. MERCIER: When you say, equipment, that's like
25 something that was attached slightly below the

1 crane tip?

2 THE WITNESS (Smith): Yes, that's -- that's what I -- I
3 assumed in my work that that equipment represented
4 equipment attached to the tower at a similar
5 height.

6 MR. MERCIER: Okay.

7 THE WITNESS (Smith): So, yes. I think the answer to
8 your question is, yes.

9 MR. MERCIER: So the top of the tower you used in your
10 simulation, that was the top of the crane, not the
11 stuff that was hanging off the crane.

12 Is that correct?

13 THE WITNESS (Smith): No. I -- I judged that what was
14 being represented by the crane was the equipment
15 hanging from it at the height that it would be in
16 the tower.

17 MR. MERCIER: Okay. Got it. Thank you.

18 Do you have an estimate yourself as to what
19 height that, I'll call it a ballon, or equipment
20 hanging off the tower was? Do you know how high
21 that it was off the ground?

22 THE WITNESS (Smith): Again, we use benchmarks and
23 angles, but my understanding was that it was
24 approximately 100 feet high.

25 MR. MERCIER: Did you get that information from someone

1 that told you? Or you just measured it?

2 **THE WITNESS (Smith):** I -- I did not measure it. I --
3 I -- I'm -- I'm not sure whether I read it or it
4 was told to me. It would be discussed, the tower,
5 with members of the group.

6 **MR. MERCIER:** Okay. Now you know the letter states
7 when you used the photo simulation itself of the
8 tower someone provided you with an image?

9 **THE WITNESS (Smith):** That's correct.

10 **MR. MERCIER:** All right. Do you know who provided that
11 to you?

12 **THE WITNESS (Smith):** I -- I it came to me through
13 Marie Gratton. It -- it's a stock photo.

14 **THE HEARING OFFICER:** Okay. Stock photo. So it's not
15 here. It's not a site in Connecticut? We don't
16 know? You don't know?

17 **THE WITNESS (Smith):** It's not a specific site. It
18 was -- it was presented to me as deemed to be
19 representative of the type of tower, that it would
20 be in it.

21 **MR. MERCIER:** Okay. The simulations shows three
22 antenna arrays on it, which you used in your
23 video?

24 **THE WITNESS (Smith):** Yes.

25 **MR. MERCIER:** Do you know anything about the vertical

1 separation of the antenna arrays? Do you know how
2 far they are spaced apart?

3 THE WITNESS (Smith): No.

4 MR. MERCIER: Were you aware that the tower was
5 proposed at a hundred feet high?

6 THE WITNESS (Smith): Again, I judged -- the
7 simulations are based on angles and benchmarks
8 from the existing tower. Since we didn't have
9 exact measurements, we didn't -- we didn't -- we
10 essentially didn't plug in a height. We estimated
11 it by how it appeared from various vintages for
12 where we had the photos.

13 So -- so that there was no use of that
14 hundred foot, but my -- it was my understanding
15 that it was a hundred-foot tower. I went into it
16 with that understanding.

17 MR. MERCIER: Okay. I think it was previously said
18 that you assumed that the attachment to the crane
19 was, you believed it was 120, and that would be
20 representative of the tower. Correct?

21 THE WITNESS (Smith): I -- I'm not sure I said that,
22 but I essentially -- I -- I presumed that the
23 equipment hanging from the crane would be the
24 height of the tower, and the simulation represents
25 a tower where the equipment would be at that

1 height, whatever that height is.

2 MR. MERCIER: Okay. My apologies. I understand now.

3 Thank you.

4 So you didn't know what height the material
5 was hanging from the tower. You don't know if it
6 was 120 or --

7 THE WITNESS (Smith): I do not know if the crane hung
8 on the equipment at a different height than the
9 tower is proposed. I do not have that answer.

10 MR. MERCIER: Okay. Thank you.

11 Regarding -- if you look at the photograph
12 attached to your letter, there was the photo
13 simulation from 110 Newton Road.

14 THE WITNESS (Smith): Uh-huh.

15 MR. MERCIER: And is that simulation based on that
16 balloon height?

17 THE WITNESS (Smith): No, the location of the -- the
18 tower between the trees is based on that. The --
19 the simulation we did is from the porch of Tim --
20 I forget his last name -- 's home. And the -- the
21 photo was actually taken -- you can see the roof
22 of the shed. Here you're standing somewhere
23 closer in that.

24 So -- so we were not using the height of that
25 balloon.

1 MR. MERCIER: Again, how did you determine? If you
2 didn't use the balloon as a benchmark how did you
3 determine the height of the tower in that area?

4 THE WITNESS (Smith): We compared it to the trees and
5 the angle based on photos that we had from Newton
6 Road, and from Tim's house at the -- at the crane.

7 MR. MERCIER: Okay. Thank you. I don't have any other
8 questions on this, at this moment.

9 THE WITNESS (Smith): Thank you.

10 THE WITNESS (Greengarden): Can I clarify something for
11 you?

12 MR. MERCIER: Yes, please?

13 THE WITNESS (Greengarden): You question in reference
14 to where I took the photo that explained 15
15 Soundview Drive, that was where the tower was
16 originally going. If the tower had shifted like
17 Mr. Morissette recommends -- referred to, it will
18 even be a closer view from that location than what
19 the picture depicts.

20 MR. MERCIER: Thank you, Mr. Greengarden.

21 THE HEARING OFFICER: Mr. Mercier, does that conclude
22 your questioning? Or do you have more.

23 MR. MERCIER: I have a couple of questions on the
24 wildlife report.

25 THE HEARING OFFICER: Thank you.

1 MR. MERCIER: Ms. Gadwa, I was looking at your report
2 on page 3. In the first section 3.1 it basically
3 states that the property is part of an established
4 wildlife corridor, and you have an attached figure
5 1, which -- let me scroll up here.

6 THE WITNESS (Gadwa): Uh-huh?

7 MR. MERCIER: One second. Thank you.

8 So what type of information do you have to
9 determine that this actually is a wildlife
10 corridor, as you have drawn it on your figure one?

11 THE WITNESS (Gadwa): Well, several sources. First
12 looking at aerial photographs taken in different
13 seasons, seeing where there's a relatively broad
14 swathe of continuous forested cover, you know,
15 wide gaps between houses. And then what the --
16 the large blocks of open space are, both to the
17 north and to the south.

18 You can see a disturbance-sensitive wild
19 animal would choose to move along that corridor,
20 as opposed to through this, either the subdivision
21 to the north or to the south, or along the road.
22 And so that's one source.

23 And the other source is the number of unusual
24 shy and the frequency of sightings of unusual shy
25 wildlife by Timothy Mulherin, including black

1 bear, bobcat, gray fox. Just the -- it's that he
2 sees wildlife very often to the -- just to the
3 north of his house in that forested -- mature
4 forested corridor that straddles the big stone
5 wall along the property line.

6 MR. BALDWIN: Mr. Morissette? Excuse me, Ms. Gadwa. I
7 apologize. I need to object. Ms. Gadwa is --
8 this is hearsay evidence. Mr. Mulherin could be a
9 part of the witness panel. He is not. What he
10 does --

11 THE WITNESS (Gadwa): He provided the photographs.

12 MR. BALDWIN: What he does or doesn't see is something
13 that he should testify to, not Ms. Gadwa.

14 THE WITNESS (Gadwa): Well, he did provide photographs
15 and they are on the report.

16 THE HEARING OFFICER: Could the Witness please keep to
17 the testimony associated with the facts that are
18 known by you and not by others?

19 THE WITNESS (Gadwa): Okay.

20 THE HEARING OFFICER: Thank you.

21 THE WITNESS (Gadwa): Yeah. So -- but the main thing
22 is just to, this is something a landscape
23 ecologist does, is to just just get an over -- get
24 a large-scale aerial photograph and see where the
25 connecting swathes of minimally developed land

1 are. And -- and the ridge tops, this early
2 successional habitat along the ridge top of the --
3 of the -- owner of the cell tower property goes
4 from the -- the mountain to the -- the northeast
5 down to the big preserve to the south.

6 MR. MERCIER: Okay. Thank you. I just have a couple
7 questions on the dotted corridor itself.

8 THE WITNESS (Gadwa): Yeah?

9 MR. MERCIER: So you basically said that you've done a
10 desktop survey of a potential wildlife corridor.

11 Right?

12 THE WITNESS (Gadwa): Not just desktop. I -- I also
13 drove around the area, took a look at the sizes of
14 the trees, the density of the understory and
15 the -- just to get a good feel, from a windshield
16 survey, shall we say, from the roads, and of
17 course the --

18 MR. MERCIER: (Unintelligible.)

19 THE WITNESS (Gadwa): Of course, the -- I was on the --
20 the Mulherin property and all -- walked all along
21 the property boundary there and saw the -- the
22 site from that angle.

23 MR. MERCIER: Okay. Again, based on your image here in
24 your drive around and review of some leaf-off
25 condition in the area, does your wildlife corridor

1 actually, along Newton Road there where it leads
2 across from Burnt Swamp Road, that's the triangle
3 on the map there?

4 **THE WITNESS (Gadwa):** Uh-huh

5 **MR. MERCIER:** Does that actually go down one or two
6 driveways, unpaved driveways with an attributing
7 stone wall?

8 **THE WITNESS (Gadwa):** These are very narrow driveways,
9 unpaved, or at least very narrow. And they're --
10 and they're bordered by mature trees on both
11 sides. So there they're not -- not an obstacle to
12 wildlife passage, not like a 40-foot paved
13 driveway or something, or 20, even 25-foot paved
14 driveway. These are old narrow driveways.

15 **MR. MERCIER:** Right, but they're next to each other.
16 Correct?

17 **THE WITNESS (Gadwa):** Yeah, uh-huh. But there's --
18 there's vegetation in between them.

19 **MR. MERCIER:** Right. So when the animals are moving
20 around generally from place to place do they
21 prefer areas with vegetative cover?

22 **THE WITNESS (Gadwa):** Well, it depends on the -- on the
23 time of day and it also depends on the animal.

24 A small animal will prefer vegetative cover
25 because it keeps it protected from fox or owls, or

1 other predators. A larger animal will often use
2 roads or trails to -- for to expend less energy as
3 they -- as they travel.

4 So it depends on the animal, and it also
5 depends on whether there's a full moon out,
6 whether it's really bright. And then -- and
7 they'll be more likely to -- to only stay under,
8 under vegetative cover, and on a -- on a dark
9 night without a moon they'll walk on open -- in
10 open areas.

11 MR. MERCIER: Okay. Thank you. And since the animals
12 kind of walk down -- well, in this case, they'll
13 be walking down the driveway or two, or next to
14 residences. So they're not too shy with man-made
15 structures. Correct?

16 THE WITNESS (Gadwa): Well, the residences are not
17 very, very close at all to the driveways. There
18 they're back, and there's intervening vegetation.

19 MR. MERCIER: Okay. Now given the placement of the
20 tower on this parcel --

21 THE WITNESS (Gadwa): Uh-huh.

22 MR. MERCIER: There was a statement on page, I believe,
23 page 2 of your report that you said that the tower
24 site is going to adversely impact wildlife
25 movement along this wildlife corridor, but if

1 animals are already using man-made structures for
2 travel how would this structure block or impede
3 their movement across the landscape there?

4 **THE WITNESS (Gadwa):** Well, there the research shows
5 that there perhaps not all kinds of animals have
6 not tested, but many animals have what's called an
7 aversive reaction to the low-frequency radiation.
8 It -- it upsets them. It repels them, and they
9 get disoriented and -- and they are likely to
10 avoid using that corridor. And that --

11 **MR. MERCIER:** Okay. So I'll just interrupt for a
12 second, because I'm concerned about the physical
13 structure itself. So the structure itself in the
14 fence compound wouldn't really impede their
15 movement across the property. Right? There's no
16 wildlife -- (unintelligible).

17 **THE WITNESS (Gadwa):** No. No, the -- yeah, there there
18 was one photograph of the report. There there's a
19 good deal of understory vegetation. There's a
20 shrub stratum and there's tall, tall herbaceous --
21 and vines as well, and plenty of -- of trees of
22 different sizes, which are, you know, block the
23 view.

24 So that there's -- and that the dense
25 vegetative cover is on both sides of this property

1 line, both sides of the stone wall. So that
2 there, there is cover for wildlife movement or an
3 open driveway, depending on which, what the -- the
4 animal prefers.

5 MR. MERCIER: Okay, but there's also alternatives on
6 the property basically in the middle of the meadow
7 away from the shrub cover. So that would benefit
8 some animals that prefer shrub cover. Is that
9 correct, that want to move through there?

10 THE WITNESS (Gadwa): Yeah, the -- you know, I
11 didn't -- I didn't go to the -- to the far side of
12 the -- of the property. I -- I was only on the
13 Mulherin side.

14 So that there -- there's certainly -- the
15 property is dotted with early successional shrubs
16 and saplings. And so there's certainly -- there
17 is cover there.

18 MR. MERCIER: Okay. Thank you. I don't have any
19 further questions.

20 Thank you very much.

21 THE HEARING OFFICER: Thank you, Mr. Mercier. We will
22 continue with cross-examination by Mr. Edelson
23 followed by Mr. Silvestri.

24 Mr. Edelson?

25 MR. EDELSON: Thank you, Mr. Morissette. I'll continue

1 with questions for Ms. Godwa.

2 In your report you use the term "zone of
3 influence. Can you define how a zone of influence
4 is determined?

5 THE WITNESS (Gadwa): Well, the -- not the wavelength,
6 but the energy level of the radiation has been
7 measured at various distances from -- from cell
8 towers, and it declines with distance. And there,
9 I -- I actually -- this was an important question
10 and I -- I really wanted to find out a good -- a
11 good answer and I -- I researched it.

12 I -- and, you know, I looked at -- at
13 publications from WHO and -- and multiple sources.
14 And I know that some studies were saying 600 feet
15 was the 200 meters, 600 feet. Beyond that the --
16 the electromagnetic field was no longer able to be
17 detected by -- by wildlife.

18 Others were saying that 450 feet, basically
19 100 meters. So just to be conservative you know,
20 I -- I -- the -- it depends a lot on -- on the
21 intensity of the particular collection of antenna
22 that are being used on a particular cell tower.

23 You know, I -- I used the word -- the
24 distance of 450 feet.

25 MR. BALDWIN: Mr. Morissette. Excuse me, I'm sorry. I

1 have to object again just renew our objection.

2 Miss Gadwa has no expertise or experience in
3 this field, and she's talking as if she does. And
4 I think the record needs to indicate that she's
5 not an expert in the field of radiofrequency
6 emissions and can't be answering these questions.
7 She's just not qualified.

8 THE HEARING OFFICER: I agree, Attorney Baldwin.

9 Mr. Edelson, if you could change your line of
10 questioning to something that is more appropriate
11 for the Witness to answer. She is not a qualified
12 candidate to respond to RF questions.

13 Thank you.

14 MR. EDELSON: I think I understand. Maybe just put it
15 in terms of feet. When you use the terminology,
16 zone of influence -- what distance, what radius
17 are you using from the center of the cell tower to
18 determine that geographical zone.

19 THE WITNESS (Gadwa): I'm using the distance that the
20 majority of studies that are cited in the review
21 papers were using at about 450 feet.

22 MR. EDELSON: And let me just say your terminology of
23 shy animals really, really challenges me to say --

24 THE WITNESS (Gadwa): Uh-huh?

25 MR. EDELSON: -- how are you determining that?

1 I live in a neighborhood that is far more
2 dense and populated than this area of Woodbridge.
3 And we have plenty of bears. We have plenty of
4 herons. We have plenty of foxes. We have lots of
5 other animals, yet I don't understand how you come
6 to the determination of what is a shy animal and
7 why you picked on those particular ones.

8 Can you help me understand how you determine
9 what animals are shy and what animals are not shy?

10 And I should say when it comes to bears, I
11 wish they were shyer -- but when they're on my
12 back patio of my condominium I don't determine
13 them to be shy.

14 THE WITNESS (Gadwa): I -- I think that, of course
15 there's -- there's -- within a population, there's
16 individual variability depending on their
17 experiences. And a species that is normally shy
18 can have individuals that are acclimated to people
19 and have not had any bad experiences with them and
20 their behavior become becomes not shy, but there
21 they're behavior become -- becomes not shy.

22 But there there's -- in an area where there's
23 basically a matrix of residential development in
24 all -- in all directions and not a high frequency,
25 there's certain species that are -- that are only

1 observed occasionally, and that don't -- that
2 forage and hibernate, and complete their life
3 cycle; mate in larger open space areas.

4 And then for birds, it's -- breeding is
5 the -- is the key thing. Like there, there are
6 are area sensitive birds that only nest and breed
7 in tracks that are over 200 acres, typically.
8 And -- but they'll migrate through and you'll see
9 them during migration in any suburban area.

10 So -- so you, you have to look at what
11 activities do they do in what areas, and what food
12 is available for them in those areas. And I'm
13 sure on that, the hill to the northeast -- and I
14 forget the name of it. It's on the map there,
15 that I presume that has oak trees and blueberries
16 and, you know, that's a good foraging habitat, a
17 natural appropriate foraging habitat for black
18 bear.

19 And you know, that would be somewhere where
20 they'd be with their core habitat, where they'd be
21 centered.

22 MR. EDELSON: Let me offer you that animals adapt. And
23 the animal populations we see here in Connecticut
24 now are constantly adapting. We used to not have
25 bears, and now we do have bears. So for you to

1 determine that certain animals are shy is really
2 an artifact of a particular time, and I don't
3 think it can be made as a definitive state.

4 But let me shift to something else. You use
5 the term "corridor" to determine based, if I
6 understand correctly, from your answers to
7 Mr. Mercier from an observation of where there was
8 habitat between preserves, or areas that were,
9 let's say, more open space and reserved for use by
10 wildlife.

11 Does that corridor have any status vis-a-vis
12 designated as a wildlife corridor by the federal
13 government, the state government, or the Town of
14 Woodbridge? Or is that just your observation?

15 THE WITNESS (Gadwa): Yeah, the vast majority, majority
16 of wildlife corridors --

17 MR. EDELSON: Please just, I don't want an explanation.
18 I want to know its status. Who determined that
19 that's a wildlife corridor?

20 THE WITNESS (Gadwa): Well, portions of it are
21 protected like there, the city. I think the park
22 just to the south is definitely -- that's
23 protected habitat. Other portions are not --

24 MR. EDELSON: Okay. Now let me ask you specifically
25 within this residential neighborhood. Within this

1 residential neighborhood has it been determined as
2 a corridor? Specifically, let me say a corridor
3 for not development? There are properties in all
4 directions of this site. Is any of that area
5 designated as a wildlife corridor?

6 THE WITNESS (Gadwa): Not to my knowledge, but --

7 MR. EDELSON: Thank you.

8 THE WITNESS (Gadwa): I wanted to add one thing that
9 while the corridors are not just movement
10 corridors, they are habitat foraging areas that
11 are used by -- by moving animals and by temporary
12 resident -- residents as well.

13 And my real focus in the report was just the
14 the number of really sizable, healthy, and the
15 diversity of mature trees along that swath and
16 that variety of birds that are using that and
17 animal --

18 MR. EDELSON: In all due respect, you've made the point
19 about the zone of -- I forgot the term.

20 THE WITNESS (Gratton): I made -- the fact the
21 closeness of corridor --

22 MR. EDELSON: (Unintelligible) influence based on
23 radiation, not based on habitat. And I realize
24 we've already covered the issue of radiation and
25 your expertise on that. But that's how you

1 determine the influence zone that's the subject of
2 your report. But I think I'd like to move on to
3 just go back to the Geomatrix, the photographs
4 that we were looking at.

5 THE HEARING OFFICER: Excuse me, Mr. Edelson. Before
6 you continue, Mr. Logan is also coauthor of the
7 REMA report, and I see that he may have some
8 additional information if you would like.

9 THE WITNESS (Logan): Certainly. I appreciate that,
10 Mr. Chairman. I'm going to be very brief. I was
11 just going to agree with my colleague and
12 associate Sigrun Godwa.

13 And the interesting thing, as you talked
14 about there and we talked about, you know, we have
15 some photographs of a bobcat and bear. We talked
16 about fox, et cetera, in the report -- but that's
17 the interesting part. Those are not the shy
18 species, because those are the ones we saw.

19 Right?

20 MR. EDELSON: She was the one who said they were shy?

21 THE WITNESS (Logan): I'm not saying that they're
22 particularly shy. What I'm saying is that the
23 ones that we didn't see that were not inventoried
24 that we don't know about, which I expect as
25 wildlife -- wildlife to start there, like gray

1 fox. Like some of the weasel species. Those are
2 the ones that are shunning.

3 THE HEARING OFFICER: Thank you, Mr. Logan.

4 Sorry to interrupt, Mr. Edelson, but please
5 continue.

6 MR. EDELSON: I appreciate it. It's hard with Zoom to
7 know, you know, who would like to speak. You're
8 pointing that out. I wanted to go back to the
9 photographs that were in the letter from
10 Geomatrix. And specifically -- let's see if I can
11 get it up here in front of me -- the one that's
12 labeled, neighborhood 150 yard radius.

13 To make sure I understand what's in there,
14 and obviously this is addressed to Mr. Smith, the
15 photograph on the left -- I guess I'd say on the
16 left, bottom left, show some lines going across
17 the top. Do you know what those lines are?

18 THE WITNESS (Smith): This is Mr. Smith. You are
19 looking at the very bottom of my letter?

20 MR. EDELSON: Right. Just above your signature, if you
21 will.

22 THE WITNESS (Smith): Yes. Above my signature is --
23 those are telephone lines. And we are somewhat
24 closer than -- that photograph was taken by one of
25 the residents when the tower was up, and then my

1 simulation is shot. From somewhat closer you can
2 see the same mailbox, number 14 is further back.

3 So if you look right below the "L" of
4 simulation, you can see the same telephone lines.
5 And they are higher in the photograph because we
6 are closer to the net box.

7 MR. EDELSON: So if you have been able to capture a
8 photograph on the right with the same perspective
9 as the one on the left, we would have seen the
10 cell tower obstructed by what you say are
11 telephone lines.

12 Although maybe I should first ask the
13 question, are you aware of the area, the
14 residential area being serviced completely by
15 above-ground utility lines? Or are there
16 underground utility lines for electric cable and
17 telephone?

18 THE WITNESS (Smith): I have no knowledge of the power
19 in Woodbridge.

20 MR. EDELSON: So you weren't trying to give us the
21 impression in the simulation that the tower would
22 somehow replace those telephone lines, as you
23 referred to them?

24 THE WITNESS (Smith): I was in -- had no intention of
25 any impression like that. I was trying to show

1 the tower as it would appear from the photograph
2 that we took.

3 MR. EDELSON: And it's one of the things --

4 THE WITNESS (Smith): (Unintelligible.)

5 MR. EDELSON: -- point out that we appreciate when
6 people put a simulation together, that they make
7 all possible efforts to use the same perspective
8 so that we know that we are, I think as
9 Mr. Mercier alluded to, comparing apples and
10 apples.

11 THE WITNESS (Smith): Yeah.

12 MR. EDELSON: So this is -- it's disappointing when we
13 see a picture that can give an impression that
14 certain features all of the sudden are gone.

15 THE WITNESS (Smith): I think you're looking at my
16 letter and not the video where the lines are not
17 shown against a blue sky and are not quite as
18 visible. But the -- the video is -- this is an
19 explanation of the video, and it's not
20 represent -- intended to be a side-by-side
21 comparison of photos.

22 It was intended to show you how -- our
23 methodology in determining how the tower would
24 appear to residents. And that, that is really the
25 purpose of the video is an experiential -- a

1 representation of how the tower would be
2 perceived.

3 MR. EDELSON: And unfortunately, I must say I had
4 trouble watching the video and saying, am I really
5 looking at a good simulation or not? But I
6 appreciate your effort.

7 I would like to turn to Mr. Maxson now. And
8 Mr. Maxson, as I understand your testimony here
9 you feel that there are two sites that are within
10 the town, owned by the Town that would provide as
11 good -- or actually a better service with less
12 visual impact.

13 Has the Town contacted you for assistance in
14 putting together an RFP, or a developer to come in
15 and develop or actually build, propose to build on
16 those sites?

17 THE WITNESS (Maxson): No, it has not.

18 MR. EDELSON: Now, I believe it's in your testimony and
19 we've talked about this before in other dockets
20 with regard to towns of similar areas that have
21 used the distributed antenna systems.

22 And that town that we talked about before was
23 on Martha's Vineyard, Chilmark I believe is the
24 name. Do you have any updates, testimony or
25 information that could help us understand the

1 experience of that site now that we're, I think,
2 ten or eleven years since they implemented it?

3 **THE WITNESS (Maxson):** Well, I think the information
4 provided in the Kent hearing was as up to date as
5 the information I have today.

6 **MR. EDELSON:** So nothing new since then?

7 **THE WITNESS (Maxson):** There, there are other, other
8 locations in hilly terrain that have those sorts
9 of things -- but.

10 **MR. EDELSON:** You must have read my mind, because that
11 was my next question. Have you become aware of
12 other? Can you provide to the Council the name of
13 any other towns that you've become aware of with
14 terrains, let's say, similar to Woodbridge, and
15 similar demographic density to Woodbridge that
16 have successfully implemented this technology?

17 **THE WITNESS (Maxson):** Just to antenna system
18 technology -- yeah, as things happen when you --
19 you get off a call and you remember something else
20 you could have mentioned. I recall that I worked,
21 I think it was probably more than -- more than a
22 decade ago at this point with the township of
23 Lower Merion, M-e-r-i-o-n, Pennsylvania, which was
24 going to put out a proposal of a cell tower in the
25 middle of a pretty dense but higher end

1 residential area north of Philadelphia in a spot
2 that was pretty stark.

3 And the townspeople got together and -- and
4 fought it, and the Town worked with the applicant
5 to -- ultimately to get a distributed antenna
6 system, and that obviated the need for that tower,
7 and that's a very hilly terrain.

8 MR. EDELSON: Anything else besides Lower Merion?

9 THE WITNESS (Maxson): Off the top of -- I -- I didn't
10 make a list for this meeting, because I didn't
11 think I was going to be testifying about
12 distributed antenna systems, but I can certainly
13 do more to fill out the record if you're looking
14 for a larger list of -- of towns with those kinds
15 of systems.

16 MR. EDELSON: Well, I think it might not apply to this
17 particular docket at this point, but I think it
18 would be helpful to the Council because we just
19 spend a lot of time looking at that as an
20 alternative in various dockets, and having some
21 real world experience one way or another would be,
22 I think, helpful.

23 So a separate question, Mr. Maxson.

24 Obviously you have the Applicant who were using
25 different models, and coming into this meeting

1 today I was concerned about our ability as a
2 Council to determine, well, whose propagation and
3 mapping is the right one? Because they both seem
4 to be looking at the same area and coming up with
5 differences.

6 But if you will, the Applicant seems to have
7 done something new for me -- maybe not for
8 others -- in actually putting a transmitter up on
9 a crane and then measuring that, that in what you
10 saw those in two maps. And so I would like to
11 give you an a chance to comment on that approach,
12 and if you think that basically settles the case
13 that the radiofrequency signal is best in terms of
14 coverage from the Applicant's site and put the
15 modeling questions to the side, if you will?

16 THE WITNESS (Maxson): Okay. Well, since we don't have
17 any -- any drive testing from the proposed heights
18 at the alternative sites we don't have an
19 apples-to-apples comparison.

20 I think it's important to recognize when
21 you're looking at these wonderful colored computer
22 plots that are predicting coverage using, you
23 know, pretty standard underlying data with terrain
24 and clutter and those kinds of things, and then
25 standard propagation algorithms, equations and

1 programs that are built into the modeling
2 software; there are a number of different
3 accepted, widely accepted programs.

4 And I'd like to make the comparison between
5 looking at these two sets of coverage maps, those
6 for myself and those from Verizon, and watching
7 the weather forecast when there's a hurricane
8 coming. And they show spaghetti models that are
9 predicting the behavior of the storm. And each
10 model has slightly different algorithms for doing
11 that prediction.

12 And the thing is, all of those algorithms
13 could be equally accurate even though their
14 spaghetti lines are going in different directions.
15 And the same thing is true for computer models
16 that we look at in these hearings. Two models
17 that look a little bit different could have
18 similar accuracy, and I would say that they do.
19 We calibrate our models using field data from
20 drive tests, particularly in New England,
21 vegetation and the terrain.

22 So just like Verizon, our models are
23 carrier-class tools, and we do the same kind of
24 tuning to make sure that they are as accurate as
25 possible. What is important to understand --

1 MR. EDELSON: That wasn't my question. My question
2 really was, as I understood it, you were saying
3 that their propagation model showed that there are
4 gaps in their coverage.

5 The coverage wasn't as good as they said it
6 was going to be, and yet their drive test gave, if
7 you will, real-world experience that said, from
8 that hundred-foot position where they put the
9 transmitter they would have the type of coverage
10 that they are looking to do to make sure they're
11 providing their customers with coverage that they
12 need.

13 You mentioned -- and I want to give you a
14 chance to answer that, but you say it's not apples
15 to apples. But the Town, as you testified just a
16 few minutes ago, has not come forward and said to
17 them, we would like to enter into an agreement,
18 or, we would like to see proposals for the two
19 sites on Meetinghouse. So the Applicant as we
20 know is not in a position to just keep running
21 tests from every site.

22 So the question is, what have we got now that
23 says that the coverage based on their real-world
24 drive tests, as they call it, seems to now
25 indicate the coverage is complete?

1 THE WITNESS (Maxson): I disagree. It doesn't indicate
2 the coverage is complete. The Applicant was
3 shooting for residential coverage in Woodbridge
4 around Route 63 and 67, and then it slowly moved
5 its target. And now when the Applicant is talking
6 about the coverage it's getting from a hundred
7 feet at the proposed location at Route 67, it's
8 since simply in-vehicle coverage It's not
9 in-building residential coverage. So it's very
10 frustrating to be working with a moving target.

11 I think the fundamental thing to do is to
12 look at my estimation of existing coverage with
13 the proposed facility, and existing coverage with
14 the alternatives. And then if the applicant
15 supplies it in additional information, to look at
16 their existing coverage with the proposed and
17 their existing coverage with the alternative, and
18 to see whether there is a material difference.

19 This is not a race in the Olympics where a
20 tenth of a second means one person gets the gold
21 medal and one person gets the silver. This is a
22 situation where what we're looking for is a site
23 that has the least impact of residents in the
24 town. And the location at, what I call, 15
25 Meetinghouse Lane is more than 500 wooded feet

1 from the nearest residences, and that is something
2 that the folks that I'm working with think makes
3 it a very promising opportunity.

4 And we have a chicken-and-egg problem -- is
5 if the Applicant is pressing for the present
6 facility they're not going to go to the Town and
7 offer to do a drive test and ask for them to do an
8 RFP for that alternate location unless the Council
9 uses its weight to perhaps help the Applicant take
10 a closer look at these alternatives.

11 MR. EDELSON: In many of the public comments -- well,
12 let me skip that question. I think I just want to
13 go back to Mr. Logan and Ms. Gadwa.

14 You know, we received a lot of comments on
15 almost every docket from various state agencies.
16 And to the best of my knowledge on this particular
17 one we've received nothing from the Council on
18 Environmental Quality, the Department of Public
19 Health, or the Department of Energy and
20 Environmental Protection with regard to any of the
21 potential impacts for this site.

22 Do you have any reason to help me understand
23 why they saw that there was no adverse impact that
24 they felt that they needed to comment on with
25 regard to the site?

1 THE WITNESS (Logan): Certainly. I can take a stab at
2 that. This is George Logan for the record.

3 As you probably know, since most of you have
4 a lot of experience in this Council, the kinds of
5 things that DEP and Environmental Quality, Council
6 for Environmental Quality look at is what is
7 already documented.

8 The National Diversity Database will be one
9 source. If there were, say, state forests
10 nextdoor, that would be another thing that they
11 would look at, but looking at their GIS data, the
12 data that they have, there was nothing that raised
13 to -- to a place where they needed to come.

14 So therefore what usually is -- happens in
15 these kinds of situations is that the experts in
16 the field, whether the applicants or, for
17 instance, ourselves are the ones that survey the
18 properties, do the inventories and come up with
19 the information. And then if something comes up
20 during that time then that's reported to the DEEP.

21 MR. EDELSON: Okay. I think, Mr. Morissette, with that
22 that's all the questions that I have at this time.
23 Thank you.

24 THE HEARING OFFICER: Thank you, Mr. Edelson.

25 Well, we're going to wrap this up for today.

1 The Council announces that it will continue the
2 evidentiary session of this public hearing on
3 Tuesday September 21, 2021, at 2 p.m., via Zoom
4 remote conferencing.

5 A copy of the agenda for the continued remote
6 evidentiary hearing session will be available on
7 the Council's Docket Number 502 webpage along with
8 a record in this matter, the public hearing notice
9 instructions for public access to the remote
10 evidentiary excision and the Council's guide to
11 Siting Council procedures.

12 Please note that anyone who has become a
13 party or intervener, but who desires to make his
14 or her views known to the Council may file written
15 statements to the Council until the record closes.
16 Copies of the transcript of this hearing will be
17 filed with the Woodbridge Town Clerk's office.

18 I hereby declare this hearing adjourned.

19 Thank you, everyone for participating.

20 MR. BALDWIN: Mr. Morissette.

21 THE HEARING OFFICER: Yes, Attorney Baldwin?

22 MR. BALDWIN: Before you adjourn I just want to make
23 sure we have the breadth of the late-file exhibits
24 understood, if I could?

25 Late-File Exhibit 1, which I have on my list,

1 includes the input information that Mr. Ainsworth
2 asked for that Verizon put into the propagation
3 models that it produced including the location,
4 surrounding sites, the heights, the power output
5 from those sites, the antennas being used in each
6 of those locations, the data that was put into
7 their propagation model. That was Late-Filed
8 Exhibit Number 1.

9 THE HEARING OFFICER: Yes, it is.

10 MR. BALDWIN: Late-Filed Exhibit 2 are Verizon's
11 propagation plots from 4 meetinghouse Lane, the
12 town parcel at 4 Meetinghouse Lane, at 120 feet, I
13 think was the height Mr. Cheiban spoke to.

14 THE HEARING OFFICER: Yes, that is my understanding.

15 THE WITNESS (Maxson): This is David Maxson. Can I
16 provide coordinates for 140 feet at 15
17 Meetinghouse Lane?

18 THE HEARING OFFICER: I'm sorry? And the purpose for
19 that is, Mr. Maxson?

20 THE WITNESS (Logan): The Town, I think, is at least as
21 interested in the 15 Meetinghouse Lane site as it
22 is the existing tower at the police station at 4
23 Meetinghouse Lane.

24 THE HEARING OFFICER: Well, that information wasn't
25 specifically requested by any of the parties. So

1 I'm going to have to say, no. Now if the
2 Applicant is agreeable to that, that's another
3 thing.

4 Attorney Baldwin?

5 MR. BALDWIN: I think we might as well cover both of
6 the Town on parcels. They are both parcels that
7 the Town has requested.

8 So I don't know if we need coordinates, but
9 if Mr. Maxson through Mr. Ainsworth wants to
10 provide those to us, that would be fine.

11 THE HEARING OFFICER: Very good. Thank you. I think
12 that would be helpful. Thank you.

13 MR. AINSWORTH: We'll do.

14 THE HEARING OFFICER: Okay. Attorney Baldwin, anything
15 else?

16 MR. BALDWIN: No, that's it. I apologize for the
17 interruption. I just wanted to get that confirmed
18 before we went away today.

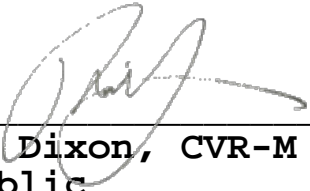
19 THE HEARING OFFICER: Thank you. Thank you for the
20 clarification. That's a good thing to do.

21 MR. EDELSON: Mr. Morissette? I don't know if it would
22 be appropriate, but Mr. Maxson referred to the
23 town of Lower Merion, Pennsylvania. I've tried to
24 do a quick web search and I can find no
25 information there.

1 CERTIFICATE

2
3 I hereby certify that the foregoing 124 pages
4 are a complete and accurate computer-aided
5 transcription of my original verbatim notes taken
6 of the remote teleconference meeting in Re:

7 CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS
8 APPLICATION FOR A CERTIFICATE OF ENVIRONMENTAL
9 COMPATIBILITY AND PUBLIC NEED FOR THE
10 CONSTRUCTION, MAINTENANCE, AND OPERATION OF A
11 TELECOMMUNICATIONS FACILITY LOCATED AT 118 NEWTON
12 ROAD, WOODBRIDGE, CONNECTICUT, which was held
13 before JOHN MORISSETTE, Member and Presiding
14 Officer, on August 31, 2021.

15
16 

17 _____
18 Robert G. Dixon, CVR-M 857
19 Notary Public
20 BCT Reporting, LLC
21 55 Whiting Street, Suite 1A
22 Plainville, CT 06062
23 My Commission Expires: 6/30/2025
24
25

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