

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 Continued Public Hearing held on Thursday, June
15 24, 2021, beginning at 2 p.m. via remote access.
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19 H e l d B e f o r e :

20 JOHN MORISSETTE, Presiding Officer
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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 **QUAT NGUYEN**
8 Designee for Chairman Marissa Paslick
9 Gillett
10 Public Utilities Regulatory Authority

11 **ROBERT SILVESTRI**
12 **EDWARD EDELSON**

13 **Council Staff:**

14 **MELANIE BACHMAN, ESQ.**
15 Executive Director and
16 Staff Attorney

17 **ROBERT MERCIER**
18 Siting Analyst

19 **LISA FONTAINE**
20 Fiscal Administrative Officer

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

26 **Intervenor:**
27 **STAN GREENBAUM**
28 9 Peace Pipe Lane
29 Sherman, Connecticut 06784

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

31 ****All participants were present via remote access.**
32 *****(AUDIO INTERRUPTION) - denotes breaks in speech**
33 **due to interruptions in audio or echo.**

1 MR. MORISSETTE: Good afternoon,
2 everybody. This continued remote evidentiary
3 hearing is called to order this Thursday, June 24,
4 2021, at 2 p.m. My name is John Morissette,
5 member and presiding officer of the Connecticut
6 Siting Council. Can everyone hear me okay? Thank
7 you.

8 As everyone is aware, there is
9 currently a statewide effort to prevent the spread
10 of the Coronavirus. This is why the Council is
11 holding this remote hearing, and we ask for your
12 patience. If you haven't done so already, I ask
13 that everyone please mute their computer audio and
14 telephones now.

15 A copy of the prepared agenda is
16 available on the Council's Docket No. 499 webpage,
17 along with the record of this matter, the public
18 hearing notice, instructions for public access to
19 this remote public hearing, and the Council's
20 Citizens Guide to Siting Council Procedures.

21 I will ask the other members of the
22 Council to acknowledge that they are present when
23 introduced for the benefit of those who are only
24 on audio.

25 Mr. Edelson.

1 MR. EDELSON: Present. Thank you.

2 MR. MORISSETTE: Thank you. Mr.
3 Silvestri.

4 MR. SILVESTRI: Present. Thank you,
5 Mr. Morissette.

6 MR. MORISSETTE: Thank you, Mr.
7 Silvestri.

8 Mr. Hannon.

9 MR. HANNON: I am present. Thank you.

10 MR. MORISSETTE: Thank you, Mr. Hannon.
11 Mr. Nguyen.

12 MR. NGUYEN: Present, Mr. Morissette.
13 Thank you.

14 MR. MORISSETTE: Thank you, Mr. Nguyen.
15 Executive Director Melanie Bachman.

16 MS. BACHMAN: Present. Thank you.

17 MR. MORISSETTE: Thank you. Siting
18 Analyst Robert Mercier.

19 MR. MERCIER: Present.

20 MR. MORISSETTE: Thank you, Mr.
21 Mercier.

22 Fiscal Administrative Officer Lisa
23 Fontaine.

24 MS. FONTAINE: Present.

25 MR. MORISSETTE: Thank you. This

1 evidentiary session is a continuation of the
2 remote public hearing held on May 25, 2021. It is
3 held pursuant to the provisions of Title 16 of the
4 Connecticut General Statutes and of the Uniform
5 Administrative Procedure Act upon an application
6 from Homeland Towers, LLC and New Cingular
7 Wireless PCS, LLC doing business as AT&T for a
8 Certificate of Environmental Compatibility and
9 Public Need for the construction, maintenance, and
10 operation of a telecommunications facility located
11 at 16 Coote Hill Road in Sherman, Connecticut.

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

15 A verbatim transcript will be made
16 available of this hearing and deposited at the
17 Sherman Town Clerk's Office for the convenience of
18 the public.

19 We have two motions. The first motion
20 being June 17, 2021, the applicants submitted a
21 motion for protective order. Attorney Bachman may
22 wish to comment.

23 MS. BACHMAN: Thank you, Mr.
24 Morissette. Similar to the existing protective
25 order related to the disclosure of the financial

1 terms contained within the lease agreement,
2 applicants seek a protective order related to the
3 disclosure of the financial terms contained in the
4 letter agreement between Homeland Towers and the
5 owner of Coote Hill Road on the basis that the
6 financial terms of the agreement are proprietary.
7 The intervenor, Stan Greenbaum, does not object,
8 and staff recommends approval.

9 MR. MORISSETTE: Thank you, Attorney
10 Bachman. Is there a motion?

11 MR. SILVESTRI: Mr. Morissette,
12 Silvestri, I'll move approval of the motion.

13 MR. MORISSETTE: Thank you, Mr.
14 Silvestri. Is there a second?

15 MR. EDELSON: This is Ed Edelson. I
16 second.

17 MR. MORISSETTE: Thank you, Mr.
18 Edelson. We have a motion and a second.

19 Is there any discussion? Mr. Edelson.

20 MR. EDELSON: No discussion. Thank
21 you.

22 MR. MORISSETTE: Thank you. Mr.
23 Silvestri, any discussion?

24 MR. SILVESTRI: No discussion. Thank
25 you.

1 MR. MORISSETTE: Thank you. Mr.
2 Hannon, any discussion?

3 MR. HANNON: No discussion. Thank you.

4 MR. MORISSETTE: Thank you.
5 Mr. Nguyen, any discussion?

6 MR. NGUYEN: No discussion. Thank you.

7 MR. MORISSETTE: Thank you. And I have
8 no discussion as well.

9 We'll now move to the vote. Mr.
10 Edelson, how do you vote? Mr. Edelson?

11 MR. EDELSON: I apologize. I vote in
12 favor of the motion. Thank you.

13 MR. MORISSETTE: Thank you. Mr.
14 Silvestri, how do you vote?

15 MR. SILVESTRI: Vote to approve.

16 MR. MORISSETTE: Thank you. Mr.
17 Hannon, how do you vote?

18 MR. HANNON: Vote to approve. Thank
19 you.

20 MR. MORISSETTE: Thank you.
21 Mr. Nguyen, how do you vote?

22 MR. NGUYEN: Vote to approve. Thank
23 you.

24 MR. MORISSETTE: Thank you. And I also
25 vote to approve, and we have a unanimous decision

1 for the motion for protective order.

2 Moving on to the second motion. On
3 June 18, 2021, the applicant submitted a motion on
4 the scope of the intervenor's participation, to
5 compel witness disclosure, and to exclude certain
6 documents. Attorney Bachman may wish to comment.

7 MS. BACHMAN: Thank you, Mr.
8 Morissette. First, on June 23rd the intervenor,
9 Stan Greenbaum, submitted a response to this
10 motion. He claims a lack of notice. However,
11 Attorney Fisher did follow the proper procedure
12 for service. The Council's May 26, 2021 decision
13 on Mr. Greenbaum's intervenor status request
14 indicates the preferred service to parties and
15 intervenors is electronic mail. If you wish to
16 receive hard copies --

17 MR. MORISSETTE: Excuse me, Attorney
18 Bachman.

19 MS. BACHMAN: I'm sorry.

20 MR. MORISSETTE: I think we're getting
21 feedback. Could everybody mute their phones,
22 please?

23 MS. BACHMAN: I'll start over, Mr.
24 Morissette. Thank you. On June 23rd intervenor
25 Stan Greenbaum submitted a response to the

1 applicants' motion. He claimed there was lack of
2 notice. However, Attorney Fisher did follow the
3 proper procedure for service. The Council's May
4 26, 2021 decision on Mr. Greenbaum's intervenor
5 status request indicates, quote, "The Council's
6 preferred service to parties and intervenors is
7 electronic mail. If you wish to receive hard
8 copies of documents via regular mail, please
9 notify the Council in writing." Mr. Greenbaum did
10 not notify the Council in writing that he was
11 seeking hard copies of documents, and he did
12 provide an email address sgreenbaum@uchicago.edu,
13 which is the email listed for intervenor Greenbaum
14 in the service list for this proceeding.
15 Additionally, all of the documents and the motions
16 are posted on the Council's project webpage.

17 This is a three-part motion, and I'm
18 going to try and make it less complicated. The
19 first part is the motion on the scope of Mr.
20 Greenbaum's participation. The applicants
21 indicate that certain testimony and exhibits
22 submitted by Mr. Greenbaum are irrelevant to the
23 proceeding and outside of the Council's
24 jurisdiction. The applicants request Intervenor
25 Greenbaum's participation as an intervenor be

1 limited. Staff recommends that intervenor
2 Greenbaum's participation be limited to matters
3 that are jurisdictional to the Council pursuant to
4 the Public Utilities Environmental Standards Act,
5 which include environmental impacts and
6 consideration of available alternative sites, but
7 do not include the evaluation and/or the
8 determination of private property rights.

9 The second part of the motion is the
10 compel to disclose witnesses. This portion of the
11 motion was rendered moot by intervenor Greenbaum's
12 June 23rd and June 24th at 12:04 p.m. today's
13 response to the objection, the applicant
14 questioning witnesses during the verification of
15 the intervenor's exhibits to which he has no
16 objection to the questioning and/or voir dire of
17 the witnesses at the time intervenor Greenbaum and
18 his witness panel appear to verify those exhibits.

19 The third part of the motion is the
20 most complicated, and I will try and refer to the
21 hearing program. This is a motion to exclude
22 certain prefiled testimony and documents. Under
23 the Uniform Administrative Procedure Act, Section
24 4-178, and the Council's regulations, Section
25 16-50j-28 allows the Council to exclude

1 irrelevant, immaterial or repetitious evidence.
2 Therefore, based on the motion, staff recommends
3 the following actions with regard to Greenbaum's
4 June 17th submission.

5 Attachment number 1, this is the
6 Jones-Homeland Tower agreement, (b) the Jones
7 letter to the Siting Council, and (c) the Jones
8 second letter to the Siting Council. With regard
9 to (a), we recommend the agreement be excluded
10 consistent with the protective order that was just
11 put in place. Again, the intervenor did not
12 object to the motion for protective order. As for
13 parts (b) and (c), the letters from Mr. Jones,
14 those are already part of the public comment
15 record and should therefore also be excluded from
16 the exhibit list.

17 With regard to attachment 2 entitled
18 map of Coote Hill Road, now owned by Pepper Jones,
19 it is a quitclaim deed, a public record, and we
20 recommend it be moved to the intervenor's
21 administrative notice list.

22 With regard to attachment 3, this is
23 the property deeds of Coote Hill property owners
24 A, B and C, these are also public records, they're
25 property deeds, and we recommend that they be

1 moved to the intervenor's administrative notice.

2 Attachments 5, 7 and 15 respectively,
3 5, is leases with cell phone providers and
4 emergency services on a tower owned by New
5 Fairfield in Patterson, New York. Attachment 7 is
6 a letter from Pat Del Monaco, the first selectman
7 of New Fairfield, indicating willingness to
8 entertain leases in the Town of Sherman and AT&T
9 for the New Fairfield tower in Patterson, New
10 York. And attachment number 15, a June 3, 2020
11 letter from the first selectman of New Fairfield
12 regarding the willingness to entertain tower lease
13 agreements on a tower, cell tower in Patterson,
14 New York with the Town of Sherman and AT&T. We
15 recommend all three of those items additionally
16 being public records that could be sought from the
17 public agencies through a Freedom of Information
18 Act request also be moved to the intervenor's
19 administrative notice.

20 With regard to attachment 13, these are
21 the Freedom of Information requests from the board
22 of selectmen in Sherman and New Fairfield. We
23 also recommend that these public records be moved
24 to the intervenor's administrative notice list.

25 Earlier today an additional response

1 was submitted by Mr. Greenbaum at 12:04 p.m. and
2 it included more attachments. The first
3 attachment is number 16. It's an Excel
4 spreadsheet showing roads and houses, addresses in
5 southern Sherman. It was carried out by driving
6 roads and initiating and receiving cell phone
7 calls. Ms. Prescott and Ms. Quaranto in that
8 second response are the sponsoring witnesses for
9 attachment 16, so that will remain.

10 With regard to attachment 17, these are
11 Rand McNally road maps showing roads of southern
12 Sherman. Staff recommends that those be excluded
13 and moved to the intervenor's administrative
14 notice.

15 Attachment 18 is an email from the
16 Aquarion Water Company to Mr. Greenbaum. We
17 recommend that that be excluded and moved to
18 public comment. Aquarion is not a public agency
19 like the Town of New Fairfield or the Town of
20 Sherman or the Siting Council.

21 Attachment 19 is an email from Terri
22 Hahn to Ray Vergati and several other recipients
23 we also recommend to be excluded and moved to
24 public comments.

25 Attachment 20, this is the first letter

1 from Pepper Jones to Ray Vergati. We also
2 recommend that be excluded and added to public
3 comments.

4 And finally attachment number 21, a
5 copy of a letter from Peter and Sharon Kuring, 5
6 Coote Hill Road to the Siting Council. We
7 recommend that that also be excluded and moved to
8 public comment.

9 So the remaining exhibits on the list
10 for the intervenor would be attachment 4, which is
11 photos and images; attachment 10, which is a Coote
12 Hill road traffic study; attachment 11, signed
13 letter from Mr. Pascarella; attachment 12, the
14 propagation maps predicting cell signal coverage;
15 and lastly attachment number 16, which is the
16 Excel spreadsheet sponsored by Ms. Quaranto and
17 Ms. Prescott. Thank you, Mr. Morissette.

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

20 Is there a motion?

21 MR. EDELSON: This is Ed Edelson. I'd
22 like to move the motion as described by Attorney
23 Bachman.

24 MR. MORISSETTE: Thank you, Mr.
25 Edelson. Is there a second?

1 MR. SILVESTRI: Silvestri. I'll second
2 that.

3 MR. MORISSETTE: Thank you, Mr.
4 Silvestri. I have a motion and a second. Is
5 there any discussion?

6 Mr. Edelson.

7 MR. EDELSON: That was a lot of
8 explaining. So I believe I guess I'm looking for
9 a little clarification that I got it right. It
10 seems to me that we are trying to do our best to
11 take all of the -- almost all of the comment, or
12 all of the exhibits that have been proposed and
13 we'll organize them correctly whether they belong
14 in public comment or administrative notice on
15 behalf of the intervenor. And I just hope that is
16 my understanding of what we're trying to do to
17 help the intervenor in making their position
18 clear. So unless I've missed something, I think
19 the Council is trying to do its best to work with
20 the intervenor. And if I'm wrong with that, I
21 would like to be corrected, but that's my
22 understanding of what we went through.

23 MR. MORISSETTE: Thank you,
24 Mr. Edelson. I'll have Attorney Bachman provide
25 comment on that, if she would.

1 MS. BACHMAN: Thank you, Mr.
2 Morissette.

3 Mr. Edelson, that is correct, all of
4 the exhibits with the exception of the letter
5 agreement that was excluded are either public
6 comment or intervenor's admin notice depending on
7 the authorship of whether it is a public agency or
8 just members of the public.

9 MR. EDELSON: Okay. Thank you very
10 much. No further discussion, Mr. Morissette.

11 MR. MORISSETTE: Thank you, Mr.
12 Edelson. Thank you, Attorney Bachman.

13 Mr. Silvestri, any comments?

14 MR. SILVESTRI: Yes, Mr. Morissette.
15 Thank you. My comment focuses on attachment
16 number 20, which was the October 7, 2020 letter
17 from Pepper Jones to Mr. Vergati. My concern is
18 that this letter is not signed. So I don't know
19 how valid this letter may be. Otherwise, I'm in
20 agreement with all the other transfers, if you
21 will, and exclusions that we have. But should
22 this letter be accepted without a signature?

23 MR. MORISSETTE: Thank you, Mr.
24 Silvestri.

25 Attorney Bachman, would you like to

1 comment?

2 MS. BACHMAN: Thank you, Mr.
3 Morissette. Certainly as a public comment letter,
4 Mr. Silvestri, we take them as they come.

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

7 Mr. Hannon, any discussion?

8 MR. HANNON: Yes, I do have a question
9 regarding the letter or the email from Aquarion.
10 How do we know this is actually Aquarion's
11 position? This is somebody that works apparently
12 at Aquarion where they said they talked to their
13 vice president. I don't know who the vice
14 president is. So this may not be an official
15 letter from Aquarion. So I'm not sure how we
16 accept it. So Attorney Bachman may wish to
17 comment on that.

18 MR. MORISSETTE: Thank you, Mr. Hannon.
19 I believe you're referring to attachment 18.

20 MR. HANNON: Yes.

21 MR. MORISSETTE: Yes. Thank you.
22 Attorney Bachman, you may wish to comment.

23 MS. BACHMAN: Thank you, Mr.
24 Morissette. Along the same lines as the response
25 to Mr. Silvestri's question, Mr. Hannon, public

1 comments are public comments. Mr. Salvato is not
2 a witness for the intervenor or the applicant or a
3 party in their own right, and as stated earlier,
4 we take in all public comments into the public
5 comment record because we can't cross-examine on
6 them. Thank you.

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

9 Anything else, Mr. Hannon?

10 MR. HANNON: No, that was it for today,
11 at least temporarily.

12 MR. MORISSETTE: Thank you, Mr. Hannon.
13 Mr. Nguyen, any discussion?

14 MR. NGUYEN: No discussion, Mr.
15 Morissette. Thank you.

16 MR. MORISSETTE: Thank you. And I have
17 no discussion as well. We'll now move on to the
18 vote.

19 Mr. Edelson, how do you vote?

20 MR. EDELSON: Vote to approve. Thank
21 you.

22 MR. MORISSETTE: Thank you. Mr.
23 Silvestri.

24 MR. SILVESTRI: Also vote to approve.
25 Thank you.

1 MR. MORISSETTE: Thank you. Mr.
2 Hannon.

3 MR. HANNON: Vote to approve. Thank
4 you.

5 MR. MORISSETTE: Thank you. Mr.
6 Nguyen, how do you vote?

7 MR. NGUYEN: Vote to approve. Thank
8 you.

9 MR. MORISSETTE: Thank you. And I also
10 vote to approve. The motion is unanimously
11 approved. Thank you.

12 We will now continue with the
13 appearance of the applicant. We will continue
14 with the appearance of the applicants, Homeland
15 Towers and AT&T, to verify the new exhibits that
16 have been submitted marked as Roman numeral II,
17 Items B-7 and 8.

18 Attorney Chiocchio, please begin by
19 identifying the new exhibits you have filed in
20 this matter and verifying the exhibits with the
21 appropriate sworn witnesses.

22 R A Y M O N D V E R G A T I,
23 H A R R Y C A R E Y,
24 R O B E R T B U R N S,
25 M I C H A E L L I B E R T I N E,

1 D E A N G U S T A F S O N ,

2 B R I A N G A U D E T ,

3 M A R T I N L A V I N ,

4 having been previously duly sworn (remotely),
5 testified on their oath as follows:

6 DIRECT EXAMINATION

7 MS. CHIOCCHIO: Thank you, Mr.

8 Morissette. As indicated in the hearing program
9 the exhibits are Roman Numeral II-B, Items 7 and
10 8. Item 7 are the applicants' responses to Siting
11 Council Interrogatories, Set Two, and Late-Filed
12 Exhibits, dated June 17th. Exhibit Number 8 is
13 applicants' responses to Stan Greenbaum
14 interrogatories, dated June 17th.

15 I'll ask each of my witnesses a series
16 of questions regarding these exhibits and ask that
17 they identify themselves when they answer the
18 questions. Did you prepare or assist in the
19 preparation of the exhibits as identified?

20 THE WITNESS (Burns): Robert Burns.

21 Yes.

22 THE WITNESS (Vergati): Ray Vergati.

23 Yes.

24 THE WITNESS (Gaudet): Brian Gaudet.

25 Yes.

1 THE WITNESS (Gustafson): Dean
2 Gustafson. Yes.

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

5 THE WITNESS (Lavin): Martin Lavin.
6 Yes.

7 THE WITNESS (Libertine): Mike
8 Libertine. Yes.

9 MS. CHIOCCHIO: Do you have any
10 corrections or clarifications to the information
11 contained in those exhibits?

12 THE WITNESS (Burns): Robert Burns.
13 No.

14 THE WITNESS (Vergati): Ray Vergati.
15 No.

16 THE WITNESS (Gaudet): Brian Gaudet.
17 No.

18 THE WITNESS (Gustafson): Dean
19 Gustafson. No.

20 THE WITNESS (Carey): Harry Carey. No.

21 THE WITNESS (Lavin): Martin Lavin.
22 Yes. With respect to Exhibit 8, the responses to
23 Greenbaum interrogatories dated June 17th, we have
24 corrections to the answers to Questions 41 and 82.
25 AT&T does, has a facility in the Town of

1 Patterson, New York, but it's not on the Tower
2 Hill tower that is owned by the Town of Fairfield,
3 Connecticut. It is site CT1684, 25 Garland Road,
4 Patterson, as noted in the RF report from C
5 Squared Systems. I should note that the statement
6 regarding the suitability of the Tower Hill tower
7 stands as written. Thank you.

8 THE WITNESS (Libertine): Mike
9 Libertine. No changes.

10 MS. CHIOCCHIO: Thank you. Is the
11 information contained in the exhibits true and
12 accurate to the best of your belief?

13 THE WITNESS (Burns): Robert Burns.
14 Yes.

15 THE WITNESS (Vergati): Ray Vergati.
16 Yes.

17 THE WITNESS (Gaudet): Brian Gaudet.
18 Yes.

19 THE WITNESS (Gustafson): Dean
20 Gustafson. Yes.

21 THE WITNESS (Carey): Harry Carey.
22 Yes.

23 THE WITNESS (Lavin): Martin Lavin.
24 Yes.

25 THE WITNESS (Libertine): Mike

1 Libertine. Yes.

2 MS. CHIOCCHIO: And do you adopt them
3 as your testimony in this proceeding?

4 THE WITNESS (Burns): Robert Burns.
5 Yes.

6 THE WITNESS (Vergati): Ray Vergati.
7 Yes.

8 THE WITNESS (Gaudet): Brian Gaudet.
9 Yes.

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

12 THE WITNESS (Carey): Harry Carey.
13 Yes.

14 THE WITNESS (Lavin): Martin Lavin.
15 Yes.

16 THE WITNESS (Libertine): Mike
17 Libertine. Yes.

18 MS. CHIOCCHIO: Thank you. We ask that
19 the Council accept the applicant's exhibits as
20 identified.

21 MR. MORISSETTE: Thank you, Attorney
22 Chiocchio.

23 Does the intervenor object to the
24 admission of the applicant's new exhibits? Mr.
25 Greenbaum. Mr. Greenbaum? Mr. Greenbaum, I see

1 that you're on mute. There you go.

2 MR. GREENBAUM: Okay. So in Question
3 86 -- okay, one second -- sorry 82, rather, the
4 Town of New Fairfield does not report that AT&T is
5 on their facility in Patterson, New York, the one
6 on Tower Hill.

7 MR. MORISSETTE: Mr. Greenbaum, you can
8 ask questions when it's time, the appropriate time
9 for cross-examination.

10 MR. GREENBAUM: Okay. So I'm objecting
11 to A82. I don't have information that supports
12 that.

13 MR. MORISSETTE: You're objecting to
14 the response to the Interrogatory 82?

15 MR. GREENBAUM: Yes.

16 MS. CHIOCCHIO: Mr. Morissette, that
17 correction was made by our witness.

18 MR. MORISSETTE: Yes, it was made, Mr.
19 Greenbaum. The appropriate witness just made the
20 correction and read it into the record. So that
21 is --

22 MR. GREENBAUM: Okay. Thank you.

23 MR. MORISSETTE: Thank you. Do you
24 object to the exhibits?

25 MR. GREENBAUM: No.

1 MR. MORISSETTE: Thank you. The
2 exhibits are hereby admitted. Thank you.

3 (Applicants' Exhibits II-B-7 and
4 II-B-8: Received in evidence.)

5 MR. MORISSETTE: Very good. We will
6 continue with cross-examination of the applicant
7 by the intervenor, Mr. Stan Greenbaum.

8 Mr. Greenbaum, it's all yours.

9 MR. GREENBAUM: Okay. Is it necessary
10 to do that every time someone else speaks?

11 MR. MORISSETTE: I'm sorry, but it's
12 your turn to cross-examine the applicant.

13 CROSS-EXAMINATION

14 MR. GREENBAUM: Okay. On the executive
15 summary in the application it says that it's well
16 established that the southern portion of the Town
17 of Sherman suffers from a lack of reliable
18 wireless services and that an independent wireless
19 analysis that the town committed in 2013 --
20 commissioned in 2013 confirms the lack of reliable
21 wireless service in this part of town, including
22 emergency communication services. Is your
23 application based on this 2013 RCC study is my
24 first question as far as the need for the tower?

25 MR. MORISSETTE: Very good. The

1 appropriate witness will answer the question.

2 THE WITNESS (Lavin): Martin Lavin, C
3 Squared Systems. As far as the need, we conducted
4 drive testing in the area and confirmed that there
5 is a lack of coverage in this area, a significant
6 gap in the coverage for our network. We did not
7 rely on the 2013 report.

8 MR. GREENBAUM: Okay. So to be clear,
9 you have now your own propagation studies that
10 have been done currently regarding this area?

11 THE WITNESS (Lavin): Yes, as submitted
12 in the RF report and in the drive test plots
13 submitted with our interrogatory responses.

14 MR. GREENBAUM: Okay. Thank you.
15 Okay. So you've answered my next question which
16 is that there is a tower in Patterson, New York.
17 And if I'm clear, you're stating that AT&T is
18 presently on that tower; is that correct?

19 THE WITNESS (Lavin): There is a tower
20 in -- there's more than one tower in Patterson,
21 New York. This is Martin Lavin, C Squared
22 Systems. We're on the tower at 25 Garland Road in
23 Patterson. We are not on the Tower Hill tower
24 that's owned by the Town of New Fairfield.

25 MR. GREENBAUM: Okay. That does not

1 seem consistent with what you said a little while
2 ago when you added that to the exhibit.

3 THE WITNESS (Lavin): My statement a
4 while ago was that there was an error in the
5 response to Question 82. We had said we were on
6 that tower. We are not on the Tower Hill tower
7 that's owned by the Town of New Fairfield.

8 MR. GREENBAUM: Okay. Because I do not
9 believe that they own the other tower in
10 Patterson, New York; is that correct?

11 THE WITNESS (Lavin): I don't know who
12 owns the other tower in Patterson. The one on 25
13 Garland Road we're on it.

14 MR. GREENBAUM: Okay. So your
15 correction is that in your table on page 35 of the
16 application that tower was omitted?

17 THE WITNESS (Lavin): That's more of a
18 site search issue than RF. The RF report showed
19 us on what we labeled as CT1684 on 25 Garland
20 Road. It does not show us on the Tower Hill tower
21 that's owned by New Fairfield. That's what I can
22 personally attest to.

23 MR. GREENBAUM: Thank you. All right.
24 And can you tell me why the tower on Tower Hill
25 does not meet your needs particularly with

1 reference to propagation maps that have been
2 developed for you by your radio frequency
3 contractor?

4 THE WITNESS (Lavin): I am the radio
5 frequency contractor, and I can tell you there are
6 two very large ridges between Tower Hill in
7 Patterson, New York and the two main roads we're
8 trying to serve, Routes 37 and 39. It's
9 physically quite impossible for the Tower Hill
10 tower to provide any service on those roads
11 because the line of sight goes underground for a
12 substantial part of the path.

13 MR. GREENBAUM: Okay. So you're saying
14 that that tower does not provide any service to
15 southern Sherman?

16 THE WITNESS (Lavin): Cannot provide
17 service to Routes 37 and 39.

18 MR. GREENBAUM: Okay. Thank you.

19 MR. EDELSON: Mr. Morissette, can I
20 interrupt for a second? Would it be possible for
21 Mr. Greenbaum to go on mute when his questions are
22 being answered? I'm picking up a lot of
23 background noise, and it's hard to hear the
24 answers.

25 MR. MORISSETTE: Thank you. Mr.

1 Greenbaum, after you ask your questions, could you
2 go on mute so that the background static is
3 cleared up for the witness to answer?

4 MR. GREENBAUM: Okay. So I'm on a
5 phone connection. Where would I -- how would I do
6 that?

7 MR. MORISSETTE: You don't have a mute
8 function on your phone?

9 MR. GREENBAUM: I don't see one. Oh,
10 wait a minute, wait a minute.

11 MR. MORISSETTE: There you go. Now you
12 have to unmute to ask your question. Mr.
13 Greenbaum, you have to unmute to ask a question.
14 There you go. Thank you. Please continue.

15 (No response.)

16 MR. MORISSETTE: Mr. Greenbaum, please
17 continue. Mr. Greenbaum?

18 MR. GREENBAUM: Hello.

19 MR. MORISSETTE: Yes, you're back.

20 MR. GREENBAUM: I have to push three
21 buttons.

22 MR. MORISSETTE: Excuse me for one
23 minute. We're going to live with your
24 interruptions and the static because I don't want
25 us to go silent for long periods like that. So

1 Mr. Edelson, we're going to have to make due with
2 what we have. Thank you. Please continue.

3 MR. GREENBAUM: Okay. Have you done
4 propagation maps for the Tower Hill facility in
5 Patterson, New York?

6 THE WITNESS (Lavin): Yes, we have.

7 MR. GREENBAUM: And are they anywhere
8 in this presentation?

9 THE WITNESS (Lavin): We haven't
10 submitted them, no.

11 MR. GREENBAUM: Okay. So I would ask
12 that you do that, please.

13 THE WITNESS (Lavin): We can certainly
14 do that, yes.

15 MR. GREENBAUM: Okay. In your
16 application you state that -- let me look at this
17 again. Okay. It says that you're serving nearby
18 roadways and residential and business retail areas
19 in Sherman in your presentation. I believe it's
20 on page -- okay, on page 35 you have a chart, a
21 table, that gives 700 megahertz and 4G LTE network
22 with deployment at the proposed site, and you have
23 negative 83 dBm and negative 93 dBm, and there's
24 almost a 50 percent difference, and the stronger
25 signal strength would be the negative 83 dBm. So

1 I'm curious as to how this coverage is going to
2 work for all of southern Sherman.

3 THE WITNESS (Lavin): As with any site
4 that we would build in this terrain in this area,
5 no site is going to serve all of south Sherman.
6 This site does as much as any site can to bring
7 service to as many areas as possible in south
8 Sherman, but with the shadowing of the terrain,
9 which is quite extensive in this area, any site is
10 always going to have some shadowing on the far
11 side hills.

12 MR. GREENBAUM: Okay. So you're going
13 to have at your strongest signal strength you're
14 looking at serving roughly half the population in
15 that area, 781 you place it at, at the stronger
16 signal strength, and the other folks are going to
17 have a weaker signal and maybe inconsistent; is
18 that correct?

19 THE WITNESS (Lavin): 781 people are
20 estimated to be served with what we call the
21 (AUDIO INTERRUPTION) strength. The neg 93 we
22 characterize as adequate service. And that will
23 come to 1,398 people, as stated in the report.
24 There will still be white spaces on the plot after
25 we have this site, but no site is going to serve

1 everybody.

2 MR. GREENBAUM: Okay. And you
3 reference the business population there. Can you
4 explain what that refers to, what retail --

5 THE WITNESS (Lavin): That's the number
6 of employees at businesses that will be getting
7 that level of service once this site moves in.

8 MR. GREENBAUM: Okay. Can you identify
9 the areas in southern Sherman that will not have
10 service, reliable service with this tower in
11 place?

12 THE WITNESS (Lavin): The areas that
13 are below the neg 93 dBm threshold, which we
14 describe as adequate service, are the areas that
15 are white instead of -- there's green, there's
16 orange for 83 and 93 respectively, and the areas
17 that are white fall below that threshold on the
18 plots in the RF report.

19 MR. GREENBAUM: Okay. And when you
20 discuss Deer Run Shores, which was incorrectly
21 identified as "Deer Field," that area doesn't
22 appear to get any service on this tower; is that
23 correct?

24 THE WITNESS (Lavin): It's quite
25 possible. I think it's, if I recall, well north

1 of the site. And as with any area that's shaded
2 by terrain, it will not get new service from this
3 site.

4 MR. GREENBAUM: And that would also
5 apply to the area to the south of that, Orchard
6 Rest, which is at the end of Leach Hollow Road; is
7 that correct?

8 THE WITNESS (Lavin): If it's white on
9 the plots, that's an area that's not getting what
10 we call adequate service after the site is added.

11 MR. GREENBAUM: And would that also be
12 true of the east half of Leach Hollow Road?

13 THE WITNESS (Lavin): I'd have to look
14 at the maps, but if it's in the white area then
15 it's not getting adequate service.

16 MR. GREENBAUM: And finally, Timber
17 Lake over to the west side of Timber Trails.

18 THE WITNESS (Lavin): Timber Trails I
19 believe is, the half of it closer to the site is
20 getting adequate service, and there are some areas
21 past there going down to the southwest that the
22 service does not reach adequately.

23 MR. GREENBAUM: Okay. Thank you.

24 MR. MORISSETTE: Mr. Greenbaum, before
25 you continue, let me interrupt for a moment.

1 Concerning your request for a propagation analysis
2 for the Patterson, New York site, we are not going
3 to allow you to ask for a Late-File exhibit
4 because of your intervenor standing and because
5 the Siting Council has no jurisdiction over
6 telecommunication sites in New York. So
7 therefore it's --

8 MR. GREENBAUM: Fine. Thank you.

9 MR. MORISSETTE: Thank you.

10 MR. GREENBAUM: I would like to point
11 out, however, that if it affects southern Sherman
12 that it would be something to be considered, and
13 that there are other providers on that tower that
14 are serving southern Sherman.

15 MR. MORISSETTE: Thank you. That will
16 be on the record.

17 MR. GREENBAUM: Okay.

18 MR. MORISSETTE: Please continue.

19 MR. GREENBAUM: Okay. With reference
20 to page 5 of your application, is the Town of
21 Sherman Litchfield County Dispatch, the Sherman
22 Volunteer Fire Department or any other entity,
23 service provider or user a co-applicant to this
24 facility?

25 THE WITNESS (Vergati): Ray Vergati,

1 Homeland Towers. LCD, Litchfield County Dispatch,
2 the Town of Sherman Fire and Highway are not
3 applicants on this docket.

4 MR. GREENBAUM: And will they require
5 any approval to be on your tower?

6 THE WITNESS (Vergati): They'll do a,
7 what I believe would be a tower share through the
8 Siting Council, and they would have to go through
9 the local building permit process to obtain a
10 building permit to install their equipment on the
11 tower.

12 MR. GREENBAUM: Thank you. On page 5
13 of the application it states that over the last
14 decade AT&T searched for and proposed numerous
15 sites in Sherman, including locations within the
16 search ring of this application, and that in 2013
17 on June 12th AT&T submitted a technical report to
18 the Town of Sherman and completed a municipal
19 consultation process but then in 2014 made a
20 business decision to simply defer the site and an
21 application was not filed. Have there been any
22 other proposals for a site in Sherman since that
23 time?

24 THE WITNESS (Vergati): To the best of
25 my knowledge, not by AT&T. And I can speak for

1 Homeland Towers, we have not brought forward any
2 proposals.

3 MR. GREENBAUM: Okay. So the lack of
4 an application is not because of opposition to a
5 tower, it's because it was decided as a business
6 decision that it was not an appropriate time to
7 file an application; is that correct?

8 THE WITNESS (Vergati): I'll refer that
9 question to Mr. Carey.

10 THE WITNESS (Carey): Harry Carey,
11 AT&T. In 2009 we were met with opposition when we
12 first approached the town for (AUDIO INTERRUPTION)
13 on Leach Hollow Road to a point where (AUDIO
14 INTERRUPTION) on that location. In 2013 when we
15 came back and talked to the town, there was a
16 suggestion of a tower at 120 feet that did not
17 work for our RF engineers.

18 MR. GREENBAUM: Okay. But you didn't
19 pursue it because you deferred it, you voluntarily
20 deferred, you didn't make an application?

21 THE WITNESS (Carey): Correct.

22 MR. GREENBAUM: You had the same site
23 in your portfolio at that time; is that correct?

24 THE WITNESS (Carey): Correct.

25 MR. GREENBAUM: Okay. So can you tell

1 me then how AT&T has managed their cell phone
2 provider services in southern Sherman during this
3 long period when this site was on deferred status?

4 THE WITNESS (Carey): We've had poor
5 coverage in this part of Sherman, and it's been a
6 struggle for our customers and for us to provide
7 the level of service that they expect from us.

8 MR. GREENBAUM: Okay. So what's
9 changed either in the technology or in the AT&T
10 business model that has brought this plan back for
11 an application to the Siting Council?

12 THE WITNESS (Carey): A number of
13 things, technological advances, more use of
14 streaming services, gaming. It's not just (AUDIO
15 INTERRUPTION) in the past, explosion of data. And
16 in addition, the pandemic has caused more people
17 to work from their weekend homes, increasing
18 service on a 24/7 basis, or demand, I should say,
19 on a 24/7 basis.

20 MR. GREENBAUM: Okay. But isn't this
21 also related to the increased use of broadband
22 with people cutting the cord from their wired
23 providers?

24 THE WITNESS (Carey): That's probably
25 one of the factors.

1 MR. GREENBAUM: Okay. You've described
2 on page 5 a monopole 170 feet tall. With the
3 installation of the AT&T antenna on the pole, what
4 will be the height of the main structure with the
5 AT&T array on it?

6 THE WITNESS (Burns): Robert Burns, All
7 Points Technologies. Just to clarify, you're
8 asking for the overall structure with just AT&T on
9 it, correct?

10 MR. GREENBAUM: That's right.

11 THE WITNESS (Burns): It's 170.

12 MR. GREENBAUM: Okay. But you identify
13 166 as the point where the antennae are connected;
14 is that correct?

15 THE WITNESS (Burns): That is the
16 centerline of their antenna, correct.

17 MR. GREENBAUM: So the antenna actually
18 extends higher than the monopole?

19 THE WITNESS (Burns): No, that's not
20 correct.

21 MR. GREENBAUM: So would you kindly
22 explain?

23 THE WITNESS (Burns): These antennas
24 are, I believe they're 8 footers. So if your
25 centerline is at 166, 166 plus 4 equals 170, and

1 that's the top of the monopole.

2 MR. GREENBAUM: I see. Okay. Thank
3 you.

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

5 MR. GREENBAUM: On page 6 the
6 applicants respectfully submit that the public
7 need for a tower to provide wireless services to
8 southern Sherman far outweighs any potential
9 adverse environmental effects from the facility as
10 proposed in the application. Indeed, the facility
11 will provide important benefits of reliable
12 wireless services to the nearby roadways and
13 neighboring residential and business and retail
14 areas and reliable emergency communication service
15 via FirstNet, and municipal emergency
16 communications equipment will not have any
17 substantial adverse effect on the aesthetics or
18 scenic quality of the neighborhood. If this
19 statement is true, to what extent is the applicant
20 prepared to modify its site plan in order to
21 achieve this important goal for cellular service?

22 THE WITNESS (Vergati): Ray Vergati,
23 Homeland Towers. I'm not quite sure I understand
24 your question completely, but let me try to answer
25 that. The facility is designed as-is through

1 carriers, procedures and doing this design as far
2 as the road, the height of the tower, the
3 location, we provide visual reports, viewshed
4 maps. So the facility is designed as-is.

5 MR. GREENBAUM: Yes, but in your
6 statements at the last hearing you stated at least
7 three times that the location on the site and the
8 location of the access road to the site from the
9 driveway of the property owner were being located
10 based on the preferences of the property owner.

11 THE WITNESS (Vergati): So I can tell
12 you in doing this business for 20 years when I
13 look with a landlord it's a combination of where
14 they prefer us to be on the property, it's a
15 combination of where we need to be on the property
16 for zoning purposes, for construction purposes,
17 and to make it work for the carriers' networks.
18 This particular location was chosen in conjunction
19 taking all those factors into consideration.

20 MR. GREENBAUM: Okay.

21 THE WITNESS (Vergati): Also I would
22 like to add, Mr. Greenbaum, that the facility was
23 relocated as well on the property.

24 MR. GREENBAUM: Yes, I'm aware of that.
25 Thank you. There's no order of protection

1 prohibiting the disclosure of the lease agreement
2 between the property owners at 16 Coote Hill Road
3 and Homeland Towers, LLC. Is there anything that
4 precludes the owner of the property from
5 monetizing the lease, that is, selling the
6 property and the value of the lease over its term
7 after the approval of the site by the Siting
8 Council?

9 THE WITNESS (Vergati): The lease
10 between Homeland Towers and our landlord is a
11 private contractual matter, and it's protected by
12 a protective motion.

13 MR. GREENBAUM: Okay. Thank you. On
14 page 10 of the application it states that during
15 the pandemic telecommunications was deemed an
16 essential service. Page 11 refers to the
17 ever-increasing numbers of households
18 transitioning to mobile voice connection only and
19 abandoning landlines and that this has now grown
20 to 62 percent of households nationwide. So I'm
21 asking you to differentiate, and perhaps you've
22 already answered this, but I'd like some
23 clarification between the provision of cellular
24 communications and broadband delivered via fiber
25 optic cable with respect to the challenging

1 terrain found in communities like Sherman? Can
2 you make that differentiation?

3 THE WITNESS (Lavin): Martin Lavin, C
4 Squared Systems. You're asking about the
5 difference in deployment or difficulty between
6 fiber and wireless?

7 MR. GREENBAUM: Well, you've got a
8 challenging terrain, and you're attempting to deal
9 with it with 170 foot tower here at Coote Hill
10 Road, and yet you have more people increasingly
11 abandoning their various providers and going with
12 broadband internet via cable. How does that work
13 in a community like this where it's going to be
14 very challenging to get complete wireless using
15 cellular communications?

16 THE WITNESS (Lavin): It's a matter of
17 people using their phones for broadband, not so
18 much competing with fixed services that's
19 available, you know, if you're in your home you
20 don't have to be moving to use your phone, but
21 it's not really intended to be -- I'm not talking
22 about fixed service in the home.

23 MR. GREENBAUM: Okay. Thank you.
24 Okay. You've answered my next question. Under
25 your technological alternatives on page 14 of the

1 application it says at this time there are no
2 known existing tower sites or structures in the
3 southern Sherman area that would meet the
4 technical requirements and/or are available for
5 lease or acquisition for construction of a tower
6 site that could support a wireless facility.

7 This again raises the important
8 question, would the landowner and the applicant
9 agree to modification of the site if the Siting
10 Council will only grant the application with
11 needed modifications?

12 THE WITNESS (Vergati): Ray Vergati,
13 Homeland Towers. Should the Council grant
14 approval on this docket and there's some
15 conditions or changes, we will work in best
16 efforts with our landlord to accommodate any
17 requests by the Council.

18 MR. GREENBAUM: Thank you. Now,
19 there's property that you did not mention in your
20 exhaustive 41 property search approximately 1,000
21 feet south of the Coote Hill Road tower. I'd like
22 to know why it is that you did not explore the
23 property at the top of Mount Wanzer in this
24 exhaustive search.

25 THE WITNESS (Lavin): So I'm happy to

1 talk about Mount Wanzer. We worked with --
2 attempted to work with that particular landowner,
3 Aldo Pascarella. I first had correspondence with
4 Aldo back in 2015. We looked at a site at the end
5 of Long Meadow Trail in June of 2015. I had
6 actually hiked that property with Aldo and with
7 the president of Homeland Towers, Manuel Vicente.
8 I recall getting to the top or the pinnacle of the
9 mountain to a lookout stone tower or spy rock I
10 think it may be called. It's impossible basically
11 to get a site up there given the ledge and given
12 the grades of over 30 percent. So while that
13 particular Wanzer Mountain may not be in my site
14 search, it was looked at.

15 In my site search there is a site that
16 goes by the address of Long Meadow Trail. That is
17 Mr. Pascarella's property. It's at the base of
18 Wanzer Mountain. And we attempted to work with
19 Aldo for the better of three years. I would like
20 to add that I was forewarned by many people in
21 Sherman that I was wasting my time. I attempted
22 to work with Mr. Pascarella in good faith starting
23 in May of 2015 for the better of two and a half
24 years. I'll leave it that he was impossible to
25 deal with. At the end of my three years of

1 negotiation or trying to negotiate with
2 Mr. Pascarella he turned to me and said, "Ray, I
3 think I want to own the tower and I want Homeland
4 to consult for me on an hourly basis." On top of
5 that, his partner, Jerry, came out of the woodwork
6 at the 11th hour and said the site you picked out
7 on Long Meadow Trail does not work. That's an
8 approved building lot that we've had in our pocket
9 for 25 years, and I don't want a site at Long
10 Meadow Trial. I also don't want the health
11 hazards (AUDIO INTERRUPTION) --

12 MR. GREENBAUM: Hello?

13 MR. MORISSETTE: Please continue.

14 THE WITNESS (Vergati): And I will say
15 that I don't believe (AUDIO INTERRUPTION) --

16 MR. GREENBAUM: I'm not getting this.

17 THE WITNESS (Vergati): I'll wrap it up
18 by saying that I was forewarned for three years in
19 good faith and attempts to site a tower there.

20 MR. GREENBAUM: Okay. Thank you. I
21 would appreciate an explanation. One moment.
22 Okay. There's a 415 foot paved driveway on the
23 site that will be used by the property owner as
24 well as by Homeland Towers. I'd like to know what
25 provision you've made to protect that property

1 owner from the driveway abuse that your trucks are
2 going to cause during construction.

3 MS. CHIOCCHIO: I object to that
4 question. There's no abuse being proposed to any
5 driveway. We've also indicated (AUDIO
6 INTERRUPTION) so once it's up and running very
7 little use of that driveway to service that
8 facility.

9 MR. MORISSETTE: I'm sorry, Attorney
10 Chiocchio, you dropped off there for a moment. We
11 didn't catch everything.

12 MS. CHIOCCHIO: I'm objecting to that
13 question given that he's assuming that there's
14 sort of abuse to that driveway by the proposed
15 facility, and that's not the case, and the
16 application demonstrates that.

17 MR. MORISSETTE: I agree, Attorney
18 Chiocchio.

19 Please continue with another question,
20 Mr. Greenbaum.

21 MR. GREENBAUM: Okay. Thank you. On
22 page 16 of your application you indicate that
23 you're going to be bringing in 1,663 yards of
24 fill, 712 cubic yards of stone, and in the hearing
25 last May, May 25th, you indicated that you're

1 going to be excavating approximately 900 cubic
2 yards of material, presumably organic material,
3 from the floor of the forest in order to place a
4 road bed underneath your access drive. I'd like
5 to know what kind of fill will be used, what
6 compaction will be used, and what lifts.

7 THE WITNESS (Burns): Robert Burns, All
8 Points Technologies. There will be 1,663 cubic
9 yards of fill required. We will be performing
10 excavation on about 968 cubic yards with a
11 resultant of 700 cubic yards of fill that will
12 need to be brought into the site. The fill will
13 have to pass the spec as will be shown on the
14 drawings that will be submitted for development
15 and management plans, and that is also where the
16 percent compaction and the size of the lifts will
17 be put on those drawings.

18 MR. GREENBAUM: Okay. So you're
19 relying on the D&M plan for this answer?

20 THE WITNESS (Burns): I'm relying on
21 the D&M plans for the construction of the site,
22 yes, sir.

23 MR. GREENBAUM: Okay. My question here
24 would be, the D&M plan would be following approval
25 of the site; is that correct?

1 THE WITNESS (Burns): The D&M plan is
2 the second submission that's made to the Siting
3 Council for their approval.

4 MR. GREENBAUM: So is that plan
5 submitted after you receive approval for the
6 location?

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

8 MR. GREENBAUM: Okay. So at that point
9 there is no longer any -- who's going to be
10 involved in managing the D&M plan from a
11 third-party? So, for example, if this was a
12 house, which was one of the things that was
13 mentioned a number of times in the last hearing on
14 the 25th of May, if this was a house, the zoning
15 enforcement officer would be, he would require
16 these plans in advance before a permit was issued,
17 and he would then be monitoring that the plans are
18 carried out properly. How is that process
19 followed in this particular application?

20 THE WITNESS (Burns): So the Siting
21 Council has staff, I believe the plan examiner
22 here is Mr. Mercier, who will be reviewing the
23 plans in accordance with the applicable
24 regulations. In addition, the site will
25 eventually have to go for a building permit in

1 front of the Town of Sherman.

2 MR. GREENBAUM: Okay. So then you're
3 saying at that point the building official, the
4 building inspector, would have the authority to
5 supervise the construction of the site?

6 THE WITNESS (Burns): The building
7 official would have the authority to do what his
8 authority is dictated to him by the Town of
9 Sherman.

10 MR. GREENBAUM: Okay. Well, usually
11 this does not include the construction of roads
12 and dealing with runoff and environmental issues.

13 THE WITNESS (Burns): I'd like to point
14 out, we're not constructing a road. We're
15 constructing a 12 foot wide gravel driveway,
16 similar to one that would be constructed --
17 actually probably not. At a house it may even be
18 wider than 12 feet. So this is not a road. This
19 is a gravel driveway.

20 MR. GREENBAUM: Okay.

21 THE WITNESS (Burns): Thank you.

22 MR. GREENBAUM: How does the design of
23 the facility -- okay, let me back up a minute.
24 The wetland on the subject property drains into a
25 seasonal stream that begins to the northeast of

1 the subject property and within several hundred
2 feet reaches a width of more than 75 feet and a
3 depth of more than 25 feet indicating a very
4 substantial flow of water and runoff. How does
5 the design of the facility, so it may be in
6 accordance with DEEP Connecticut guidelines of
7 soil erosion and sediment control and the 2004
8 Connecticut Stormwater Quality Manual, protect the
9 owners of the immediate north and west -- to the
10 immediate north and west through whose property
11 this seasonal stream runs?

12 THE WITNESS (Burns): Well, the site is
13 being designed in accordance with the applicable
14 regulations of which you just dictated two of
15 them.

16 MR. GREENBAUM: Well, this is a site
17 that has clearly experienced severe erosion over a
18 period of years, and there is a significant delta
19 in Lake Mauweehoo. So, for example, what would be
20 your plans and research for peak storm runoff of a
21 4-inch rain event, and what would be the
22 historical framework for that study?

23 THE WITNESS (Burns): The soil and
24 erosion control design, although shown on the
25 drawings now, is not complete detail wise and will

1 be provided on the D&M drawings when submitted to
2 the Siting Council.

3 MR. GREENBAUM: Okay.

4 THE WITNESS (Burns): In addition, a
5 DEEP permit for a general construction permit will
6 be required and DEEP will also review these
7 drawings.

8 MR. GREENBAUM: Okay. In attachment 1,
9 Exhibit 1, attachment 6, which is page 93 of your
10 application, discounting the preferences of the
11 owner or landlord, what benefits might be derived
12 from grabbing the access road to the south of the
13 house around the paved area in front of the
14 garage, then crossing the first wetland at about
15 the same point and locating the facility on the
16 high ground at the center of the property?

17 THE WITNESS (Vergati): Ray Vergati,
18 Homeland Towers. During the initial design of the
19 site we walked it with the landlord, with A&E, we
20 looked at that location in front of the house.
21 What I can tell is that the landlord has some
22 future plans to use that area. So they would
23 like, and it was their wish, to have the road go
24 around that area, that road access drive that
25 Mr. Burns pointed out. The access driveway would

1 follow the existing trail or logging path that's
2 already open basically and circle around to the
3 back of the property to the proposed tower site.

4 MR. GREENBAUM: Okay. In your plan you
5 talked about the impervious surface of the
6 driveway. It would appear that after driving --
7 well, let me ask you another question here first,
8 and that is, in terms of the kind of equipment
9 that you're going to need, you stated previously
10 that you're not going to need major highway
11 construction equipment and you're going to use
12 backhoes, bulldozers and excavators on a smaller
13 scale. However, the volume of material you're
14 talking about would require many tri-axle dump
15 truck loads. Do you have an estimate as to how
16 many tri-axle dump trucks loads will be required
17 based on your volume of materials you've
18 discussed?

19 THE WITNESS (Burns): Robert Burns, All
20 Points Technologies. I do not have an estimate of
21 the number of vehicles that will be used to bring
22 in the fill. The contractor will determine which
23 vehicles, construction equipment will be used on
24 this site.

25 MR. GREENBAUM: Well, you know, you're

1 talking about in excess of 2,500 cubic yards of
2 material, and so I think it's important to
3 understand how that's going to be delivered and
4 why your contractor may make that decision --

5 THE WITNESS (Burns): If I can
6 interrupt, you're only talking about 700 cubic
7 yards of material that need to be brought in. The
8 idea is we use what you're excavating on site.

9 MR. GREENBAUM: Okay. But what you're
10 excavating is primarily organic material, that the
11 soil is made from organic material.

12 THE WITNESS (Burns): We don't know
13 that.

14 MR. GREENBAUM: Well, that's
15 interesting. Have you done any sort of soil
16 testing with equipment as opposed to just looking
17 at a soil map?

18 THE WITNESS (Burns): No, the
19 geotechnical investigation will be done prior to
20 the tower and tower foundation being designed
21 which will be part of the D&M submission.

22 MR. GREENBAUM: Okay. Well, are you
23 aware that it's the usual practice when building a
24 home here in Sherman that in the building of a
25 long access driveway there are frequently soil

1 tests performed with a small excavator every 50
2 feet in conditions like this, are you aware of
3 that?

4 THE WITNESS (Burns): I was not aware
5 of that. We will perform an extensive
6 geotechnical investigation that is needed to build
7 the site in accordance with the D&M drawings when
8 they are submitted.

9 MR. GREENBAUM: Just a minute, please,
10 I've got to change some documents here.

11 THE WITNESS (Burns): I'll point out
12 that's how it's done for towers throughout the
13 State of Connecticut per the Siting Council's
14 regulations.

15 MR. GREENBAUM: Well, I've never done
16 another Siting Council hearing, and I'm not aware
17 of this personally so you'll have to forgive me if
18 I don't know all of this.

19 THE WITNESS (Burns): That's quite all
20 right.

21 MR. GREENBAUM: Okay. So just to be
22 clear, let's see, as far as there are materials
23 that are now in public comment, does that mean
24 they're excluded from the discussion here today?
25 That's to Mr. Mercier -- or Mr. Morissette,

1 rather.

2 MR. MORISSETTE: No, you can discuss
3 them, but keep the discussion limited, please.

4 MR. GREENBAUM: Okay. Thank you.

5 Mr. Burns, I believe you stated that the 12-foot
6 access drive is in fact, the access road is in
7 fact really a driveway into the property, and yet
8 most of Coote Hill Road is only 11 feet wide and
9 in many respects it's not a very well constructed
10 road. How do you plan to mitigate any usage on
11 that road with the kind of equipment that's going
12 to be necessary to build this site?

13 THE WITNESS (Burns): The road was not
14 analyzed as far as this design. Mr. Vergati met
15 with -- I don't want to speak for you. I'll have
16 Ray answer this one.

17 MR. MORISSETTE: Let me interrupt.
18 Coote Hill Road is out of the jurisdiction of the
19 Siting Council, so those questions are off limits.
20 Thank you.

21 MR. GREENBAUM: I'm sorry, who was that
22 that answered?

23 MR. MORISSETTE: That was John
24 Morissette that answered.

25 MR. GREENBAUM: Okay. Thank you.

1 MR. MORISSETTE: Thank you.

2 MR. GREENBAUM: Well, that's kind of
3 interesting. I'm a little puzzled because it
4 seems to me as far as the jurisdiction of the
5 Siting Council is concerned that while you may
6 approve the site, you have to get to the site. So
7 to say that it's off the table to discuss the
8 access to the site is a bit puzzling. I wonder if
9 you could explain that a bit.

10 MR. MORISSETTE: Well, the access road
11 is part of a public agreement between two parties
12 that is related to private property rights, and
13 the Siting Council has no jurisdiction over the
14 negotiation and agreements under property rights.

15 MR. GREENBAUM: Mr. Vergati has stated
16 that he did not need a road agreement, and so that
17 kind of puzzles me. And the person who made the
18 agreement has said that he does not wish to have
19 that agreement honored, nor has he received any
20 consideration for that agreement, or will be
21 getting any consideration for it.

22 MR. MORISSETTE: That's completely out
23 of the Siting Council jurisdiction. Please
24 continue.

25 MR. GREENBAUM: Okay. Thank you. Now,

1 in terms of how this hearing is structured, would
2 it be appropriate at this time to ask questions of
3 the witnesses that I have brought in and then
4 perhaps return to questioning the applicant?

5 MR. MORISSETTE: No. That is not
6 appropriate. That's not the process.

7 MR. GREENBAUM: Okay. Thank you.

8 MR. MORISSETTE: Thank you.

9 MR. GREENBAUM: Okay. Thank you. Is
10 the applicant aware that this property was logged
11 two years ago and that some of the paths on the
12 property were in fact used by the logger but it
13 was selective logging. Is the applicant aware of
14 that?

15 THE WITNESS (Vergati): Ray Vergati,
16 Homeland Towers. Yes, in speaking with the
17 landlord of the property, it's my understanding
18 that when a wind storm came through Sherman a
19 number of years ago it did a heck of a job in
20 knocking down trees up there, and the landlord
21 contracted with a logger to come in and basically
22 do the best job they could in cleaning up some of
23 the large trees that had fallen on the property.

24 MR. GREENBAUM: Okay. Many of the
25 questions I have were asked in the last hearing by

1 members of the Council. A lot of the answers go
2 back to the development and management plan. And
3 I have to frankly say that in my estimation that's
4 a very important part of this application because
5 of the sensitive nature of the site, and I would
6 strongly encourage the Council to consider the
7 elements of that plan that should be brought forth
8 before there is an approval for this plan. So let
9 me continue with some of the questions here that
10 are not related to this.

11 In the report from the planning and
12 zoning official, Ron Cooper, he was of the opinion
13 that you would avoid 50 percent of the problems
14 with this plan if the road was taken around to the
15 north side of the house. My earlier question was
16 taking it the south side. In any event, either
17 path would avoid building almost 700 feet of that
18 access drive. Is there any consideration for that
19 considering the difficulties with erosion control
20 and drainage on this property?

21 THE WITNESS (Vergati): Ray Vergati,
22 Homeland Towers. I think I've already answered
23 that question in regards to the design and the
24 layout. It was designed in that manner because of
25 a future development or plans for that area in

1 front of the house that the landlord wanted to
2 keep open.

3 MR. GREENBAUM: We're now talking about
4 two different areas. Mr. Cooper was looking at
5 the north side, and I was asking about the south
6 side, and you gave the same answer for both.

7 THE WITNESS (Vergati): The north side
8 I believe where Mr. Cooper was looking was the
9 area that was discussed. That's the area that I'm
10 talking about, basically the front yard of the
11 landlord. If you're talking about the backyard
12 being the southern portion of the house, that was
13 not ever a consideration going that route if it
14 brings it, any access drive within feet of the
15 home, and there's still a wetland crossing that
16 has to go. In addition, to my knowledge there's
17 not existing bigger or wide trails on that side of
18 the property on the southern side. The larger,
19 bigger trails exist on the northeast side of the
20 property. And the plan was all along to make use
21 of those existing trails.

22 MR. GREENBAUM: Okay. And during the
23 construction Mr. Mercier had asked who is
24 responsible for inspecting the erosion control
25 barriers and other things on a weekly basis. And

1 I guess the answer comes back to the D&M plan. So
2 one other thing that was mentioned here is that
3 you referred to in your answer on my Question 28
4 on the intervenor's questions submitted on June
5 17th that you would follow Homeland Towers'
6 standard operating procedures. What are those
7 standard operating procedures? They have not been
8 offered into the evidence of this application.

9 THE WITNESS (Lavin): After the
10 construction of the facility we do stop in
11 obviously as the developer and owner of the site
12 to check on it, make sure it is built to spec,
13 that the check systems put in for any soil and
14 erosion drainage are working properly. We do that
15 on many of our sites, obviously, to make sure that
16 they're designed and operating as approved in the
17 D&M.

18 MR. GREENBAUM: Okay. So the question
19 still is, do you have some kind of a format or a
20 plan that you could share with the Siting Council
21 regarding your standard operating procedures?

22 THE WITNESS (Vergati): I don't know if
23 there's necessarily a formal plan. Every site is
24 different. When we're building a site that is 20
25 feet off the main road in an existing paved

1 parking lot that site would not have as much
2 visits or as often visits from Homeland given
3 another site like this in Sherman where there's
4 more of an access drive and the length of the road
5 and so forth. So every site is different
6 obviously.

7 MR. GREENBAUM: What third-party
8 measures are in place to ensure that all of these
9 facilities are adequately maintained and that your
10 standard operating procedures are suitable and
11 adequate for the care of the facility?

12 THE WITNESS (Vergati): So once the
13 tower has been constructed as an owner and
14 developer of the tower we do check on it and make
15 sure it is operating to its capacity obviously.

16 MR. GREENBAUM: One of the things that
17 you state is that after a storm you might not get
18 there for five days when it's not unusual for
19 storms to have follow-up rain a day or two or
20 three days later, and five days would be too long
21 to prevent more serious damage. So how would you
22 deal with that situation?

23 THE WITNESS (Vergati): Are you talking
24 about during construction or after construction?

25 MR. GREENBAUM: I'm talking about

1 ongoing, yes, after construction.

2 THE WITNESS (Gustafson): Dean
3 Gustafson from All Points. During construction of
4 the facility the requirements under the
5 Connecticut Stormwater General Permit for
6 Construction Activities for inspections, regular
7 inspections, weekly inspections, and then
8 inspections after a quarter inch rainfall, those
9 are required by a third-party monitor. In
10 addition, we have a Wetland Protection Plan and
11 Rare Species Protection Plan where we do
12 independent compliance monitoring where we review
13 those controls as well. And the contractor is
14 also responsible for daily maintenance and
15 inspections of our other controls during
16 construction.

17 MR. GREENBAUM: Okay. Well, that's
18 kind of interesting because a 4-inch rain would be
19 a peak rainfall, whereas a one-inch rain could do
20 significant damage on a gravel driveway. So I'm
21 curious why wouldn't you inspect it after a
22 one-inch rain.

23 THE WITNESS (Gustafson): So the
24 requirements are that any precipitation event that
25 exceeds a quarter inch, which would obviously

1 include an inch or 4-inch rain, would require an
2 inspection under the Connecticut Stormwater
3 General Permit for Construction Activities.

4 MR. GREENBAUM: In what time frame
5 would that inspection have to occur?

6 THE WITNESS (Gustafson): The
7 inspection is required to occur within 24 hours of
8 that event.

9 MR. GREENBAUM: Okay. So five days is
10 not an appropriate response in this application?

11 THE WITNESS (Gustafson): Not during
12 construction, no.

13 MR. GREENBAUM: What about after
14 construction?

15 THE WITNESS (Gustafson): Sorry to
16 interrupt, but I don't believe that reference was
17 for inspections during construction. I think that
18 was post-construction once the facility is
19 currently stabilized.

20 MR. GREENBAUM: Right. So what
21 changes? When you have a gravel drive, at what
22 point, you know, after a one-inch rainfall do you
23 inspect it or not, and how long after that?

24 THE WITNESS (Gustafson): Can you
25 clarify the five day reference?

1 MR. GREENBAUM: You want to know where
2 I got it from?

3 THE WITNESS (Gustafson): Yes. And
4 once the facility is permanently stabilized, it's
5 designed to withstand precipitation events and
6 avoid any erosive force within the stormwater
7 controls and also within the receiving areas of
8 stormwater. So --

9 MR. GREENBAUM: However, some of the --
10 yes.

11 THE WITNESS (Gustafson): So Homeland
12 Towers operation and maintenance plan, a facility,
13 once it's permanently stabilized, would be
14 sufficient to monitor the facility once it's
15 permanently stabilized.

16 MR. GREENBAUM: Okay. So after a rain
17 event it says you'll under normal circumstances
18 after the construction is done, a rain event of
19 one inch, when might one expect someone to show up
20 to take a look at the damage; and if there is
21 damage, when might that be repaired either through
22 grading or other repair requirements such as clear
23 a pipe or whatever?

24 THE WITNESS (Gustafson): I'm not sure
25 we agree with your preposition that there's going

1 to be damage after a storm event once the facility
2 is completely constructed and permanently
3 stabilized. The erosion control measures, the
4 stormwater control measures are designed in
5 accordance with the state's requirements for the
6 treatment of stormwater which will handle those
7 events that you're discussing.

8 MR. GREENBAUM: Okay. Regarding the
9 habitat issues and supervision of the construction
10 site during the construction period, what
11 arrangements will be made for following the
12 guidelines that have been submitted by the NDDDB
13 database thing and for your habitat issues?

14 THE WITNESS (Gustafson): Homeland
15 Towers has agreed to implement the recommendations
16 in the Connecticut Department of Energy and
17 Environmental Protection's Natural Diversity Data
18 Base letter for the protection of the various
19 state-listed species, and that protection plan,
20 the details of that will be provided in the D&M
21 plan, but generally it includes a preconstruction
22 meeting with the contractor, make them aware of
23 the rare species and sensitive nature of the
24 facility, the requirements to notify the
25 compliance monitor if they observe any of those

1 species, set up appropriate isolation barriers to
2 cordon off the construction area from potential
3 migrating herpetofauna or other listed species
4 into the project area and also the compliance
5 monitor will be performing periodic inspections of
6 the construction facility to ensure that those
7 isolation barriers are being properly maintained
8 and that the state-listed species are being
9 properly protected during construction to avoid
10 any incidental occurrences.

11 MR. GREENBAUM: Okay. So one of the
12 recommendations was that you needed a
13 herpetologist to walk the site with whoever was in
14 charge of construction on a daily basis to protect
15 the box turtles that might have gotten through the
16 20-inch high barrier on either side of the access
17 driveway, and I'd like to know how do you go about
18 doing that.

19 THE WITNESS (Gustafson): So the
20 requirements for monitoring during construction of
21 the facility for protection of those rare species,
22 you know, the isolation barriers that are
23 installed, those are inspected by the compliance
24 monitor, and they are approved at that point to
25 allow the contractor to start earth work. And the

1 contractor is responsible for daily maintenance of
2 those barriers. The compliance monitoring is
3 performed on not on a daily basis but on a regular
4 basis every couple weeks just to make sure that
5 those features are being properly maintained.

6 MR. GREENBAUM: Okay. That sounds
7 good.

8 THE WITNESS (Gustafson): And that
9 level of inspection is consistent with other
10 projects that have come before the Siting Council
11 with respect to protection of rare species that
12 have been approved and also approved by the
13 Connecticut Department of Energy and Environmental
14 Protection's Natural Diversity Data Base.

15 MR. GREENBAUM: Okay. It's been stated
16 that this tower is the minimum height needed to
17 provide service. And we have asked -- I have
18 asked to indicate how much service is lost at
19 lower heights. And I refer you to the RCC study
20 that was done in 2013.

21 MS. CHIOCCHIO: Is there a question
22 there, Mr. Greenbaum?

23 MR. GREENBAUM: Yes, the question is,
24 in answer to reducing the height of the tower, the
25 question was -- you responded to the question that

1 it doesn't meet our minimum height requirements,
2 and you did not indicate how much service is lost
3 as you reduce height on the tower. So, for
4 example, if I want to put my equipment on your
5 tower but you've got the 166 height, so I'm coming
6 in at 156, how much of an incremental loss in
7 coverage am I going to get? And if I come in at
8 146 or 136 where am I going to be? That's a
9 question.

10 THE WITNESS (Lavin): Martin Lavin, C
11 Squared Systems. We submitted plots of a height
12 analysis. Let me check here. They're an exhibit
13 to the -- attachment to the responses to your
14 interrogatories. We can't speak directly to what
15 the loss be would for other providers. We don't
16 know what their facilities are. We don't know how
17 much current coverage they have, how they would
18 implement this site, what's around it for them,
19 what their criteria are for what's adequate
20 service for their subscribers, so we can't
21 quantify what the impact is on other providers.
22 We can only show what we (AUDIO INTERRUPTION) --

23 MR. GREENBAUM: Okay. That would be a
24 start.

25 THE WITNESS (Lavin): In the plots we

1 show what we lost by height.

2 MR. GREENBAUM: Well, for example, when
3 you moved the tower 400 feet to the southeast, you
4 lost 20 or 30 feet in AGL. So in your testimony
5 at the last hearing you stated that that had an
6 insignificant effect on the ability to propagate
7 signal for the tower. So the question is, at what
8 heights can the tower still be effective for most
9 of the area? And your answer was that you're at
10 the minimum now, but you don't provide data to
11 show that.

12 THE WITNESS (Lavin): We did. You made
13 an inquiry in the interrogatories about it. We
14 provided the plots to show in 20 foot increments
15 what coverage we'd lose as we go down further.

16 MR. GREENBAUM: Okay. You're right.
17 My apologies. I do see that now. I missed that.
18 Okay. Thank you. So would you put a percentage
19 on the loss then from, let's say if you were at
20 120 feet, what's your percentage of loss compared
21 to 170 feet?

22 THE WITNESS (Lavin): We didn't put
23 percentages on that, no.

24 MR. GREENBAUM: Sorry?

25 THE WITNESS (Lavin): We just showed

1 the plots depicting the loss, the areas we lost
2 coverage. We did not put a percentage on it.

3 MR. GREENBAUM: Okay. So you don't
4 calculate what the loss might be?

5 THE WITNESS (Lavin): We haven't for
6 this case, no.

7 MR. GREENBAUM: Okay. But you have
8 seen the RCC study that was done in 2013 which
9 does calculate the loss for each level going down
10 in increments so that you're comparing a 170 to a
11 120 foot tower?

12 MR. FISHER: Chairman, if I could just
13 make an objection on the characterization of the
14 RCC study. We're not aware of any RCC study.
15 We're aware of the PowerPoints that were done by
16 the (AUDIO INTERRUPTION) but we're definitely not
17 aware of any RCC study. In fact, I was involved
18 in (AUDIO INTERRUPTION) --

19 MR. GREENBAUM: I'm sorry, I could not
20 hear most of that.

21 MR. MORISSETTE: I'm sorry. Could you
22 repeat that?

23 MR. FISHER: Yes, let me just make sure
24 I'm a little bit closer. I object to the
25 characterization of there being an RCC study.

1 What I do know is in the record is the PowerPoints
2 that were prepared by the town's public safety
3 chairman at the time of the committee, David
4 Hopkins. He relied on certain information, as I
5 understand it, from RCC. And the reason I'm
6 stating this as an objection, I was counsel of
7 record (AUDIO INTERRUPTION) --

8 MR. MORISSETTE: The RCC information
9 that's been provided, to my knowledge, there's
10 been no study submitted into the record. So
11 please confine your questions to what is actually
12 in the record. Thank you.

13 MR. GREENBAUM: The RCC communications
14 study was submitted as part of the record earlier
15 on about five, six weeks ago, and it was a
16 presentation made to the Town of Sherman paid for
17 by the Town of Sherman.

18 MR. MORISSETTE: I recognize that we
19 have the presentation on the record, but that's as
20 far as the information goes. So please continue.

21 MR. GREENBAUM: I see. Thank you.
22 Okay. I asked a number of questions regarding the
23 tree removal from the site, and I am not satisfied
24 with the answers I've gotten so far. If you look
25 at Mr. Cooper's report from the zoning board, he

1 includes a drawing showing a picture of a tree and
2 the root system extending to the drip edge of the
3 canopy. That's on page 7 of the zoning board --
4 of the zoning commission response. And that the
5 root system can be in the range of 2 feet below
6 the surface. And that if you were to compact the
7 soils in the range of the canopy, you could
8 probably be killing the tree. So I would like to
9 know in your plan for construction you've
10 identified 90 trees that you have to remove. And
11 you're also going to be having other trees that
12 are very close to the driveway that root systems
13 will be damaged either directly by excavating or
14 indirectly because you're going to be compacting
15 fill material on top of those root systems. So
16 I'd like to know approximately how many additional
17 trees are likely to be impacted and die within the
18 next one to three years if this is approved.

19 THE WITNESS (Burns): As part of the
20 submission we went through and identified the
21 trees to be removed. 90 trees will be removed as
22 part of the submission. I don't have a crystal
23 ball knowing what's going to happen three years
24 from now, but as part of the submission it's on
25 the record 90 trees will be removed.

1 MR. GREENBAUM: Okay. I would like the
2 Council to take note of Mr. Cooper's drawing and
3 submission that indicates that the root zone
4 extends equal to the canopy of the tree and that
5 compaction of the root system is likely to kill
6 the tree in the following one to three years, so
7 we're looking at probably double the number of
8 trees being impacted.

9 MR. MORISSETTE: Mr. Greenbaum, just
10 for clarification, what are you referring to, what
11 submittal?

12 MR. GREENBAUM: I'm looking at Ron
13 Cooper, the zoning enforcement official, and his
14 report is in comments concerning regarding
15 environmental compatibility from the Town of
16 Sherman Planning and Zoning Commission received by
17 the commission on May 17th.

18 MR. MORISSETTE: Is that filed as part
19 of your attachments?

20 MR. GREENBAUM: I didn't file it. Mr.
21 Cooper, the planning and zoning commission put it
22 in.

23 MR. MORISSETTE: Okay. So it's part of
24 a public record.

25 MR. GREENBAUM: Right, it's on the

1 website.

2 MR. MORISSETTE: Very good. I just
3 wanted to clarify your reference. Thank you.
4 Please continue.

5 THE WITNESS (Burns): Mr. Morissette,
6 if I may, I'd like to also point out that the
7 trees that are shown on our drawing were provided
8 by a surveyor. If you'll notice on that drawing,
9 every tree is shown exactly the same size, whether
10 it's 6-inch tree or a 24-inch tree. It's just a
11 symbol of where the tree is. It does not reflect
12 the root system or the canopy of the tree.

13 MR. GREENBAUM: That's exactly my
14 point. That is exactly my point and that --

15 THE WITNESS (Burns): And 90 trees will
16 be removed.

17 MR. GREENBAUM: Okay. I would like the
18 Council to take note of the fact that this
19 submission by the Planning and Zoning Commission
20 would indicate that the number of trees that will
21 be killed, whether they are removed or they die on
22 site, is going to be significantly greater because
23 of the impact to their root systems.

24 MR. MORISSETTE: Thank you, Mr.
25 Greenbaum. That's part of the public record, and

1 it's part of the record of the Council. Yes,
2 thank you.

3 MR. GREENBAUM: In addition --

4 MR. MORISSETTE: We're going to take a
5 break at this time. Excuse me for interrupting.

6 MR. GREENBAUM: Sure.

7 MR. MORISSETTE: Let's take a ten
8 minute break and be back here at 3:50, and we will
9 continue with cross-examination by Mr. Greenbaum.
10 Thank you.

11 MR. GREENBAUM: Thank you.

12 (Whereupon, a recess was taken from
13 3:37 p.m. until 3:50 p.m.)

14 MR. MORISSETTE: Mr. Greenbaum, I'm
15 sorry for the interruption, but please continue.

16 MR. GREENBAUM: Okay. The break was
17 welcome. Thank you. I'm back on the computer. I
18 hope that works.

19 MR. MORISSETTE: Sounds much better.
20 Thank you.

21 MR. GREENBAUM: If it does not work, I
22 will have to call in again, but we'll try doing it
23 this way.

24 MR. MORISSETTE: Very good. Thank you.

25 MR. GREENBAUM: Thank you. Okay. So

1 I'm referring again to Mr. Cooper's comments
2 regarding the proposed facility. One of the
3 concerns that Mr. Cooper raises is that the runoff
4 and the methods of treating the runoff are, while
5 they may fall within the guidelines, are not
6 adequate for this particular location. So let me
7 ask you, to what degree in your experience are
8 silt socks and the kinds of barriers you're
9 talking about typically used for construction and
10 not for the ongoing protection of a particular
11 facility?

12 THE WITNESS (Burns): I'm not sure I
13 understand the question. Are you asking me --

14 MR. GREENBAUM: Well, the kinds of
15 barriers that you've recommended or you say that
16 are acceptable, according to Mr. Cooper, these
17 are --

18 THE WITNESS (Burns): I'm sorry, you're
19 cutting out, sir.

20 MR. GREENBAUM: Okay. The kind of
21 barriers that we're talking about here for silt
22 and erosion control -- is that any better?

23 (No response.)

24 MR. GREENBAUM: Are you able to hear
25 me?

1 Mr. Morissette?

2 MR. MORISSETTE: Yes, I'm able to hear
3 you.

4 Mr. Burns, are you able to hear us?
5 Mr. Burns, you're locking up.

6 THE WITNESS (Burns): I apologize. I
7 didn't hear the question. Our internet was a
8 little shaky there. Would you mind repeating it,
9 please?

10 MR. GREENBAUM: Of course. Of course.
11 So in Mr. Cooper's report he is of the opinion
12 that the silt barriers and the erosion control
13 measures that you are putting in place, while they
14 may meet the standards that you referred to from
15 DEEP, are more commonly used for a construction
16 phase and not for ongoing property protection
17 because they tend to block up unless they
18 are (AUDIO INTERRUPTION) --

19 THE WITNESS (Burns): So if I
20 understand the question, the only two measures of
21 the erosion control shown on the drawings at this
22 point that are, they are temporarily during
23 construction, are the construction entrance, which
24 is typically used so that vehicles leaving the
25 site, dirt, mud, debris can be taken off their

1 tires prior to them exiting the site. And the
2 other one is the compost filter socks. The
3 compost filter socks are used typically in place
4 of a silt fence. They perform the same function.
5 As far as the permanent soil and erosion control
6 measures, an erosion control blanket will be used
7 on all slopes greater than 3 to 1, and there are a
8 couple spots where that is occurring. We are
9 putting in a grass swale -- well, let me start.
10 We're doing a gravel access drive. The surface of
11 the drive itself is impervious, sloped to one
12 side, will not be crowned, into a gravel swale
13 beside the road which is impervious which will run
14 through a series of check dams to either a riprap
15 flash pad into the wetlands or to a culvert which
16 will cross into a riprap flash pad and overland
17 into the wetlands. And per regulation and per my
18 35 years experience doing this, that is sufficient
19 for a construction of this type.

20 MR. GREENBAUM: As well as for the
21 ongoing protection of the wetlands
22 post-construction?

23 THE WITNESS (Burns): Yes, sir.

24 MR. GREENBAUM: Okay. We'll have to
25 agree to disagree on that one.

1 THE WITNESS (Burns): Very well.

2 MR. GREENBAUM: Okay. The other
3 concern that was raised by Mr. Cooper in his
4 comments has to do with the water quality as well.
5 And let me ask you first a prior question. Have
6 you observed the erosion on the property adjacent
7 just to the north? You can pretty much see it.
8 I'm not sure if you can see it from the Bergers'
9 property because you would be down near the bottom
10 of his paved driveway. And you might be able to
11 see it from the cul-de-sac that his driveway comes
12 from. But I know that the owner of that property,
13 Ivan Kavrukov, would certainly welcome someone to
14 take a look at that to determine whether you could
15 add any water to that location without causing
16 further damage. It's a severely eroded area. Is
17 that something that you would be willing to look
18 at?

19 THE WITNESS (Burns): We did not look
20 at areas outside of the property on someone else's
21 property.

22 MR. GREENBAUM: Okay. So I'm asking
23 you if that's something that you would be willing
24 to do if it had some bearing on the plans that
25 you're making for the property.

1 THE WITNESS (Burns): My feeling is it
2 doesn't have any bearing, so I don't -- I'm not
3 going to agree to that.

4 MR. GREENBAUM: Okay. Thank you. I'm
5 going to go back to an earlier topic, and that is
6 in the site search it's listed as -- I don't have
7 the numbers. Let's see here. Okay, here we are.
8 26 Wagon Wheel Road and 28 Wagon Wheel Road, items
9 number 8 and 9 on page 47, I would like to know
10 when Homeland Towers walked these properties with
11 members of the Naromi Land Trust.

12 THE WITNESS (Vergati): Ray Vergati,
13 Homeland Towers. I had walked a few properties
14 with representatives from Naromi Land Trust back
15 in September of 2015. One particular visit we
16 looked at three properties, albeit it two were
17 brief visits, the third was really the one we were
18 trying to focus on. Those three properties were
19 Cozier Hill, East Colburn Road and Wagon Wheel. I
20 believe at that time Naromi owned 26 Wagon Wheel.

21 MR. GREENBAUM: And what about 28 Wagon
22 Wheel?

23 THE WITNESS (Vergati): I don't know if
24 Naromi had owned the property at that time. In my
25 site search I referenced that Naromi owns 28 Wagon

1 Wheel. They certainly own it now. So when I was
2 doing my site search selection, I basically bulked
3 it into Naromi owning 26 and 28 Wagon Wheel, which
4 they do today, which is actually the, I guess, the
5 Connecticut Land Conservation that now owns it
6 since Naromi merged with them.

7 MR. GREENBAUM: Northwest Connecticut
8 Land Conservancy.

9 THE WITNESS (Vergati): Yes.

10 MR. GREENBAUM: Okay. So you're saying
11 that you walked the 26 and 28 Wagon Wheel
12 property, or 26 because they didn't know own 28 at
13 that time, you walked that property in 2015?

14 THE WITNESS (Vergati): The visits to
15 the two properties, from my recollection, East
16 Colburn Road and the Wagon Wheel Road with Marge
17 Josephson who is the representative for Naromi, it
18 was not a detailed site walk at either of the two
19 properties. I recall the East Colburn Road site
20 we drove there together, looked at it from the
21 road, extremely high slopes, really not buildable.
22 The main focus was the Cozier Hill property where
23 we spent most of the time. I recall driving over
24 to the Wagon Wheel site. I don't recall going
25 deep into the property. I think we more or less

1 stood out by the road. There was access issues
2 because you have to cross a private property to
3 get to that site. I had walked that site
4 previously with town officials a few years
5 earlier, so I was certainly aware of that property
6 and the challenges it had from access from
7 Mauweehoo Road which there's no street frontage on
8 Mauweehoo Road to the Wagon Wheel properties.

9 MR. GREENBAUM: And are you aware of
10 the investigation that AT&T did in 2013 on that
11 property?

12 THE WITNESS (Vergati): Yes, I'm aware
13 that AT&T had looked at the Wagon Wheel
14 properties. If you'll notice on my site search
15 selection we had C Squared, the RF engineer of
16 record, look at that property as well. We didn't
17 just rule it out strictly from an access or not
18 interested landlord, of which Naromi was not
19 interested in doing a deal with Homeland Towers,
20 but also the site could not perform for AT&T RF,
21 and it was rejected.

22 MR. GREENBAUM: Thank you. Okay.
23 You've got a letter of commitment from Verizon --
24 a letter of interest from Verizon. Are there
25 other carriers that might be interested in

1 locating on this particular site?

2 THE WITNESS (Vergati): I have reached
3 out to T-Mobile. I have not received a response
4 from them. You are correct, Mr. Greenbaum, that
5 Verizon did respond early May, May 7th sticks in
6 my mind, where the RF senior manager, Alex
7 Restrepo, sent me an email stating that Verizon
8 would be interested at some point in the future
9 installing their antennas at 156 foot RAD center.
10 I cannot speak to T-Mobile's needs or any other
11 carrier's needs at this point. They haven't
12 provided me a response back.

13 MR. GREENBAUM: Okay. And in your
14 investigation of the properties on Timber Trails
15 with Mr. Pascarella, how did you arrive at a
16 location on that property that you were interested
17 in?

18 THE WITNESS (Vergati): As I mentioned
19 earlier, back in 2015 I had reached out to Aldo.
20 We walked the property on June 24th of 2015, my
21 myself, Aldo and Manuel Vicente, the president of
22 Homeland Towers. We parked at the end of Long
23 Meadow Trail, walked into the woods. We proceeded
24 to walk up to the top of the mountain. As I
25 stated earlier, it's basically impossible to get a

1 site up there due to the ledge, the slopes of
2 greater than 30 percent. We came back down the
3 mountain after a pretty hefty hike, looked at
4 other areas that were more conducive for a tower
5 location, keeping elevation in mind, keeping the
6 topography in mind, we did locate a spot, I don't
7 know the exact dimensions, but possibly about 600
8 feet into the woods off of Long Meadow Trail.
9 That was on the, again, June 24th of 2015.

10 We did a subsequent site visit with All
11 Points on March 15th of 2016 the following year.
12 I remember we had to wait for the snow to melt.
13 And we put together a lease exhibit for Mr.
14 Pascarella on a proposed access drive and tower
15 location coming in off of Long Meadow Trail, and
16 that was provided to Aldo along with obviously the
17 lease that we had been talking about. And as I
18 previously stated, unfortunately my negotiations
19 with Aldo were fruitless and a waste of time.

20 MR. GREENBAUM: Thank you. So I'm
21 curious about one other thing. There are people
22 in the southern end of Sherman who for the past
23 several years have been getting cell service.
24 Some of them are AT&T customers, others are
25 Verizon customers or they have Tracphones. And

1 yet, so prior to 2018 they did not get service,
2 now they do, and there's quite a few people that
3 we know of that are getting service. Can you
4 explain that by what might have changed or what's
5 impacted that?

6 THE WITNESS (Vergati): I'll turn that
7 question over to Martin Lavin, the RF engineer.

8 MR. GREENBAUM: Sure.

9 THE WITNESS (Lavin): Martin Lavin, C
10 Squared Systems. I can't speak for any of the
11 other major operators, and I don't know, some them
12 you mentioned were MVNOs, or mobile virtual
13 network operators. I can't say for sure which of
14 the big three carriers is actually behind them.
15 There are no changes in the 2018 time frame that I
16 know of. There are some elevated areas where some
17 service can be obtained from distant sites, but
18 nothing that generally that we would consider to
19 be adequate.

20 MR. GREENBAUM: Okay. Because earlier
21 in this discussion today it was mentioned that one
22 of the reasons that AT&T was back looking at Coote
23 Hill is because of changes in technology and
24 mentioned things about user experience that
25 there's now a greater demand for service from

1 customers. But I wondered if there wasn't an
2 underlying, some underlying technical issues with
3 the improvement of the quality of the phones, you
4 know, the fact that the memory chips are smaller,
5 all that kind of thing.

6 THE WITNESS (Lavin): No, nothing of
7 that nature. I mean, FirstNet is one of the big
8 things behind this for public safety. I think
9 that's probably one of the major things that has
10 moved it back to the forefront to bring public
11 safety service to an area that currently lacks it.

12 MR. GREENBAUM: Okay. So does FirstNet
13 also provide any kind of either loans or financing
14 or any other inducements for providers and
15 constructors of cellular towers?

16 THE WITNESS (Lavin): I don't know the
17 financial terms of the contract between FirstNet
18 and AT&T.

19 MR. GREENBAUM: Okay. Well, they're a
20 government organization. I guess we can find that
21 out.

22 Okay. So Mr. Morissette, I think we're
23 ready to move on to our witnesses unless you would
24 like to have some redirect here.

25 MR. MORISSETTE: There's no redirect,

1 but thank you, Mr. Greenbaum. We will continue
2 with cross-examination of the applicant by the
3 Council starting with Mr. Mercier.

4 MR. GREENBAUM: Thank you.

5 MR. MORISSETTE: Thank you.

6 MR. MERCIER: Thank you. I just have a
7 couple followups. I guess I'll start with
8 Mr. Lavin.

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

11 MR. MERCIER: Yes. Thank you. I'm
12 just going to refer to the Council Set Two
13 interrogatory responses. Basically attachment 3
14 was a drive test that was submitted. Really my
15 only question with this drive test is there's a
16 date in the corner, I think it says June 3rd. Was
17 that the date the document was produced, or was
18 that the date of the actual drive test?

19 THE WITNESS (Lavin): The date the
20 document was produced.

21 MR. MERCIER: Do you know when the
22 drive test was conducted?

23 THE WITNESS (Lavin): Not the exact
24 date, but it was in a leaf-on condition.

25 MR. MERCIER: Okay. Is it possible it

1 was done in 2013 or probably more recent?

2 THE WITNESS (Lavin): Far more recent,
3 in the last year or two at the most, yes.

4 MR. MERCIER: Okay. Thank you. I'm
5 just going to go to attachment 5 since you're
6 here. Attachment 5 is a topographic relief map
7 with your adjacent sites. And I'm just going to
8 ask quickly about the Patterson tower to clear
9 that up. Over on the far lower left is a site,
10 NW2813, and that's your existing facility in
11 Patterson, New York?

12 THE WITNESS (Lavin): It's one of them.
13 The one we were referring to that had caused some
14 confusion about being in Patterson, New York is
15 CT1684. Just because of its proximity to the
16 border, as Tower Hill is also quite close to the
17 border, created confusion over which one.

18 MR. MERCIER: Okay. I see that one
19 lower down. I got you. Okay. So for the Tower
20 Hill location, looking at this where it says Route
21 37 at the town line, if you just go over to the
22 left you'll see like a red high elevation area
23 immediately to the left of town line, is that
24 where Tower Hill is located?

25 THE WITNESS (Lavin): Yes, that red

1 area where the lines meet just over the border
2 into Patterson is where the tower is.

3 MR. MERCIER: Okay. And your testimony
4 was that you did some modeling or preliminary
5 modeling, and it just doesn't work for you. Is
6 that just due to the severe terrain which is
7 shown?

8 THE WITNESS (Lavin): Yes, the signal
9 basically hits -- yeah, it basically hits that
10 ridge just to the east of the Tower Hill site, and
11 it prevents it from getting down to Route 37. And
12 the hill we're on, for the signal to get to Route
13 39 we'd have to go through that ridge first and
14 then through the hill that we're on with the
15 propose site, so it gets hit twice by terrain.
16 The line of sight is I think about 50 meters, 150
17 plus feet underground, so there's just no earthly
18 way it's going to get through there.

19 MR. MERCIER: Okay. And what height
20 did you model that site at just out of curiosity?

21 THE WITNESS (Lavin): We looked at up
22 to 199 feet, which is just under the height it
23 would automatically end up with a light on top,
24 and there is still no coverage really.

25 MR. MERCIER: Okay. Thank you very

1 much. I have a follow-up question for Mr. Burns.

2 THE WITNESS (Burns): Robert Burns, All
3 Point Technologies.

4 MR. MERCIER: Thank you. The question
5 I have is earlier during the cross-examination by
6 Mr. Greenbaum you mentioned a construction
7 entrance being installed at the entrance to the
8 construction area. Will this be on the landlord's
9 property only or does it go out onto Coote Hill
10 Road?

11 THE WITNESS (Burns): No, this will be
12 on the landlord's property. Just as you leave the
13 existing driveway to go onto the proposed driveway
14 there will be a construction entrance.

15 MR. MERCIER: Okay. For the private
16 Coote Hill Road, that's the road that everybody
17 uses currently to access their homes, are there
18 any improvements proposed right now, or is all the
19 construction going to be on the 16 Coote Hill Road
20 parcel?

21 THE WITNESS (Burns): With the
22 exception of minor trenching for utilities, there
23 will be no other improvements there, no.

24 MR. MORISSETTE: Sorry, Mr. Burns, you
25 cut out there. I don't think we heard your whole

1 answer.

2 THE WITNESS (Burns): Raymond also
3 reminded me that one of the pillars will be
4 removed that's there.

5 MR. MERCIER: Thank you. Could you
6 repeat the trenching aspect? I missed that part.

7 THE WITNESS (Burns): I'm sorry, we
8 froze again. We will be trenching to the utility
9 pole that's right in front of the property, but
10 there will be no other improvements with the
11 exception of removing one of the pillars that's
12 there.

13 MR. MERCIER: And for trenching are we
14 talking 20 feet, 100 feet, any idea?

15 THE WITNESS (Burns): Width wise or
16 length?

17 MR. MERCIER: Yes, that's outside the
18 property.

19 THE WITNESS (Burns): Oh, outside the
20 property. Yeah, I mean, probably less than 20
21 feet.

22 MR. MERCIER: Thank you. The only
23 other question I had, I'm not sure who can answer,
24 is for this application was there ever a crane
25 test for visual analysis or coverage analysis, was

1 that ever conducted for this application?

2 THE WITNESS (Gaudet): Brian Gaudet
3 with All Points. Yes, we completed a visual
4 assessment.

5 MR. MERCIER: I guess my question was a
6 crane used?

7 THE WITNESS (Gaudet): No, this was a
8 balloon at this location.

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

11 MR. MORISSETTE: Thank you, Mr.
12 Mercier. We will continue with cross-examination
13 by Mr. Edelson.

14 MR. EDELSON: I just have one
15 clarifying question for Mr. Lavin. There was a
16 request for, if I understood correctly, a radio
17 frequency propagation from the tower in Patterson,
18 but it's my understanding that your submission of
19 the existing radio frequency propagation includes
20 all existing towers so that provides us with that
21 baseline.

22 THE WITNESS (Lavin): That AT&T is on.

23 MR. EDELSON: Can you repeat that?

24 THE WITNESS (Lavin): All existing
25 towers that AT&T is currently on.

1 MR. EDELSON: Right. Okay. That was
2 my only clarification.

3 Thank you, Mr. Morissette.

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

7 Mr. Silvestri.

8 MR. SILVESTRI: Thank you, Mr.
9 Morissette. Most of the follow-up questions I had
10 were already posed by Mr. Greenbaum and Mr.
11 Mercier. I do have one, however, for
12 Mr. Gustafson, if we could get him back on the
13 screen.

14 In reading through the application and
15 with the last hearing, the project was shifted to
16 avoid impacts to the slimy salamander. The
17 question I have for you is concerning the eastern
18 hog-nosed snake. Was that detected on site?

19 THE WITNESS (Gustafson): Dean
20 Gustafson with All Points Technology. No, the
21 surveys that were performed were specific to the
22 slimy salamander. No surveys were required for
23 the hog-nosed snake. But during our various
24 investigations of the property through the wetland
25 delineation, et cetera, we did not observe any

1 hog-nosed snake, but the protection measures that
2 are being put in place would protect that species
3 during construction activities from any incidental
4 impacts.

5 MR. SILVESTRI: That was the related
6 follow-up I had for you, is there suitable
7 habitat, and seems like the answer is maybe.

8 THE WITNESS (Gustafson): That's
9 correct. It doesn't have ideal habitat for
10 hog-nose snake, but there is the potential that
11 the property could be used as dispersal habitat
12 for hog-nose snake, particularly during the spring
13 and summer season. So the isolation barriers, the
14 protection measures for rare species would be
15 adequately protective of hog-nose snake as well as
16 the other species.

17 MR. SILVESTRI: And the other species
18 being the slimy salamander, eastern box turtle, et
19 cetera?

20 THE WITNESS (Gustafson): That's
21 correct.

22 MR. SILVESTRI: Very good. Thank you.
23 Mr. Morissette, that's all the
24 questions I have. Thank you.

25 MR. MORISSETTE: Thank you, Mr.

1 Silvestri. We will now continue with Mr. Hannon.

2 Mr. Hannon.

3 MR. HANNON: I just have one followup.
4 This goes back to a question I asked the last
5 time, and I've been thinking about the answer, and
6 I'm really not overly satisfied with it. And this
7 has to do with the two wetland crossings. And my
8 understanding is that you're going in and
9 installing three pipes, one at one location, two
10 at another, backfilling, and in essence taking
11 that quote/unquote intermittent stream and you're
12 kind of boxing it in. I'm still curious as to
13 when you made the comment that looking at open
14 bottom box culverts that would have just as much
15 impact on the wetlands. And I'd like you to
16 explain that because I'm just not following that
17 answer that you gave me the last time. Because to
18 me, if you can stay out of the watercourse area at
19 all and use the open bottom box culverts, to me
20 that makes a whole lot more sense, and installing
21 the roadway there and it's less impact on the
22 wetlands.

23 THE WITNESS (Burns): Robert Burns, All
24 Points Technologies. I'm looking at -- the
25 disturbance to the wetlands right now is from

1 basically the width of the access drive and the
2 construction activities to put those pipes in. If
3 we put in a bottomless box culvert, let's call it,
4 I think the, at least the temporary disturbance
5 would still be the same, but it's certainly
6 something we can look at during the D&M phase to
7 see if there's enough cover there and if it's
8 suitable at least at the second crossing. The
9 first crossing is kind of narrow. It may not be
10 suitable for that, but that second crossing we
11 could look at that.

12 MR. HANNON: Can you explain what you
13 mean by the first crossing which is narrow may not
14 be suitable, because it may be that you could put
15 in the open end box culvert and be out of the
16 wetlands totally.

17 THE WITNESS (Burns): My point was that
18 since it's such a narrow crossing that an open end
19 box may be -- well, I suppose you could do an open
20 end arch there. I guess both, to backtrack a
21 little, we could look at both crossings in terms
22 of an open end box if it would work from a
23 construction standpoint.

24 MR. HANNON: Now, that would be
25 appreciated because I just think it's a way of

1 helping to mitigate the wetland area and also it
2 takes -- it eliminates some of the pressure on the
3 developers in terms of making sure that there is
4 the appropriate cover and the pipes and everything
5 else. I think it just makes everybody's life more
6 simple. So that would be something I would
7 appreciate if you could take a look at.

8 THE WITNESS (Burns): I certainly can,
9 yes, sir.

10 MR. HANNON: Okay. That was all I had,
11 Mr. Morissette.

12 MR. MORISSETTE: Thank you, Mr. Hannon.
13 We'll now continue with cross-examination by
14 Mr. Nguyen.

15 Mr. Nguyen.

16 MR. NGUYEN: Yes, Mr. Morissette. I
17 don't have any further questions. Thank you.

18 MR. MORISSETTE: Thank you, Mr. Nguyen.
19 I have one follow-up question, and it
20 has to do with blasting. Could you remind me
21 whether there's going to be blasting on the site;
22 and if so, any requirements that the town has for
23 blasting?

24 THE WITNESS (Burns): Robert Burns, All
25 Points Technologies. At this point a geotechnical

1 investigation hasn't been done. We don't
2 anticipate blasting. In terms of construction of
3 the site, blasting is a last resort. But until
4 that's done -- and quite frankly, until the
5 contractor starts to uncover the rock, sometimes
6 you don't know until that point either. But with
7 that being said, if there is the slim possibility
8 that blasting is required, we will certainly
9 follow all the rules and regulations by the Town
10 of Sherman and the State of Connecticut as
11 required.

12 MR. MORISSETTE: Very good. Thank you,
13 Mr. Burns. That's all the questions I have.

14 We'll now continue with the appearance
15 by the intervenor. We'll now proceed with the
16 appearance of the intervenor, Mr. Stan Greenbaum.

17 MR. GREENBAUM: Thank you, Mr.
18 Morissette.

19 MR. MORISSETTE: Attorney Bachman,
20 could you please begin by swearing in the
21 intervenor's witnesses?

22 MS. BACHMAN: Thank you, Mr.
23 Morissette. If we can have Ms. Quaranto and Ms.
24 Prescott and Mr. Pascarella please raise their
25 right hand.

1 L O R E T T A Q U A R A N T O,
2 J E N N I F E R P R E S C O T T,
3 A L D O P A S C A R E L L A,

4 called as witnesses, being first duly sworn
5 (remotely) by Attorney Bachman, were examined
6 and testified on their oaths as follows:

7 MS. BACHMAN: Thank you.

8 MR. MORISSETTE: Thank you. Mr.
9 Greenbaum, you have offered the exhibits listed
10 under the hearing program as Roman Numeral III-B-1
11 through 4 for identification purposes.

12 MR. GREENBAUM: Roman Numeral III?

13 MR. MORISSETTE: 1 through 4 for
14 identification purposes. Is there any objection
15 to marking these exhibits for identification
16 purposes only at this time?

17 Attorney Fisher.

18 MR. FISHER: No. Based on the
19 Council's motion previously, we have no objection
20 to the ones that were identified for the
21 intervenor's case at this time.

22 MR. MORISSETTE: Thank you. The
23 exhibits are identified as Roman Numeral III-B-1
24 through 4. Thank you.

25 Mr. Greenbaum, did you prepare or

1 assist in the preparation of Exhibits 3, Roman
2 Numeral III-B-1 through 4?

3 MR. GREENBAUM: Okay. I'm not seeing
4 identifications. I'm not seeing those Roman
5 numerals and identification.

6 MR. MORISSETTE: They are on the
7 hearing program under Roman Numeral III-B-1
8 through 4.

9 MR. GREENBAUM: Okay. Wait a minute,
10 let me get to the hearing program. I've seen the
11 hearing program for 5/25. I don't see a hearing
12 program for today. I'm looking on the website
13 right now. Can someone check on that, please?

14 MR. MORISSETTE: June 24, 2021 hearing
15 program under hearing information.

16 MR. GREENBAUM: Okay. Wait a minute,
17 hearing program, right. I see the one --

18 MR. MORISSETTE: The last one, June
19 24th.

20 MR. GREENBAUM: Okay. Got it. Thank
21 you.

22 MR. MORISSETTE: Thank you.

23 MR. GREENBAUM: Okay. Now, would you
24 kindly repeat your question so I'm in the right
25 place?

1 MR. MORISSETTE: Very good. Did you
2 prepare or assist in the preparation of the
3 exhibits, Roman Numeral III-B-1 through 4?

4 MR. GREENBAUM: I'm looking. Just a
5 second. Okay, Roman Numeral III. And what was
6 the letter?

7 MR. MORISSETTE: B.

8 MR. GREENBAUM: C?

9 MR. MORISSETTE: "B" as in "boy."

10 MR. GREENBAUM: Oh, B, okay.

11 MR. MORISSETTE: 1 through 4.

12 MR. GREENBAUM: Yes.

13 MR. MORISSETTE: Very good. Thank you.
14 Do you have any additions, clarifications,
15 deletions or modifications to those documents?

16 MR. GREENBAUM: I do not.

17 MR. MORISSETTE: Thank you. Are these
18 exhibits true and accurate to the best of your
19 knowledge?

20 MR. GREENBAUM: They are.

21 MR. MORISSETTE: Thank you. And do you
22 offer these exhibits as your testimony here today?

23 MR. GREENBAUM: I do. Thank you.

24 MR. MORISSETTE: And do you offer these
25 as full exhibits?

1 MR. GREENBAUM: I do.

2 MR. MORISSETTE: Thank you. Do the
3 applicants object to the admission of Mr. Stan
4 Greenbaum's exhibits?

5 Attorney Fisher.

6 MR. FISHER: Thank you, Chairman. No,
7 not as identified, and based on the ruling, Item
8 4, I believe it was sub-items 4, 10, 11, 12 and
9 16. And based on those, we have no objection.

10 MR. MORISSETTE: Thank you, Attorney
11 Fisher. The exhibits are hereby admitted.

12 (Intervenor's Exhibits III-B-1 through
13 III-B-4, attachments 4, 10, 11, 12 & 16):
14 Received in evidence.)

15 MR. MORISSETTE: We will now begin with
16 cross-examination of Mr. Stan Greenbaum by the
17 Council starting with Mr. Mercier. Mr. Mercier.

18 CROSS-EXAMINATION

19 MR. MERCIER: Thank you. I just have a
20 couple questions. My first question will begin
21 with attachment 4. That was the visual materials.

22 MR. GREENBAUM: Yes.

23 MR. MERCIER: One of the items says May
24 21, '21 crane tower simulation. There's two
25 photographs. I'm trying to figure out what crane

1 that is, where that was set up.

2 MR. GREENBAUM: Okay. The crane was a
3 55-ton crane with 170 mast and a 45-foot boom
4 which we did not use. And it was set up on the
5 driveway of Ivan Kavrukov at the same elevation
6 400 feet north of the proposed site.

7 MR. MERCIER: Okay. So this is a crane
8 that you rented or set up for visual?

9 MR. GREENBAUM: Yes.

10 MR. MERCIER: Okay. And I'm sorry,
11 that was May 21st, okay. And you set it up at
12 what address? I didn't get the address.

13 MR. GREENBAUM: 39 Mauweehoo Hill Road.

14 MR. MERCIER: Okay. So based on that
15 crane, which is 400 feet north of the proposed
16 site, somebody took pictures from what property,
17 was it a couple miles away?

18 MR. GREENBAUM: No. Unfortunately, one
19 of the photographs submitted was incorrect, so it
20 can be discarded, the first photograph. And the
21 second photograph was taken from, yeah, I think 80
22 Route 39 South. It's labeled on the photograph
23 itself on the next page.

24 MR. MERCIER: Sorry, I lost my place on
25 my computer screen.

1 MR. GREENBAUM: Yeah, me too.

2 MR. MERCIER: 80 Route 39 South is
3 where you took the photo?

4 MR. GREENBAUM: Yeah, right around 80.
5 It might have been 88. I don't know. It's right
6 in that vicinity, but it is labeled on the
7 photograph.

8 MR. MERCIER: So was this like a zoom
9 shot through the trees, like you used a zoom on
10 the camera?

11 MR. GREENBAUM: No.

12 MR. MERCIER: What was the intent of
13 the photo?

14 MR. GREENBAUM: To get the visual
15 impact of the tower. I was unable to get balloons
16 in time for the hearing on the 25th or even for
17 today. The earliest I could get weather balloons
18 was going to be in July. And I had the
19 opportunity to rent a crane from another company
20 that was using it in the area so that we only had
21 to pay for the time that it was in Sherman. And
22 from that we hung three panels 10 feet wide, 8
23 feet high. These were blue tarps that we cut
24 slits in to allow the air to pass through. And
25 the top of the tarp was secured to an inch and a

1 half piece of PVC 10 feet long. And then the
2 bottom of the tarp was weighted with a 1 by 3
3 piece of wood and they were spaced 2 feet apart.
4 And because of the angle, this would represent the
5 second, third and fourth panels on the antenna,
6 not the top-most provider because that would have
7 interfered with the top of the boom. So you can
8 get an accurate picture from this as to how many
9 feet above the tree line that was, and the tree
10 line is in the range of 100 to 110 feet, the
11 canopy.

12 MR. MERCIER: Just help me out first.
13 If I was looking at this crane in the second photo
14 there, would the proposed tower be to the left or
15 to the right?

16 MR. GREENBAUM: Slightly to the left.

17 MR. MERCIER: To the left, okay.

18 MR. GREENBAUM: Right. And you're just
19 over, you're about six-tenths of a mile away.

20 MR. MERCIER: Okay. Thank you. I just
21 have a question on the traffic study.

22 MR. GREENBAUM: Yes.

23 MR. MERCIER: There was numerous
24 photographs submitted that showed I think a
25 delivery vehicle of some sort and maybe a

1 landscaping vehicle in the series of photographs
2 that were submitted, and it showed one car going
3 one way with the vehicles pointed the other way or
4 looking at the rear of the vehicle. If there's
5 contractors parked along the road, we'll just say
6 landscapers maintaining people's yards, how do you
7 get around those vehicles?

8 MR. GREENBAUM: I have to defer that to
9 a person who lives on the road. I don't know. I
10 don't have any personal experience with that.

11 MR. MERCIER: Thank you.

12 MR. GREENBAUM: We do have a witness
13 that can speak to that.

14 MR. MORISSETTE: If the witness could
15 identify themselves.

16 MR. GREENBAUM: Steve Quaranto.

17 STEVEN QUARANTO: Hello?

18 MR. MORISSETTE: Please continue. We
19 can hear you.

20 STEVEN QUARANTO: It's a very, very
21 simple answer to the question about people
22 maintaining their lawns and everything. They all
23 pull into the people's driveway, and they do not
24 block the road.

25 MR. MERCIER: Okay. If someone is

1 coming up or down the road and there's a vehicle
2 coming up the road, we'll just say a delivery
3 vehicle or a landscape vehicle, how do you get
4 around each other?

5 STEVEN QUARANTO: There is maybe one or
6 two spots on each side on the road where you can
7 pull off to the side. Otherwise, usually what
8 happens is usually the people that live on the
9 mountain might pull in one of their neighbor's
10 driveways so the oncoming vehicle can get by.

11 MR. MERCIER: Thank you. And my last
12 question has to do with attachment 12. Those are
13 the propagation maps. Let me call it up here.
14 Hold on, please. That was the cellular tower
15 analysis. Is a witness available for that to ask
16 a question about this exhibit?

17 MR. GREENBAUM: Yes, Richard
18 Touroonian.

19 THE COURT REPORTER: Excuse me, was he
20 sworn in, Mr. Touroonian?

21 RICHARD TOUROONJIAN: I was not sworn
22 in, no. I was not asked.

23 THE COURT REPORTER: Okay. I only have
24 Pascarella, Quaranto and Prescott being sworn.

25 MR. MORISSETTE: Attorney Bachman,

1 could you swear him in?

2 MR. GREENBAUM: There should be two
3 Quarantos, both Loretta and Steven Quaranto.

4 MR. MORISSETTE: You just have Steven
5 Quaranto listed on the witness list.

6 MR. GREENBAUM: I added Loretta to this
7 morning's submission.

8 MS. BACHMAN: Okay. If we can have
9 both Mr. Quaranto and Mr. Touroonjian raise their
10 right hands, please.

11 S T E V E N Q U A R A N T O,

12 R I C H A R D T O U R O O N J I A N,

13 called as witnesses, being first duly sworn
14 (remotely) by Attorney Bachman, were examined
15 and testified on their oath as follows:

16 MS. BACHMAN: Thank you.

17 MR. MORISSETTE: Just so it's clear for
18 everyone, we have four witnesses, Richard
19 Touroonjian, Jennifer Prescott, Steven Quaranto
20 and Aldo Pascarella. Is that correct?

21 MR. GREENBAUM: No, there's also
22 Loretta Quaranto.

23 MR. MORISSETTE: Loretta has not been
24 sworn in.

25 THE WITNESS (Steven Quaranto): She

1 has.

2 THE WITNESS (Loretta Quaranto): No, I
3 was sworn in in the beginning with Melanie.

4 MR. MORISSETTE: Very good. So are we
5 straight now with the court reporter?

6 THE COURT REPORTER: Yes. Thank you.

7 MS. MORISSETTE: Thank you. Attorney
8 Bachman, is there anything procedurally we need to
9 do as far as affirming their participation and the
10 exhibits that they are testifying to?

11 MS. BACHMAN: Thank you, Mr.
12 Morissette. Subject to any objection from the
13 applicants, I don't believe there's anything
14 further procedurally, but I'll defer to Attorney
15 Fisher if he does have any objection.

16 MR. FISHER: No. Thank you. We
17 understand that the witnesses who were presented
18 did prepare the documents that were identified, so
19 we have no objection.

20 MR. MORISSETTE: Thank you, Attorney
21 Fisher.

22 Okay. If we could continue, Mr.
23 Mercier, can you repeat the question where we left
24 off.

25 THE COURT REPORTER: This is the court

1 reporter. I'm sorry.

2 MR. MORISSETTE: That's okay.

3 THE COURT REPORTER: Mr. Greenberg was
4 sworn in, right?

5 MR. GREENBAUM: "Mr. Greenbaum."

6 THE COURT REPORTER: Mr. Greenbaum,
7 excuse me. Because he's been answering questions.
8 Was he sworn in?

9 MR. GREENBAUM: I don't believe so, no.
10 I was not planning to be a witness, however, I
11 will be happy to be sworn in if that is your wish.

12 THE COURT REPORTER: You've been
13 answering questions, right?

14 MR. GREENBAUM: I've been asked
15 questions, so I've been answering them.

16 MR. MORISSETTE: Yes, and he submitted
17 testimony. So you are answering questions and
18 providing testimony so you need to be sworn in.

19 MR. GREENBAUM: Sure.

20 MR. MORISSETTE: Attorney Bachman, one
21 more time.

22 MS. BACHMAN: Thank you, Mr.
23 Morissette.

24 Mr. Greenbaum, could you please raise
25 your right hand.

1 S T A N G R E E N B A U M,

2 called as a witness, being first duly sworn
3 (remotely) by Attorney Bachman, testified on
4 his oath as follows:

5 MR. MORISSETTE: Thank you, Attorney
6 Bachman. Okay. We're all set now.

7 Mr. Mercier, please continue.

8 MR. MERCIER: Yes. Thank you. I'm
9 just referring to the attachment 12, and that was
10 the cellular tower analysis, basically the last
11 slide, I'll just use that one for my question.
12 The question is, for the Tower Hill Road site over
13 the border in Patterson was that modeled at 60
14 feet above ground level?

15 THE WITNESS (Touroonjian): That's
16 correct, it was modeled at 60 feet.

17 MR. MERCIER: And why was that height
18 chosen?

19 THE WITNESS (Touroonjian): That's the
20 height of the tower as far as the information I
21 have as of today.

22 MR. MERCIER: Okay. And just based on
23 that last slide, the amount of coverage in that
24 area, it does not really reach down into Route 37
25 in Sherman; is that correct?

1 THE WITNESS (Touroonjian): One second.
2 I want to -- give me one second to answer that
3 question. It does reach a portion of Route 37 at
4 the very border of the Town of Sherman. It's not
5 a big area, but it does reach it.

6 MR. MERCIER: Okay. So a very limited
7 area, maybe talking a quarter mile or so?

8 THE WITNESS (Touroonjian): Yes.

9 MR. MERCIER: Okay. Thank you. That's
10 all the questions I have. Thank you very much.

11 THE WITNESS (Touroonjian): You're
12 welcome.

13 MR. MORISSETTE: Thank you, Mr.
14 Mercier. We'll now continue with
15 cross-examination by Mr. Edelson.

16 MR. EDELSON: I have no questions at
17 this time, Mr. Morissette. Thank you.

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

20 Mr. Silvestri, any questions?

21 MR. SILVESTRI: Yes, Mr. Morissette.
22 Thank you. I'm not quite sure who it's directed
23 at, but I'm going to go back to Roman Numeral
24 III-B-4, and attachment 10. This is the Coote
25 Hill Road traffic study, dated June 15, 2021. The

1 first question I have is who prepared that one?

2 MR. GREENBAUM: This has the one with
3 the photographs of the cars and trucks?

4 MR. SILVESTRI: And the map as well,
5 yes.

6 MR. GREENBAUM: Right. That was done
7 by Mr. Quaranto.

8 MR. SILVESTRI: Okay. And the
9 preparation of that, is it safe to say that you
10 have the placement of two vehicles at different
11 points and then provided the pictures?

12 MR. GREENBAUM: I would have
13 Mr. Quaranto answer that.

14 THE WITNESS (Steven Quaranto): Yes.

15 MR. MORISSETTE: Very good. Thank you.
16 How would you describe the eight areas that are on
17 that map dated 6/15/21 that are indicated in red?

18 THE WITNESS (Steven Quaranto): I
19 wasn't involved in the map, sir, okay, so I
20 honestly can't -- when you're talking about
21 the eight, the only thing I can possibly think of
22 would be everybody's individual driveway.

23 MR. SILVESTRI: Well, apparently, if I
24 got it correct, that the red areas correspond to
25 the photographs, so I'm curious how you describe

1 what the red areas are.

2 THE WITNESS (Steven Quaranto): I
3 wasn't the one taking the photographs, number one,
4 sir, and I'm not the one that provided the map. I
5 was just involved in assisting somebody to have
6 the pictures taken.

7 MR. SILVESTRI: Okay. Who was the
8 somebody? Do we have that person on Zoom right
9 now?

10 THE WITNESS (Steven Quaranto): I
11 honestly don't know if we do, to be honest with
12 you. My wife is checking that right now.

13 THE WITNESS (Loretta Quaranto): Yeah.

14 PETER KURING: This is Peter Kuring. I
15 assisted him with it.

16 THE WITNESS (Steven Quaranto): It was
17 Peter Kuring.

18 MR. SILVESTRI: Who is not a witness at
19 this point.

20 MR. MORISSETTE: That is correct.

21 MR. GREENBAUM: Mr. Kuring was
22 uncertain that he'd be able to be here today.

23 MR. SILVESTRI: Okay. I'm not sure,
24 Mr. Morissette, how you want to proceed. I'd like
25 to get an answer on that, but I don't know who can

1 answer the question.

2 MR. MORISSETTE: Mr. and Mrs. Quaranto,
3 can you answer the question?

4 THE WITNESS (Steven Quaranto): I'm
5 going to be honest with you, sir. I was not
6 involved with the map before, okay, so if I did
7 answer the question, I wouldn't be truthful with
8 you.

9 MR. MORISSETTE: But you are familiar
10 with the road.

11 THE WITNESS (Steven Quaranto): I've
12 lived on the road for 34 years.

13 MR. MORISSETTE: So therefore you have
14 knowledge of the road, you can answer the
15 question.

16 THE WITNESS (Steven Quaranto): In
17 regards to the map being made and the red spots on
18 the map and the white spots on the map --

19 MR. MORISSETTE: Mr. Silvestri, can you
20 rephrase the question?

21 MR. SILVESTRI: Let me try. On the map
22 we have red X's and numbers that go from 1 through
23 8, and they extend from the main access road going
24 back all the way to the area where the proposed
25 cell tower is going to be. To try to rephrase

1 this, I guess that those X's, shall we say, are
2 potential problem points. Would that be a good
3 description of the red X's on that map that
4 they're problem points?

5 THE WITNESS (Steven Quaranto): I think
6 the whole road is a problem, to be honest with
7 you, sir. And I think those red X's you keep on
8 giving the number 8, I think they would be the
9 driveways of the individual homeowners.

10 MR. SILVESTRI: Number 8 is actually
11 right at the exit of Coote Hill Road onto the main
12 road. So again, there's no house, there's no map
13 that's there. Let me try to broaden the question.

14 MR. GREENBAUM: Mr. Silvestri.

15 MR. SILVESTRI: Yes.

16 MR. GREENBAUM: Peter Kuring is on the
17 call, and he would be willing to be sworn in and
18 testify to this. He did prepare the actual
19 presentation with the slides they took.

20 MR. MORISSETTE: We have given ample
21 opportunity for presenting witnesses and having
22 people sworn in. We've done it three times. And
23 the intervenor should have been prepared to
24 provide the appropriate names and numbers of
25 people that were going to be testifying today.

1 MR. GREENBAUM: As I said, I did not
2 know that Peter Kuring would be available today.

3 MR. MORISSETTE: Be that as it may, Mr.
4 Silvestri, can you ask the questions without us
5 going through another swearing in of a witness?

6 MR. SILVESTRI: I will try to do that,
7 Mr. Morissette. Actually, I'll just pose the
8 question to Mr. and Mrs. Quaranto as he had
9 mentioned he lived on the -- or lives on the road
10 for X number of years. If these indeed are
11 problem points on the road where you have two
12 vehicles that can't pass, let me pose the question
13 that how come the residents on the road didn't get
14 together to try to widen it or do some type of
15 elimination to get rid of the problem?

16 THE WITNESS (Steven Quaranto): We
17 don't own the road, sir, somebody else owns the
18 road, okay.

19 MR. SILVESTRI: Mr. Morissette, that's
20 all I have. Thank you.

21 MR. MORISSETTE: Thank you, Mr.
22 Silvestri. We'll now continue with
23 cross-examination by Mr. Hannon.

24 Mr. Hannon.

25 MR. HANNON: Mr. Morissette, I have no

1 questions at this time.

2 MR. MORISSETTE: Thank you, Mr. Hannon.
3 We will now continue with Mr. Nguyen.

4 Mr. Nguyen, any questions?

5 MR. NGUYEN: No questions, Mr.
6 Morissette. Thank you.

7 MR. MORISSETTE: Thank you, Mr. Nguyen.
8 I have a question relating to the analysis
9 performed, the propagation maps on attachment 12,
10 and I believe it is Mr. Touroonjian, are you
11 available?

12 THE WITNESS (Touroonjian): Yes, I am.

13 MR. MORISSETTE: Thank you. Okay.
14 Just starting with page number 2, can you explain
15 what you're trying to document here? You have
16 three arrows and your legend doesn't identify what
17 the arrows are pointing to.

18 THE WITNESS (Touroonjian): Yes, I'd be
19 happy to. So this is a propagation prediction
20 that was included in the application from Homeland
21 Towers. The red arrows point to the sites that
22 AT&T currently has in operation as well as the
23 proposed site at Coote Hill Road. Those are
24 represented by the three arrows. And the black
25 arrow shows one of the target zones that AT&T

1 stated in their application they wanted to cover,
2 which is I think is Deer Run Shores properties.
3 And the white basically shows that area is not
4 being covered by the addition of the Coote Hill
5 site.

6 MR. MORISSETTE: I see. Very good.
7 Thank you for that clarification.

8 THE WITNESS (Touroonjian): You're
9 welcome.

10 MR. MORISSETTE: I'll now go to Exhibit
11 Number 7 -- page number 7. And could you please
12 explain what you're trying to convey here?

13 THE WITNESS (Touroonjian): Exhibit 7,
14 is that directed towards me, sir?

15 MR. MORISSETTE: Yes. I should say
16 page 7. Sorry.

17 THE WITNESS (Touroonjian): Oh, page 7,
18 okay.

19 MR. MORISSETTE: Yes.

20 THE WITNESS (Touroonjian): Okay. So
21 one of the questions that we were trying to answer
22 in analysis of the radio, cellular coverage
23 problem in southern Sherman was how do all of the
24 sites when considered collectively contribute to
25 coverage in southern Sherman if the Coote Hill

1 Road tower site or the tower there was 120 feet in
2 height rather than 170 feet.

3 MR. MORISSETTE: Okay. I understand
4 now. Very good. Thank you for that.

5 THE WITNESS (Touroonjian): You're
6 welcome.

7 MR. MORISSETTE: The next question I
8 have is, I'm still confused about the visual
9 impact information that was filed as part of
10 attachment 4. There are three exhibits, A, B and
11 C of attachment 4, one being a visual impact, the
12 second, B, being July 26, 2013 balloon float, and
13 then the May 21, 2021 crane tower simulation. I
14 only see information relating to the May, I think
15 it's the May 21, 2021 crane tower simulation.
16 What's going on with the other two exhibits? I
17 think that's for you, Mr. Greenbaum.

18 THE WITNESS (Greenbaum): I don't know
19 the answer to that question. It should be there.

20 MR. MORISSETTE: Okay. Very good.

21 THE WITNESS (Greenbaum): You don't
22 have anything at all on the -- it's not
23 highlighted on the website, so I didn't know why
24 that was. I can tell you what it was. I don't
25 know why it's not visible.

1 MR. MORISSETTE: Okay. If you could
2 explain to me what those documents are, I would
3 appreciate it.

4 THE WITNESS (Greenbaum): Okay. Well,
5 the July 26, 2013 balloon float was done from the
6 same location that the crane simulation was done
7 on May 21 this year. And at that time having
8 looked at the presentation for the visual impact
9 that was done by AT&T, if you see a single balloon
10 sitting up in the sky, you really have no way of
11 knowing how high -- I mean, they can tell you how
12 high it is, but you don't know what the visual
13 impact is because it's a single balloon. You
14 can't judge the measurement. So at that time
15 myself and two other people flew three weather
16 balloons 5 feet in diameter to 170 feet spaced 25
17 feet apart so you can clearly see what the levels
18 of the -- you know, what the height a level above
19 the trees was. And from 150 route 37 South from
20 that driveway, which is across from the Mauweehoo
21 Lake Club, you can see all three balloons clearly,
22 and there was a significant gap equal to another
23 at least 25 to 30 feet. So above the tree line
24 you can see 60 to 70 feet of the tower.

25 Now, interestingly, when we did this

1 visual impact study with the crane, and I have to
2 say that it did surprise me, that the tree growth
3 in the area just beyond the lake frontage, so
4 going up about 100 feet up the hill, that's 5 to
5 10 feet of tree growth in the past eight years
6 significantly masked the view of the crane and the
7 tarps that we put up in May. So the impact
8 visually on that location would be seasonal. The
9 other one was done in July, so it was very, very
10 visible at that time. So eight years later the
11 impact from Route 37 is significantly reduced.

12 And the Cozier Hill photograph, which
13 you got the wrong one on, the tower itself would
14 be backgrounded by Wanzer Mountain, so it appears
15 in the green of the hill, and that makes it
16 somewhat less visible.

17 MR. MORISSETTE: Very good. Thank you,
18 Mr. Greenbaum. That's all the questions I have.

19 We will now continue with
20 cross-examination of Mr. Greenbaum by the
21 applicants, Attorney Fisher.

22 MR. FISHER: Thank you, Mr. Morissette.
23 I do have some questions.

24 Good afternoon, Mr. Greenbaum.

25 THE WITNESS (Greenbaum): Yes. Thank

1 you.

2 MR. FISHER: Mr. Greenbaum, how long
3 have you lived in the Town of Sherman?

4 THE WITNESS (Greenbaum) : I've lived
5 in the Town of Sherman for 11 years.

6 MR. FISHER: Were you involved in 2009
7 with the original AT&T proposal for a tower on
8 Leach Hollow Road?

9 THE WITNESS (Greenbaum): No.

10 MR. FISHER: And so the first time you
11 got involved in this particular project was
12 sometime around 2013 with the proposal on Coote
13 Hill Road?

14 THE WITNESS (Greenbaum): Correct.

15 MR. FISHER: And as part of that
16 participation in the technical consultation
17 process with the town, you recall the
18 conversations surrounding various Naromi Land
19 Trust properties as possible alternatives,
20 correct?

21 THE WITNESS (Greenbaum): I'd like to
22 know more specifically what you're talking about.

23 MR. FISHER: Just generally that there
24 was conversation about alternatives and the
25 conversation included whether or not Naromi Land

1 Trust properties might be available.

2 THE WITNESS (Greenbaum): Well, I was
3 the one that identified 26 Wagon Wheel Road as a
4 potential site because the landowner at the time
5 that you did your survey they did not respond.
6 The property was in bankruptcy. And Naromi, I
7 recognized that property as a property that Naromi
8 had acquired in 2011 or 2012 as part of a -- it
9 was an auction, a property auction. So it was
10 acquired without any -- there was no land
11 conservancy or tax issues related to that
12 property.

13 MR. FISHER: And were you on the -- I
14 forgot what your official capacity was, but were
15 you on the Naromi Land Trust board or an officer?

16 THE WITNESS (Greenbaum): At that time
17 I was on the board.

18 MR. FISHER: Okay. And that particular
19 property, actually, as part of that consultation
20 process, the town, AT&T, the land trust had
21 conversations about that property; did they not?

22 THE WITNESS (Greenbaum): They had more
23 than conversations. AT&T sent three people to the
24 site, a real estate person, a site development
25 person and someone else, and we did a balloon

1 study on that site at 120 feet.

2 MR. FISHER: And it is your
3 recollection that that was partly because the town
4 on the technical consultation had wanted AT&T to
5 look at various alternatives up along that whole
6 section of Wanzer Mountain down to where Wagon
7 Wheel Road is?

8 THE WITNESS (Greenbaum): That I have
9 no knowledge of.

10 MR. FISHER: Okay. A couple of
11 questions actually for Mr. Touroonjian. Good
12 afternoon.

13 THE WITNESS (Touroonjian): Good
14 afternoon.

15 MR. FISHER: So you were originally
16 employed by RCC Consultants and engaged by the
17 Town of Sherman back in around 2013 or was it
18 earlier?

19 THE WITNESS (Touroonjian): During 2013
20 and earlier, yes.

21 MR. FISHER: Okay. And just as far as
22 earlier, the town had been exploring, as I
23 understand it, a number of different public safety
24 solutions including some town-owned towers. Were
25 you involved in any of those projects?

1 THE WITNESS (Touroonjian): Yes, I was.

2 MR. FISHER: Were you involved in the
3 project that involved LCD proposing a lattice
4 tower in the town center for purposes of trying to
5 provide town-wide coverage for public safety?

6 THE WITNESS (Touroonjian): No, I have
7 no knowledge of LCD proposing a lattice tower.

8 MR. FISHER: Okay. But the original
9 engagement by the town was really focused on
10 public safety communications, correct?

11 THE WITNESS (Touroonjian): That's
12 correct.

13 MR. FISHER: And then sometime in 2013
14 the town asked you to engage with AT&T as we were
15 consulting on this Coote Hill Road site; is that
16 correct?

17 THE WITNESS (Touroonjian): Not quite.
18 In 2013 I think AT&T had approached the town about
19 towers or the need to develop a tower. And I was
20 asked by the town to examine various alternatives
21 in southern Sherman, actually in north central and
22 southern Sherman for that purpose.

23 MR. FISHER: Yes. And do you,
24 actually -- and I'm not trying to trip you up
25 here, I'm just trying to get facts out -- do you

1 remember actually being on emails with me and
2 AT&T, First Selectman Clay Cope, Mr. Hopkins who
3 was the public safety committee chairman at the
4 time?

5 THE WITNESS (Touroonian): With Clay
6 Cope, with Mr. Hopkins, yes. With you, I honestly
7 don't remember you. Sorry.

8 MR. FISHER: That's okay. I'm
9 forgettable.

10 THE WITNESS (Touroonian): (Laughter.)

11 MR. FISHER: Do you remember at the
12 time AT&T offering to make sure that you were
13 talking with AT&T's RF engineers and a pretty much
14 an open-door policy so you could have access to
15 information and there could be a fair exchange of
16 information between the town and AT&T?

17 THE WITNESS (Touroonian): Okay. So
18 during the time of the cellular coverage studies
19 that we performed, those studies were actually not
20 performed by me. They were performed by a
21 colleague in RCC. So those kinds of detailed
22 discussions probably took place between my
23 colleague and AT&T, not with me.

24 MR. FISHER: So fair to say then that
25 your colleague was engaged in conversations with

1 AT&T about its coverage needs and locations, and
2 you were focused on the town's needs and
3 locations?

4 THE WITNESS (Touroonian): I was
5 basically supervising him in responding to the
6 town's questions with regard to cellular coverage
7 studies at that time. My colleague was the one
8 who was actually performing the propagation
9 predictions.

10 MR. FISHER: And do you recall at that
11 time the town and AT&T, as we as a group were
12 concluding the consultation process, agreeing to
13 explore sites on Wagon Wheel Road as possible
14 alternatives?

15 THE WITNESS (Touroonian): Yes, there
16 were several sites that were being considered,
17 quite a few sites that were being considered.

18 MR. FISHER: Do you recall, because one
19 of the questions, and maybe you can't answer it,
20 but AT&T as part of that discussion, you know, get
21 the town plots on the Tower Hill site, took
22 positions that rejected some of the
23 recommendations, including 120 foot height, I
24 don't think we have to go back over that, but do
25 you recall any of that conversation?

1 THE WITNESS (Touroonjian): I don't
2 recall conversation -- I personally do not recall
3 any conversations with AT&T. I had no
4 interactions with them personally, and I really
5 don't even -- I'm not sure to what extent my
6 colleague did to answer your question.

7 MR. FISHER: Okay. So then in 2013 did
8 you make recommendations to the town about its
9 town public safety system and sites and
10 infrastructure they might need to build in order
11 to provide service to the community?

12 THE WITNESS (Touroonjian): Yes, we
13 did.

14 MR. FISHER: Do you know if any of
15 those recommendations were implemented by the town
16 or any infrastructure built pursuant to those
17 recommendations?

18 THE WITNESS (Touroonjian): As far as I
19 know, they appreciated our recommendations, but I
20 don't think they implemented them.

21 MR. FISHER: Okay.

22 THE WITNESS (Touroonjian): We were not
23 engaged to continue further after we submitted our
24 recommendations outside of the additional work
25 that we did to determine cellular coverage

1 surveys.

2 MR. FISHER: Okay. And you're no
3 longer with RCC, you're with another company, and
4 you've been retained here by Mr. Greenbaum, not
5 the town with respect to the opinions you've
6 offered?

7 THE WITNESS (Touroonjian): That's
8 correct.

9 MR. FISHER: Okay. Thank you. I have
10 no further questions, Chairman. Thank you very
11 much.

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

14 Well, that closes the continuation of
15 the hearing. But before closing the evidentiary
16 record in this matter, the Connecticut Siting
17 Council announces that briefs and proposed
18 findings of fact may be filed with the Council by
19 any party or intervenor no later than July 24,
20 2021.

21 MR. GREENBAUM: Excuse me, Mr.
22 Morissette.

23 MR. MORISSETTE: Yes, Mr. Greenbaum.

24 MR. GREENBAUM: Do I get an opportunity
25 to question the people that I brought as

1 witnesses?

2 MR. MORISSETTE: No, you do not.
3 There's no cross-examination of your witnesses.

4 MR. GREENBAUM: Thank you.

5 MR. MORISSETTE: Thank you. The
6 submission of briefs or the proposed findings of
7 fact are not required by this Council, rather we
8 leave it to the choice of the parties and
9 intervenors.

10 Anyone who has not become a party or
11 intervenor but who desires to make his or her
12 views known to the Council may file written
13 statements to the Council within 30 days of the
14 date hereof. The Council will issue draft
15 findings of fact, and thereafter parties and
16 intervenors may identify errors or inconsistencies
17 between the Council's draft findings of fact and
18 the record. However, no new information, no new
19 evidence, no arguments, and no reply briefs will
20 be filed without our permission.

21 Copies of the transcript of this
22 hearing will be filed with the Sherman Town
23 Clerk's Office for the convenience of the public.

24 I hereby declare this hearing
25 adjourned, and thank you, everyone, for your

1 participation. Have a good evening. Thank you.

2 (Whereupon, the witnesses were excused
3 and the hearing concluded at 5:02 p.m.)
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1 CERTIFICATE FOR REMOTE HEARING

2
3 I hereby certify that the foregoing 132 pages
4 are a complete and accurate computer-aided
5 transcription of my original stenotype notes taken
6 of the CONTINUED REMOTE PUBLIC HEARING IN RE:
7 DOCKET NO. 499, HOMELAND TOWERS, LLC AND NEW
8 CINGULAR WIRELESS PCS, LLC d/b/a AT&T APPLICATION
9 FOR A CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY
10 AND PUBLIC NEED FOR THE CONSTRUCTION, MAINTENANCE,
11 AND OPERATION OF A TELECOMMUNICATIONS FACILITY
12 LOCATED AT 16 COOTE HILL ROAD, SHERMAN,
13 CONNECTICUT, which was held before JOHN
14 MORISSETTE, PRESIDING OFFICER, on June 24, 2021.
15
16
17

18 

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

I N D E X

APPLICANTS' WITNESSES: (Previously sworn)

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

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INTERVENOR STAN GREENBAUM WITNESSES:

JENNIFER PRESCOTT (sworn on pg. 259)
LORETTA QUARANTO (sworn on pg. 259)
ALDO PASCARELLA (sworn on pg. 259)
STEVEN QUARANTO (sworn on pg. 268)
RICHARD TOUROONJIAN (sworn on pg. 268)
STAN GREENBAUM (sworn on pg. 271)

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2
3 APPLICANTS' EXHIBITS
4 (Received in evidence)

5 EXHIBIT	DESCRIPTION	PAGE
6 II-B-7	Applicants' responses to Council 7 interrogatories, Set Two, and Late-Filed 8 Exhibits, dated June 17, 2021	185
9 II-B-8	Applicant's responses to Stan 10 Greenbaum interrogatories, dated 11 June 17, 2021	185

12 INTERVENOR STAN GREENBAUM EXHIBITS
13 (Received in evidence)

14 EXHIBIT	DESCRIPTION	PAGE
15 III-B-1	Greenbaum's request for intervenor 16 status, dated May 18, 2021	262
17 III-B-2	Greenbaum's prefiled testimony with 18 attachments, dated May 18, 2021	262
19 III-B-3	Greenbaum's responses to applicant's 20 interrogatories, dated June 14, 2021	262
21 III-B-4	Greenbaum's prehearing submission, 22 dated June 17, 2021. Attachment 4, photos and images Attachment 10, traffic study Attachment 11, Aldo Pascarella letter Attachment 12, maps Attachment 16, Excel spreadsheet	262

23 **All exhibits were retained by the Council.