

1 STATE OF CONNECTICUT  
2 CONNECTICUT SITING COUNCIL

3  
4 Docket No. 499

5 Homeland Towers, LLC and New Cingular  
6 Wireless PCS, LLC d/b/a AT&T application for a  
7 Certificate of Environmental Compatibility and  
8 Public Need for the construction, maintenance, and  
9 operation of a telecommunications facility located  
10 at 16 Coote Hill Road, Sherman, Connecticut.

11  
12 VIA ZOOM AND TELECONFERENCE

13  
14 Public Hearing held on Tuesday,  
15 May 25, 2021, beginning at 2 p.m.  
16 via remote access.

17  
18  
19  
20 H e l d B e f o r e:

21 JOHN MORISSETTE, Presiding Officer

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

1   **A p p e a r a n c e s :**

2       **Council Members:**

3           **ROBERT HANNON**  
4            Designee for Commissioner Katie Dykes  
5            Department of Energy and Environmental  
6            Protection

7           **ROBERT SILVESTRI**

8           **DANIEL P. LYNCH, JR.**

9           **LOUANNE COOLEY**

10       **Council Staff:**

11           **MELANIE BACHMAN, ESQ.**  
12            Executive Director and  
13            Staff Attorney

14           **ROBERT MERCIER**  
15            Siting Analyst

16           **LISA FONTAINE**  
17            Fiscal Administrative Officer

18           **For Homeland Towers LLC & AT&T:**  
19            **CUDDY & FEDER, LLP**  
20            445 Hamilton Avenue, 14th Floor  
21            White Plains, New York 10601  
22            **BY: LUCIA CHIOCCHIO, ESQ.**  
23            **KRISTEN M. MOTEL, ESQ.**

24           **Also present: Aaron Demarest, Zoom co-host**

25       **\*\*All participants were present via remote access.**

**\*\*\* (Inaudible) - denotes breaks in speech due to  
      interruptions in audio or echo.**

1 MR. MORISSETTE: This remote public  
2 hearing is called to order this Tuesday, May 25,  
3 2021, at 2 p.m. My name is John Morissette,  
4 member and presiding officer of the Connecticut  
5 Siting Council. Other members of the Council are  
6 Robert Hannon, designee of Commissioner Katie  
7 Dykes, the Department of Energy and Environmental  
8 Protection, Robert Silvestri, Louanne Cooley, and  
9 Daniel P. Lynch, Jr.

10 Members of the staff are Melanie  
11 Bachman, executive director and staff attorney;  
12 Robert Mercier, siting analyst; and Lisa Fontaine,  
13 fiscal administrative officer.

14 As everyone is aware, there is  
15 currently a statewide effort to prevent the spread  
16 of the Coronavirus. This is why the Council is  
17 holding this remote public hearing, and we ask for  
18 your patience. If you haven't done so already, I  
19 ask that everyone please mute their computer audio  
20 and/or telephones now.

21 This hearing is held pursuant to the  
22 provisions of Title 16 of the Connecticut General  
23 Statutes and of the Uniform Administrative  
24 Procedure Act upon an application from Homeland  
25 Towers, LLC and New Cingular Wireless PCS, LLC

1 doing business as AT&T for a Certificate of  
2 Environmental Compatibility and Public Need for  
3 the construction, maintenance, and operation of a  
4 telecommunications facility located at 16 Coote  
5 Hill Road, Sherman, Connecticut. This application  
6 was received by the Council on March 12, 2021.

7 The Council's legal notice of the date  
8 and time of this remote public hearing was  
9 published in the Danbury News-Times on April 15,  
10 2021. Upon the Council's request, the applicants  
11 erected a sign near the intersection of Coote Hill  
12 Road and Route 37 so as to inform the public of  
13 the name of the applicant, the type of facility,  
14 the remote public hearing date, and contact  
15 information for the Council, which included  
16 website and telephone number.

17 As a reminder to all, off-the-record  
18 communication with a member of the Council or a  
19 member of the Council staff upon the merits of  
20 this application is prohibited by law.

21 The parties and intervenors of the  
22 proceeding are as follows: Applicants, Homeland  
23 Towers, LLC, represented by Lucia Chiocchio, and  
24 New Cingular Wireless PCS, LLC d/b/a AT&T,  
25 represented by Christopher B. Fisher, Esq.

1           We will proceed in accordance with the  
2 prepared agenda, a copy of which is available on  
3 the Council's Docket No. 499 webpage, along with  
4 the record of this matter, the public hearing  
5 notice, instructions for public access to this  
6 remote public hearing, and the Council's Citizens  
7 Guide to Siting Council Procedures. Interested  
8 parties may join any session of this public  
9 hearing to listen, but no public comments will be  
10 received during the 2 p.m. evidentiary session.

11           At the end of the evidentiary session,  
12 we will recess until 6:30 p.m. for the public  
13 comment session. Please be advised that any  
14 person may be removed from the remote evidentiary  
15 session or the public comment session at the  
16 discretion of the Council.

17           The 6:30 p.m. public comment session is  
18 reserved for the public to make brief statements  
19 into the record. I wish to note that the  
20 applicants, parties and intervenors, including  
21 their representatives, witnesses and members, are  
22 not allowed to participate in the public comment  
23 session. I also wish to note for those who are  
24 listening and for the benefit of your friends and  
25 neighbors who are unable to join us for this

1 remote public comment session, that you or they  
2 may send written statements to the Council within  
3 30 days of the date hereof either by mail or by  
4 email, and such written statements will be given  
5 the same weight as if spoken during the remote  
6 public comment session.

7 A verbatim transcript of this remote  
8 public hearing will be posted on the Council's  
9 Docket No. 499 webpage and deposited with the  
10 Sherman Town Clerk's Office for the convenience of  
11 the public.

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

15 And please note that we will take a 10  
16 to 15 minute break at a convenient juncture around  
17 3:30 p.m.

18 We do have a motion. A motion on May  
19 18, 2021 was received. Stan Greenbaum submitted a  
20 request for intervenor status. Attorney Bachman  
21 may wish to comment.

22 Attorney Bachman.

23 MS. BACHMAN: Thank you, Mr.  
24 Morissette. As you indicated, Mr. Greenbaum  
25 requested intervenor status on May 18th, and staff

1 recommends approval. Thank you.

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

4 Is there a motion to grant intervenor  
5 status?

6 MR. SILVESTRI: This is Robert  
7 Silvestri, Mr. Morissette. I'll move approval.

8 MR. MORISSETTE: Thank you, Mr.  
9 Silvestri.

10 Is there a second?

11 MS. COOLEY: This is Louanne Cooley. I  
12 will second the motion.

13 MR. MORISSETTE: Thank you, Ms. Cooley.  
14 Is there any discussion?

15 Mr. Silvestri.

16 MR. SILVESTRI: No discussion. Thank  
17 you.

18 MR. MORISSETTE: Thank you. Mr.  
19 Hannon, any discussion?

20 MR. HANNON: Second.

21 MR. MORISSETTE: Any discussion, Mr.  
22 Hannon? Mr. Hannon, any discussion?

23 MR. HANNON: I have no discussion other  
24 than I have a time lag.

25 MR. MORISSETTE: Thank you, Mr. Hannon.

1 We'll take that into account.

2 Mr. Lynch, any discussion? Mr. Lynch,  
3 any discussion?

4 (No response.)

5 MR. MORISSETTE: Ms. Cooley, any  
6 discussion?

7 MS. COOLEY: No, I have no discussion.

8 MR. MORISSETTE: Thank you. I have no  
9 discussion. We'll go back to Mr. Lynch.

10 Mr. Lynch, do you have any discussion?

11 MR. LYNCH: I guess I can't be heard  
12 here so --

13 MR. MORISSETTE: I hear you now.

14 MR. LYNCH: All right. No discussion.

15 MR. MORISSETTE: Thank you, Mr. Lynch.  
16 We have a motion and a second for intervenor  
17 status.

18 Mr. Silvestri, how do you vote?

19 MR. SILVESTRI: Vote to approve. Thank  
20 you.

21 MR. MORISSETTE: Thank you. Mr.  
22 Hannon, how do you vote? Mr. Hannon, how do you  
23 vote?

24 MR. HANNON: Vote to approve.  
25 Hopefully, sometime you'll hear me.



1 MR. MORISSETTE: Thank you, Mr. Hannon.  
2 Mr. Lynch, how do you vote?

3 MR. LYNCH: Vote approval.

4 MR. MORISSETTE: Thank you. Ms.  
5 Cooley, how do you vote?

6 MS. COOLEY: Vote to approve. Thank  
7 you.

8 MR. MORISSETTE: Thank you. And I also  
9 vote to approve. We have a unanimous decision.

10 MR. HANNON: Approve, but there's going  
11 to be a problem today.

12 MR. MORISSETTE: Thank you, Mr. Hannon.  
13 The motion is approved unanimously for intervenor  
14 status.

15 I wish to call your attention to those  
16 items shown on the hearing program ranked as Roman  
17 Numeral 1-C, Items 1 through 79, that the Council  
18 has administratively noticed. Does any party or  
19 intervenor have an objection to the items that the  
20 Council has administratively noticed?

21 Attorney Chiocchio?

22 MS. CHIOCCHIO: No objection. Thank  
23 you.

24 MR. MORISSETTE: Thank you. Mr.  
25 Greenbaum, any objection?

1 MR. GREENBAUM: No objection. Thank  
2 you.

3 MR. MORISSETTE: Thank you.  
4 Accordingly, the Council hereby administratively  
5 notices these items.

6 (Administrative Notice Items I-C-1  
7 through 1-C-79: Received in evidence.)

8 MR. MORISSETTE: We'll move on to the  
9 appearance by the applicant. Will the applicants  
10 present their witness panel for purposes of taking  
11 the oath, and Attorney Bachman will administer the  
12 oath.

13 MS. CHIOCCHIO: Thank you, presiding  
14 officer.

15 MR. MORISSETTE: I'm sorry, you're on  
16 mute, Attorney Chiocchio.

17 MS. CHIOCCHIO: Okay. Can you hear me  
18 now?

19 MR. MORISSETTE: Yes.

20 MS. CHIOCCHIO: We're getting some  
21 feedback and we're just trying to -- thank you. I  
22 think we've resolved the feedback issue. I'll  
23 start again for the record.

24 MR. MORISSETTE: Very good.

25 MS. CHIOCCHIO: For the record, I'm

1 Lucia Chiocchio with Cuddy & Feder, I'm joined by  
2 my colleague, Kristin Motel, and we represent the  
3 applicants. The applicants' witnesses today  
4 include Raymond Vergati, regional manager,  
5 Homeland Towers; Harry Carey, external affairs  
6 with AT&T; Robert Burns, professional engineer,  
7 project manager with All Points Technology  
8 Corporation; Michael Libertine, LEP, director of  
9 siting and permitting, All Points Technology  
10 Corporation; Dean Gustafson, professional soil  
11 scientist and senior wetlands scientist, All  
12 Points Technology Corporation; Brian Gaudet,  
13 project manager, All Points Technology  
14 Corporation; Martin Lavin, radio frequency  
15 engineer, C Squared Systems, on behalf of AT&T;  
16 and Dan Stebbins with AT&T FirstNet.

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

19 Attorney Bachman, please administer the  
20 oath.

21 MS. BACHMAN: Thank you, gentlemen.  
22 Could you please raise your right hand.

1 R A Y M O N D V E R G A T I,  
2 H A R R Y C A R E Y,  
3 R O B E R T B U R N S,  
4 M I C H A E L L I B E R T I N E,  
5 D E A N G U S T A F S O N,  
6 B R I A N G A U D E T,  
7 M A R T I N L A V I N,  
8 D A N S T E B B I N S,

9 called as witnesses, being first duly sworn  
10 (remotely) by Ms. Bachman, were examined and  
11 testified on their oath as follows:

12 MS. BACHMAN: Thank you.

13 MR. MORISSETTE: Thank you, Attorney  
14 Bachman.

15 Attorney Chiocchio, could you please  
16 begin by verifying all the exhibits by the  
17 appropriate sworn witnesses?

18 MS. CHIOCCHIO: Thank you.

19 DIRECT EXAMINATION

20 MS. CHIOCCHIO: The exhibits for the  
21 applicants are listed in the hearing program under  
22 Roman Numeral II-B, Items 1 through 6. I'll ask  
23 each of my witnesses a series of questions  
24 regarding those exhibits and ask that each  
25 identify themselves and answer each question

1 individually. Did you prepare or assist in the  
2 preparation of the items identified as exhibits?

3 THE WITNESS (Vergati): I did. Ray  
4 Vergati, Homeland Towers.

5 THE WITNESS (Gaudet): Brian Gaudet.  
6 Yes.

7 THE WITNESS (Burns): Robert Burns.  
8 Yes.

9 THE WITNESS (Lavin): Martin Lavin.  
10 Yes.

11 THE WITNESS (Gustafson): Dean  
12 Gustafson. Yes.

13 THE WITNESS (Libertine): Mike  
14 Libertine. Yes.

15 THE WITNESS (Carey): Harry Carey.  
16 Yes.

17 THE WITNESS (Stebbins): Dan Stebbins.  
18 Yes.

19 MS. CHIOCCHIO: Do you have any updates  
20 or corrections to the information contained within  
21 those exhibits?

22 THE WITNESS (Vergati): Ray Vergati.  
23 The only update is Interrogatory Question 20  
24 regarding the town running an analysis for placing  
25 antennas at the top of the tower. I did speak

1 yesterday with the town's consultant, Ralph  
2 Mondello, and he confirmed that the microwave link  
3 to the doner site at East Mountain in Wingdale,  
4 New York looks like it can be completed; and if it  
5 can't, they can go up on that tower.

6 MS. CHIOCCHIO: Thank you.

7 THE WITNESS (Gaudet): Brian Gaudet.

8 No corrections.

9 THE WITNESS (Burns): Robert Burns. No  
10 corrections.

11 THE WITNESS (Lavin): Martin Lavin. No  
12 corrections.

13 THE WITNESS (Gustafson): Dean  
14 Gustafson. No corrections.

15 THE WITNESS (Libertine): Mike  
16 Libertine. No corrections.

17 THE WITNESS (Carey): Harry Carey. No  
18 corrections.

19 THE WITNESS (Stebbins): Dan Stebbins.  
20 No corrections.

21 MS. CHIOCCHIO: Is the information  
22 contained in those exhibits true and accurate to  
23 the best of your belief?

24 THE WITNESS (Vergati): Ray Vergati.  
25 Yes.

1 THE WITNESS (Gaudet): Brian Gaudet.

2 Yes.

3 THE WITNESS (Burns): Robert Burns.

4 Yes.

5 THE WITNESS (Lavin): Martin Lavin.

6 Yes.

7 THE WITNESS (Gustafson): Dean

8 Gustafson. Yes.

9 THE WITNESS (Libertine): Mike

10 Libertine. Yes.

11 THE WITNESS (Carey): Harry Carey.

12 Yes.

13 THE WITNESS (Stebbins): Dan Stebbins.

14 Yes.

15 MS. CHIOCCHIO: And do you adopt these  
16 exhibits as your testimony in this proceeding?

17 THE WITNESS (Vergati): Ray Vergati.

18 Yes.

19 THE WITNESS (Gaudet): Brain Gaudet.

20 Yes.

21 THE WITNESS (Burns): Robert Burns.

22 Yes.

23 THE WITNESS (Lavin): Martin Lavin.

24 Yes.

25 THE WITNESS (Gustafson): Dean

1 Gustafson. Yes.

2 THE WITNESS (Libertine): Mike  
3 Libertine. Yes.

4 THE WITNESS (Carey): Harry Carey.  
5 Yes.

6 THE WITNESS (Stebbins): Dan Stebbins.  
7 Yes.

8 MS. CHIOCCHIO: Thank you. We ask that  
9 the Council accept the applicants' exhibits.

10 MR. MORISSETTE: Thank you, Attorney  
11 Chiocchio.

12 Does any party or intervenor object to  
13 the admission of the applicants' exhibits?

14 Mr. Greenbaum.

15 MR. GREENBAUM: I was not able to  
16 understand Mr. Vergati's reply regarding Item  
17 Number 20 on the interrogatory.

18 MR. MORISSETTE: Thank you. Mr.  
19 Vergati, could you please restate your correction  
20 for Interrogatory Number 20?

21 THE WITNESS (Vergati): Sure. I had  
22 the opportunity -- the question basically asked  
23 about the town running any analysis for replacing  
24 antennas at the top of the tower. And they did  
25 run an analysis. They do need the top of the



1 tower for the whip antennas. But they did  
2 complete their microwave link analysis to the  
3 other site where they'd be shooting the microwave,  
4 which is in Wingdale, New York, and they confirmed  
5 to me that it looks like the microwave path from  
6 Coote Hill Road to Wingdale, New York would work.  
7 And if it didn't, they have the opportunity to go  
8 up higher on the Wingdale tower. They're  
9 currently located at an elevation at 70 feet, and  
10 they could go higher. So it will work for the  
11 town's public safety having a microwave dish at  
12 the top of the tower.

13 MR. GREENBAUM: Thank you.

14 MR. MORISSETTE: Thank you, Mr.

15 Vergati.

16 Mr. Greenbaum, do you object to the  
17 admission of any of the applicants' exhibits?

18 MR. GREENBAUM: No, I do not.

19 MR. MORISSETTE: Thank you. The  
20 exhibits are hereby admitted.

21 (Applicants' Exhibits II-B-1 through  
22 II-B-6: Received in evidence - described in  
23 index.)

24 THE COURT REPORTER: Excuse me, this is  
25 the court reporter. Why can't I see the

1 witnesses? Why can't I see the witnesses on the  
2 screen? The camera is turned away from them.

3 MR. MORISSETTE: I would ask the  
4 witnesses to please relocate your camera so we can  
5 see who's talking. And please announce who you  
6 are before you answer questions.

7 THE COURT REPORTER: I appreciate that.  
8 Thank you.

9 MR. MORISSETTE: Thank you.

10 MS. CHIOCCHIO: When the individual  
11 witness answers, they'll be in the camera view,  
12 and they'll identify themselves before responding  
13 to a question.

14 MR. MORISSETTE: Very good. Let's  
15 continue. We will now begin the cross-examination  
16 of the applicant by the Council starting with Mr.  
17 Mercier.

18 Mr. Mercier.

19 CROSS-EXAMINATION

20 MR. MERCIER: Thank you. I'm going to  
21 start off asking questions about the proposed  
22 access to the site, and essentially I'll be  
23 referring mostly to site plan SP-4 in application  
24 attachment 4. And if you're using the Council's  
25 weblink, that's PDF page number 74. Of course, my

1 screen went blank, so give me a second.

2 Okay. I'll start off just asking  
3 regarding Coote Hill Road that extends from the  
4 state highway. Does Homeland have an easement or  
5 access agreement for use of Coote Hill Road to get  
6 to the property at 16 Coote Hill Road?

7 THE WITNESS (Vergati): Ray Vergati,  
8 regional manager, Homeland Towers. Yes, we did a  
9 letter agreement with Mr. Jones back in June of  
10 2020 in regards to primarily the stone pillars  
11 that are on the entrance of Coote Hill leading out  
12 onto Route 37 south. The pillars were very  
13 narrow. And we had talked with Mr. Jones that  
14 during construction it would make sense if we  
15 could separate the pillars, and he agreed to that.

16 We did not need an agreement. We  
17 looked at the deed. We have rights like anybody  
18 else even though it is a private road. We looked  
19 at the deed. There's no restrictions that would  
20 not allow us or any of our tenants to use the road  
21 both for ingress and egress. And the letter with  
22 Mr. Jones is more or less to compensate him for  
23 our use and basically separating those stone  
24 pillars. Since that time, one of the stone  
25 pillars has been taken out by a moving truck and

1 no longer exists to give you an idea how narrow it  
2 was. But to answer your question, yes, we did a  
3 letter agreement with Mr. Jones.

4 MR. MERCIER: Thank you. Now,  
5 referring to the site plan, I just have some  
6 general questions regarding the road. The site  
7 plan states that the road will be 12 feet wide.  
8 Is that only the travel surface?

9 THE WITNESS (Burns): For the record,  
10 Robert Burns from All Points Technologies. The  
11 travel surface is 12 feet wide, but then it slopes  
12 down after that. So the answer is yes.

13 MR. MERCIER: During construction what  
14 is like the typical width you might need to  
15 accommodate your construction equipment such as  
16 ROW construction corridor, would it be 15 feet  
17 wide, 20 feet wide to install this -- go ahead.

18 THE WITNESS (Burns): I'm sorry. The  
19 access drive is designed to be able to handle the  
20 construction equipment, so 12 feet should be fine.

21 MR. MERCIER: Right. I guess I'm  
22 asking how much room do you need on either side of  
23 the 12 feet to construct the road and drainage  
24 features, do you need to go out to 20 feet, like a  
25 20 foot corridor through the woods, or 15 feet?

1 I'm just trying to get a sense of how much space  
2 you actually need to construct the road.

3 THE WITNESS (Burns): The road itself  
4 can be construct -- it is a difficult question to  
5 answer because there's sections of the road where  
6 we're almost at grade, there's sections of the  
7 road where we're filling, and we're also adding  
8 the culvert. So I'm not sure if this is going to  
9 answer your question, but we will need the area  
10 within the limits of disturbance to construct the  
11 road.

12 MR. MERCIER: Okay, fair enough. I  
13 noticed in the field review photographs that were  
14 submitted as part of the interrogatories there  
15 looked to be maybe a woods road or some type of  
16 logging road or ATV road following the route of  
17 the proposed access road or adjacent to it. Is  
18 that the case, there's some type of existing road  
19 that almost goes to the compound area?

20 THE WITNESS (Burns): There is an  
21 existing, I don't know if I'd call it a logging  
22 road. In some cases it's a path. But yes,  
23 there's an existing road through the woods, a path  
24 or a logging road through the woods.

25 MR. MERCIER: Now, was the intent just

1 to follow that path, was it advantageous to follow  
2 that or not?

3 THE WITNESS (Burns): In some cases,  
4 yes. Some of this depended on the number of trees  
5 that were in the area because, you know, a logging  
6 path may not have the same radiuses on the turns.  
7 The turns have to be designed for vehicles. So  
8 the road was laid out per the landlord's request  
9 as well as the wetlands and trying to maintain  
10 that logging path as much as possible without  
11 impacting many of the mature trees that are out  
12 there.

13 MR. MERCIER: Thank you. I'm trying to  
14 get a sense of how you're going to construct the  
15 road from its beginning along the driveway. Is  
16 the intent to go through and clear and grub the  
17 entire road initially, or are you going to do it  
18 in phases such as the first phase will go to the  
19 first wetland crossing and then you finish the  
20 road there and then move up the hill, what's the  
21 sequence you propose?

22 THE WITNESS (Burns): I think working  
23 with the contractor to see how much he can get  
24 done in a day. We certainly wouldn't want to  
25 clear more than he could stabilize within a

1 standard period of time. My gut says we'd  
2 probably do up until the first, first or second  
3 culvert, which isn't necessarily a crossing, and  
4 then move beyond that. But I do think he'll be  
5 able to construct this fairly quickly. So his  
6 loggers or his tree people will probably be out  
7 ahead of him, and then he'll come in with his  
8 construction equipment afterward. So it will be  
9 done in phases. I think during the D&M plan we  
10 can better outline sort of a phased construction  
11 and a construction sequence, but I would say  
12 that's probably the best way I could explain how  
13 to do that.

14 MR. MERCIER: Okay. What types of  
15 construction vehicles would be required at the  
16 site, you know, that includes excavators, maybe a  
17 crane for the tower? I'm just trying to get a  
18 sense of what types of vehicles.

19 THE WITNESS (Burns): Yeah. So as far  
20 as the tower, I mean, we're definitely going to  
21 need a crane. They'll probably have a bulldozer  
22 out there, a small excavator, mainly because those  
23 culverts aren't extraordinarily deep, as well as a  
24 backhoe and a front-end loader. And then  
25 obviously, you know, once we're pouring concrete,

1 we'll need concrete vehicles up there. It is just  
2 a 12 foot gravel road, so it's not like we're  
3 going to need major highway equipment up there.

4 MR. MERCIER: Understood. Just for the  
5 crane or maybe the concrete truck, I assume you  
6 need to have a stable gravel road in place for  
7 that equipment to get up there; is that correct?

8 THE WITNESS (Burns): Yeah, the gravel  
9 road will be built before the compound, for sure.

10 MR. MERCIER: I was looking at the  
11 route of the roadway on the plan here. It does,  
12 you know, the trees are marked with little Xs, and  
13 there's obviously some trees adjacent to the road  
14 that are not being cleared in pretty close  
15 proximity. What's your sense of potential root  
16 damage to some of these adjacent trees that could  
17 kill them through, you know, by trenching for the  
18 drainage system or the electrical system  
19 connection, that is?

20 THE WITNESS (Burns): Well, I think the  
21 electrical, we've tried to maneuver on a side  
22 where it doesn't impact as many trees. I think  
23 we've done a pretty good job identifying which  
24 trees will definitely need to be removed. The  
25 other ones, a plan will be put in place on



1 protection of those trees, anything close, but I  
2 do think he can build this without having to  
3 remove more trees than are on this plan, that are  
4 shown being removed on this plan.

5 MR. MERCIER: Right. Just in your  
6 experience, you think some root damage will maybe  
7 kill some other trees or --

8 THE WITNESS (Burns): You know, it's  
9 difficult to say, Bob. I think that, you know,  
10 some of this is, some of these areas are actually  
11 in fill, so we won't be excavating near the roots.  
12 I do think there may be some root damage, but the  
13 hope is that it's -- not the hope, the plan is  
14 that it's the outer edges of the roots so it won't  
15 impact the integrity of the tree.

16 MR. MERCIER: Okay. Thank you. Now,  
17 where the access road starts coming off the  
18 existing paved driveway it looks like a sharp  
19 90-degree turn. Is that turn adequate, as  
20 designed, for all the construction equipment you  
21 plan to use at this site?

22 THE WITNESS (Burns): Yeah. So I think  
23 that there's a radius in there. It will be a 90,  
24 but the radius making that left turn coming up the  
25 driveway will be larger than a normal radius, so

1 long story short, the answer to that is yes it  
2 should be sufficient.

3 MR. MERCIER: Okay. Then we're  
4 starting to go uphill here. There's a small ledge  
5 that's shown. I believe you said you intend to  
6 chip that. That's in the first section there. Is  
7 that a long duration project, just chipping some  
8 ledge to accommodate the road, or would even  
9 blasting be better or required?

10 THE WITNESS (Burns): The objective is  
11 to do all the construction without any blasting at  
12 all. Until he gets in there, he, being the  
13 contractor, and looks at what the rock actually  
14 consists of, he will be better able to tell how  
15 long the chipping process will take place, but I  
16 think this site can be constructed without  
17 blasting. But until a geotechnical investigation  
18 is done, I can't be a hundred percent certain that  
19 that's the case, but the objective here is to do  
20 this without blasting.

21 MR. MERCIER: Okay. Now the road turns  
22 to the east and starts heading uphill, and there's  
23 an embankment there adjacent to the wetlands. The  
24 embankment, is that electric -- excuse me --  
25 erosion control blanket on the embankment?

1                   THE WITNESS (Burns): The erosion  
2 control blanket will be on any slopes greater than  
3 3 to 1. We've tried to grade these out to be 3 to  
4 1 or greater, but there are portions of this at 2  
5 to 1 which we will have to put a blanket on. The  
6 area adjacent to the wetlands we tried to stay as  
7 close as we could to existing grade so there will  
8 be very little grading on that side. I do realize  
9 there's a couple areas here where we will have to  
10 grade. Most of the grading that's taking place is  
11 on the south side of the driveway. But if it is  
12 steeper than 3 to 1, we will be putting down an  
13 erosion control blanket.

14                   MR. MERCIER: Now, is the blanket a  
15 permanent feature, or do you remove that and use  
16 other stabilization measures after construction is  
17 completed?

18                   THE WITNESS (Burns): It's a permanent  
19 feature that they seed and then eventually it  
20 disintegrates. In addition, the project will have  
21 the compost filter socks on them, which  
22 essentially acts like a silt fence does. We just  
23 think it's a better product closer to wetlands.  
24 And so they'll have that as well to protect the  
25 wetlands.

1 MR. MERCIER: Okay. Now the road  
2 reaches the first wetland crossing, which you have  
3 one pipe there. Is there actually water flowing  
4 in there, or is that just like a wetland soil only  
5 type of situation?

6 THE WITNESS (Burns): If I'm not  
7 mistaken, and I can have Dean come up and maybe  
8 answer that, but I believe it's an intermittent  
9 watercourse. And if there is water there, it  
10 doesn't really flow, but I think it's seasonal, if  
11 I'm not mistaken. I can have Dean come up and  
12 confirm that.

13 THE WITNESS (Gustafson): Thank you,  
14 Bob. Dean Gustafson, All Points Technology.  
15 Actually, both stream crossings are intermittent  
16 streams with very little bordering vegetated  
17 wetlands. And both features are highly seasonal.  
18 You'll see a little bit of flows during the early  
19 spring period, but it will be dry for extended  
20 periods of time starting now through the rest of  
21 the summer.

22 MR. MERCIER: Okay, yes, I was looking  
23 at the field review photographs and I didn't  
24 really see anything there. That makes sense.  
25 Thank you.

1                   THE WITNESS (Gustafson): You're  
2 welcome.

3                   MR. MERCIER: Now, when you go to  
4 install a wetland crossing, will there be a  
5 temporary mat or something there first, or are you  
6 going to just install it from the west side and  
7 then work your way across the culvert and continue  
8 construction up the hill? I'm just kind of  
9 curious how you do the crossing without mucking  
10 things up too much.

11                  THE WITNESS (Burns): So I think, you  
12 know, obviously the contractor will be responsible  
13 for means and methods, but the best way for him to  
14 do this is progress from west to east and put down  
15 whatever matting is applicable or he deems  
16 applicable without, you know, rutting up the  
17 entire area. A pre-construction meeting will  
18 happen beforehand with him understanding that no  
19 areas outside the limit of disturbance shall be  
20 disturbed during construction for any reason.

21                  MR. MERCIER: Just a little bit to the  
22 left of the west of the crossing there's a  
23 notation for a stone wall. Are you taking out a  
24 lot of stone wall; and if you do, are you going to  
25 repurpose it on the site or are you going to

1 dispose of it somewhere?

2 THE WITNESS (Burns): So I believe  
3 there is -- not I believe. There is a stone wall  
4 there. The stone wall will be removed within the  
5 two limits of disturbance and can be repurposed on  
6 site or removed depending on, you know, if the  
7 landlord wants them to rebuild a portion of the  
8 wall or not. So either way, depending on, you  
9 know, I guess what the landlord or the property  
10 owner would desire.

11 MR. MERCIER: Thank you. Just going  
12 back to that embankment near the stone wall,  
13 there's a bunch of trees shown right at the edge  
14 of the embankment. What are your thoughts about,  
15 you're going to excavate that area, that hillside,  
16 and you might dig into some more roots there and  
17 potentially undermine those trees, and maybe a  
18 wind storm, you know, the ground is no longer  
19 stable there. Do you think that's a problem given  
20 the amount of trees right at the top of that  
21 embankment?

22 THE WITNESS (Burns): I think the short  
23 answer is it could be, but I don't think that  
24 we'll be digging into the roots enough to impact  
25 that. You know, the slope will be stabilized, the

1 trees will be protected, and I don't think that --  
2 and, in addition, it's not that large of a  
3 embankment there that I think that it can be done  
4 in such a way, you know, as long as they're  
5 protected during construction that it will be  
6 okay.

7 MR. MERCIER: Okay. I believe you said  
8 you're using silt socks which I saw noted on the  
9 plan here. Now, going up the road where the  
10 compound is after the second crossing, you know, I  
11 kind of see the silt fence, I guess, on the lower  
12 limit of disturbance. I believe that's it. It  
13 just looks like it's running parallel to the  
14 slope. Is there any concern that the water is  
15 just going to channelize along that fence and just  
16 kind of flow down into the wetland; and if so,  
17 what kind of measures can you put that are  
18 intermediary to prevent that?

19 THE WITNESS (Burns): So the compost  
20 filter socks, the idea is that water will flow  
21 through them and will withhold the sediment. In  
22 addition, if the slope is great enough where, for  
23 example, adjacent to the compound they can put  
24 more than one row up, so that if for any reason  
25 the water on that slope gets through the first,

1 the second one will pick up the water and the  
2 sediment. And they'll probably be spaced, I'm  
3 thinking, you know, 8 to 10 feet in between them.  
4 So they won't be stacked together. There will be  
5 a space in between.

6 MR. MERCIER: Right. How about in the  
7 area of the wetland crossing, you know, you're  
8 going uphill and the silt fence will be parallel  
9 to the road, so won't the water just run down the  
10 edge of the silt fence into the wetland?

11 THE WITNESS (Burns): Well, the other  
12 thing they do when they install those is they can  
13 put in J-hooks, in other words, take the filter  
14 sock and kind of curve it around so that it will  
15 not channel it. And you kind of have one that  
16 comes off at an angle and then you start another  
17 one right behind it so that a series of those  
18 wouldn't allow sort of a channel of any  
19 significance to run down the side of that sock.  
20 It would be the same if we were putting in a silt  
21 fence, it acts the same.

22 MR. MERCIER: Right. During  
23 construction who is responsible for inspecting the  
24 erosion control barriers and other things at the  
25 site on a daily basis and a weekly basis?



1 THE WITNESS (Burns): I know that there  
2 will be a statement of special inspections for  
3 certain things that will get built, the concrete,  
4 the tower stacking, the steel, that sort of thing.  
5 The maintenance schedule can include a stormwater  
6 inspection. As a matter of fact, sort of standard  
7 procedure is after a significant rainfall those  
8 stormwater appliances need to be inspected and  
9 repaired, as needed, by the contractor.

10 MR. MERCIER: Okay.

11 THE WITNESS (Burns): It certainly can  
12 be written in that the stormwater can be, or the  
13 sediment control devices can be inspected in a  
14 periodic way by a third-party inspector.

15 MR. MERCIER: Okay. Thank you. Okay.  
16 Once the site is constructed and operational, I'm  
17 just trying to get a sense of stormwater drainage  
18 at that time. So looking at the compound area, I  
19 see a swale to the north/northeast, then it kind  
20 of runs along the east side of the road down to  
21 the wetland crossing. Is the road going to be  
22 pitched to the swale in the compound?

23 THE WITNESS (Burns): Yeah, the road is  
24 not built with a crown. The road is pitched to  
25 the swale. It runs within the grass swale.

1 Within the grass swale approximately every 100  
2 feet is a stone check dam which will not only slow  
3 down the stormwater but will allow the sediment to  
4 be -- prevent it from going further to the point  
5 where it eventually gets to the wetlands where  
6 there will be a riprap apron which will flow into  
7 the wetland area.

8 MR. MERCIER: Okay. Moving downhill to  
9 the first wetland crossing coming up, the single  
10 culvert, the area to the east, it's that isolated  
11 island, I guess they call it, between the two  
12 wetlands, if water is flowing downhill, is there  
13 any type -- I don't see any feature there that's  
14 stopping it or collecting it before it hits the  
15 wetland. Is there a feature there I just can't  
16 see?

17 THE WITNESS (Burns): So right now the  
18 topography runs from south to north, so it  
19 actually runs, in that area, runs across our  
20 driveway. There will be the compost socks. And  
21 for the most part, we're at grade in that area.  
22 There will be a line of the compost filter socks  
23 on the downhill side of the north side of the  
24 compound.

25 MR. MERCIER: I'm talking after

1 construction is completed once you remove those.

2 THE WITNESS (Burns): Well, once --

3 MR. MERCIER: The water --

4 THE WITNESS (Burns): I'm sorry.

5 MR. MERCIER: I'm sorry. Will the  
6 water, it's just designed to run off the road --

7 THE WITNESS (Burns): Yes.

8 MR. MERCIER: -- as overland flow to  
9 the wetland?

10 THE WITNESS (Burns): That's correct,  
11 yes.

12 MR. MERCIER: How about the area to the  
13 west of the crossing, it looks like there's two  
14 small basins, I guess I'll call them, I'm not  
15 really sure. Can you just describe what you're  
16 trying to do here with the drainage features to  
17 control flow because I don't really see a lot of  
18 slope there either.

19 THE WITNESS (Burns): To the west of  
20 the second crossing?

21 MR. MERCIER: The one with the single  
22 culvert.

23 THE WITNESS (Burns): Okay. So the  
24 idea is we're putting in a grass-lined swale on  
25 the southern side of the road there. The road

1 will be pitched to that swale. Those will also  
2 have stone check dams. They'll run to two very  
3 small culverts, they're 12-inch culverts, and flow  
4 across and then eventually overlay and make it to  
5 the wetlands there.

6 MR. MERCIER: What's the purpose of the  
7 two little basins if the pitch is not that much?

8 THE WITNESS (Burns): Well, I think the  
9 grading is a bit deceiving here. There are no  
10 basins here. First of all, there's no catch  
11 basins, and they're not detention basins either.  
12 They're graded. The swale comes to a low point.  
13 At that point the culvert picks them up and they  
14 cross the road and then overland to the wetlands.

15 MR. MERCIER: Okay. Yeah, the size  
16 looks deceiving on the screen at times.

17 THE WITNESS (Burns): Yeah, I think  
18 that the scale on this is a little tough to read  
19 too. I'll be honest.

20 MR. MERCIER: Once the site is  
21 completed, what's the access road maintenance  
22 inspection protocol, how often are you going out  
23 there to inspect the check dams and the culverts  
24 and things of that nature?

25 THE WITNESS (Burns): I don't know if

1 there's a maintenance plan in place yet.

2 Certainly there can be. I would say on a  
3 quarterly, you know, basis that the road can be  
4 inspected and the, you know, the check dams can be  
5 inspected to make sure they're still in decent  
6 shape and that the grass has definitely taken  
7 hold, the turf has been established within the  
8 swales.

9 MR. MERCIER: I'm just trying to get a  
10 sense, you know, for your other sites what's your  
11 usual interval, you know, is that going to be  
12 applied here.

13 THE WITNESS (Burns): I would say yes.  
14 I mean, I'm speaking for Homeland now, but they do  
15 do periodic inspection on their sites. And being  
16 that this is one that will have some design  
17 features to it, you know, the swale and the stone  
18 check dams, this is definitely one they would  
19 inspect on a regular basis.

20 MR. MERCIER: For the access road  
21 itself, do you know what the slope is at the  
22 steepest section, I guess I'd call it?

23 THE WITNESS (Burns): Yeah, the  
24 steepest section on here is right around 9  
25 percent. I don't have a profile in front of me,

1 but I do know it's in the neighborhood of 9  
2 percent.

3 MR. MERCIER: Would that be up near the  
4 compound?

5 THE WITNESS (Burns): Yes, I believe  
6 so.

7 MR. MERCIER: Okay. Let's see. On the  
8 May 18th supplemental filing on page 3, it just  
9 stated there would be one visit per month to the  
10 site. I wasn't sure. That was part of my  
11 previous question. Was that for Homeland Towers  
12 itself or is that for AT&T?

13 THE WITNESS (Burns): I think that's  
14 for the carriers, the operation people, to make  
15 sure that their facilities are running, the radio  
16 equipment works, et cetera, et cetera. That's for  
17 the individual carriers.

18 MR. MERCIER: Okay. Would you know, if  
19 they're doing tenant changeouts, does another  
20 crane have to be brought to the site or like a  
21 boom truck or something?

22 THE WITNESS (Burns): If another  
23 carrier comes to the site?

24 MR. MERCIER: No. Meaning if AT&T came  
25 and wanted to, you know, they're on this tower,

1 they're proposed to be on this tower, if they want  
2 to do a changeout two years from now, what type of  
3 equipment would they need to do that, is it  
4 another crane I guess I'm asking?

5 THE WITNESS (Burns): Well, I suppose  
6 it depends on what they'll be changing out, if  
7 it's something they can climb the tower and do it  
8 that way, they won't need a crane. I think they  
9 would probably try to do this without providing a  
10 crane on site to do any kind of changeout. If  
11 another carrier comes on site and wants to put up  
12 antennas, that would be a different story, but if  
13 we're just changing out radio heads or squid  
14 boxes, which are small, they could probably do  
15 that by climbing the tower.

16 MR. MERCIER: If there was another  
17 carrier, then what type of equipment do you think  
18 they'd need?

19 THE WITNESS (Burns): If another  
20 carrier came to the site, obviously you'd need  
21 concrete trucks to pour any type of slabs they  
22 would put up there, and you would probably need a  
23 crane to put up their antennas.

24 MR. MERCIER: Thank you. I have a few  
25 questions regarding the DEEP Natural Diversity

1 Data Base letter that was in application,  
2 attachment 10, and I think the letter was dated  
3 October 6, 2020. One of the species listed in the  
4 letter was the box turtle. And I'm just curious,  
5 is the site suitable habitat for the box turtle?

6 THE WITNESS (Gustafson): Yeah, it  
7 contains enough habitat qualities that box turtle  
8 could be encountered on the site. They could be  
9 migrating from other adjacent habitats. And the  
10 box turtle during the summer period will look for  
11 wetland systems to aestivate in, and certainly the  
12 site wetlands provide suitable habitat, a  
13 summering habitat. So there is the potential that  
14 box turtle could be encountered during  
15 construction.

16 And the recommendations that are  
17 contained within the referenced DEEP letter are  
18 consistent with what we've employed on numerous  
19 other projects, including projects that have been  
20 previously approved by the Council, which  
21 generally consist of setting up isolation  
22 barriers, as needed, to cordon off the  
23 construction area from possible migrating turtles,  
24 making the contractor aware of the potential  
25 presence of the box turtle, what they look like,



1 what to do if you encounter them, and then  
2 periodic monitoring during construction to make  
3 sure those protective measures are being adhered  
4 to by the contractor.

5 MR. MERCIER: Yes. That's correct.  
6 One of the things they did mention was use of a  
7 qualified herpetologist, which for other projects  
8 I've been involved with they use an environmental  
9 monitor in their recommendation. I wasn't sure if  
10 they explained to you why they wanted a qualified  
11 herpetologist, or are these two terms the same, a  
12 monitor and a herpetologist?

13 THE WITNESS (Gustafson): So that tends  
14 to be typical language that comes with these NDDB  
15 letters. And it is just kind of a precaution that  
16 whoever is doing the monitoring on site is fully  
17 aware of the type of herpetofauna that are located  
18 or potentially located on the site and have the  
19 proper experience to ensure that those protective  
20 measures are implemented properly.

21 You know, I'm a wetland biologist,  
22 professional soil scientist. I'm not a certified  
23 herpetologist, but I have been working with rare  
24 species for over 30 years throughout Connecticut  
25 and have implemented these plans on probably

1 hundreds of projects across the state coordinated  
2 with the NDDB. So even though they reference a  
3 qualified herpetologist, I think I have the  
4 credentials to make sure that the plan gets  
5 properly implemented for this project.

6 MR. MERCIER: Yes. Thank you. One of  
7 the other species was the hognose snake. I'm just  
8 curious if you believe this site has habitat for  
9 that species.

10 THE WITNESS (Gustafson): So as you're  
11 aware reading through the docket on this project  
12 and the various surveys that were accomplished,  
13 particularly the slimy salamander, I talked with  
14 Dennis Quinn who performed the slimy salamander  
15 surveys, and the site does have some -- or really  
16 the surrounding area does have some potential for  
17 hognose snake. Typically, they prefer gravelly or  
18 sandier soils, so the site really doesn't contain  
19 the soil qualifications for that species, but it  
20 has been documented in the vicinity of the  
21 project. So DEEP tends to be conservative. And  
22 just on the outside chance that we may encounter  
23 the species, they want to just bring it to our  
24 attention. So I think there's a fairly low  
25 probability that we'll encounter hognose on this

1 site, but we will still probably implement the  
2 protection measures and BMPs as noted in the NDDB  
3 letter.

4 MR. MERCIER: Thank you. I had a  
5 question regarding that slimy salamander analysis.  
6 I think in an interrogatory response, one of the  
7 responses, there was an attachment 11 to the  
8 response, it kind of showed the 300 foot buffers  
9 and the 600 foot buffers from some location off  
10 the map. One thing I noticed on the map, I'm not  
11 sure if you're familiar with it, there was a  
12 orangy yellow box, it looks like, around a  
13 residence. I wasn't sure what that was supposed  
14 to denote, if you know that.

15 THE WITNESS (Gustafson): Can you  
16 describe that again? The inset? Are you talking  
17 about like the bottom right-hand corner of the  
18 figure?

19 MR. MERCIER: Yeah. So it looks like  
20 there's a gray area that's a house, and then  
21 there's just basically an orange box around the  
22 house.

23 THE WITNESS (Gustafson): Yes. Thank  
24 you for that clarification. The area that's  
25 grayed out is associated with a residential

1 development in that location of the project  
2 vicinity. The light orange or yellow shading  
3 surrounding that is in an area that is considered  
4 an impact from that development, so it's  
5 essentially perforated the forest to that  
6 location, and that's generally the 300 foot  
7 perforation buffer around that development, that  
8 existing development.

9 MR. MERCIER: Okay. So not only is  
10 there a buffer around the critical area, which I  
11 see, there's also basically you're saying this  
12 area around the house is also less optimal for the  
13 slimy salamander?

14 THE WITNESS (Gustafson): Yes. So with  
15 the, as you're familiar with the core forest  
16 analysis, surrounding any type of perforation or  
17 development there is a 300 foot essentially impact  
18 buffer associated with that, and that's what's  
19 reflected there is that that forest surrounding  
20 that residential building has been compromised to  
21 a certain degree. And with respect to the  
22 sensitivity of the slimy salamander, which  
23 requires these kind of larger core forested moist  
24 habitats for their survival, we just wanted to  
25 make sure -- we analyzed essentially the entire

1 project vicinity to show areas where it's already  
2 been compromised.

3 MR. MERCIER: Okay. I was confusing  
4 the two 300 foot buffers. I see what you're  
5 saying.

6 So looking at this map, so I suppose to  
7 the right of the house, you know, the circle, the  
8 two buffer lines to your site, and to butt out  
9 against, that means there's another area of  
10 critical habitat probably not shown on this  
11 figure.

12 THE WITNESS (Gustafson): Correct,  
13 yeah. And actually, the core habitat for slimy  
14 salamander is located kind of the center bottom of  
15 this figure, and that's represented by kind of the  
16 crosshatching. It's identified in the legend as  
17 Zone 1 as core habitat, and you can see that  
18 crosshatching just to the left or to the west of  
19 that residential house that you were referencing.

20 MR. MERCIER: Correct. I'm also  
21 assuming there's one off to the right which you  
22 can't see; is that correct?

23 THE WITNESS (Gustafson): Correct.

24 MR. MERCIER: Is it possible to get a  
25 copy of that study?

1 THE WITNESS (Gustafson): Yes. I don't  
2 see any reason why we -- you know, we've released  
3 it to Natural Diversity Data Base. I will just  
4 need to confirm with the author, Dennis Quinn,  
5 because it potentially contains some sensitive  
6 habitat information regarding the slimy  
7 salamander. It's a protected species, so we may  
8 have to -- I can work with Lucia on the proper  
9 means to provide it to the Council, but it may not  
10 be able to be disseminated to the general public  
11 without some redactions.

12 MR. MERCIER: Okay. Understood.

13 THE WITNESS (Gustafson): We're just  
14 concerned about releasing information that, you  
15 know, that unsavory folks may use for poaching the  
16 species or impacting it.

17 MR. MERCIER: Understood. Thank you.

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

20 MR. MERCIER: Now, looking at this  
21 slimy salamander map, you know, I'm looking at the  
22 site and how it crosses the two wetlands, and it  
23 goes to the southwest. I guess this is another  
24 question for maybe Ray or somebody. Why was that  
25 location chosen rather than just going straight up

1 from the second wetland crossing and stopping at  
2 the similar elevation there instead of hooking it  
3 all around to the south of the wetland? Does that  
4 make sense? I was wondering if you could move the  
5 site to basically the northeast rather than  
6 southwest once you cross the wetland.

7 THE WITNESS (Vergati): Ray Vergati,  
8 Homeland Towers. We had looked at some locations  
9 when we ran into the potential habitat for the  
10 salamander. We worked with the landlord, where  
11 they wanted to have it as well. We wanted to have  
12 it on the right side of the property where it was  
13 originally located. The elevation and the  
14 topography also lended itself well for that  
15 location that we chose as an alternate or revised  
16 compound location. I believe we lose a little bit  
17 of ground elevation going towards the wetlands.

18 MR. MERCIER: Okay. Thank you.  
19 Earlier today there was a clarification of what  
20 the town needed for their microwave dish. And I'm  
21 just looking at Site Plan CP-1 which shows the  
22 Town of Sherman antennas at the top of the  
23 facility, proposed facility. Do you know what the  
24 timeline is for them to install their equipment at  
25 the top of the tower, is this a few years out or

1 as soon as it's completed, if it's approved?

2 THE WITNESS (Vergati): This is Ray  
3 Vergati, Homeland Towers. All indications is that  
4 they would install immediately. I believe they've  
5 already even purchased the equipment. They were  
6 attempting over the past few years to do some work  
7 on a water tank that is in town, and unfortunately  
8 were not able to work with the underlying landlord  
9 for access. So they've had this equipment  
10 in-house, from my understanding. It's critical  
11 from the public safety standpoint. And I believe,  
12 and I'll let the town speak for themselves, but I  
13 believe they would install immediately upon  
14 completion of the tower, if so approved.

15 MR. MERCIER: Thank you. The other  
16 question I have has to do with a little bit lower  
17 down on the tower, it's Litchfield County  
18 Dispatch. I guess that's the same question. Do  
19 they intend to locate on this facility; and if so,  
20 at what time?

21 THE WITNESS (Vergati): We've had  
22 conversations with Mr. Soule, Mr. Dan Soule, on  
23 this particular project. All indications, they've  
24 installed on our prior towers pretty quickly after  
25 it's been built. I could find it out as a



1 homework assignment from Mr. Soule, but I believe  
2 the intention would be that they would install  
3 immediately upon completion of the tower when it's  
4 tenant ready.

5 MR. MERCIER: Thank you. I have a  
6 couple questions on the radio frequency analysis  
7 report and that was in application attachment 1.

8 THE WITNESS (Lavin): Martin Lavin, C  
9 Squared Systems.

10 MR. MERCIER: Looking at the coverage  
11 plots, I saw two sites that didn't have any  
12 identifying AT&T numbers, so I was wondering if  
13 you can just clarify what they were for me. It  
14 goes to the existing 700 megahertz coverage plot.

15 THE WITNESS (Lavin): I see one, yes,  
16 at the top. The location has gone off the edge  
17 there.

18 MR. MERCIER: Yes.

19 THE WITNESS (Lavin): Only the bottom  
20 half of the letters are shown. Apologies for  
21 that.

22 MR. MERCIER: It was just a  
23 corresponding chart, so I was just trying to match  
24 them up.

25 THE WITNESS (Lavin): To confirm

1 against our chart here, we can provide updated  
2 plots as a homework assignment to get the  
3 identifier under the site in that case.

4 MR. MERCIER: That could be done  
5 instead, if that's easier.

6 THE WITNESS (Lavin): Just to make sure  
7 I get it right the first time rather than trying  
8 to figure out exactly what direction and how far  
9 it is. Just based on that, I'd have to use the  
10 direction of the distance, so better to get it  
11 right the first time and just identify those two.

12 MR. MERCIER: Okay. The other one was  
13 on, it looks like it's in New York so --

14 THE WITNESS (Lavin): The other one,  
15 Route 22, yes, I see it, it must be Patterson over  
16 there. I'm showing NW2813 on the chart as  
17 attachment 2 in the report on page 7. I'll submit  
18 a revised response with those sites labeled.

19 MR. MERCIER: Okay. Thank you. In the  
20 text of the report on page 1, the second to the  
21 last paragraph, it states the site will provide  
22 improved 4G LTE coverage for AT&T as well as  
23 provide FirstNet public safety services. So when  
24 you're designing the site, whose needs come first,  
25 is it FirstNet has, do you go for a certain height

1 for FirstNet services, or are you strictly  
2 concerned about AT&T and then FirstNet just comes  
3 on later?

4 THE WITNESS (Lavin): FirstNet and AT&T  
5 work together on these sites to figure out,  
6 prioritize which ones they want to build.

7 FirstNet coverage and 4G LTE coverage go hand in  
8 hand. FirstNet service is provided by 4G LTE  
9 technology. Enhancement to one is enhancement to  
10 the other. So there's no priority treatment to  
11 providing 4G LTE service to customers. It's the  
12 same as providing FirstNet coverage to customers.

13 MR. MERCIER: Okay. So for the  
14 FirstNet program there's no minimum requirement,  
15 that would just be AT&T proposed to locate here  
16 and FirstNet is going to come along basically?

17 THE WITNESS (Lavin): Yes. Well,  
18 FirstNet will be there when the site launches.  
19 FirstNet is working with AT&T to prioritize which  
20 sites on the AT&T build plan are prioritized, but  
21 when they're built FirstNet and regular customers,  
22 commercial customers, get the same coverage.

23 MR. MERCIER: Okay. Thank you. And  
24 just to clarify, when AT&T's system is operating  
25 so is FirstNet, it's on standby when it's needed?

1           THE WITNESS (Lavin): FirstNet's band  
2 14 spectrum is available for commercial service.  
3 It's used by both public service and commercial  
4 customers. But if there's any kind of  
5 emergency -- actually, there's always priority for  
6 public service, and if there's a major emergency,  
7 public safety users can take over band 14  
8 entirely.

9           MR. MERCIER: Okay. Thank you.

10          THE WITNESS (Lavin): But there is  
11 another 4G 700 megahertz carrier in this area, so  
12 that would still be available to public, to  
13 commercial users, regular customers.

14          MR. MERCIER: Now, in Interrogatory  
15 Response 8 it mentioned two large communities in  
16 the area of the tower, it was Timber Trails and  
17 Deer Run Shores. Do you know where these are in  
18 relation to the facility? I'm just trying to get  
19 a sense if your proposed facility will reach these  
20 two communities or partially reach them. I  
21 couldn't find them on the map.

22          THE WITNESS (Vergati): Ray Vergati,  
23 Homeland Towers. The Timber Trails Neighborhood  
24 Association is located slightly southwest from the  
25 proposed facility. I'm not exactly sure where the

1 Deerfield Shores may be located, but I can  
2 certainly find that out for you.

3 MR. MERCIER: Yes, if you can do that  
4 and report back for a homework assignment, that  
5 would be great. Thank you.

6 THE WITNESS (Vergati): Absolutely.

7 MR. MERCIER: And I just only had a few  
8 more questions on the visibility analysis of the  
9 project.

10 THE WITNESS (Gaudet): Brian Gaudet  
11 with All Points.

12 MR. MERCIER: Okay. Thank you. For  
13 Coote Hill Road itself, I believe it showed, photo  
14 18, it was at the southeast, you know, the chart  
15 you provided said 1 to 20 feet could be seasonally  
16 visible from this road, Coote Hill Road. I'm just  
17 trying to determine, is photo 18 in front of the  
18 host property?

19 THE WITNESS (Gaudet): Yes, the white  
20 house that you see is the host property's  
21 residence.

22 MR. MERCIER: Okay. Are there any  
23 other areas on Coote Hill Road, be it some  
24 residences or the road itself, where the tower  
25 would be visible year round?

1           THE WITNESS (Gaudet): There's really  
2 not much visibility on Coote Hill there. Where  
3 the tower is located, you know, tucked back into  
4 the woods and a pretty significant tree line in  
5 the area, there is not any anticipated visibility,  
6 seasonal or year round, other than essentially  
7 right outside of the 16 Coote Hill driveway.

8           MR. MERCIER: Okay. I was looking at  
9 one of the aerial maps that was provided in the  
10 application. It showed a house, we talked about  
11 it with Mr. Gustafson, there's a house on top of  
12 the ridge basically south.

13           THE WITNESS (Gaudet): Yeah.

14           MR. MERCIER: Would that house be able  
15 to see the tower sticking up through the  
16 vegetation or seasonally?

17           THE WITNESS (Gaudet): It's possible,  
18 but we're not predicting any visibility there  
19 based on the viewshed analysis.

20           MR. MERCIER: And so that measures,  
21 what, tree density and height above trees, things  
22 of that nature?

23           THE WITNESS (Gaudet): Tree density,  
24 any other intervening structures out here, you  
25 know, primarily between where the proposed

1 facility would be and that residence, you're  
2 taking into account topography as well as the tree  
3 density.

4 MR. MERCIER: Thank you. Hold on for a  
5 second, please.

6 THE WITNESS (Gaudet): Sure.

7 MR. MERCIER: Okay. Going to photo 26  
8 of your visibility analysis, this was Route 37,  
9 it's kind of a picture through some trees, and  
10 there's a water body, and I believe that's the  
11 lake down below. Do you anticipate, based on this  
12 picture, would there be year-round views from  
13 certain areas of that lake?

14 THE WITNESS (Gaudet): Yeah, I think  
15 along that sort of northwestern shoreline, you  
16 know, if we were standing on the other side of  
17 these trees in the foreground, I think you would  
18 have some year-round visibility there. I'm not  
19 sure if there's any shoreline right there, but  
20 again, I think that a lot of that year-round  
21 visibility is going to be primarily at the  
22 treetop. It's not expected to extend  
23 significantly above from that specific location.

24 MR. MERCIER: Okay. And just looking  
25 at photo 28, do you know if that's like a beach

1 area or a picnic ground or is that just an opening  
2 in the trees along the road?

3 THE WITNESS (Gaudet): This, I believe,  
4 is at the Lake Mauweehoo Club. We don't  
5 typically -- I wasn't in the vehicle for this  
6 shot. We don't typically go onto private  
7 property, but it's probably right at the pull-off,  
8 I would guess there's a driveway there.

9 MR. MERCIER: Okay. Thank you. I have  
10 no other questions at this time. Thank you.

11 MR. MORISSETTE: Thank you, Mr.  
12 Mercier. We'll now continue with  
13 cross-examination by Mr. Silvestri, and then we  
14 will follow by Mr. Lynch.

15 Mr. Silvestri.

16 MR. SILVESTRI: Thank you, Mr.  
17 Morissette. Mr. Vergati, I'd like to go back, if  
18 we could, to the microwave that you were talking  
19 about with the update to Interrogatory Number 20.  
20 I have to get it straight that the microwave would  
21 be used by the town; is that correct?

22 THE WITNESS (Vergati): That is my  
23 understanding that the microwave would be used by  
24 the town, not by Litchfield County Dispatch, LCD.

25 MR. SILVESTRI: And it would be



1 installed on the proposed tower, is that also  
2 correct?

3 THE WITNESS (Vergati): The microwave  
4 dish would be installed on Homeland's proposed  
5 tower at 16 Coote Hill Road, and the length or the  
6 shot would go to an existing tower located in  
7 Wingdale, New York, where there's an existing dish  
8 at 70 feet, and that dish that's in New York can  
9 be raised, if needed.

10 MR. SILVESTRI: Great. Thank you for  
11 the clarification. The other only one I have, how  
12 would that antenna work in conjunction with  
13 FirstNet, does that supplement it or replace it,  
14 or what's the tie-in between the two?

15 THE WITNESS (Vergati): I think the  
16 microwave dish and the municipal whips are purely  
17 for the town's public safety needs and highway,  
18 fire, and it's my understanding that it would not  
19 tie into FirstNet, but I would certainly have  
20 Martin Lavin, the RF engineer, confirm that.  
21 Would you like Mr. Lavin to confirm that?

22 MR. SILVESTRI: Yes. And then we could  
23 go on to a couple other questions that I do have.  
24 Thank you.

25 THE WITNESS (Lavin): Martin Lavin, C

1 Squared Systems. The interconnection for FirstNet  
2 is done the same as AT&T's system via fiber, so it  
3 would be independent of the microwave. I'm  
4 guessing that microwave is for their current radio  
5 systems, voice systems, and operate independently  
6 of FirstNet.

7 MR. SILVESTRI: Okay. Thank you for  
8 the clarification. I think I need Mr. Vergati  
9 back on this one. I'm going to reference drawing  
10 SP-1. If you look at that drawing, Mr. Vergati,  
11 there's a legend box, if you will, that says  
12 Subject Parcel MBL: 51-28. And I'll wait a second  
13 until you pull that drawing up.

14 THE WITNESS (Vergati): Ray Vergati,  
15 Homeland Towers. I'm on sheet SP-1.

16 MR. SILVESTRI: Do you see that legend  
17 box, Subject Parcel MBL: 51-28?

18 THE WITNESS (Vergati): Yes, I do.

19 MR. SILVESTRI: All right. If you  
20 follow that to the right, there's a line and a  
21 black dot. Good so far?

22 THE WITNESS (Vergati): Yes.

23 MR. SILVESTRI: The question I have for  
24 you, in that area around that black dot, was the  
25 potential installation of the cell tower thought

1 of in putting in that area rather than crossing  
2 the wetlands?

3 THE WITNESS (Vergati): To answer your  
4 question, we looked at a number of locations on  
5 the property in conjunction, obviously, with the  
6 landlord, and it was difficult enough to find an  
7 interested landlord, certainly one that would  
8 lease to us. The landlord's preference,  
9 obviously, was not to have the tower so close to  
10 their house. They've got 19 acres. We worked  
11 with them and located it in the back portion of  
12 the property. But yes, we did look at that, and  
13 it certainly gets it closer toward the house, but  
14 it was not the wishes of the landlord.

15 MR. SILVESTRI: Okay. Thank you for  
16 that reply. I'm not sure who the next ones are  
17 going to be directed to, but the first one I have,  
18 I just want to verify that the propane tank is  
19 going to be 500 gallons; is that correct?

20 THE WITNESS (Vergati): That is  
21 correct.

22 MR. SILVESTRI: Thank you. And it's  
23 also going to be connected to a 15 kW generator,  
24 also correct?

25 THE WITNESS (Vergati): That is

1 correct.

2 MR. SILVESTRI: A question on the  
3 generator. The Council has seen, oh, 25 kW and  
4 sometimes even larger kilowatt generators. Is 15  
5 kilowatts sufficient for what you foresee as power  
6 to the cell tower either with the one carrier or  
7 with the proposed four carriers?

8 THE WITNESS (Vergati): I'll turn that  
9 over to Mr. Burns.

10 THE WITNESS (Burns): Robert Burns, All  
11 Points. The 15 kW generator is currently what  
12 AT&T is using within this market. It is strictly  
13 for their equipment only for the backup to their  
14 walk-in cabinet and their radio equipment only,  
15 and the 500 gallon propane tank will fuel that  
16 generator.

17 MR. SILVESTRI: When you say "this  
18 market," what do you mean by this market?

19 THE WITNESS (Burns): Connecticut and  
20 standard generators they use within different  
21 markets. And in Connecticut right now they're  
22 using a 15 kW generator, which admittedly is on  
23 the small side, but it is sufficient for what  
24 their use is on this particular site.

25 MR. SILVESTRI: Okay, I'll leave it at

1 that. Thank you. With the combination of the 15  
2 kW generator and 500 gallon propane tank, I  
3 believe the estimated expected hours of operation  
4 is around 112. Related question to that, it's not  
5 quite three days, but with a somewhat remote  
6 location what would be provisions for refueling  
7 that tank?

8 THE WITNESS (Burns): So a couple  
9 things. First, that would be the generator  
10 running at 100 percent would be, I think it's  
11 about 4.7 days, somewhere in that neighborhood.  
12 Typically, these sites don't run at 100 percent,  
13 they run probably 80 percent, so it gives you a  
14 little more than that. I don't know offhand what  
15 AT&T's protocol is, but the carriers in general  
16 typically keep their eye on significant weather  
17 events, and when those weather events are about to  
18 occur, they implement their operations people to  
19 make sure that their tanks are, let's say, topped  
20 off and full and ready for any kind of event like  
21 that. Other than that, to be honest, I'm not  
22 exactly certain. What we could get from AT&T is a  
23 non-storm event what is their typical time frame  
24 between fill-ups, let's say.

25 Did I answer your question? You look

1 like --

2 MR. SILVESTRI: Kind of. I might come  
3 back to that one.

4 THE WITNESS (Burns): Okay.

5 MR. SILVESTRI: But let me move on, but  
6 thank you.

7 THE WITNESS (Burns): Okay. You're  
8 welcome.

9 MR. SILVESTRI: What I'd like to have  
10 you look at right now is Figure 3 with the  
11 compound plan. There are areas that identified  
12 for municipal equipment and the potential for  
13 three future carriers. Is there room within those  
14 areas for adding additional emergency generators  
15 with sufficient setback space for additional  
16 propane tanks?

17 THE WITNESS (Burns): Adding  
18 generators, yes. Propane tanks I would say yes as  
19 well. The middle site may get a little squeezed  
20 with the 10 foot offset, but we can put a manual  
21 shut-off valve on the propane tank which allows us  
22 to go to a bit of a smaller spark zone. So long  
23 story short, I think there's sufficient room there  
24 for generators and the fueling devices -- fueling  
25 tanks.

1 MR. SILVESTRI: Should there be space  
2 constraints, has there been any thoughts, should  
3 the tower be approved, to share a larger tank, if  
4 you will, with the additional carriers?

5 THE WITNESS (Burns): The one thing I'd  
6 like to point out before I answer that question is  
7 that there's also, this lease area is  
8 significantly larger than the compound. So, if  
9 need be, we could bump out the fenced-in areas to  
10 put in additional propane tanks as well.

11 As far as shared generators, Ray, do  
12 you want to handle that one?

13 I will say that typically the carriers  
14 don't have a shared generator because of differing  
15 equipment as well as it gets messy on sort of how  
16 do you gauge the fueling and that sort of thing.

17 But maybe, Ray, do you want to answer  
18 that one?

19 THE WITNESS (Vergati): Ray Vergati,  
20 Homeland Towers. Homeland, as the builder of the  
21 tower itself and compound, we do not get into  
22 the -- provide the generators or the fuel source.  
23 That's the responsibility of the carrier. Each  
24 carrier has their own specifications, and I'm sure  
25 as many are aware, they operate their own network

1 independently. They don't share. And that's a  
2 good thing in a sense that, if you have four  
3 carriers on a site and they are all sharing one  
4 generator slash fuel source and that had an issue,  
5 all four carriers go down. I think it's been  
6 shown and proven that it's nice to have each  
7 carrier to have their own backup generation. It  
8 creates redundancy. If one carrier goes down,  
9 they all don't go down.

10 MR. SILVESTRI: So essentially you're  
11 avoiding a single source of failure, would that be  
12 correct?

13 THE WITNESS (Vergati): That is. We're  
14 building in redundancy. And, you know, it's  
15 something that, as a tower developer, we don't  
16 want the responsibility, the legal responsibility  
17 of touching the carriers' first class network.  
18 That's their responsibility. We don't want to be  
19 sending a dispatch out to fix their network  
20 problem, something that we don't do, obviously.  
21 We provide the pole, utilities to the site, fence,  
22 compound, and that's it.

23 MR. SILVESTRI: Okay. Thank you, Mr.  
24 Vergati.

25 THE WITNESS (Vergati): I want to just



1 circle back really quick on a homework assignment  
2 that Bob had given me. And just to confirm, the  
3 Deerfield Shores is off 39. It's a private  
4 community. It's on the western side of Lake  
5 Candlewood. And the Timber Trails, as I  
6 mentioned, is southwest, and that's about 137  
7 homes on Timber Trails.

8 MR. SILVESTRI: Okay. I will thank you  
9 for him. Thank you.

10 New question for you. Going back to  
11 the application, page 23, there's the review of  
12 the Sherman zoning regulations. The proposal  
13 regarding maximum height is in Section 356.3Eii,  
14 and it states that the proposed tower height is  
15 170 feet or minimum needed to provide service.  
16 The question for you, what is the minimum height  
17 needed to provide service?

18 THE WITNESS (Vergati): I will defer  
19 that question to Martin Lavin, the RF engineer.

20 THE WITNESS (Lavin): Martin Lavin, C  
21 Squared Systems. We have done height analysis on  
22 this. If we move down from the antenna centerline  
23 of 166 feet, we do lose coverage, especially on  
24 Route 39, which we have no way of recovering. So  
25 in terms of public safety and FirstNet service,

1 that is the height we need to get the coverage we  
2 have to have out of the site.

3 MR. SILVESTRI: So the tower height  
4 will be 170 and the centerline height would be  
5 what again?

6 THE WITNESS (Lavin): 166.

7 MR. SILVESTRI: 166. Thank you. Then  
8 related to that, if I have my numbers correctly,  
9 the proposed viewpoint for the tower is at 68  
10 feet. And I believe that that would come about  
11 from the 102 feet from the tower to the property  
12 line; would that be correct?

13 THE WITNESS (Burns): Robert Burns, All  
14 Points. Yes, that's correct, the closest property  
15 line is 102 feet from the tower.

16 MR. SILVESTRI: And the yield point  
17 proposed would be 68?

18 THE WITNESS (Burns): That's correct.

19 MR. SILVESTRI: Very good. Thank you.  
20 All right. New topic, and again, I'm not sure who  
21 it's proposed to, but in the site search summary,  
22 Site Number 28 is listed as 0 Route 37 South in  
23 Sherman, Connecticut, and it was rejected to the  
24 quote/unquote extensive presence of wetlands. My  
25 question, how do the wetlands on Site 28 impede

1 potential construction, and how do those wetlands  
2 differ from those that are on the preferred site?

3 THE WITNESS (Vergati): Ray Vergati,  
4 Homeland Towers. I had sent in a response to an  
5 interrogatory, an aerial map, I believe, showing  
6 the wetlands on that parcel. While we're crossing  
7 two intermittent streams on the subject parcel,  
8 the map that was sent in shows that, if I recall,  
9 roughly 90 percent of this particular parcel was  
10 wet, and the only place for a tower would be  
11 literally abutting Route 37 south, and then you  
12 would have obviously visual impact on this  
13 particular parcel. Not a good site.

14 MR. SILVESTRI: All right. Thank you  
15 for the clarification, Mr. Vergati. Also, Site  
16 Number 31 was investigated on Wagon Wheel Road,  
17 yet there were no photographs or visual  
18 simulations of views of the preferred site that  
19 were presented in the application. So the  
20 question I have for you, why were no photographs  
21 taken from Wagon Wheel Road?

22 THE WITNESS (Vergati): I'll have  
23 Mr. Gaudet speak to that. I will tell you I think  
24 on the viewsheds it will not be visible, and the  
25 fact that the ground elevation on Wagon Wheel is

1 roughly 550 feet, so it's set way down, and  
2 there's a very intervening terrain ridge between  
3 the subject parcel and Wagon Wheel, so I'll let  
4 Mr. Gaudet speak on that, but the views would be  
5 nonexistent.

6 THE WITNESS (Gaudet): Give me one  
7 second to get my bearings here on where Wagon  
8 Wheel Road is. I'll explain while I'm getting  
9 that up what our process is, particularly now  
10 during the COVID times. We typically send out one  
11 team pre-COVID. We'd have three people in a car,  
12 one person driving, one person taking photographs,  
13 one person spotting to see where the building was  
14 visible. We are now down to three separate cars,  
15 three individuals with cameras. So for safety  
16 reasons, we have to target our locations that we  
17 take photographs from a little bit better. And in  
18 doing so, we have a preliminary viewshed map  
19 that's put together ahead of the final product  
20 that you see in the application. We use that to  
21 target areas of where predicted visibility may be,  
22 and we also continue to drive the entire area, but  
23 we really focus primarily where we're expected to  
24 see something.

25 I'm just looking to see where Wagon

1 Wheel is now. Okay, yes, so the topography there,  
2 there's that deadend down off Leach Hollow Road,  
3 if I'm seeing the map correctly here. The  
4 topography goes down substantially towards the  
5 water there. There is no predicted visibility in  
6 that gully.

7 MR. SILVESTRI: So nobody traveled that  
8 just based on your estimate, if you will, or  
9 prediction due to the topography that nothing  
10 would be visible from that road?

11 THE WITNESS (Gaudet): I would say that  
12 it is very likely that they drove down that road  
13 and probably took a photo or two as well. Not  
14 every photo -- we take hundreds of photos while we  
15 go and do these two-mile study areas. Not  
16 everyone of them can make it in, otherwise this  
17 packet would be quite a substantial bit larger.  
18 So we sort of have to use our best guess and  
19 judgment to look at, you know, the entirety of the  
20 study area, what are areas that could have some  
21 visual impacts. And those areas that we think  
22 might have a visual impact that don't, we really  
23 try and pick and choose precisely where the  
24 non-visibility shots are.

25 MR. SILVESTRI: I hear what you're

1 saying. I just found it kind of interesting that  
2 with other photos that are present in the package  
3 that we received you do have "not visible from  
4 this location." I thought it might follow suit  
5 that, okay, if you didn't have anything visible at  
6 Wagon Wheel, you might have a picture that says  
7 "not visible from this location." That's where  
8 I'm coming from.

9 THE WITNESS (Gaudet): Yeah. When we  
10 perform our visibility analysis and our drive  
11 test, we're not looking necessarily at the site  
12 search summary provided by Homeland Towers. So  
13 there's no correlation to what photos we take and  
14 what's on the site search summary, if that makes  
15 sense.

16 MR. SILVESTRI: All right. Let me move  
17 on from there, but I want to stay with potential  
18 visual impact, if you will. Has there been any  
19 attempt to quote/unquote camouflage the tower  
20 specifically by having a monopine instead of a  
21 monopole or by having a watch tower or something  
22 else?

23 THE WITNESS (Gaudet): I think in this  
24 area, first I'll say the visibility here is good,  
25 as far as the site goes, it's almost as good as

1 you can get. There's less than a half a percent  
2 of predicted visibility. It's really focused in  
3 two main pockets. Where the tower is visible  
4 above the tree line or at the tree line, there's  
5 no -- it's mainly deciduous forest. There's no  
6 pine trees in the area, so a monopine, while it  
7 might blend in in some locations, I think overall  
8 where that tower sticks up a little bit higher  
9 above the tree line is going to stick out like a  
10 sore thumb. At the distances where the tower is  
11 visible above the tree line is a pretty small  
12 profile compared to the greater width of the  
13 views. So a monopine, you'd add, you increase  
14 that visibility by creating branching that goes  
15 out farther than the antenna arrays.

16           The watch tower design is very similar  
17 as well. You're talking a 170 foot fire watch  
18 tower. I'm not a structural engineer, but I  
19 would -- I think it's safe to say that  
20 structurally you would have to build that out  
21 substantially wider at the top of that tower for  
22 it to work. So again, you're creating more of a  
23 visual impact in those cases.

24           MR. SILVESTRI: Anything on potential  
25 paint colors that could help quote/unquote

1 minimize visual impact?

2 THE WITNESS (Gaudet): You know, we  
3 sort of discussed, you know, paint the bottom  
4 brown, the top sky blue, which can work certainly  
5 to help diminish some of the views I think nearer  
6 to the site, you know, where potential abutting  
7 property owners, neighbors, are looking up through  
8 the trees it can help to camouflage it a bit. The  
9 galvanized steel gray finish tends to weather over  
10 time pretty nicely, and it blends in a little bit  
11 better in all weather conditions, where sky blue  
12 is, you know, maybe if we were down in sunny  
13 Florida and there's blue skies all year round,  
14 that's not such a bad thing. Up here where we  
15 tend to have some pretty gray seasons, the  
16 galvanized finish does a good job blending in year  
17 round as opposed to just on certain days and  
18 certain weather conditions.

19 MR. SILVESTRI: Thank you for your  
20 response. I have kind of a follow-up question is  
21 my next one to some questions that were posed by  
22 Mr. Mercier. Let me start with the first one I  
23 have and then we'll continue on with the second.  
24 Some resident comments as well as the P&Z  
25 commission voiced concerns about a history of



1 problems with runoff and erosion at the site and  
2 surrounding parcels. So the first question I have  
3 for you, if the project is approved, how would  
4 construction and access and post-construction not  
5 exacerbate and possibly improve existing  
6 conditions and concerns?

7 THE WITNESS (Burns): Robert Burns, All  
8 Points. Well, construction would proceed in  
9 accordance with a detailed sequence of  
10 construction which would incorporate the sediment  
11 erosion control measures as shown on the drawings.  
12 Post-construction, I believe a time frame for a  
13 periodic inspection of those measures, mainly the  
14 swales and the check dams, should be performed  
15 perhaps quarterly by Homeland, and that's what I  
16 would recommend.

17 MR. SILVESTRI: All right. Let me pose  
18 a part two that there's also concern about the  
19 size and nature of Coote Hill Road regarding  
20 access for construction vehicles, drainage pipes,  
21 slopes and additional access. These were  
22 summarized in a November 30, 2020 letter by Mr.  
23 Peter Kuring that was written to Mr. Vergati and  
24 that we have on file. And I'm curious if any  
25 responses were provided to Mr. Kuring; and if not,

1 how would you respond to those concerns?

2 THE WITNESS (Vergati): Ray Vergati,  
3 Homeland Towers. I've had correspondence with  
4 Peter Kuring who's a resident on Coote Hill Road.  
5 I explained to him that this is an unmanned  
6 facility. Yes, certainly during construction  
7 there will be vehicles that traverse Coote Hill  
8 Road to access the site, but once the site is  
9 constructed, being an unmanned facility, we don't  
10 have FedEx trucks going to the site, we don't have  
11 UPS trucks going to the site. We just have very  
12 little vehicular traffic.

13 And, you know, it's very convenient for  
14 people to pick on us. And I just want to point  
15 out to Council members, if we were building a  
16 home, we wouldn't be going through some of the  
17 questions that Peter asked or other folks asked.  
18 I choose my words carefully in the sense that I  
19 know Mr. Kuring has just finished putting in an  
20 inground pool, has a bulldozer sitting on his  
21 property. And I don't know if he was scrutinized  
22 during that process and had questions from the  
23 zoning enforcement officer or others questioning  
24 the construction or crossing the bridge with a  
25 cement truck or asking for a bond for the bridge.

1 So I just point that out in fairness, because when  
2 I see someone make a false statement, I feel the  
3 need to correct it on the record. So my  
4 conversations with Peter have been cordial, but he  
5 understands obviously where we're coming from.

6 MR. SILVESTRI: I do understand, Mr.  
7 Vergati, that if you were building a house we  
8 wouldn't be here tonight.

9 THE WITNESS (Vergati): Yes. And I'll  
10 say that we play by a different set of rules. You  
11 know, I can't clear trees because of potential  
12 habitat for an Indiana bat, I have to go  
13 through -- you know, if I want to build a house  
14 with a salamander present, I don't know if, as a  
15 residential home builder, I'd be scrutinized. So  
16 we play by a different set of rules, obviously,  
17 when it comes to towers, and we respect that, and  
18 we adhere as best we can. But we're not bringing  
19 in a septic system, we're not putting down  
20 pesticides, there's no potable water. We don't  
21 have daily deliveries for trucks. I'm not having  
22 a lot of activity at the site. We're an unmanned  
23 vacant tenant for the most part.

24 MR. SILVESTRI: And again, from the  
25 construction aspect of it, we do look at traffic

1 concerns, what might happen. The question I have  
2 related to you, if need be, would you be looking  
3 to local PD, for example, to try to regulate  
4 traffic to make sure it's clear during  
5 construction that you could get your equipment in  
6 and that residents could be able to go in and out  
7 without any problems?

8 THE WITNESS (Vergati): Absolutely.  
9 I've had conversations already with the town. And  
10 during construction, if the site is approved,  
11 we'll have the appropriate flagger safety orange  
12 vests out at the Coote Hill, Route 37  
13 intersection. It's a death trap that road, the  
14 way people travel on it, and the rollovers, and we  
15 recognize that. And that's partly the reason,  
16 when I originally approached Mr. Jones, we wanted  
17 to separate those stone pillars so we have a wider  
18 swinging access for the construction vehicles.  
19 But, by all means, we have no issue working either  
20 with the state police or local police and having a  
21 flagger during construction.

22 MR. SILVESTRI: All right. Thank you.  
23 I want to move on. Just a heads-up to Mr.  
24 Morissette, I only have three more questions. I  
25 know you're looking to take a break, so hopefully

1 I can finish these and then move on.

2 I'm not sure who this question would be  
3 directed to, but I've been reading about the  
4 predicted uptick in solar flares. The question I  
5 have for you, does solar flares interfere with  
6 cell service; and if so, what preventative  
7 measures can be taken?

8 THE WITNESS (Vergati): That's an  
9 interesting question. I think it's the first time  
10 I've heard that. Maybe Mr. Lavin can elaborate on  
11 that from an RF standpoint.

12 THE WITNESS (Lavin): Martin Lavin, C  
13 Squared Systems. As an amateur astronomer, I have  
14 heard about them. I do not know any specific  
15 impacts on our service as opposed to any others.  
16 I know in terms of, yeah, it's more of a concern  
17 for amateur radio and shortwave bands. Over long  
18 distance communications there's a sunspot cycle of  
19 11 to 12 years, and it comes and goes, and  
20 alternately enhances and ruins the long-distance  
21 communication on the long wavelengths. I don't  
22 know of any impact on our systems. I don't know  
23 of any measures taken at AT&T to mitigate anything  
24 that might happen.

25 MR. SILVESTRI: Thank you for the

1 reply. I know the electricity industry looks at  
2 that very, very seriously because there's been  
3 disruptions, particularly with transformers,  
4 transmission lines and that type of thing, but I  
5 did want to pose the question on cell towers.  
6 Thank you.

7 THE WITNESS (Lavin): I think that  
8 might be related, the length of their lines is, of  
9 course, miles and tens of miles and hundreds of  
10 miles in terms of picking up that interference  
11 from space. Ours is, of course, quite a lot  
12 smaller.

13 MR. SILVESTRI: Thank you. New  
14 question for you: The cell tower, as we  
15 discussed, would contain provisions for FirstNet.  
16 Could someone briefly describe how FirstNet  
17 operates but, in particular, if any specific  
18 equipment would be required by first responders,  
19 do first responders have to go out and purchase  
20 any type of new equipment to be connected to  
21 FirstNet?

22 THE WITNESS (Lavin): I'm just checking  
23 with Colonel Stebbins. In terms of equipment on  
24 the tower, it's 4G LTE. It's another radio just  
25 like the other 700 megahertz radio. It will be

1 there at launch. There is nothing specific on the  
2 tower. It's a subscription service as far as I  
3 know. The local fire, police, ambulance have to  
4 subscribe to the service. To give FirstNet  
5 service a priority, specifically they have to have  
6 FirstNet equipment that will be recognized by the  
7 system as FirstNet and be given priority. They  
8 will probably be using their own phones at other  
9 times. Those won't necessarily get priority  
10 service the way an actual FirstNet piece of  
11 equipment will.

12 MR. SILVESTRI: So if I understood that  
13 correctly, if you're looking at preferred service,  
14 you'd need a subscription and some type of  
15 specific equipment?

16 THE WITNESS (Lavin): You need  
17 subscriber access. Whichever local public safety  
18 entity has subscribed will issue those, purchase  
19 and issue those units to their employees so when  
20 they have emergency communications their  
21 communications will be immediately recognized as  
22 having priority.

23 MR. SILVESTRI: Okay. Thank you. The  
24 last question I have references the draft document  
25 from the Public Safety Communications Committee.

1 Without going into too much specifics, they do  
2 mention that they would prefer that the developer  
3 consider the NLT property on Mauweehoo Hill as an  
4 alternative location to the Coote Hill site.  
5 Could someone comment about the Mauweehoo Hill? I  
6 hope I pronounced that right.

7 THE WITNESS (Vergati): Ray Vergati,  
8 Homeland Towers. It's a B plus effort on  
9 pronouncing it. It's "Mauweehoo Road." And  
10 actually the NLT, the Naromi Land Trust, which I  
11 believe now they're the Northwest Connecticut Land  
12 Conservancy I believe is their acronym or their  
13 name, they merged with the Weantinoge Land Trust  
14 up in Kent. And just from a history standpoint,  
15 these two sites that are located off Mauweehoo  
16 Road there's no street frontage. Access is from  
17 Wagon Wheel. And I've met with Naromi Land Trust  
18 over the years. They will not do a cell tower  
19 lease on their properties. I've done  
20 presentations for them, I've done field visits  
21 with them, I've done proposals with them.

22 And there are two takes. One, they  
23 were concerned with the health and safety,  
24 perceived health and safety of having a facility  
25 on Naromi property or the Naromi Land Trust



1 property. And the second being that they were  
2 concerned that if they were to allow a cell tower  
3 on land trust property that in the future people  
4 who want to donate the property would be  
5 apprehensive with the potential of a cell tower  
6 come to an open space property.

7 I want to go a little further in this.  
8 I've worked with two administrations there in  
9 Sherman, prior First Selectman Clay Cope, existing  
10 First Selectman Don Lowe. He's also had, Mr. Lowe  
11 has had numerous conversations with the Naromi  
12 folks, the land trust. The Wagon Wheel sites  
13 don't work. The RF engineer has ruled them out.  
14 Naromi, or the land trust, is not interested.

15 And I understand Mr. Greenbaum who is  
16 intervening on this wants to keep pushing the two  
17 Wagon Wheel sites, 26 Wagon Wheel and 28 Wagon  
18 Wheel. And it's like Ground Hog Day. It's just  
19 kicking the can. They were looked at ten years  
20 ago, they were looked at five years ago, we looked  
21 at them again. We don't have an interested  
22 landlord, we don't have it working for the  
23 network, and we have serious access issues coming  
24 up from Wagon Wheel where there's 20 percent plus  
25 grades on a rock, granite, terrain side of a

1 mountain.

2 I've walked this property on two  
3 occasions with the town, with land trust folks.  
4 And, look, if we can build it there, I would love  
5 nothing more than to entertain it, but it's been  
6 ruled out on a number of items. So I just want to  
7 make everyone aware of that, obviously. I know  
8 Mr. Greenbaum thinks differently, and we'll  
9 certainly hear from him on that, but we have  
10 looked at it extensively. So has AT&T.

11 MR. SILVESTRI: Thank you for your  
12 reply.

13 Mr. Morissette, that's all the  
14 questions that I do have. Thank you.

15 MR. MORISSETTE: Thank you, Mr.  
16 Silvestri. Before we take a break, however, I  
17 would like to move on to Mr. Lynch to give him an  
18 opportunity before we take a break.

19 Mr. Lynch.

20 MR. LYNCH: Thank you, Mr. Morissette.  
21 I have to leave early so I appreciate it. I have  
22 a few follow-up questions. Can I be heard?

23 MR. MORISSETTE: Yes, you can, Mr.  
24 Lynch. Please continue.

25 MR. LYNCH: Sorry about that. Just a

1 follow-up question to Mr. Silvestri's inquiries on  
2 the propane tanks and the size of the compound.  
3 It's my understanding, I looked at your compound  
4 plan, and it's my understanding from the people  
5 that put propane tanks in on properties that there  
6 has to be a space between the tank and the  
7 structure of at least 15 feet. And I don't see  
8 that here. And if you add more tanks, I don't see  
9 that there's enough room as Mr. Silvestri was  
10 inquiring about.

11 THE WITNESS (Vergati): Ray Vergati,  
12 Homeland Towers. I believe the spark zone that  
13 you're referring to is not 15 feet, but it may be  
14 10 feet, meaning the spark zone radius is 10 feet  
15 from any other structures or electronics. I'll  
16 look at Mr. Burns and ask him. I'll turn that  
17 over to Mr. Burns. That's more of an engineering  
18 question.

19 THE WITNESS (Burns): Robert Burns, All  
20 Points. The spark zone from a propane tank is 10  
21 feet. That's 10 feet from the fill valve on the  
22 tank to any other potential source of ignition.  
23 So a concrete pad is not a potential source of  
24 ignition but any other piece of equipment could  
25 be. And there are ways to, from 500 gallon tanks

1 and below, to reduce that by half by incorporating  
2 fill valves on the -- manual shut-off valves on  
3 the propane tank, but this one in particular has a  
4 10 foot spark zone.

5 MR. LYNCH: Thank you for the  
6 correction. I knew there had to be a distance. I  
7 just didn't know what it was. But it looks like  
8 the concrete pad that your equipment building is  
9 on, it looks like that's within 10 feet. I'm  
10 looking at your compound plan. I think it's CP-1  
11 or something.

12 THE WITNESS (Burns): Yeah, if you look  
13 at drawing C-1, which is the following drawing,  
14 there's actually a blowup of that area with the 10  
15 foot spark zone shown on it, and that equipment  
16 cabinet is 10 feet away from the edge of the  
17 propane tank. And the fill valve can actually sit  
18 in the center on the top. We're just being  
19 conservative because we don't know what type of  
20 tank we'll actually put in.

21 MR. LYNCH: Thank you for the  
22 clarification. But another follow-up to Mr.  
23 Silvestri, if other carriers come in and add  
24 propane tanks rather than diesel for their backup  
25 generators, would you have to expand the compound

1 to accommodate them?

2 THE WITNESS (Burns): So my initial  
3 answer to that is I would say the next two  
4 carriers the answer would be no because they would  
5 more than likely take the two outer spaces. The  
6 third carrier coming in may have to depending if  
7 he wants a propane tank or wants to put the manual  
8 shut-off valve on the propane tank. So the fourth  
9 carrier in, if you count AT&T as the first, we may  
10 need to expand the fence, but there may be ways  
11 around it. So I know that's not a yes or a no,  
12 but it's the way I envision this compound being  
13 filled.

14 MR. LYNCH: Now, with that explanation,  
15 you're talking about the last carrier that comes  
16 in going down on the tower, what if it wants to go  
17 up, would that still apply?

18 THE WITNESS (Burns): For the propane  
19 tank?

20 MR. LYNCH: Yes. Well, yes.

21 THE WITNESS (Burns): The propane tank  
22 only fuels the generator which only supplies  
23 backup for the equipment on the ground. So it has  
24 no bearing on where they are actually on the  
25 tower.

1 MR. LYNCH: All right. Thank you for  
2 that clarification.

3 THE WITNESS (Burns): You're welcome.

4 MR. LYNCH: Now, I mentioned the tower  
5 can be expanded. Would that -- it can go up, I  
6 guess, 10 percent, so we're looking at maybe going  
7 up another 20 feet. How would that impact what's  
8 happening with the town and the equipment that's  
9 going on the top of the tower? So would that have  
10 to be moved higher or relocated somewhere on the  
11 tower?

12 THE WITNESS (Burns): A crystal ball  
13 answer to that would be they would need to move to  
14 the top, but there is plenty of room on this tower  
15 for four carriers, which is all that's in the  
16 market right now. But if it did need to be  
17 expanded, I think that they would probably have to  
18 go to the top.

19 MR. LYNCH: The reason I ask, because  
20 it is a rather remote location, and I'm sure the  
21 other two carriers that we're talking about may  
22 have similar problems to AT&T so they may look to  
23 go higher rather than lower is the only reason I'm  
24 inquiring.

25 THE WITNESS (Vergati): Ray Vergati,

1 Homeland Towers. As Bob mentioned, we don't have  
2 a crystal ball to understand the future heights  
3 and needs by carriers at times, but I did receive  
4 written correspondence back from the Verizon  
5 Wireless engineer stating that if they were to  
6 come to the tower that they would accept the 150  
7 foot, 6 antenna RAD center, and the tower would  
8 not need to be increased for Verizon's needs.  
9 That could always change in the future, obviously,  
10 as networks expand and retract to some extent, but  
11 all indications is that the facility at 170 would  
12 be adequate and sufficient for public safety and  
13 three or four carriers.

14 MR. LYNCH: Thank you, Mr. Vergati.  
15 Going back to the maintenance on the site, is that  
16 something that, either Homeland Towers or AT&T, is  
17 that something you contract out or do you have an  
18 in-house service?

19 THE WITNESS (Vergati): Homeland Towers  
20 would contract that out. Typical maintenance is  
21 spraying during the season for weeds, but we don't  
22 really encounter much weeds between the weed  
23 barriers put down and the crushed stone in the  
24 compound. We need to make sure, obviously, that a  
25 tree hasn't fallen on the fence and damaged it

1 where it would need to be fixed. But I can speak  
2 for Homeland. That is contracted out to various  
3 construction companies. I'll let AT&T speak on  
4 their behalf.

5 MR. LYNCH: Well, when they get up,  
6 they can speak on it. I have a question,  
7 Interrogatory Number 9 you state that you see no  
8 reason for blasting. But if you do have to blast,  
9 would you notify the surrounding area that there  
10 would be blasting on a certain date?

11 THE WITNESS (Vergati): We'd work with  
12 the town on that. I'm not sure how the town  
13 handles that, if there happens to be blasting. We  
14 have not completed a geotech, to my knowledge, to  
15 this date which may require or not require it, but  
16 I believe we could provide notice as a courtesy,  
17 and if the town has a certain requirement we can  
18 work hand in hand with the town on that.

19 MR. LYNCH: Thank you. I think most  
20 towns do have that requirement. Would you check  
21 just to make sure?

22 THE WITNESS (Vergati): Homework  
23 assignment, absolutely.

24 MR. LYNCH: Now, question Interrogatory  
25 Number 10 talks about vandalism. And I noticed



1 you increased the height of your fences to 8 feet.  
2 But it says you, within the compound you have a  
3 silent, you know, security alarm. Does that go to  
4 a private security service or is it tied into  
5 either the PD or the state police?

6 THE WITNESS (Vergati): I believe it's  
7 tied into the carrier, the NOC, which is the  
8 Network Operating Center. If the alarm is  
9 tripped, it goes to the 24/7 carrier network  
10 center.

11 MR. LYNCH: Sorry, I didn't catch the  
12 last part.

13 THE WITNESS (Vergati): Sure. I  
14 believe, if there's an alarm that's on the  
15 equipment that is tripped for vandalism or  
16 security purposes, that alarm will go to the  
17 carriers. They have what they call a Network  
18 Operating Center, a NOC, which is manned 24/7 by  
19 live operators. And if that is tripped, they will  
20 get a phone call automatically to dispatch  
21 maintenance folks to that particular cell site.

22 MR. LYNCH: Thank you. Now, as far  
23 as -- you already answered that. Sorry.

24 Now, this is probably a question for  
25 AT&T. If other sources of fuel were available for

1 the emergency generator such as natural gas, would  
2 that get a priority over propane?

3 THE WITNESS (Vergati): I don't know  
4 the true answer to that question. To the best of  
5 my knowledge, there's no natural gas along Coote  
6 Hill Road and on the subject parcel, but I think  
7 it's carrier specific on how they look to their  
8 fuel source for backup, be it propane, natural  
9 gas, diesel. I think if this were a facility  
10 built in a Route 1 type scenario in a parking lot  
11 and there was natural gas readily available, they  
12 may go that route, it avoids refilling tanks and  
13 so forth, but that's a carrier specific question,  
14 I believe, and a site specific question.

15 MR. LYNCH: Thank you. Going back to  
16 security for a second for Homeland, when we talk  
17 about vandalism, have any of your sites ever been  
18 vanded, had a vandalism problem, and how do you  
19 handle that?

20 THE WITNESS (Vergati): We had a site  
21 during the construction phase in Ridgefield,  
22 Connecticut that had vandalism during the  
23 construction phase of air being let out of  
24 construction vehicles and so forth. I have to say  
25 we've been very fortunate in the fact that our

1 sites have not been vandalized. Of course, from  
2 our perspective, it's just a steel tower, a fence  
3 8 foot tall with typical anti, mesh, climbing.  
4 We've been pretty lucky, knock on wood. So to  
5 answer that question, no, I don't believe we've  
6 had any vandalism on our sites.

7 MR. LYNCH: Now, just a follow-up to  
8 that. You know, I've asked this before so I  
9 already know the answer, but I'm just getting it  
10 on the record. Has Homeland and also AT&T  
11 provided enough liability coverage in case there's  
12 an accident?

13 THE WITNESS (Vergati): Yes. Our  
14 underlying ground lease has sufficient coverages,  
15 AAA, as far as the insurance goes, more than  
16 adequate. Being in the tower business for 20  
17 years, it's a non-issue for us to carry the  
18 insurance requirements.

19 MR. LYNCH: Like I said, I knew the  
20 answer. I just wanted to get it on the record. I  
21 also want to compliment you for slipping in the  
22 pandemic part of your -- in the beginning of your  
23 application, very clever.

24 THE WITNESS (Vergati): It's reality,  
25 unfortunately.

1 MR. LYNCH: Now, as far as utilities  
2 coming into the site are concerned, you provide  
3 the utilities coming in from the outside to the  
4 compound; is that correct?

5 THE WITNESS (Vergati): Yes, Homeland  
6 Towers will provide electrical utilities, in this  
7 case Eversource is the provider in this area, will  
8 bring utilities and trench, lay the conduit, bring  
9 utilities all the way up to the site at the demarc  
10 point, put in the meter backboard where the  
11 carriers will effectively plug and play on their  
12 own, they'll have their own meter account. We  
13 don't use electricity on the site, but we'll  
14 certainly bring it up to them where they can have  
15 access.

16 The same thing with the phone. We  
17 don't get involved with bringing the actual fiber  
18 or copper to the site. What we will do is  
19 typically the utilities run in the same trench,  
20 Eversource and Frontier, and we will provide that  
21 conduit for the telco circuits to be pulled to the  
22 site for the carriers' use.

23 MR. LYNCH: I'm not as concerned with  
24 electrical as I am with the phone because, if that  
25 trunk phone line goes out of service, the whole

1 cell site is down. So is that your responsibility  
2 or would that transfer over to AT&T to get that  
3 phone service back up and running again so they  
4 can actually start operating?

5 THE WITNESS (Vergati): Yeah, I think  
6 it's certainly the responsibility of the local  
7 telco provider if the site goes down. We can't  
8 control, obviously, if there's an aerial where  
9 there's phone circuits on a telephone pole and a  
10 tree takes it down. Obviously, we'd like to do  
11 everything underground ourselves to harden the  
12 site, but if the site were to go down and it could  
13 not operate effectively, again, going back to that  
14 network operating center, they will get an alarm  
15 to dispatch a tech to troubleshoot the issue at  
16 hand.

17 I've seen sites before where the  
18 carriers and/or public safety will have a  
19 microwave dish for some redundant backhaul,  
20 meaning if the site were to go down and a phone  
21 call cannot be put through, through a landline  
22 into the network, that they could literally  
23 backhaul the traffic to another tower site,  
24 assuming that site is still operable, and  
25 effectively keeping that cell tower intact for

1 carriers and certainly for the public safety  
2 aspect.

3 MR. LYNCH: You answered the second  
4 part of my question, but I'll add something to it.  
5 This, I guess, would be more of a question for  
6 AT&T. Is there an agreement in place with  
7 Frontier to get a priority to get a dead cell site  
8 up and operating?

9 THE WITNESS (Vergati): Could you  
10 repeat the question?

11 MR. LYNCH: The reason I ask is,  
12 there's no one there that remembers when SNET was  
13 still operating, but they had an agreement with  
14 the -- well, they were the carrier themselves,  
15 they had a priority agreement to get dead cell  
16 sites up and operating. I was just wondering  
17 whether anything like that exists with Frontier  
18 and the carriers. And, like I say, it's more of a  
19 question for AT&T. They can put it on the record  
20 later.

21 THE WITNESS (Vergati): I don't know  
22 the true answer. What I can tell you in my  
23 experience as a tower developer, when a site has  
24 gone down, be it telco and/or power, ice storms or  
25 whatnot, the town hall or the police department,

1 their phones start to ring and they get notice of  
2 that, and they'll make the appropriate phone calls  
3 as well. These become life savers, these cell  
4 towers. And I don't know if there's a priority to  
5 bring a cell site up, but I would think from a  
6 priority standpoint getting a house lit with telco  
7 circuits versus getting a cell tower lit with  
8 telco circuits, I think they'll pick the cell  
9 tower first.

10 MR. LYNCH: Now, I have two more  
11 questions, and one of them may be for strictly  
12 AT&T and the other one for Homeland, so I'll ask  
13 the Homeland one first. As I went through the  
14 application, I didn't see any -- I could have  
15 missed it so bear with me -- any reference to any  
16 research being done by Native American tribes like  
17 the, you've got the Schaghticoke out where you  
18 are in Sherman, you've got Golden Hill. I'm just  
19 wondering, do they have any priority as far as any  
20 rights to the agricultural land -- not actually  
21 agricultural, not agricultural, excuse me,  
22 archeology as far as the site is concerned?

23 THE WITNESS (Vergati): I believe we've  
24 done a Phase 1 and the archeological reports.  
25 They've gone out there and done their shovel test

1 pits. I don't believe there have been any issues  
2 with that whatsoever.

3 MR. LYNCH: Thank you. And my last  
4 question is, seeing that you're close to the New  
5 York border, again, I think this is more AT&T, do  
6 the antennas have to be angled to a certain degree  
7 so as they don't interfere with anything going in  
8 and out of New York?

9 THE WITNESS (Vergati): I'll turn that  
10 question over to Mr. Lavin, the RF engineer.

11 THE WITNESS (Lavin): Martin Lavin, C  
12 Squared Systems. For FirstNet, no, AT&T has the  
13 band 14 everywhere in the United States, so there  
14 are no license boundaries. I don't think the  
15 other 700, as far as I know, has a license  
16 boundary problem with New York State. The only  
17 potential one, and I'm not sure, would be cellular  
18 A and B band 850. That's just the one. The other  
19 bands would be reoriented to  
20 accommodate (inaudible) --

21 MR. LYNCH: Thank you, Mr. Lavin. I  
22 was just curious. I know in the past that used to  
23 be a problem.

24 Mr. Morissette, I'm all done. And I  
25 have to leave, so I will check the transcript for



1 what happened after I had to leave.

2 MR. MORISSETTE: Very good, Mr. Lynch.  
3 Thank you for your questions. We will now break  
4 and return at 4:20. And I apologize for keeping  
5 everyone so long for their break, but 4:20 we'll  
6 be back. Thank you.

7 (Whereupon, a recess was taken from  
8 4:06 p.m. until 4:20 p.m.)

9 MR. MORISSETTE: Welcome back,  
10 everyone. We will resume with cross-examination  
11 by Mr. Hannon.

12 Mr. Hannon. Mr. Hannon, you're on  
13 mute. Mr. Hannon? All right. You are breaking  
14 up and your feedback is delayed. I'm sorry, Mr.  
15 Hannon, we can't hear you.

16 Mr. Hannon, at this time we're going to  
17 move on to Ms. Cooley. If you could log off and  
18 log back in, maybe that can correct your issues.

19 Ms. Cooley, we will continue with  
20 cross-examination by yourself. Thank you.

21 MS. COOLEY: Thank you, Mr. Morissette.  
22 I only have a few questions. Most of mine have  
23 been answered in responses to Mr. Silvestri and  
24 also Mr. Mercier.

25 But my first question has to do with

1 the wetlands themselves on the site. It appears  
2 that the bulk of the wetlands to the southwest are  
3 on a plateau. Was there any indication that there  
4 were vernal pools in this area at all?

5 THE WITNESS (Gustafson): Good  
6 afternoon. Dean Gustafson, All Points Technology.  
7 We did look at all of the wetland areas located on  
8 the subject property to determine if there were  
9 any supporting vernal pool habitat and none exists  
10 or are supported by the wetland systems on the  
11 subject property.

12 MS. COOLEY: Thank you. What about,  
13 could you tell, or did you have any access to any  
14 of the adjacent property?

15 THE WITNESS (Gustafson): So to the  
16 degree that we could view adjacent properties from  
17 the property boundary, we did that, but we did not  
18 enter onto any of the adjoining private  
19 properties.

20 MS. COOLEY: And no vernal pools were  
21 apparent from what you could ascertain?

22 THE WITNESS (Gustafson): That's  
23 correct, we didn't observe any vernal pools  
24 immediately adjacent to the property either.

25 MS. COOLEY: Very good. Thank you. I

1 appreciate that.

2 THE WITNESS (Gustafson): You're  
3 welcome.

4 MS. COOLEY: Now, my next question had  
5 to do with the trees on the site that will be  
6 taken out to build the road. Was there any  
7 indication that there were trees that would have,  
8 that might not need to be removed but would need  
9 to have limbs removed to allow access for some of  
10 the larger trucks? Is there a lot of trimming  
11 that's planning to be done?

12 THE WITNESS (Burns): Robert Burns, All  
13 Points Technologies. The trees that are to remain  
14 closest to the road, probably in the areas where  
15 the access drive is almost at grade, probably  
16 require some limb trimming, but that's it.

17 MS. COOLEY: And what time of year are  
18 you anticipating that this work would be done?

19 THE WITNESS (Burns): Do we have a  
20 restriction for clear clearing? I'll have Dean  
21 answer that.

22 THE WITNESS (Gustafson): Again, Dean  
23 Gustafson, All Points. For protection of the bat  
24 species, listed bat species, there's the northern  
25 long-eared bat, little brown bat, red bat, to

1 impact, to mitigate for any potential impacts by  
2 construction of the facility, there's a  
3 time-of-year restriction for tree clearing. So  
4 tree clearing can only occur during the dormant  
5 period for those species, November 1st through  
6 March 30th.

7 MS. COOLEY: Okay. And the tree  
8 limbing or trimming would also occur at that time?

9 THE WITNESS (Gustafson): That's  
10 correct.

11 MS. COOLEY: All right. Thank you.  
12 Let me see if there were any other follow-ups.

13 Mr. Morissette, I believe my fellow  
14 Siting Council members have asked all the other  
15 questions that I was interested in. It's one of  
16 the nice things about being at the end of the  
17 queue here. So thank you very much.

18 MR. MORISSETTE: Thank you, Ms. Cooley.  
19 We'll now continue with -- try again with  
20 cross-examination by Mr. Hannon.

21 Mr. Hannon, were you able to correct  
22 your connectivity issue? Mr. Hannon? I'm sorry,  
23 Mr. Hannon, but we're still unable to hear you.

24 (No response.)

25 MR. MORISSETTE: We will move on. I

1 have a couple of follow-up questions. In the  
2 meantime, Mr. Hannon, maybe you could call the  
3 phone number to gain phone access, maybe that  
4 would be helpful.

5 Okay. A couple follow-up questions for  
6 me. I would like to go to attachment 1 to the  
7 application having to do with the coverage gaps.  
8 In particular, I would like to go to -- just give  
9 me one second -- page 9 of the coverage analysis,  
10 which is the existing and proposed 700 megahertz  
11 coverages.

12 THE WITNESS (Lavin): Martin Lavin, C  
13 Squared Systems.

14 MR. MORISSETTE: Hi, Mr. Lavin. I'm  
15 curious as to north of the proposed site there is  
16 a coverage gap below State Highway 39. Why is  
17 that?

18 THE WITNESS (Lavin): The terrain, we  
19 can see over the terrain to get down to 39. I  
20 think you're talking about the white interval  
21 between State Highway 39 and the site itself?

22 MR. MORISSETTE: Yes.

23 THE WITNESS (Lavin): The terrain drops  
24 down. That's the east facing side of the hill  
25 there. And once we get to the edge of that orange

1 there, it drops off too much for us to -- it's  
2 shadowed down to the highway, but then flattens  
3 out a bit for the state highway itself, and we're  
4 able to reach the highway itself, but not that  
5 intervening area because of the slope of the land.

6 MR. MORISSETTE: Okay. So it kind of  
7 shoots over the gully, if you will?

8 THE WITNESS (Lavin): Yes. There's a  
9 depression there, essentially, in the profile, and  
10 it loses that area and then it comes back to the  
11 highway.

12 MR. MORISSETTE: Okay. While you're on  
13 the stand, there were comments, I believe it was  
14 from RCC Consulting, about reducing the height of  
15 the proposed facility to 120 feet. Do you have  
16 any comments on that and what your reaction to  
17 that is?

18 THE WITNESS (Lavin): I've only seen  
19 the presentation they've done. I don't know what  
20 technology it was done for eight or nine years  
21 ago. I don't know what exact location they had up  
22 here. I don't know -- I think their thresholds  
23 are on there -- I don't know what power they used  
24 or antennas or anything else. My estimation of  
25 coverage from here is that it does decline greatly

1 with decreasing height, especially along Route 39,  
2 and then as you go lower Route 37 starts to lose  
3 coverage too. I believe they're talking about 80  
4 feet up there or something of that nature. I  
5 think that would be very highly ineffective at  
6 covering this area. You'd be down near the  
7 treetop levels adjacent to the site itself, as far  
8 as I know, and all the way down the slope to the  
9 roads, and you'd lose a great deal of signal  
10 height. In particular, their analysis in what  
11 they call the Coote Hill site versus height, I  
12 think they're fairly optimistic about what --  
13 overly optimistic about what it would cover.

14 MR. MORISSETTE: So at a height of 120  
15 feet that means the additional carriers would  
16 be --

17 THE WITNESS (Lavin): The additional  
18 carriers would be pushed down even further. If  
19 we, in our current configuration with platforms or  
20 gate bows (phonetic), or having the antennas  
21 externally on a triangular platform, we would be  
22 pushing them down, and we'd be 116, maybe 106, 96,  
23 and I don't see how you'd cover very much that you  
24 need to from here at those levels.

25 MR. MORISSETTE: Thank you. I would

1 like to change topics. There was discussion about  
2 moving the facility away from the property  
3 boundary. I would like to get a reaction -- I  
4 think it would be Mr. Vergati -- as to how you  
5 landed where you landed on the site and whether  
6 there is a possibility to move the project site  
7 away from the property line and whether that is  
8 viable.

9 THE WITNESS (Vergati): Ray Vergati,  
10 Homeland Towers. We had worked in conjunction  
11 with the landlord, RF, with Dean and the  
12 environmental folks to keep away from any  
13 habitats, and cognizant of we didn't want to lose  
14 too much elevation. When we did relocate the  
15 facility due to the potential habitat, we went  
16 from, I believe, an elevation of 902.4 to roughly  
17 878 in elevation, so we lost roughly 22 feet in  
18 elevation to begin with.

19 So we kept it on the right side is  
20 where the terrain stays higher. And on this  
21 particular subject property it was the wishes of  
22 the landlord, they use the property extensively  
23 for walking trails and so forth, and didn't want  
24 us, per se, to be in their use of the property.  
25 So we had to pick the best location with a



1 combination, again, of everyone's input, landlord,  
2 RF, and the environmental folks.

3 MR. MORISSETTE: Thank you. My next  
4 question is relating to the culverts and the water  
5 crossings. I think that's for Mr. Gustafson.  
6 Good afternoon.

7 THE WITNESS (Gustafson): Good  
8 afternoon.

9 MR. MORISSETTE: The access road, based  
10 on the photos in the photo log from the field  
11 review, first of all, it appeared very dry so when  
12 the photos were taken it was what time of year  
13 again?

14 THE WITNESS (Gustafson): I'll confer  
15 with my colleague to get you the correct answer  
16 here. April 20th of this year.

17 MR. MORISSETTE: You would think that  
18 April 20th it would be somewhat wet. But anyway,  
19 so the road, the access road, that is not an  
20 existing road, it's basically a trail at this  
21 point?

22 THE WITNESS (Gustafson): Correct.

23 MR. MORISSETTE: So to build it, the  
24 culverts are not existing at this point in time,  
25 correct?

1 THE WITNESS (Gustafson): That's  
2 correct.

3 MR. MORISSETTE: Okay. And you would  
4 install culverts at both crossings for the newly  
5 installed access road?

6 THE WITNESS (Gustafson): That's  
7 correct, yes. And we would be utilizing natural  
8 stream crossing design standards approved by DEEP  
9 and the Army Corps of Engineers. Effectively,  
10 we'll bed the culverts a foot deep into the stream  
11 bed and then place stream bed material within the  
12 culverts. So what this effectively does is  
13 maintain the existing hydraulic connection both  
14 upstream and downstream of these highly seasonal  
15 intermittent watercourse features, and also allow  
16 for any aquatic organism movement underneath the  
17 proposed access road through those natural stream  
18 bed materials contained within the culverts once  
19 they're installed.

20 MR. MORISSETTE: Thank you. All my  
21 other questions have been asked by my fellow  
22 Council members as well.

23 We will now go back to Mr. Hannon to  
24 see if he has been able to connect with us to  
25 continue with his cross-examination.

1 MR. HANNON: Time will tell. Can you  
2 hear me?

3 MR. MORISSETTE: I can hear you. Thank  
4 you, Mr. Hannon.

5 MR. HANNON: Hallelujah. It's been an  
6 interesting afternoon. That's all I can say.

7 MR. MORISSETTE: Okay. Make it quick  
8 so you don't lose it.

9 MR. HANNON: I know. I do have some  
10 questions. For the record, on page 4 you talk  
11 about AT&T will deploy FirstNet, and on page 13 of  
12 the application AT&T will deploy Enhanced 911.  
13 Can you just briefly explain the difference  
14 between those two programs just so that it's on  
15 the record?

16 THE WITNESS (Lavin): Martin Lavin, C  
17 Squared Systems. FirstNet is for public safety  
18 communications between public safety groups and,  
19 technically-speaking, possibly out to the rest of  
20 the world. And E911 is people having emergencies  
21 contacting public safety answering points, or  
22 PSAPs, and reporting their emergencies. I guess  
23 the difference is, if you had an emergency, you  
24 would call 911 and report it to a PSAP. They  
25 would refer it to the proper first responders, and

1 those first responders might use FirstNet in order  
2 to get out to your location and assist you.

3 MR. HANNON: Thanks. I just wanted to  
4 get it on the record because you're talking two  
5 different programs.

6 On page 21 of the application there's a  
7 statement that says "no marking or lighting of the  
8 tower." So I understand that. But there was a  
9 discussion a little bit earlier in the day about  
10 the possibility of the tower being extended, so  
11 here's my question on this: Right now the  
12 existing tower is 170 feet high and it will  
13 accommodate the municipal whip antennas that  
14 extend another 22 feet, so it gets up to about  
15 192. My recollection of sort of the magical  
16 number is 200 feet. So if this tower were to be  
17 extended 20 feet now brings the tower up to 192,  
18 but the antennas still have to be replaced at the  
19 top of the antenna, and that now goes up to about  
20 212. Is that going to trigger any lighting or  
21 marking on the tower? I understand it's a  
22 hypothetical, but I'm just curious about that.

23 THE WITNESS (Lavin): There would have  
24 to be another FAA study, I know, and it would have  
25 to be the case that it's possible to put the

1 antennas on standoffs at their current level  
2 because they would have to be relicensed too.  
3 They'd be licensed for 170 feet, and the FCC would  
4 want to -- they'd have to get another license from  
5 the FCC to go up another 20 feet. It's also  
6 possible to put standoffs at that level on each  
7 side of the tower to put the whip antennas far  
8 enough from the tower itself to avoid having to  
9 raise them, but that's -- it would have to be a  
10 study based on the specifics of the application.

11 MR. HANNON: Thank you. I appreciate  
12 that. On page 16 there's a statement that says  
13 approximately 1,663 cubic yards of fill material  
14 are needed for the site. Does that include or  
15 does it not include the 712 cubic yards of crushed  
16 stone that need to be brought in?

17 THE WITNESS (Burns): Robert Burns, All  
18 Point Technologies. Let me get to my notes here.  
19 So on the site there is 1,663 cubic yards of fill  
20 required. There's also 968 cubic yards of  
21 excavation that will happen which could, depending  
22 on the material, whether it meets spec, drop the  
23 amount of fill to 695 cubic yards. That does not  
24 include the stone.

25 MR. HANNON: Okay. All right. I was

1 just curious as to whether it included it or not.

2 My next question goes to page 17, and  
3 there's a statement that says that the two wetland  
4 crossings, you're crossing within the narrowest  
5 features of the wetland. That's not actually  
6 accurate to the second crossing. But here's kind  
7 of where I'm going with my question on this.

8 Based on Tab 4, Map SP-2 -- and I understand, I  
9 think Dean is the one that said earlier today that  
10 these were intermittent streams on the site --  
11 that the first wetland crossing is about 10 feet  
12 of wetlands based on the scale, and the second  
13 wetland crossing, where you actually have it  
14 located, is about 30 to 35 feet wide wetland edge  
15 to wetland edge. And I know that on that second  
16 crossing there's a spot a little bit further to I  
17 guess like the east that's like 15 to 17 feet. So  
18 why can't you use that narrower wetland area on  
19 the second crossing? That's my first question on  
20 this.

21 THE WITNESS (Burns): For the record,  
22 Robert Burns, All Points. At the narrowest part  
23 there is a gigantic, and that's not an engineering  
24 term, but a very large boulder there that we are  
25 trying to miss because of the construction of the

1 road would be made difficult. It's also a boulder  
2 that the landlord wants to keep and it has some  
3 kind of value to him.

4 MR. HANNON: Okay. No, that's fine. I  
5 was just curious as to why you moved it away from  
6 the narrower neck --

7 THE WITNESS (Burns): Go ahead. I'm  
8 sorry.

9 MR. HANNON: I was going to say, so  
10 having said that, I guess one of the things that  
11 I've started taking a closer look at is have you  
12 considered installing any bottomless concrete box  
13 culverts and basically staying out of the wetlands  
14 altogether instead of installing pipe, working in  
15 the wetland area, because I think there are some  
16 ways that you may be able to mitigate working at  
17 all in the wetlands. So has that been even  
18 thought of in the engineering design of the  
19 roadway?

20 THE WITNESS (Burns): The pipes have  
21 been sized to pass a 100-year storm, so any kind  
22 of box culvert there would be a bit of an  
23 overkill. But with that being said, in order to  
24 even install that box culvert, we'd still have to  
25 go into that wetland to put that box culvert down.

1 So we feel that this is the minimal impact to the  
2 wetland by putting in the twin, at least on the  
3 second crossing, the twin 24 inch pipes and in the  
4 first crossing a single 24 inch pipe.

5 MR. HANNON: Let me take this down the  
6 road a little bit. And again, I don't know how  
7 often these communication towers might be  
8 dismantled because whether there's a change in  
9 technology so that it's no longer needed, would  
10 you be required to go back and sort of reestablish  
11 the existing wetlands as it is today versus having  
12 gone in and put in the piping? I'm just curious.

13 THE WITNESS (Burns): So are you asking  
14 if for some reason this tower needs to be removed  
15 if the wetlands would be reestablished in that  
16 area?

17 MR. HANNON: Yes. Would you have to go  
18 back and sort of put the wetlands back into their  
19 natural state?

20 THE WITNESS (Burns): I'm not sure  
21 offhand what the Council's requirements are for  
22 that.

23 MR. HANNON: Okay. No, I just thought  
24 I would ask. It came across my mind. Now, I know  
25 that the location of the tower was moved to try



1 and avoid any direct impacts to the slimy  
2 salamander habitat. And I'm assuming that after  
3 everything was worked out that's sort of the  
4 reason why you got that 79 feet from the nearest  
5 wetland boundary after trying to stay clear of the  
6 slimy salamander area?

7 THE WITNESS (Burns): Yes, sir.

8 MR. HANNON: And with respect to the  
9 other state-listed species, does Homeland agree to  
10 incorporate the best management plan recommended  
11 by DEEP including the tree clearing limits?

12 THE WITNESS (Burns): The answer to  
13 that is yes, and that this will also require a  
14 stormwater pollution control permit from DEEP  
15 because we're disturbing more than one acre. So  
16 that any requirements that come with that in terms  
17 of monitoring and best management is included in  
18 this project.

19 MR. HANNON: Okay. Thank you. Behind  
20 Tab 1 the only coverage maps that I saw had to  
21 deal with the 700 megahertz. Is that the primary  
22 purpose of this particular cell tower project is  
23 to enhance the 700 service? I think there were  
24 comments earlier that there may be other antennae  
25 added, but it almost appears to me with the maps

1 that were shown that this is primarily for 700  
2 megahertz.

3 THE WITNESS (Lavin): Martin Lavin, C  
4 Squared Systems. 700 megahertz is our best  
5 coverage, and it defines our footprint, so that's  
6 that's why we show it.

7 MR. HANNON: Okay. So what's the  
8 coverage with some of the other --

9 THE WITNESS (Lavin): 850 megahertz  
10 would be slightly less. 1,900, 2,100 and/or 2,300  
11 would be considerably less. They are mainly there  
12 to grab whatever they can in terms of capacity  
13 which helps the 700 megahertz system reach as far  
14 as it can by being as lightly loaded as possible.

15 MR. HANNON: Okay. Thank you. Tab 6,  
16 page 3, it mentions that a wetland protection plan  
17 will be implemented during construction. That  
18 will include an environmental monitor to maintain  
19 proper erosion sedimentation control measures  
20 throughout the entire duration of construction.  
21 Two questions on that. Are you looking at the  
22 environmental monitor as somebody different than  
23 the contractor doing the work; and two, has this  
24 plan been developed yet?

25 THE WITNESS (Gustafson): The first

1 part, Dean Gustafson, All Points, the first part  
2 of your question is the answer is yes, it's an  
3 independent compliance, environmental compliance  
4 monitor. So the contractor is responsible for  
5 day-to-day monitoring, but through the wetland  
6 protection plan we'll have an independent wetland  
7 scientist perform compliance monitoring on a  
8 regular basis, including a pre-construction  
9 meeting with the contractor, to make them aware of  
10 the sensitive nature of the project area, what  
11 precautions need to be taken as far as protection  
12 of wetland resource areas. The plan itself has  
13 not been developed, but it will be included in the  
14 D&M plan should the Council approve the facility.  
15 But we have, All Points has submitted very similar  
16 wetland protection plans in several other dockets  
17 that have been approved by the Council, and  
18 they're follow similar formats.

19 MR. HANNON: Okay. Thank you.

20 THE WITNESS (Gustafson): You're  
21 welcome.

22 MR. HANNON: On sort of the same line  
23 on page 4 and 5 it talks about an invasive species  
24 plan. And has that been completed or would that  
25 be submitted at the time of the D&M plan?

1 THE WITNESS (Gustafson): That would be  
2 submitted at the D&M plan phase as well. We felt  
3 that based on the current characteristics of the  
4 forest, the general lack of invasive species  
5 contained in the understory and the sensitive  
6 nature of the habitats as far as them supporting  
7 rare species, that this is an appropriate site to  
8 employ an invasive species protection plan. And  
9 it's really for precautions for the contractor to  
10 take to ensure that they're not bringing on  
11 materials that contain invasive species during  
12 construction of the facility. So we've prepared  
13 similar plans on other much larger projects, not  
14 necessarily that have been in front of the  
15 Council, but have been approved by DEEP as well as  
16 the Army Corps of Engineers, and will be providing  
17 a protection plan that meets those regulatory  
18 standards.

19 MR. HANNON: Thank you.

20 THE WITNESS (Gustafson): You're  
21 welcome.

22 MR. HANNON: On Tab 10, page 2, the way  
23 that this is stated is, it states that Homeland  
24 would consider the following additional U.S. Fish  
25 and Wildlife Service voluntary conservation

1 measures where appropriate and as the project  
2 schedule allows. One, can you define what you  
3 mean by "where appropriate," and second, define  
4 what you mean "as the project schedule allows"?

5 THE WITNESS (Gustafson): So that is  
6 fairly standard language that we include in our  
7 compliance for northern long-eared bat. However,  
8 with this particular project there are two other  
9 bat species. State listed northern long-eared bat  
10 is both state and federally listed. But with the  
11 protection measures for little brown bat and red  
12 bat, the recommended protection measures by the  
13 Connecticut Department of Energy and Environmental  
14 Protection, the Natural Diversity Data Base  
15 letter, we have agreed to a time-of-year tree  
16 clearing restriction, so trees can only be removed  
17 from the period November 1st through March 30th.  
18 So that overrides the language with respect to  
19 northern long-eared bat. But that tree clearing  
20 restriction is protective of all three bat  
21 species. So it's not voluntary at this point  
22 because of the engagement with the Connecticut  
23 DEEP. Those will be an absolute requirement for  
24 the project to proceed.

25 MR. HANNON: And part of the reason I

1 was asking that is because Tab 10, page 3, I  
2 believe it's All Points that makes a statement  
3 Homeland will implement the recommendations. So  
4 I'm seeing on page 2, yeah, we'll consider it, but  
5 on page 3 you're saying yes they will do it. So  
6 I'm just trying to make sure that what's being  
7 proposed with these protection plans will in fact  
8 be implemented.

9 THE WITNESS (Gustafson): Yes, they  
10 will. And I apologize for the confusion. Your  
11 first reference is to the conservation measures  
12 that are provided by U.S. Fish and Wildlife  
13 Service with respect to protection of northern  
14 long-eared bat, and those are entirely voluntary  
15 in nature. But to the degree of this project, we  
16 do need to adhere to that time-of-year restriction  
17 for little brown bat and red bat. So in this  
18 particular instance we probably should have  
19 clarified the earlier language and synched it up  
20 with what's actually required for this site. So I  
21 apologize for the confusion.

22 MR. HANNON: Okay. And I actually  
23 think that's the end of my questions while I still  
24 have a connection.

25 MR. MORISSETTE: Thank you, Mr. Hannon.

1 MR. HANNON: Thank you.

2 MR. MORISSETTE: We heard you loud and  
3 clear. Next on the agenda is the continuation of  
4 the cross-examination of the applicant by Mr.  
5 Greenbaum. However, due to the time, I do want to  
6 make sure that Mr. Greenbaum has adequate time to  
7 pursue his line of questioning. So we will  
8 postpone his questioning until the continuation of  
9 the hearing on June 24th at 2 p.m.

10 So at this time we will be breaking for  
11 dinner. The Council will recess until 6:30 p.m.,  
12 at which time we will commence the public comment  
13 session of this remote public hearing. Thank you  
14 all, and enjoy your dinner.

15 (Whereupon, the witnesses were excused,  
16 and the above proceedings were adjourned at 4:53  
17 p.m.)

1 CERTIFICATE FOR REMOTE HEARING

2  
3 I hereby certify that the foregoing 119 pages  
4 are a complete and accurate computer-aided  
5 transcription of my original stenotype notes taken  
6 of the Remote Public Hearing in Re: DOCKET NO.  
7 499, HOMELAND TOWERS, LLC AND NEW CINGULAR  
8 WIRELESS PCS, LLC d/b/a AT&T APPLICATION FOR A  
9 CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY AND  
10 PUBLIC NEED FOR THE CONSTRUCTION, MAINTENANCE, AND  
11 OPERATION OF A TELECOMMUNICATIONS FACILITY LOCATED  
12 AT 16 COOTE HILL ROAD, SHERMAN, CONNECTICUT, which  
13 was held before JOHN MORISSETTE, PRESIDING  
14 OFFICER, on May 25, 2021.

15  
16  
17  
18 

19 -----  
20 Lisa L. Warner, CSR 061  
21 Court Reporter  
22  
23  
24  
25



I N D E X

WITNESSES: (Sworn on page 12)

RAYMOND VERGATI  
HARRY CAREY  
ROBERT BURNS  
MICHAEL LIBERTINE  
DEAN GUSTAFSON  
BRIAN GAUDET  
MARTIN LAVIN  
DAN STEBBINS

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

2  
3 APPLICANTS' EXHIBITS

4 (Received in evidence)

5 EXHIBIT	DESCRIPTION	PAGE
6 II-B-1	Application for a Certificate of 7 Environmental Compatibility and Public 8 Need filed by Homeland Towers, LLC and 9 New Cingular Wireless PCS, LLC (AT&T), received March 12, 2021, and attachments and bulk file exhibits including: 10 Bulk file exhibits: 11 a. Town of Sherman Plan of Conservation and Development 12 b. Town of Sherman Zoning Regulations 13 c. Town of Sherman Zoning map 14 d. Town of Sherman Inland Wetlands and Watercourses Regulations e. Technical report	17
15 II-B-2	Applicants' Affidavit of Publication, dated March 24, 2021.	17
16 II-B-3	Signed protective order, dated 17 May 6, 2021.	17
18 II-B-4	Applicants' responses to Council interrogatories, Set One, dated 19 May 11, 2021.	17
20 II-B-5	Applicants' supplemental submission, dated May 18, 2021.	17
21 II-B-6	Applicants' response to Stan 22 Greenbaum's adjournment request and related comments, dated May 18, 2021.	17

23  
24 \*All exhibits retained by the Council.  
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