

In The Matter Of:
*Homeland Towers, LLC and New Cingular Wireless
PCS LLC d/b/a AT & T Application*

Docket No. 487

July 28, 2020

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STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

Docket No. 487

Homeland Towers, LLC and New Cingular
Wireless PCS, LLC d/b/a AT&T application for a
Certificate of Environmental Compatibility and
Public Need for the construction, maintenance, and
operation of a telecommunications facility located
at 183 Soundview Lane, New Canaan, Connecticut.

VIA ZOOM AND TELECONFERENCE

Public Hearing held on Tuesday, July 28, 2020,
beginning at 1:00 p.m.

H e l d B e f o r e :

ROBERT SILVESTRI, Presiding Officer

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

2
3 **Council Members:**

4 **ROBERT HANNON**

5 **Designee for Commissioner Katie Dykes Department of**
6 **Energy and Environmental Protection**

7 **LINDA GULIUZZA**

8 **Designee for Chairman Marissa Paslick Gillett**
9 **Public Utilities Regulatory Authority**

10 **JOHN MORISSETTE**

11 **MICHAEL HARDER**

12 **EDWARD EDELSON**

13
14 **Council Staff:**

15 **MELANIE BACHMAN, ESQ.**

16 **Executive Director and Staff Attorney**

17 **MICHAEL PERRONE**

18 **Siting Analyst**

19 **LISA FONTAINE**

20 **Fiscal Administrative Officer**

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22
23
24
25

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

2
3 **For Homeland Towers, LLC and New Cingular Wireless PCS,**
4 **LLC d/b/a AT&T:**

5 **CUDDY & FEDER, LLP**

6 **445 Hamilton Avenue, 14th Floor**

7 **White Plains, New York 10601**

8 **BY: LUCIA CHIOCCHIO, ESQ.**

9 **DANIEL PATRICK, ESQ.**

10
11 **For Soundview Neighbors Group:**

12 **CUMMINGS & LOCKWOOD LLC**

13 **Landmark Square**

14 **Stamford, Connecticut 06901**

15 **BY: JOHN W. CANNAVINO, ESQ.**

16
17 **For St. Luke's School/St. Luke's Foundation, Inc:**

18 **JULIA GABRIELE**

19 **CHRISTOPHER ROSOW**

20
21 **Host: Aaron DeMarest**

22
23 ****All participants were present via remote access.**

1 MR. SILVESTRI: This continued remote
2 evidentiary hearing is called to order this Tuesday,
3 July 28, 2020, at 1:00 p.m. My name is Robert
4 Silvestri, member and presiding officer of the
5 Connecticut Siting Council.

6 I'll ask the other members of the Council
7 to acknowledge that they are present, when introduced,
8 for the benefit those who are only on audio, starting
9 with Mr. Morissette.

10 MR. MORISSETTE: Present.

11 MR. SILVESTRI: Thank you. Mr. Harder.

12 MR. HARDER: Present.

13 MR. SILVESTRI: Thank you. Mr. Hannon.

14 MR. HANNON: I'm here.

15 MR. SILVESTRI: Thank you. Ms. Guliuzza.

16 MS. GULIUZZA: Present.

17 MR. SILVESTRI: Mr. Edelson.

18 MR. EDELSON: Present.

19 MR. SILVESTRI: Executive director and
20 staff attorney, Melanie Bachman.

21 MS. BACHMAN: Present. Thank you.

22 MR. SILVESTRI: Staff analyst, Michael
23 Perrone.

24 MR. PERRONE: Present.

25 MR. SILVESTRI: And fiscal administrative

1 officer, Lisa Fontaine.

2 MS. FONTAINE: Present.

3 MR. SILVESTRI: Thank you all. As
4 everyone is keenly aware, there is currently a
5 statewide effort to prevent the spread of the
6 coronavirus; this is why the Council is holding this
7 remote hearing, and we ask for your patience. If you
8 haven't done so already, I'll ask that everyone please
9 mute their computer audio and/or telephone now.

10 A copy of the prepared agenda is available
11 on the Council's Docket No. 487 Web page, along with
12 the record of this matter, the public hearing notice,
13 instructions for public access to this remote public
14 hearing, and the Council's Citizens' Guide to Siting
15 Council procedures.

16 This evidentiary session is a continuation
17 of the remote public hearing held on July 9, 2020. It
18 is held pursuant to the provisions of Title 16 of the
19 Connecticut General Statutes and of the Uniform
20 Administrative Procedure Act upon an application from
21 Homeland Towers, LLC and New Cingular Wireless PCS,
22 LLC, doing business as AT&T, in the application for a
23 Certificate of Environmental Compatibility and Public
24 Need for the construction, maintenance and operation
25 of a telecommunications facility located at 183

1 Soundview Lane in New Canaan, Connecticut. This
2 application was received by the Council on February 7,
3 2020.

4 A verbatim transcript will be made of this
5 hearing and deposited with the Town Clerk's office in
6 the New Canaan Town Hall for the convenience of the
7 public.

8 The Council will take a 10- to 15-break at
9 a convenient juncture, probably somewhere around 3:15
10 this afternoon.

11 We will proceed in accordance with the
12 prepared agenda, copies of which are available on the
13 Council's Docket No. 487 Web page, and we will
14 continue with the appearance of the applicants,
15 Homeland Towers and AT&T, to verify the new exhibits
16 that are marked as Roman numeral II, Item B, No. 11 on
17 the hearing program.

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

22 MS. CHIOCCHIO: Thank you for that. Today
23 we have one late-filed exhibit. (Inaudible.) I will
24 identify the witnesses that are with us today:
25 Raymond Vergati, regional manager of Homeland Towers;

1 Harry Carey, external affairs with AT&T; Robert Burns.

2 MR. SILVESTRI: Attorney Chiocchio, we're
3 having some audio issues. We're getting a lot of echo
4 on that. I did hear Mr. Burns and the other two
5 witnesses before that.

6 MS. CHIOCCHIO: (Inaudible.)

7 MR. SILVESTRI: If you could come up just
8 a hair on volume, it would be ideal.

9 MS. CHIOCCHIO: Okay. I'll start over.

10 MR. SILVESTRI: Thank you.

11 DIRECT EXAMINATION

12 MS. CHIOCCHIO: Our witnesses today are
13 Raymond Vergati, Homeland Towers; Harry Carey,
14 external affairs, AT&T; Robert Burns, project manager,
15 All-Points Technology; Michael Libertine, director of
16 siting and permitting, All-Points Technology; Brian
17 Gaudet, project manager at All-Points Technology; and
18 Martin Lavin, radio frequency engineer, C Squared
19 Systems, on behalf of AT&T.

20 I would ask each of my witnesses a series
21 of questions. With respect to the late-filed
22 exhibits, did you prepare and assist in the
23 preparation of the exhibit information?

24 THE WITNESS (Vergati): Ray Vergati, yes.

25 THE WITNESS (Libertine): Mike Libertine,

1 yes.

2 THE WITNESS (Burns): Robert Burns, yes.

3 THE WITNESS (Gaudet): Brian Gaudet, yes.

4 MS. CHIOCCHIO: Do you have any
5 corrections or updates to the information contained in
6 the exhibit as identified?

7 THE WITNESS (Vergati): Ray Vergati, no.

8 THE WITNESS (Carey): Harry Carey, no.

9 THE WITNESS (Libertine): Mike Libertine,
10 no.

11 THE WITNESS (Burns): Robert Burns, no.

12 THE WITNESS (Gaudet): Brian Gaudet, no.

13 MS. CHIOCCHIO: Is the information
14 contained in the exhibit true and accurate to the best
15 of your knowledge?

16 THE WITNESS (Vergati): Ray Vergati, yes.

17 THE WITNESS (Carey): Harry Carey, yes.

18 THE WITNESS (Libertine): Mike Libertine,
19 yes.

20 THE WITNESS (Burns): Robert Burns, yes.

21 THE WITNESS (Gaudet): Brian Gaudet, yes.

22 MS. CHIOCCHIO: And do you adopt them as
23 your testimony in this proceeding today?

24 THE WITNESS (Vergati): Ray Vergati, yes.

25 THE WITNESS (Carey): Harry Carey, yes.

1 THE WITNESS (Libertine): Mike Libertine,
2 yes.

3 THE WITNESS (Burns): Robert Burns, yes.

4 THE WITNESS (Gaudet): Brian Gaudet, yes.

5 MS. CHIOCCHIO: Thank you.

6 MR. SILVESTRI: Thank you, Attorney
7 Chiocchio. Does any party or intervenor object to the
8 admission of the applicants' new exhibits? Starting
9 with Attorney Cannavino.

10 MR. CANNAVINO: No objection.

11 MR. SILVESTRI: Thank you. Ms. Gabriele
12 and Mr. Rosow, any objections?

13 MR. ROSOW: No objections.

14 MS. GABRIELE: No objections.

15 MR. SILVESTRI: Thank you. The exhibits
16 are admitted.

17 (Applicants' Exhibit II-B-11, late-filed
18 exhibit, received in evidence.)

19 MR. SILVESTRI: We will continue with
20 cross-examination of the applicants by the Soundview
21 Neighbors Group. Attorney Cannavino, I believe we
22 left off with you the last time; please proceed.

23 MR. CANNAVINO: Thank you, Chairman
24 Silvestri. Before I begin the cross-examination
25 again, may I request that we take a witness out of

1 order? A Mr. Camporine, Garrett Camporine, is
2 scheduled to be cross-examined. He is not my client.
3 He is the owner of the property at 1160 Smith Ridge
4 Road, and he's indicated that he's available at
5 three o'clock, if that's convenient for the Council.

6 MR. SILVESTRI: I'm sorry, what was his
7 name?

8 MR. CANNAVINO: Garrett Camporine.

9 MR. SILVESTRI: And he is being
10 represented by whom?

11 MR. CANNAVINO: He is not represented. He
12 is the owner of 1160 Smith Ridge, and we have
13 submitted pre-filed testimony on his behalf and
14 therefore, he's subject to cross-examination, and he's
15 indicated to me that he's available to be
16 cross-examined at three o'clock, if that's convenient
17 for the Council.

18 MR. SILVESTRI: I don't believe there's
19 any way we can do that, and I want to ask Attorney
20 Bachman if she can opine on that. Attorney Bachman.

21 MS. BACHMAN: Thank you, Mr. Silvestri.
22 Attorney Cannavino, although we are
23 sympathetic, certainly we haven't scheduled any time
24 for any witness to appear because we don't know the
25 timing. I was hoping perhaps you could have let us

1 know ahead of time, because the only thing we could do
2 right now is, with the consent of all of the other
3 parties, allow your panel to appear for
4 cross-examination right now.

5 MR. CANNAVINO: He's not available right
6 now; he'll be available later. I guess we'll just
7 have to schedule him as best we can.

8 MS. BACHMAN: Unfortunately, I think
9 that's the extent of what we could do, but certainly
10 let's see where we are. You are up right after the
11 applicants, so it's possible that it could be
12 three o'clock or shortly thereafter.

13 MR. CANNAVINO: Okay. Thank you. I
14 estimated, in my own mind, it would be 3:00, but it
15 looks like it's going to be sooner. I'll send him an
16 e-mail, and perhaps he can do it slightly earlier.
17 What I think set him back was receiving the notice
18 that the hearing was going from 1:00 until nine
19 o'clock at night, and he did not have that
20 availability. I calmed him down. So he is available,
21 and hopefully we can reach him and have his
22 cross-examination done this afternoon. Okay?

23 MR. SILVESTRI: Yeah. Attorney Cannavino,
24 thank you. Thank you, Attorney Bachman.

25 MS. BACHMAN: Thank you.

1 MR. SILVESTRI: Again, let's see what
2 happens with time on that one. You know, I mentioned
3 a break maybe around 3:15; we could be flexible with
4 that as well, but let's see how we proceed.

5 MR. CANNAVINO: Thank you.

6 MR. SILVESTRI: Thank you.

7 CROSS-EXAMINATION

8 MR. CANNAVINO: I'd like to begin with
9 reviewing some of the answers that were given at the
10 last hearing. First, I'd like to ask Mr. Vergati some
11 questions. This is going to be in the order of the
12 transcript, so I apologize if people are having to get
13 up and down as we go through this.

14 Mr. Vergati, at the last hearing,
15 Mr. Burns testified that the tower is located where
16 the landlord requested plus one of the higher points
17 on the property. Do you recall that testimony?

18 THE WITNESS (Vergati): I believe I do.

19 MR. CANNAVINO: Is that testimony true and
20 correct?

21 THE WITNESS (Vergati): The tower is
22 located where the landlord would prefer to have it
23 located, in conjunction with Homeland Towers walking
24 the site with the landlord and Homeland Towers walking
25 the site with All-Points Technology.

1 MR. CANNAVINO: So the answer to my
2 question is yes, that's true. And you testified that
3 you worked very closely with the landlord on siting
4 the tower on the property, correct?

5 THE WITNESS (Vergati): That's correct.

6 MR. CANNAVINO: You said, "We respected
7 the landlord's wishes in designing the site," correct?

8 THE WITNESS (Vergati): That's correct.

9 MR. CANNAVINO: Did you, in locating the
10 tower on the property, speak to any of the neighbors
11 with regard to a preferred location?

12 THE WITNESS (Vergati): We did not.

13 MR. CANNAVINO: Did you speak to
14 St. Luke's?

15 THE WITNESS (Vergati): We did not.

16 MR. CANNAVINO: Did you speak to
17 Mr. Wiley?

18 THE WITNESS (Vergati): We did not.

19 MR. CANNAVINO: Did you speak to any of my
20 clients?

21 THE WITNESS (Vergati): We did not.

22 MR. CANNAVINO: Did you speak to any
23 neighbors whatsoever?

24 THE WITNESS (Vergati): We did not.

25 MR. CANNAVINO: You spoke to Mr. Richey,

1 correct?

2 THE WITNESS (Vergati): Correct.

3 MR. CANNAVINO: And you respected his
4 wishes, correct?

5 THE WITNESS (Vergati): That is correct.

6 MR. CANNAVINO: Now, another witness,
7 Mr. Libertine, is he there today?

8 THE WITNESS (Libertine): Yes, he is.

9 MR. CANNAVINO: Mr. "Libber-tine" --

10 THE WITNESS (Libertine): It's
11 "Libber-teen."

12 MR. CANNAVINO: I'm sorry.

13 THE WITNESS (Libertine): That's okay.

14 MR. CANNAVINO: Mr. Libertine, you were
15 being questioned by one of the Council members with
16 respect to visibility from St. Luke's School and the
17 Sosnick property and the Sweeney property and the
18 Wiley property. Do you remember being questioned
19 about that?

20 THE WITNESS (Libertine): I do.

21 MR. CANNAVINO: And you testified, "Well,
22 obviously, we could not access those properties during
23 the fieldwork, so you couldn't say for sure with
24 respect to what the visibility was." Do you remember
25 that testimony?

1 THE WITNESS (Libertine): I do.

2 MR. CANNAVINO: Did you ever ask for
3 access to any of those properties?

4 THE WITNESS (Libertine): We did ask for
5 access to the St. Luke's School.

6 MR. CANNAVINO: And did you ask for access
7 to Mr. Wiley's property?

8 THE WITNESS (Libertine): No, sir.

9 MR. CANNAVINO: Mr. Sosnick's property?

10 THE WITNESS (Libertine): No.

11 MR. CANNAVINO: Mr. Sweeney's property?

12 THE WITNESS (Libertine): No.

13 MR. CANNAVINO: Are you aware that in the
14 course of preparing for this application, someone did,
15 in fact, access Mr. Wiley's property for the purpose
16 of marking wetlands?

17 THE WITNESS (Libertine): Yes, sir. That
18 was one of our scientists.

19 MR. CANNAVINO: So you had someone go on
20 Mr. Wiley's property for purposes of marking wetlands,
21 correct?

22 THE WITNESS (Libertine): That was a
23 decision that was made in the field. It's not
24 uncommon, similar to surveyors. There's no
25 monumentation. They did not know they were on another

1 property. They were simply trying to get the location
2 of the nearest wetlands. That was done without our
3 knowledge.

4 MR. CANNAVINO: But you understand that --
5 you now understand that, in fact, your agent was on
6 Mr. Wiley's property, correct?

7 THE WITNESS (Libertine): Yes, we
8 understood that after the mapping.

9 MR. CANNAVINO: And so you did have access
10 to Mr. Wiley's property, didn't you?

11 THE WITNESS (Libertine): I wouldn't
12 characterize it as we had access. It was not anything
13 that was prearranged or discussed with the neighbors.
14 It was merely an accident that happens often in the
15 field with these kind of situations.

16 I would also say that in terms of
17 accessing private property, it's not common to do
18 that. We typically will take our photos from publicly
19 accessible locations as close to a residence as we
20 possibly can without getting onto their property.

21 MR. CANNAVINO: Okay. The next question
22 is for Mr. Vergati. Mr. Vergati, just a few moments
23 ago, I was questioning you about the location of the
24 tower on the Richey property. Do you remember that?

25 THE WITNESS (Vergati): Yes.

1 MR. CANNAVINO: In addition to respecting
2 the landlord's wishes with respect to the location of
3 this proposed tower, you also respected the landlord's
4 wishes with respect to the type of tower to be placed
5 on the property, didn't you?

6 THE WITNESS (Vergati): We respected the
7 wishes of the landlord as well as the Town of New
8 Canaan for a cell facility.

9 MR. CANNAVINO: You've read the Town of
10 New Canaan zoning regulations, haven't you?

11 THE WITNESS (Vergati): I've looked at the
12 regulations that pertain in this case, not a hundred
13 percent obviously, but I've worked very closely with
14 the administration in New Canaan, and, as I've stated
15 on the record before, the preferences all along has
16 been for short stealth facilities.

17 MR. CANNAVINO: You have read the
18 regulations that indicate that the preferred type of
19 tower is a mono tower, a pole structure, correct, with
20 anterior antenna, correct?

21 THE WITNESS (Vergati): I don't recall if
22 that's the preferred design.

23 MR. CANNAVINO: I thought you just told me
24 that you've read the regulations. Do you have access
25 to those regulations right now?

1 THE WITNESS (Vergati): I do not.

2 MR. CANNAVINO: Do you recall that the
3 terms of the identified preferred locations, Item No.
4 8 is a new monopole or flagpole containing internally
5 mounted antenna? Do you recall that?

6 THE WITNESS (Vergati): I don't recall
7 that.

8 MR. CANNAVINO: Do you recall that not
9 preferred is a new monopine with externally mounted
10 antennae, at least three branches per vertical foot?
11 Do you recall that?

12 THE WITNESS (Vergati): Can you repeat
13 that question?

14 MR. CANNAVINO: Yes. Do you recall that
15 within the Town's zoning regulations, the
16 not-preferred tower types, Item No. 11 is a new
17 monopine with externally mounted antenna, at least
18 three branches per vertical foot or equivalent?

19 THE WITNESS (Vergati): I don't recall
20 that in the Town's zoning regulations.

21 MR. CANNAVINO: You don't recall that?

22 THE WITNESS (Vergati): (Shaking head back
23 and forth.)

24 MR. CANNAVINO: In any event, Mr. Richey
25 wanted the tower to be in the form of a monopine,

1 didn't he?

2 THE WITNESS (Vergati): We discussed
3 various designs with Mr. Richey, we discussed designs
4 with the Town, a third party, CityScape, who was a
5 consultant for the Town, obviously, and we felt the
6 most appropriate design in this case was an 85-foot
7 tall monopine tree that was running through the
8 existing area.

9 MR. CANNAVINO: Well, you've testified
10 that it was Mr. Richey who was adamant about having a,
11 quote, Cadillac of trees on the property. Do you
12 recall that testimony?

13 THE WITNESS (Vergati): Yes. When we
14 decided that it would be a faux pine tree, we worked
15 very closely with Mr. Richey and his wishes to get the
16 best, if you want to call it Cadillac, the gold
17 standard, having the most dense branches; I think it
18 was three branches per linear foot.

19 MR. CANNAVINO: Mr. Vergati, if possible,
20 could you simply answer my question and not continue
21 with your commentary? The answer to my question is
22 yes, that's what Mr. Richey wanted, correct?

23 THE WITNESS (Vergati): That's what
24 Mr. Richey wanted, as well as the Town and Homeland
25 Towers.

1 MR. CANNAVINO: So the answer is yes,
2 that's what Mr. Richey wanted, correct?

3 THE WITNESS (Vergati): Yes.

4 MR. CANNAVINO: Did you discuss with
5 St. Luke's -- let me get rid of this phone call.
6 Excuse me one moment, please. I apologize for the
7 ringing.

8 Did you consult with St. Luke's with
9 respect to whether or not they would prefer a faux
10 tree at that location?

11 THE WITNESS (Vergati): We did not.

12 MR. CANNAVINO: Did you discuss with any
13 of the neighbors whether they would prefer a faux tree
14 at that location?

15 THE WITNESS (Vergati): We did not.

16 MR. CANNAVINO: Are you aware that the
17 cell towers located -- the cell tower located on
18 Route 123 in New Canaan next to the country club is a
19 monopole with anterior antenna?

20 THE WITNESS (Vergati): I'm aware the
21 tower monopole has technical constraints when, in
22 fact, they're inserted inside --

23 MR. CANNAVINO: I didn't ask you about the
24 technical constraints. I asked you whether or not
25 you're aware that the pole at the country club on

1 Route 123 is a monopole with anterior antenna.

2 THE WITNESS (Vergati): Yes, I'm aware of
3 that facility.

4 MR. CANNAVINO: And that is indicated in
5 the zoning regs to be a preferred type of tower in New
6 Canaan, correct?

7 THE WITNESS (Vergati): If you say so. I
8 don't recall the regulations.

9 MR. CANNAVINO: Are you aware of the tower
10 that's located at the hospital, Silver Hill Hospital,
11 in New Canaan?

12 THE WITNESS (Vergati): I'm aware. I
13 zoned that tower myself. Yes, I'm aware.

14 MR. CANNAVINO: I didn't hear you, I'm
15 sorry. You built that tower yourself?

16 THE WITNESS (Vergati): That tower is a
17 unifold structure.

18 MR. CANNAVINO: You built that tower
19 yourself?

20 THE WITNESS (Vergati): I dealt with the
21 hospital in the groundings and zoning of the tower,
22 yes.

23 MR. CANNAVINO: Are you aware that prior
24 to a tower being approved at that location, a tower
25 was being proposed next door on the water company

1 property?

2 THE WITNESS (Vergati): I recall there was
3 a tower that was being proposed on the taxing district
4 property next door, yes.

5 MR. CANNAVINO: And are you aware that
6 that tower was opposed by a residential subdivision?

7 THE WITNESS (Vergati): I don't recall
8 that. I was not involved when that was going on.

9 MR. CANNAVINO: Are you aware that that's
10 why the tower was shifted over onto the Silver Hill
11 property, so it could be nestled up into those woods?

12 THE WITNESS (Vergati): I don't recall the
13 specifics on how the tower was shifted over to Silver
14 Hill. I was not involved in the renegotiations on the
15 water company property.

16 MR. CANNAVINO: I'll ask the Siting
17 Council to please take notice of your own proceedings
18 with respect to that particular tower. There's a
19 record in your docket with regard to that.

20 Just flipping through this, at the last
21 hearing, you indicated that your interpretation of the
22 statute is that the tower only needs -- is required to
23 be 250 feet from any school building. Do you remember
24 that?

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

1 MR. CANNAVINO: Do you recall that that's
2 the language of the statute, as you sit here today?

3 THE WITNESS (Vergati): I believe the
4 language is that it's preferred to be 250 feet away
5 from a school facility. The Town officials, the First
6 Selectman, or the Siting Council has the right to
7 waive that 250-foot setback, I believe, if they feel
8 it does not aesthetically visually impact or takes
9 away the quality of the viewpoints.

10 MR. CANNAVINO: My question was more
11 narrow. The statute says 250 feet from the nearest
12 school; it doesn't say 250 feet from the nearest
13 school building, does it?

14 THE WITNESS (Vergati): It does. We
15 believe it's stated that it's 250 feet away from the
16 school building.

17 MR. CANNAVINO: Well, the Council can read
18 the statutes, so we don't need to debate that.

19 You've indicated that the First Selectman
20 has the authority to waive that requirement so long as
21 there's no aesthetic impact on the school, correct?

22 THE WITNESS (Vergati): I believe that's
23 the case.

24 MR. CANNAVINO: But we know that this
25 tower is going to be visible from multiple locations

1 of the school, don't we?

2 THE WITNESS (Vergati): I believe it will
3 be visible from the school grounds.

4 MR. CANNAVINO: At the last hearing, there
5 was testimony about what the impact would be if the
6 tower were shifted further to the south away from the
7 St. Luke's boundary, correct?

8 THE WITNESS (Vergati): There was
9 discussion on that.

10 MR. CANNAVINO: Yeah. The tower could, in
11 fact, be shifted without any impact on the elevation
12 of the tower, correct?

13 THE WITNESS (Vergati): I would have my
14 engineer answer that question. I don't know.

15 MR. CANNAVINO: You submitted exhibits
16 that show the elevation and the contours on the
17 property itself, haven't you?

18 THE WITNESS (Vergati): I believe the
19 property itself loses elevation as you move to the
20 east side of the property, continues downhill, for
21 reference.

22 MR. CANNAVINO: I was discussing with you
23 a shift of the location to the south, not to the east,
24 correct?

25 THE WITNESS (Vergati): If you're saying

1 to the south, that's fine.

2 MR. CANNAVINO: And there's no change in
3 elevation to the south, is there?

4 THE WITNESS (Vergati): I believe it's
5 relatively the same elevation.

6 MR. CANNAVINO: I'm not sure who the
7 witness is for my next series of questions, but it may
8 be your RF person.

9 MS. CHIOCCHIO: That would be Martin
10 Lavin.

11 MR. CANNAVINO: Yes, please.

12 Mr. Lavin, in the application on page 12,
13 there's a discussion of the benefits, statement of
14 benefits, with respect to the proposed location. Do
15 you have that in front of you, the application?

16 THE WITNESS (Lavin): I do.

17 MR. CANNAVINO: The second stated benefit
18 is the crude, quote, in-vehicle services along several
19 state and other arterial roads used for access to
20 schools in the coverage area and by residents. Do you
21 see that?

22 THE WITNESS (Lavin): I do.

23 MR. CANNAVINO: What state roads?

24 THE WITNESS (Lavin): The state roads with
25 in-service to a half-mile of Smith Ridge Road.

1 MR. CANNAVINO: Do you have -- and that's
2 shown in your propagation analysis?

3 THE WITNESS (Lavin): Yes.

4 MR. CANNAVINO: So we could look at your
5 propagation analysis and see the benefit on Route 123;
6 is that correct?

7 THE WITNESS (Lavin): It is southwestern.

8 MR. CANNAVINO: I didn't hear you, sir,
9 I'm sorry.

10 THE WITNESS (Lavin): Southwest of the
11 site.

12 MR. CANNAVINO: And how much of Smith
13 Ridge is covered? Or how much additional coverage is
14 there on Smith Ridge?

15 THE WITNESS (Lavin): One-half mile of new
16 coverage.

17 MR. CANNAVINO: And that still leaves
18 several miles without coverage, doesn't it?

19 THE WITNESS (Lavin): I don't know how
20 many miles it is. (Inaudible.)

21 MR. CANNAVINO: I think the next series of
22 questions is probably more properly Mr. Vergati. I'll
23 come back to you later, sir.

24 Mr. Vergati, I've questioned you already
25 about one of New Canaan's zoning regulations, that was

1 7.8.G.5, in terms of the preferred facilities.

2 I'd like to ask you about regulation
3 7.8.G.7, and that regulation requires that towers be
4 located away from property lines at least the height
5 of the tower, correct?

6 THE WITNESS (Vergati): I don't have the
7 zoning code in front of me, but if you state so, I
8 believe you.

9 MR. CANNAVINO: And this tower is, in
10 fact, located 38 feet from the property line, correct?

11 THE WITNESS (Vergati): That's my
12 understanding, yes.

13 MR. CANNAVINO: And there is adequate
14 space on Mr. Richey's property to locate this tower
15 90 feet away from the property line, isn't there?

16 THE WITNESS (Vergati): Physically, you
17 could locate it 90 feet away. The preferred location
18 to Homeland is the design of the facility. We're
19 keeping it further away from homes, not just
20 Mr. Richey's home, but the other homes on the south.

21 MR. CANNAVINO: It would be closer to
22 Mr. Richey's home if it was 90 feet from the property
23 line, wouldn't it?

24 THE WITNESS (Vergati): It would be closer to
25 Mr. Richey's home, I believe, as well to Mr. Wiley's

1 home.

2 MR. CANNAVINO: Well, Mr. Wiley's home is
3 away to the east, isn't it?

4 THE WITNESS (Vergati): I believe it's
5 southeast.

6 MR. CANNAVINO: So it wouldn't be
7 significantly closer to Mr. Wiley's home, but it would
8 be clearly closer to Mr. Richey's home, correct?

9 THE WITNESS (Vergati): It would be
10 closer, potentially, to Mr. Richey's home, and it
11 would technically be outside of the woods (inaudible).

12 MR. CANNAVINO: Another requirement of the
13 zoning regs was that the equipment structure shall be
14 concealed within buildings that resemble sheds and
15 other buildings of the type found in New Canaan,
16 correct?

17 THE WITNESS (Vergati): If you say so.

18 MR. CANNAVINO: We know that your
19 equipment shed, proposed equipment shed, is not such a
20 structure, correct?

21 THE WITNESS (Vergati): There is no
22 equipment shed planned or designed for this site.

23 MR. CANNAVINO: Do you recall, back in
24 January of 2020, receiving a letter from the Planning
25 & Zoning Commissioner in New Canaan requesting

1 compliance with New Canaan zoning regulations in
2 connection with your application?

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

4 MR. CANNAVINO: Did you make any change
5 whatsoever in your proposed -- in your proposal in
6 response to that letter?

7 THE WITNESS (Vergati): We did not.

8 MR. CANNAVINO: I think we're going back
9 to RF questions now. Mr. Lavin, I'm going to ask you
10 some questions from the technical report that was
11 submitted. Do you have that in front of you?

12 THE WITNESS (Lavin): I do.

13 MR. CANNAVINO: And on page 3 of that
14 report, there is a statement with respect to the
15 existing coverage gap in New Canaan; that's
16 700 megahertz LTE, correct?

17 THE WITNESS (Lavin): What page, I'm
18 sorry?

19 MR. CANNAVINO: Page 3.

20 THE WITNESS (Lavin): Yes.

21 MR. CANNAVINO: And you indicate that at
22 83 dBm, the population coverage gap is 7,907, correct?

23 THE WITNESS (Lavin): Correct.

24 MR. CANNAVINO: And at 93 dBm, the
25 coverage gap is a population of 5,273 people, correct?

1 THE WITNESS (Lavin): Correct.

2 MR. CANNAVINO: And you've also indicated
3 in this chart the area of the coverage gap, correct?

4 THE WITNESS (Lavin): Correct.

5 MR. CANNAVINO: And the area indicated is
6 17.36 square miles, correct?

7 THE WITNESS (Lavin): Yes.

8 MR. CANNAVINO: At 83 dBm?

9 THE WITNESS (Lavin): Yes.

10 MR. CANNAVINO: Is that right?

11 THE WITNESS (Lavin): That's correct.

12 MR. CANNAVINO: And do you know what the
13 area of New Canaan is?

14 THE WITNESS (Lavin): Offhand, I do not.

15 MR. CANNAVINO: Are you aware there's
16 approximately 21 square miles?

17 THE WITNESS (Lavin): If you say so. I
18 don't know.

19 MR. CANNAVINO: Directing your attention
20 over to page 5.

21 THE WITNESS (Lavin): Yes.

22 MR. CANNAVINO: Now, this shows the
23 incremental coverage that's obtained as a result of
24 this proposed location, correct?

25 THE WITNESS (Lavin): Correct.

1 MR. CANNAVINO: So we know that, from your
2 chart on page 3, at 83 dBm there's a coverage gap that
3 affects 7,973 people, correct?

4 THE WITNESS (Lavin): 7,907?

5 MR. CANNAVINO: Correct. Do you see that
6 on page 3?

7 THE WITNESS (Lavin): Yes.

8 MR. CANNAVINO: Turn over to page 5, and
9 we see that the improvement, the incremental coverage
10 from this tower, is 369 people, correct?

11 THE WITNESS (Lavin): That is correct.

12 MR. CANNAVINO: And we see that the area
13 at 83 dBm, the area of increased coverage is less than
14 a square mile, .89, correct?

15 THE WITNESS (Lavin): That is correct.

16 MR. CANNAVINO: When you did your
17 population analysis, you relied on census data,
18 correct?

19 THE WITNESS (Lavin): Correct.

20 MR. CANNAVINO: Did you ever consult the
21 tax assessor's website in New Canaan to determine the
22 number of residents on the different streets that were
23 being reached by this proposed new tower?

24 THE WITNESS (Lavin): No.

25 MR. CANNAVINO: Are you aware that there

1 is a website where you can access and determine the
2 number of houses on each street in New Canaan by
3 simply plugging in the name of the street?

4 THE WITNESS (Lavin): I was not aware of
5 that, no.

6 MR. CANNAVINO: Do you know how many
7 houses there are on Soundview Lane?

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

9 MR. CANNAVINO: Are you aware that there
10 are 19, according to the assessor's records?

11 THE WITNESS (Lavin): I do not know how
12 many there are, so I'm not aware of 19.

13 MR. CANNAVINO: Are you aware of how many
14 there are on Colonial Road, another street that you
15 were seeking to access?

16 THE WITNESS (Lavin): No, I am not.

17 MR. CANNAVINO: Colonial Road is one of
18 the roads where you're trying to provide coverage,
19 correct?

20 THE WITNESS (Lavin): I believe so.

21 MR. CANNAVINO: Are you aware that there
22 are only 12 houses on Colonial Road?

23 THE WITNESS (Lavin): I do not know the
24 number of houses on Colonial Road, no.

25 MR. CANNAVINO: Briscoe Road is another

1 road where you were seeking to provide coverage,
2 correct?

3 THE WITNESS (Lavin): I would have to look
4 at the maps, but I'm not aware of the counts of
5 buildings on any of the roads.

6 MR. CANNAVINO: You're not aware of the
7 house counts on any of those roads, correct?

8 THE WITNESS (Lavin): That's correct.

9 MR. CANNAVINO: I'm going to ask the
10 Siting Council to simply take judicial notice of the
11 information that's publicly available on the
12 assessor's website, that it will show that Briscoe
13 Road has 18 residents, Benedict Hill has 18, South
14 Bald Hill has 27, Lantern Ridge has 18, Nolan Lane has
15 10, Evergreen Road has 11.

16 Do you recall, Mr. Lavin, seeing the
17 letter that was submitted by the First Selectman in
18 New Canaan?

19 THE WITNESS (Lavin): I don't recall it
20 specifically, no.

21 MR. CANNAVINO: Do you recall him stating
22 in his letter that this proposed tower will provide
23 improved coverage for a thousand families?

24 THE WITNESS (Lavin): I do not recall that
25 specifically, no.

1 MR. CANNAVINO: Have you ever seen any
2 evidence to support a claim that this new tower would
3 provide coverage for a thousand families?

4 THE WITNESS (Lavin): I have determined
5 the population based on the census data. I have not
6 made any determination at all about families per se.

7 MR. CANNAVINO: And that was 2010 census
8 data, correct?

9 THE WITNESS (Lavin): Yes.

10 MR. CANNAVINO: With respect to the folks
11 who live on these streets where you're seeking to
12 provide coverage, do you know whether or not any of
13 these people have in-home Internet service?

14 THE WITNESS (Lavin): I do not.

15 MR. CANNAVINO: Do you know whether or not
16 there is Wi-Fi available at St. Luke's?

17 THE WITNESS (Lavin): I do not know.

18 MR. CANNAVINO: Do you know whether or not
19 people at St. Luke's can make telephone calls
20 utilizing the Wi-Fi service that's available at
21 St. Luke's?

22 THE WITNESS (Lavin): I do not know, no.

23 MR. CANNAVINO: Do you know what that
24 technology is called?

25 THE WITNESS (Lavin): Wi-Fi.

1 MR. CANNAVINO: Pardon me?

2 THE WITNESS (Lavin): Are you referring to
3 the technology of Wi-Fi? I don't know what technology
4 exactly you're referring to.

5 MR. CANNAVINO: In connection with the
6 mapping that you've prepared, have you ever seen the
7 propagation analysis mapping prepared on Mylars?

8 THE WITNESS (Lavin): I don't know.
9 Propagation of what?

10 MR. CANNAVINO: Well, you've submitted
11 propagation analysis maps to show the coverage,
12 correct?

13 THE WITNESS (Lavin): Yes.

14 MR. CANNAVINO: And have you seen those
15 propagation maps reproduced on clear Mylar sheets?

16 THE WITNESS (Lavin): No.

17 MR. CANNAVINO: You've never seen that
18 before?

19 THE WITNESS (Lavin): I'm not aware of
20 anyone printing my maps on Mylar, no.

21 MR. CANNAVINO: Are you aware that if
22 they're printed on Mylar, the Council could do a
23 simple comparison by overlaying the Mylar propagation
24 analysis and comparing coverage?

25 MS. CHIOCCHIO: I'd like to object to that

1 question. We provided information that the Council
2 required and it's in their application.

3 MR. SILVESTRI: Attorney Chiocchio, I'm
4 going to sustain your objection.

5 Attorney Cannavino, we do have means of
6 doing comparisons. We don't have Mylar, obviously,
7 but we do have papers that we can put side by side and
8 look at coverage, so I'd like to move on.

9 MR. CANNAVINO: Okay. Chairman, I will
10 tell you that in the past in applications I've been
11 involved with, I have seen such propagation analyses.
12 I have it in my possession on Mylar and it simplifies
13 the process of making comparisons.

14 MR. SILVESTRI: Your comment's noted.
15 Again, let's move on. Thank you.

16 MR. CANNAVINO: If I may just have a
17 moment here. I'm getting close to the end.

18 My last questions are for Mr. Vergati.
19 Mr. Vergati, do you recall that at the last hearing,
20 you testified with regard to discussions you've had
21 with the owner of 1160 Smith Ridge Road? Do you
22 remember testifying about that?

23 THE WITNESS (Vergati): I do.

24 MR. CANNAVINO: Do you remember
25 testifying, "It's a property owner who I spoke with

1 who requested a lot of money from a rental
2 perspective, way above the market rent"? Do you
3 recall that testimony?

4 THE WITNESS (Vergati): I do.

5 MR. CANNAVINO: And do you know what the
6 rent is that's being paid right now at the New Canaan
7 country club?

8 THE WITNESS (Vergati): I do not.

9 MR. CANNAVINO: Do you know what the rent
10 is that's being paid at Silver Hill?

11 THE WITNESS (Vergati): I do not.

12 MR. CANNAVINO: Now, in this particular
13 case that we're involved with here, Homeland has filed
14 a motion for a protective order, correct?

15 THE WITNESS (Vergati): If you're
16 referring to a protective order for the lease between
17 Homeland Towers and Mr. Richey, that's correct.

18 MR. CANNAVINO: And you consider, as
19 you -- in the filing papers, you say you consider the
20 specific amount of rent and other financial terms of
21 that -- that the parties agreed upon as proprietary,
22 correct?

23 MS. CHIOCCHIO: Object to the question.

24 MR. SILVESTRI: Attorney Cannavino, we do
25 have a protective order on that. I'm not sure where

1 the questions would go. I'd like to move on from
2 there, seeing that we do have a protective order.

3 MR. CANNAVINO: Well, I'm going to explore
4 that protective order in just two seconds,
5 Mr. Chairman, because that protective order was issued
6 ex parte before there were other parties in this case,
7 before anyone else was involved, and I'm going to ask
8 him a couple of questions about public statements that
9 Mr. Richey made that were reported in the newspaper
10 with respect to what the rent was.

11 MR. SILVESTRI: Well, before you move on,
12 I'd like Attorney Bachman to opine on that. Attorney
13 Bachman.

14 MS. BACHMAN: Thank you, Mr. Silvestri.

15 Attorney Cannavino, it makes no difference
16 whether or not there were parties and intervenors in
17 the proceeding at the time the protective order was
18 issued, but certainly you can look to the conclusions
19 of law in the Council's Docket No. 466 with regard to
20 the protection of the confidential proprietary
21 information and the rent amount in a cell tower lease.
22 So it was certainly a validly voted upon motion that
23 was granted, and certainly as a party, you or any of
24 your witnesses, upon signing a nondisclosure
25 agreement, may access that unredacted lease.

1 Thank you, Mr. Silvestri.

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

4 MR. CANNAVINO: I'm just going to ask him
5 whether he's aware of the public statements that were
6 made by Mr. Richey with regard to the rental.

7 MS. CHIOCCHIO: I'm going to object to
8 that question.

9 MR. SILVESTRI: Yeah, I would object to
10 that as well.

11 MR. CANNAVINO: Well, Chairman Silvestri,
12 ex parte applications, and Attorney Bachman, filed in
13 the state of Connecticut, a person filing an ex parte
14 application in this state has an ethical obligation to
15 disclose all material facts, and if Mr. Richey had
16 made public statements, which I allege he did, with
17 regard to rental, that should have been disclosed to
18 this Council before the Council had an opportunity to
19 rule. The Council should have been aware and made
20 aware of that fact and was not.

21 MR. SILVESTRI: Attorney Bachman?

22 MS. BACHMAN: Thank you, Mr. Silvestri.

23 Mr. Richey is not a witness in this
24 proceeding, and anything he may have said outside of
25 the record of this proceeding is hearsay. And, again,

1 the actual rent amount is in an unredacted lease,
2 subject to a protective order, that is accessible by
3 any party or intervenor in this proceeding and has
4 been accessible since that protective order was issued
5 by the Council.

6 MR. SILVESTRI: Attorney Cannavino, you
7 have that option of signing for the protective order
8 to examine whatever you want, but the line of
9 questioning, I think we need to move on from here.

10 MR. CANNAVINO: Okay. I have no further
11 questions.

12 MR. SILVESTRI: Thank you very much.

13 I'd like to continue the cross-examination
14 of the applicants by St. Luke's School/St. Luke's
15 Foundation. Ms. Gabriele and Mr. Rosow, are you ready
16 to go?

17 MR. ROSOW: Yes, sir, we are.

18 MR. SILVESTRI: Very good. Please start.
19 Thank you.

20 MR. ROSOW: Thank you. My name is
21 Christopher Rosow, for the record. Julia, do you want
22 to introduce yourself?

23 MS. GABRIELE: My name is Julia Gabriele.
24 I'm the associate head and CFO for St. Luke's School.
25

CROSS-EXAMINATION

1
2 MR. ROSOW: Christopher Rosow, again. I
3 am a trustee of St. Luke's School, and I'm going to
4 start off with the questioning, and Ms. Gabriele can
5 step in when needed.

6 If we could have Mr. "Lay-vin," or is it
7 "Lah-vin"? I apologize if incorrectly pronounced that
8 last name. Is it "Lay-vin" or "Lah-vin"?

9 THE WITNESS (Lavin): It's "Lav-in."

10 MR. ROSOW: "Lav-in." I didn't get either
11 one correctly; I apologize for that. Mr. Lavin, I
12 believe this question is for you, and it is a bit of a
13 continuation of what Attorney Cannavino was asking
14 earlier, and I believe what he was referring to would
15 be known as WiFi Calling. Does the AT&T network allow
16 devices on the AT&T network to make calls over Wi-Fi?

17 THE WITNESS (Lavin): I believe so, yes.

18 MR. ROSOW: Do you know what WiFi Calling
19 is?

20 THE WITNESS (Lavin): Yes.

21 MR. ROSOW: Can you give us a quick
22 explanation of what that is, just for the benefit of
23 the record?

24 THE WITNESS (Lavin): Simply connecting
25 your phone to Wi-Fi wherever you may be and having

1 access to AT&T or other operators' networks.

2 MR. ROSOW: So if a user, for example, on
3 the St. Luke's campus is connected to St. Luke's very
4 robust Wi-Fi network, they do not need an actual cell
5 signal in order to make a phone call on their device;
6 is that correct?

7 THE WITNESS (Lavin): If it was all set up
8 and they have access to the network. (Inaudible.)

9 MR. ROSOW: So assuming somebody has
10 access to the network, is logged into the network,
11 and, for example, a guest on the network does not need
12 credentials, and of course you wouldn't know that, but
13 assuming any -- otherwise, other than technical
14 problems, there's no reason that somebody couldn't
15 make a phone call over Wi-Fi throughout the St. Luke's
16 Wi-Fi network?

17 THE WITNESS (Lavin): I don't believe so.

18 MR. ROSOW: So is your statement of your
19 executive summary on page 12, the introduction, it
20 says that the proposed facility would also provide
21 service to St. Luke's, which has a student, faculty,
22 employee population of 655 people, that doesn't really
23 apply if they're already using the Wi-Fi network,
24 would it?

25 THE WITNESS (Lavin): There's no mention

1 in there of Wi-Fi. We don't know if their Wi-Fi's up,
2 Wi-Fi goes down. It's not AT&T's position, I wouldn't
3 think, to depend on the Wi-Fi system to take over
4 where their network has a lack of coverage.

5 MR. ROSOW: Sure. But it's not a --
6 you're not adding coverage; you're merely providing a
7 different type of coverage, would that be a fair way
8 of saying it?

9 THE WITNESS (Lavin): It's providing
10 AT&T's own coverage for AT&T's own customers and not
11 depending on St. Luke's world. If it were a place
12 without Wi-Fi, you couldn't have it. If St. Luke's
13 would withdraw Wi-Fi for some reason, you couldn't
14 really -- you know, the benefit would be lost to our
15 customers.

16 MR. ROSOW: Certainly. But, again, the
17 benefit is there. If St. Luke's has Wi-Fi, that
18 benefit is there to them; is that correct?

19 THE WITNESS (Lavin): Yes, but these
20 customers are depending on the traditional lack
21 thereof of Wi-Fi.

22 MR. ROSOW: I understand. So is Wi-Fi
23 typically faster than cell-service coverage or LTE
24 coverage?

25 THE WITNESS (Lavin): I don't know what

1 the bandwidth or the speed of the network is at
2 St. Luke's, so I can't really say.

3 MR. ROSOW: So from a technical
4 standpoint, then, Mr. Eldelson questioned you last
5 time about this, a bit of this topic, and he used an
6 example of trying to stream a Facebook live video from
7 the St. Luke's campus. Presumably, that could be done
8 using the Wi-Fi connection; is that not correct?

9 THE WITNESS (Lavin): I don't know the
10 extent of the coverage. I'm sure it's within the
11 buildings. It usually doesn't go very far outside the
12 buildings. Certainly in an emergency situation if the
13 school were evacuated, no one would have, probably,
14 very robust access to the Wi-Fi network.

15 MR. ROSOW: Within the building, though,
16 you're aware that we have hard-wired landline phones,
17 so in an emergency situation, those services are
18 available to us as well?

19 THE WITNESS (Lavin): To provide what we
20 call positive plain old telephone service.

21 MR. ROSOW: Yes. And as Mr. Stebbins
22 testified last time, and I'm not sure if you would be
23 appropriate to say this, but he testified that the
24 number of calls being answered is really the capacity
25 of the call center, not the number of calls being

1 made.

2 THE WITNESS (Lavin): The limitation is at
3 the call center, yes. But, again, we're talking about
4 FirstNet. FirstNet wouldn't have any access showing
5 up on campus to St. Luke's Wi-Fi, so there wouldn't be
6 many using to that at all.

7 MR. ROSOW: But that does not preclude any
8 emergency calls being made from the St. Luke's campus
9 or any regular voice calls being made over the Wi-Fi
10 network?

11 THE WITNESS (Lavin): I don't know the
12 extent of the Wi-Fi.

13 MR. ROSOW: Thank you. If we could speak
14 with Mr. Burns, please. Mr. Burns, this is a bit of a
15 continuation of Mr. Cannavino's questions. I'm
16 curious how the elevation of the tower was determined.
17 Is that something that you back into depending on what
18 service you're trying to provide? You're at
19 502.3 feet. Was that a number you chose, or is that a
20 number that's dictated by the site?

21 THE WITNESS (Burns): It's dictated by the
22 site.

23 MR. ROSOW: And so according to
24 Mr. Cannavino's questions and according to our
25 pre-filed testimony, if the tower moved anywhere along

1 that 502-ish elevation and remained at its existing
2 height, it would not have any change in its
3 performance potential?

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

5 MR. ROSOW: And when you located the tower
6 on Mr. Richey's property, did you consider other
7 locations, or was this -- as was testified earlier,
8 was this basically a location you were backed into by
9 the landlord's wishes? If somebody else should answer
10 that question, please feel free to . . .

11 THE WITNESS (Burns): We're going to have
12 Mr. Vergati answer that.

13 MR. ROSOW: Thank you.

14 THE WITNESS (Vergati): The location of
15 the proposed facility was discussion with the
16 landlord, obviously, but it's an area on the property
17 that we feel makes the most sense. Keeping it in the
18 wooded line afforded the best screening. There are
19 mature trees in this section of the property, so it
20 makes sense to keep it in the woods. We wanted to try
21 to maintain that 250-foot setback from the school
22 building, and we did not want to move it further
23 south, not only because it's closer to Mr. Richey's
24 house, but Mr. Wiley's house and I believe the home
25 that St. Luke's may own, which I believe Headmaster

1 Mark Davis may live in, at the cul-de-sac. The
2 location was picked as the best location on the
3 property.

4 MR. ROSOW: Did you consider a location
5 that was 90 feet from the property lines in your
6 discussions?

7 THE WITNESS (Vergati): We did not
8 consider that. It may have been discussed, but
9 looking at the property, we wanted to keep the
10 facility within the existing treeline and wooded
11 section of the property.

12 MR. ROSOW: So if I drew a 90-foot circle,
13 90-foot circle of radius circle on the survey, and I
14 centered that 90-foot circle -- 90-foot radius circle
15 on the survey and I picked the center point on that
16 circle, would I be at the same elevation or more or
17 less the same elevation as the current tower proposed?

18 THE WITNESS (Vergati): I'll let Mr. Burns
19 respond to that question.

20 THE WITNESS (Burns): I would say within 2
21 or 3 feet, it would be within the same elevation.

22 MR. ROSOW: Would that constitute a
23 significant performance difference to the tower, 2 or
24 3 feet?

25 THE WITNESS (Burns): From an RF

1 standpoint, I'm not an expert on that. It may require
2 us to go another 2 or 3 feet higher.

3 MR. ROSOW: This was never explored? As
4 we've already established, you did not explore that
5 option placing the tower at that location?

6 THE WITNESS (Burns): My involvement was
7 after Mr. Vergati and the landlord explored all
8 options on the property, and then they brought me in
9 to design.

10 MR. ROSOW: I see. If we could have
11 Mr. Vergati back, please. Sorry for the musical
12 chairs. Mr. Vergati, as we discussed earlier in terms
13 of landscape screening, and you talked about the
14 treeline and so forth, to what level do you go in to
15 making sure that you have adequate buffer zones for
16 landscaping from adjoining properties?

17 THE WITNESS (Vergati): We will typically
18 design our sites/compounds with stockade fencing for
19 screening. We would typically propose evergreen
20 plantings; in this case, we have. Those are typically
21 two options that we do for screening: landscaping and
22 fences.

23 MR. ROSOW: But as you testified last time
24 or your colleagues testified last time, there's no
25 room between the compound and St. Luke's for

1 landscaped screening because of the way the tower and
2 the facility is designed; is that correct?

3 THE WITNESS (Vergati): I believe there is
4 no room the way the tower is designed. We had offered
5 that we would have a conversation with St. Luke's and
6 have some screening on the St. Luke's property.

7 MR. ROSOW: Well, with all due respect,
8 that seems a little backwards to me. If you're going
9 to allow for screening from the landlord's side of the
10 property, why would you not allow for screening around
11 the compound on the landlord's property from its
12 neighbors? You would instead rely on the neighbors'
13 properties to put that screening in?

14 THE WITNESS (Vergati): We screen when
15 it's appropriate and when we have the room to do it,
16 if it makes sense, obviously. There are times when
17 you cannot put screening in, for whatever reason, so
18 the site has been designed for landscape screening
19 right now.

20 MR. ROSOW: When you say it's been
21 designed for landscape screening, except on the
22 St. Luke's side; is that correct?

23 THE WITNESS (Vergati): I believe so,
24 except on the St. Luke's side.

25 MR. ROSOW: And what's the elevation

1 change of the fill that you used to create your
2 facility pad?

3 THE WITNESS (Vergati): I'm not quite sure
4 I understand the question.

5 MR. ROSOW: As I look at the drawings for
6 the facility, it appears to me that you're changing
7 the elevation of the site to create a flat area
8 towards the -- I believe it was toward the rear of
9 Mr. Richey's property; is that correct?

10 THE WITNESS (Vergati): I believe that's
11 correct.

12 MR. ROSOW: And do you know how much
13 you're raising the elevation from the natural
14 topography to create that flat area?

15 THE WITNESS (Vergati): I'll let Mr. Burns
16 answer the grading question.

17 THE WITNESS (Burns): So the site itself
18 is graded at about 4.75 percent. As it exists today,
19 I believe it's up around, I want to say, 10 percent,
20 which is too steep for a compound. Even 4.75 is a
21 little steep for a compound, but it's just at the
22 limit. The rear or the -- get my bearings correct.
23 The east end of the compound, the lower end, will be
24 about 3 feet of fill.

25 MR. ROSOW: Three feet of fill?

1 THE WITNESS (Burns): And then taper off
2 to Soundview Lane.

3 MR. ROSOW: And how is that 3 feet of fill
4 screened? Is it screened?

5 THE WITNESS (Burns): I don't understand
6 the question.

7 MR. ROSOW: Do you just mound 3 feet of
8 dirt up, or do you create some sort of natural buffer
9 around that 3-foot pile?

10 THE WITNESS (Burns): The rear of the site
11 or the east side of the site will be a slope that will
12 be grassed, and on the southwest side, we'll be
13 planting trees.

14 MR. ROSOW: Right. That's not, again, on
15 the St. Luke's side; is that correct?

16 THE WITNESS (Burns): That's correct.
17 Between the edge of the driveway and the existing pipe
18 that's there, planting trees would probably be --
19 well, there's enough room, but even with the pipe
20 there, we really couldn't plant trees on top of that
21 pipe.

22 MR. ROSOW: Right. We talked about that
23 drainage easement last time. So there's no
24 possibility to do any sort of landscape screening
25 between the site and St. Luke's without coming onto

1 St. Luke's property, which would compromise our use of
2 the property, in order to screen your compound; is
3 that correct?

4 THE WITNESS (Burns): I would say that's
5 correct.

6 MR. ROSOW: And just to make sure I'm
7 clear on this, the reason the compound is there is
8 because that's where the landlord wanted it put; is
9 that correct?

10 THE WITNESS (Burns): That's what
11 Mr. Vergati has testified to.

12 MR. ROSOW: Could we have Mr. Vergati
13 back, please? Mr. Vergati, during the last session
14 when you were questioned by Mr. Eldelson, you said,
15 and this is on page 91 of the transcript, you said
16 that, quote, "Mr. Richey was very sensitive to the
17 fact of the neighborhood," and then he goes on to say,
18 "He really had their best interests in mind working in
19 with Homeland." Does it strike you that that's a bit
20 of a double-statement by Mr. Richey, in saying that
21 he's got their best interests in mind, yet he forces
22 the compound as tight to the property line as he
23 possibly can?

24 THE WITNESS (Vergati): I don't believe
25 so. I think Mr. Richey was looking at the site -- it

1 will be closest to him, let's not forget that, by any
2 means, and he wanted to, along with Homeland, keep it
3 not just away from his house, but away from the other
4 houses on Soundview Lane as well.

5 I'd like to add that when we go to these
6 sites, we walk them to see what makes sense. We look
7 at the trees on the property. We like to try to keep
8 trees in place, not take them down, because they offer
9 screening.

10 The location was chosen by a number of
11 factors: keeping away from existing homes on Soundview
12 Lane, keeping many trees intact, having setback from
13 the school, and trying to get the best elevation as
14 well so there's not a call facility dropping.

15 MR. ROSOW: And I understand all that, but
16 that still doesn't really answer the question, because
17 you had said also during that testimony, on page 20,
18 under questioning by Mr. Perrone, that you respected
19 the landlord's wishes in designing the site. Did you
20 respect the neighbors' wishes in designing the site,
21 such as St. Luke's, and the idea of giving a buffer
22 zone between the property line of St. Luke's and the
23 compound?

24 THE WITNESS (Vergati): I think we have
25 designed a very appropriate site, given the height of

1 the cell facility.

2 MR. ROSOW: That wasn't the question. I'm
3 sorry, Mr. Vergati, that wasn't the question. Did you
4 respect the wishes of St. Luke's when you designed the
5 site? Did you talk to St. Luke's about designing the
6 site?

7 MS. CHIOCCHIO: I object. (Inaudible.)
8 Mr. Vergati answered the same question.

9 MR. SILVESTRI: Mr. Rosow, I also want to
10 add is - just let me finish - I think he did cover
11 most of that with Attorney Cannavino going through did
12 he talk to so-and-so and so-and-so and so-and-so. I
13 really think you have your answers on that in the
14 record, so if you can proceed, let's move on.

15 MR. ROSOW: I'll move on. Thank you,
16 Mr. Chairman.

17 Mr. Burns, if we could have Mr. Burns
18 back. Mr. Burns, during the last session, Mr. Perrone
19 questioned you on the hinge point of the tower, and on
20 page 17 of the transcript, you said, quote: The tower
21 itself is designed to withstand the load, and then at
22 the hinge point and below it is beefed up so that it
23 breaks at that point if that happens during a
24 catastrophic event, unquote. Do you recall saying
25 that?

1 THE WITNESS (Burns): I do.

2 MR. ROSOW: Is "beefed up" an engineering
3 term?

4 THE WITNESS (Burns): I would say
5 additional steel is added to the tower below. It's
6 not an engineering term, no.

7 MR. ROSOW: I didn't think it was. I just
8 wanted to clarify that I hadn't missed something. So
9 can you dive into that a little more deeply? You said
10 you'd add a little more steel below; what does that
11 mean?

12 THE WITNESS (Burns): The tower is
13 designed per the national code for structural design.
14 Then if the hinge point is required, it is
15 oversized below the hinge point so that if a
16 catastrophic failure occurs that it collapses upon
17 itself.

18 MR. ROSOW: Does that infer that the lower
19 section of the tower is immune to catastrophic
20 failure?

21 THE WITNESS (Burns): I'm sorry, is what
22 immune?

23 MR. ROSOW: Does that infer that the lower
24 section of the tower is immune to that catastrophic
25 failure?

1 THE WITNESS (Burns): I don't know if I
2 could answer that yes or no. I would say it depends
3 on what that catastrophe was.

4 MR. ROSOW: Why not just design the entire
5 tower so that it's beefed up? Again, to use that
6 engineering term. Why not just make the entire tower
7 as strong as the lower section?

8 THE WITNESS (Burns): Because it's not
9 required and it's cost prohibitive.

10 MR. ROSOW: Does that infer that the upper
11 section is designed to fail?

12 THE WITNESS (Burns): No, not at all. The
13 tower is not designed to fail at all.

14 MR. ROSOW: Well, I asked whether it's
15 immune to failure in a catastrophic event, and you
16 said you didn't want to answer that; fair enough.
17 Could we talk about what a catastrophic event would
18 be? What does a catastrophic event mean in the
19 engineering world?

20 THE WITNESS (Burns): I'm speculating.
21 Earthquakes, maybe.

22 MR. ROSOW: Right.

23 THE WITNESS (Burns): Major earthquake;
24 major hurricane, possibly.

25 MR. ROSOW: So the tower, though, is

1 therefore not immune to failure? There is a scenario
2 where the tower could collapse, yes?

3 THE WITNESS (Burns): The tower is not
4 designed to fail.

5 MR. ROSOW: But it is not immune to
6 failure, is it?

7 THE WITNESS (Burns): It's not designed to
8 fail.

9 MR. ROSOW: Could you answer my question
10 with a yes or no? Is it immune?

11 THE WITNESS (Burns): To failure? I
12 answered your question, sir. It's not designed to
13 fail.

14 MR. ROSOW: I'm not sure you answered my
15 question, but we'll move on.

16 The tower is 38 feet from the property
17 line and the hinge point is 38 feet from the top of
18 the tower. Is that coincidental, or is that the way
19 you designed it?

20 THE WITNESS (Burns): That's the way it's
21 designed.

22 MR. ROSOW: Mr. Vergati stated, under
23 questioning by Mr. Harder, that the tower could be
24 extended 10 to 15 feet. Do you recall that testimony
25 by Mr. Vergati?

1 THE WITNESS (Burns): I don't, but I
2 believe you.

3 MR. ROSOW: Are you aware that the tower
4 could be extended 10 to 15 feet?

5 THE WITNESS (Burns): I suppose if it's
6 designed that way, it could be, yes.

7 MR. ROSOW: Would that not negate the idea
8 of having a hinge point at 38 feet if the 38-foot
9 distance of the property line dictated that 38-foot
10 hinge point?

11 THE WITNESS (Burns): The answer to that
12 is yes.

13 MR. ROSOW: And we established that if the
14 tower is extended, the hinge point is irrelevant based
15 on the property line, correct?

16 THE WITNESS (Burns): Unless the tower
17 were structurally altered so that the hinge point was
18 extended up; in other words, additional steel be added
19 to the existing structure so the hinge point moves up
20 10 or 15 feet.

21 MR. ROSOW: Do we have the benefit of
22 those construction drawings in the packets that we've
23 received and reviewed?

24 THE WITNESS (Burns): The tower has not
25 been designed yet.

1 MR. ROSOW: So how do we know that this
2 hinge point exists other than you telling us?

3 THE WITNESS (Burns): Because I'm under
4 oath telling you that.

5 MR. ROSOW: We'll move on. Mr. Vergati,
6 if we could have him back, please. I'm trying to find
7 my place here, if I could have a moment.

8 All right. I apologize, this may be a
9 question for Mr. Libertine or Mr. Vergati.
10 Mr. Vergati, I believe your colleagues said that early
11 on, you were not allowed on the St. Luke's property;
12 is that correct?

13 THE WITNESS (Vergati): At the time of the
14 balloon/crane test, we asked for permission from
15 St. Luke's and they denied access.

16 MR. ROSOW: This is the crane test,
17 correct?

18 THE WITNESS (Vergati): This was the crane
19 test, that's correct.

20 MR. ROSOW: Do you recall the date of that
21 crane test?

22 THE WITNESS (Vergati): It was April 17,
23 2019.

24 MR. ROSOW: If I can just back up a little
25 bit, would you have been the person who was

1 responsible for arranging that crane test?

2 THE WITNESS (Vergati): Yes.

3 MR. ROSOW: And you said just a moment ago
4 that you were not allowed on the property the morning
5 of that crane test; is that correct?

6 THE WITNESS (Vergati): We asked for
7 permission and were denied access.

8 MR. ROSOW: When did you ask for
9 permission?

10 THE WITNESS (Vergati): We came there the
11 morning of the 17th, we walked into the security
12 office, spoke to a gentleman there, he had discussed
13 with Ms. Gabriele, and access was denied for us. We
14 offered to take photos. We were denied access.

15 MR. ROSOW: Do you recall when you
16 arranged the rental? I presume you rented a crane for
17 the crane test. Do you recall when you rented the
18 crane?

19 THE WITNESS (Vergati): I don't recall the
20 exact date. It was probably within two weeks of the
21 actual crane test.

22 MR. ROSOW: So it was not that morning,
23 the 17th, that you decided, We're going to rent a
24 crane today and do a crane test? You did it sometime
25 in advance?

1 THE WITNESS (Vergati): Yes, we did.

2 MR. ROSOW: And do you use an in-house
3 photographer for the photography that's taken during
4 that date or do you hire an independent photographer?

5 THE WITNESS (Vergati): All-Points
6 Technology is our vendor that we use for visuals.

7 MR. ROSOW: So the person who was taking
8 the pictures works for All-Points?

9 THE WITNESS (Vergati): Correct. Yes.

10 MR. ROSOW: And did that person wake up
11 that morning and say, I'm going to take pictures on
12 this day, or were they given some sort of map to
13 follow, some places to go look at to photograph, and
14 so forth?

15 THE WITNESS (Vergati): We take time to
16 plan photo locations internally working with
17 All-Points Technology, give and take. And no, it's
18 not we wake up in the morning and go out there. We
19 would figure out ahead of time where we're taking
20 photographs from.

21 MR. ROSOW: So in the midst of all this
22 planning, it apparently never occurred to you to
23 contact St. Luke's and say, We're doing a test on this
24 date and we'd like to be on your campus and take some
25 photographs, would that be okay?

1 THE WITNESS (Vergati): It's not required.
2 There's no public notice requirement for the crane
3 test whenever we're doing visuals on private property.
4 Keep in mind that I protect our landlords as well. I
5 don't want it to be a media circus, so there is some
6 discreteness to it as far as not broadcasting. We
7 showed up, we asked if we could take photos, we were
8 denied, and it's too bad they missed that opportunity.

9 MR. ROSOW: You're obviously aware that
10 St. Luke's is a school, correct?

11 THE WITNESS (Vergati): Absolutely.

12 MR. ROSOW: And you're obviously -- I
13 assume you're aware that the vast majority of the
14 population on campus are minors, correct?

15 THE WITNESS (Vergati): Absolutely.

16 MR. ROSOW: And I assume you're aware that
17 you can't just show up at a place and take pictures of
18 minors?

19 THE WITNESS (Vergati): We weren't taking
20 pictures of minors. The purpose --

21 MR. ROSOW: I understand that. You can't
22 just show up at a place that is populated by minors
23 and start taking pictures with telephoto lenses. I'm
24 assuming you would be -- I assume you would plan ahead
25 for this eventuality, so it's not a media circus,

1 since it's coming on a campus of school children.

2 THE WITNESS (Vergati): We don't publicly
3 notice it for various reasons. We gave St. Luke's the
4 opportunity; they could have certainly escorted us,
5 said, Come back in an hour or two. We were there a
6 good part of the day. They chose not to take us up on
7 the offer, and I'll leave it at that.

8 MR. ROSOW: Are you aware that any
9 contractor coming onto St. Luke's campus undergoes a
10 background check for safety purposes?

11 THE WITNESS (Vergati): I was not aware of
12 that.

13 MR. ROSOW: Does that surprise you?

14 THE WITNESS (Vergati): Yes, in the sense
15 that I believe I was there in April of 2017, maybe
16 there was a background check on me, maybe there
17 wasn't, but I showed up on the campus with others.

18 MR. ROSOW: As a visitor, correct, as a
19 visitor being checked in at the front desk and having
20 your I.D. scanned into a computer system and you're
21 issued a visitor badge, correct?

22 THE WITNESS (Vergati): Yes, sir.

23 MR. ROSOW: It strikes me as a little odd
24 that you planned for this crane test, and yet the
25 biggest neighbor of this property, which is populated

1 by minors, was not noticed in advance, and yet you say
2 that you were not allowed on campus. Is that
3 potentially your fault for not planning in advance?

4 MS. CHIOCCHIO: I object.

5 MR. SILVESTRI: Mr. Rosow, what I was
6 looking at and listening to is basically, I understand
7 that they did some planning ahead of time to get their
8 crane and to get their photographer. My understanding
9 is the day of, they asked for permission and were
10 denied. I don't know if you really need any more than
11 that. Did they go weeks before to ask for permission?
12 I think the answer is no. But, again, I think we have
13 all the answers that we need for this particular line
14 of questions.

15 MR. ROSOW: Thank you, Mr. Chairman. I'm
16 just trying to establish that St. Luke's is painted as
17 not allowing somebody on campus. We would have
18 certainly allowed somebody on the campus with prior
19 notice, which I think would be a reasonable ask.

20 MR. SILVESTRI: I think what we're getting
21 from your questions to that, like I say, we have for
22 the record that he asked the day of, and I think you
23 got your answer and I think we can move on.

24 MR. ROSOW: Thank you, sir.

25 MR. SILVESTRI: Thank you.

1 MR. ROSOW: Mr. Vergati, could we -- are
2 you familiar with the applicants' supplemental
3 submission on May 27?

4 THE WITNESS (Vergati): Bear with me.

5 MR. ROSOW: Thank you.

6 THE WITNESS (Vergati): I have the
7 submission in front of me.

8 MR. ROSOW: Would you kindly turn to
9 Attachment 1, which is the environmental sound
10 assessment?

11 THE WITNESS (Vergati): Okay.

12 MR. ROSOW: And if we flip to page 6, at
13 the bottom of page 6, please, sir.

14 THE WITNESS (Vergati): I'm on page 6.

15 MR. ROSOW: Do you see at the bottom of
16 page 6 the sentence that begins, "The quiet conditions
17 of the survey were exaggerated due to the state of
18 emergency orders related to the COVID-19 emergency"?

19 THE WITNESS (Vergati): I do.

20 MR. ROSOW: Because the date of this
21 report that was prepared is not immediately available,
22 could we agree this was prepared sometime in the
23 spring, May of 2020, April of 2020, during the COVID
24 emergency?

25 THE WITNESS (Vergati): I believe that is

1 the case.

2 MR. ROSOW: Would you please turn to
3 page 4?

4 THE WITNESS (Vergati): Okay.

5 MR. ROSOW: At the top of page 4, there's
6 a photograph, Figure 2. Do you see that photograph?

7 THE WITNESS (Vergati): I see that
8 photograph.

9 MR. ROSOW: Can you tell me what the
10 caption says?

11 THE WITNESS (Vergati): "Field image from
12 site overlooking St. Luke's School at time of survey."

13 MR. ROSOW: Right. Mr. Chairman, with
14 your permission, if I could narrate this photograph.
15 For benefit of the written record, this is a picture
16 that allegedly was taken from the site looking back
17 towards the St. Luke's campus, the left side of the
18 photograph you see are our athletic center building.
19 The middle of the photograph you see what we refer to
20 as our upper turf field, and the right of the
21 photograph is the St. Luke's main building, the arts
22 and humanities wing of that main building.

23 MR. SILVESTRI: I can see that on the
24 picture.

25 MR. ROSOW: Terrific.

1 Mr. Vergati, this is a picture taken from
2 the site of Mr. Richey's property looking back onto
3 the St. Luke's campus; is that correct?

4 THE WITNESS (Vergati): I believe that's
5 the case. I was not there the day the fieldwork was
6 done.

7 MR. ROSOW: And as we've already
8 established, this was during the COVID-19 emergency,
9 during that time, so the school, like all schools in
10 Connecticut, was closed at this time?

11 THE WITNESS (Vergati): I believe that is
12 true, yes.

13 MR. ROSOW: And I'm asking that question
14 just to verify your understanding that there's no
15 children outside; that the shades are drawn in the
16 building. It looks like the campus is abandoned; is
17 that correct?

18 THE WITNESS (Vergati): I would agree,
19 yes.

20 MR. ROSOW: So if I zoom in on this
21 photograph, Mr. Vergati, I can see an awful lot of
22 detail on St. Luke's campus. I can count the number
23 of chairs that are on our alumni plaza overlooking the
24 field; there's five Adirondack chairs on that plaza.
25 Where the shades aren't drawn, I can look into the

1 windows of the St. Luke's building. Would you agree
2 with that?

3 THE WITNESS (Vergati): I have good eyes.
4 I don't see the Adirondack chairs in this particular
5 photo on page 4.

6 MR. ROSOW: I have the benefit of looking
7 at the digital version on my computer screen and
8 you're looking at the paper version, so we'll move on.

9 When Mr. Cannavino was questioning you
10 earlier about the 250-foot radius from a school, and
11 you said that the First Selectman or the Siting
12 Council could waive that regulation if there was no
13 adverse visual impact, how do you make that statement?
14 You didn't take photographs on the St. Luke's campus,
15 and then this is the only photograph, as far as I can
16 tell, that shows what the site might look like from
17 St. Luke's. How do you make that statement that there
18 is no adverse visual impact?

19 THE WITNESS (Vergati): I would refer to
20 Mr. Libertine to comment on your question.

21 THE WITNESS (Libertine): Good afternoon.
22 I'm not sure anyone made the statement unequivocally
23 that there would not be any type of an effect on the
24 school. If I recall Mr. Vergati's statement, it was
25 in the context of the Town or Siting Council being

1 able to waive that requirement.

2 MR. ROSOW: So in previous testimony, this
3 is on page 73 of the transcript, this is Mr. Vergati
4 said, "The First Selectman in his capacity,
5 Mr. Moynihan, has the ability to waive any type of
6 setback to a school, as well as the Siting Council, as
7 long as it's shown that there is no adverse aesthetic
8 effect," unquote. How do we know that it's not shown
9 or shown if there are no -- if there's no evidence to
10 that effect?

11 THE WITNESS (Libertine): I'm not sure I
12 even understand the question. We're not asking for a
13 waiver. It's just a statement that it's a possibility
14 to request that in the event you want to be closer
15 than 250 to the school.

16 MR. ROSOW: Mr. Vergati has testified that
17 his definition of "school" and our definition of
18 "school" are different. Do you recall that?

19 THE WITNESS (Libertine): I do.

20 MR. ROSOW: Mr. Vergati, I believe -- and
21 I don't want to put words into his mouth; maybe we can
22 put him back up, if you'd like. Mr. Vergati thinks
23 that it's 250 feet to the building and we think it's
24 250 feet from a school facility. Would that be a fair
25 statement?

1 THE WITNESS (Libertine): I'm sorry,
2 you're going to have to repeat that. I was trying to
3 read the actual statute while you were talking.

4 MR. ROSOW: Sure. I understand. I don't
5 want to put words in Mr. Vergati's mouth, but I
6 believe his position, and perhaps your position as
7 well, is that "school" is building, and our position
8 is that "school" is a facility where school activities
9 take place. Would that be a fair explanation of our
10 difference of opinion?

11 THE WITNESS (Libertine): I'll let
12 Mr. Vergati answer that one, only because it's really
13 not my -- I did not make the statement.

14 THE WITNESS (Vergati): Repeat the
15 question, please.

16 MR. ROSOW: Sure. So, Mr. Vergati, in
17 previous testimony, this is from page 73 of the last
18 session transcript, you say, "I think it's clear the
19 regulations state 250 feet to a building," unquote,
20 and it's our position that the 250 feet is to the
21 school facility. Is that a fair explanation of our
22 difference of opinion in how that statute is written?

23 THE WITNESS (Vergati): I guess it's a
24 difference of interpretation. We believe 250 feet to
25 a school building. It looks like you're interpreting

1 it as 250 to a school property.

2 MR. ROSOW: Not necessarily a school
3 property; we're saying a school facility. Would you
4 say, based on that photograph on page 4, the sound
5 assessment Figure 2, that that athletic field is part
6 of the school?

7 MR. SILVESTRI: I'm going to interject.
8 My understanding is that the statute references a
9 building containing a school. I also think we
10 established that there is a difference in
11 interpretation between the applicant and parties.
12 Where do you want to go with this, Mr. Rosow?

13 MR. ROSOW: I've pretty much wrapped up,
14 Mr. Chairman. I just want to make sure that -- if I
15 could just ask Mr. Vergati a couple more questions on
16 the fact that we have no other visuals on this, I'll
17 wrap up.

18 MR. SILVESTRI: Go right ahead.

19 MR. ROSOW: So, Mr. Vergati, if, let's
20 say, we had this difference of opinion and there was a
21 need to prove there is no adverse aesthetic effect,
22 how would we do that if there are no other photographs
23 available?

24 I think they're muted.

25 MR. SILVESTRI: I think everybody's muted

1 at this point.

2 THE WITNESS (Vergati): We're back, sorry.

3 In answer to your question, we have a very
4 extensive visual analysis that was submitted by
5 All-Points Technology, and I would ask to look at
6 that, the photographs in it.

7 MR. ROSOW: Mr. Vergati, are you familiar
8 with your late-filed exhibit, Attachment 2?

9 THE WITNESS (Vergati): This exhibit was
10 prepared by All-Points and they could speak to it.

11 MR. ROSOW: Just to make sure we're
12 looking at the same piece of paper for different
13 locations, this is a site location map with year-round
14 and seasonal visibility; is that correct?

15 THE WITNESS (Libertine): That's correct.

16 MR. ROSOW: And if I interpret this map
17 correctly, where it's yellow is predicted year-round
18 visibility and where it's orange it says potential
19 seasonal visibility; is that correct?

20 THE WITNESS (Libertine): Yes, sir.

21 MR. ROSOW: So would it be correct, if
22 you're familiar with the St. Luke's campus, that most
23 of the St. Luke's campus upper athletic field, lower
24 athletic fields, those are all in yellow; is that
25 correct?

1 THE WITNESS (Libertine): Primarily, yes,
2 sir.

3 MR. ROSOW: And that means year-round
4 visibility for all those locations; is that correct?

5 THE WITNESS (Libertine): Certainly within
6 locations within the areas I depicted in yellow, I
7 would say in this case, where there are open fields,
8 that is probably the majority, if not all of it, yes.

9 MR. ROSOW: So when we conduct classes
10 outside, when we have athletic practices outside, when
11 we do anything outside, pretty much that entire area
12 and anything along the side of the building that's
13 shaded in yellow is going to have year-round
14 visibility of this tower; is that correct?

15 THE WITNESS (Libertine): Yes.

16 MR. ROSOW: Mr. Chairman, in terms of
17 definition of the school facility, I would point out
18 that we're entering into an unknown time now. We do
19 have plans that we may have to conduct school outside,
20 so I'm not sure if that changes the definition of
21 "school" for the statute, but it certainly changes the
22 definition of "school" for the immediate future for
23 us, so I'd like the Council to bear that in mind, as
24 well as our previous arguments that there is a
25 significant adverse visual effect to the St. Luke's

1 property by this tower.

2 MR. SILVESTRI: Mr. Rosow, I appreciate
3 your comments on that. Again, we've got the
4 hypothetical that classes might be outside. But I
5 think the site location map with your own visibility
6 that you just mentioned in your questions to
7 Mr. Libertine and his responses, you predicted your
8 own visibility quite obviously, so I thank you on
9 that.

10 MR. ROSOW: Thank you. I have nothing
11 further. Ms. Gabriele?

12 MS. GABRIELE: I would only say,
13 Mr. Chairman, the hypothetical is, in fact, reality.
14 We are scheduling classes outside, given what we're
15 going through with COVID, to guarantee the spacing
16 guidelines that the CDC is putting out.

17 MR. SILVESTRI: Thank you for your
18 comment. Did you have any additional questions,
19 Ms. Gabriele?

20 MS. GABRIELE: I don't. Mr. Rosow covered
21 everything. Thank you.

22 MR. SILVESTRI: Very good. Thank you
23 both. I'd like to continue cross-examination of the
24 applicants by the Siting Council, starting with our
25 siting analyst, Mr. Perrone.

CROSS-EXAMINATION

1
2 MR. PERRONE: Thank you. Mr. Vergati, on
3 page 17 of the transcript, you noted that the Town did
4 not wish to pursue the Clark property as a site. My
5 question is: What were the Town's primary concerns
6 about the Clark property?

7 THE WITNESS (Vergati): If I recall, the
8 primary concerns were that there were restrictions on
9 the property. The Town had gone down this road before
10 with Verizon. My understanding, Verizon was
11 interested in the Clark property. There are
12 restrictions on this property to that type of
13 development is my understanding. In addition to that,
14 there are vernal pools and wetlands located on the
15 property that made it not the most attractive
16 property.

17 MR. PERRONE: You also mentioned there
18 were no other town properties besides the Clark
19 property that checked four criteria boxes that
20 Homeland looks for. Could you tell us what those
21 criteria are?

22 THE WITNESS (Vergati): Sure. We look for
23 a site that's obviously going to have the least visual
24 impact to an area, least environmental impact to an
25 area. We look for a site where there's no structures,

1 meaning rooftop, water tank, existing transmission
2 line or tower that. We look for a site that is
3 constructable and zonable, meaning we can gain access
4 through there and actually build the site. The fourth
5 criteria that I look at, really, is having a landlord
6 that is willing to lease to us with reasonable rents.

7 MR. PERRONE: And does the proposed site
8 meet your four criteria?

9 THE WITNESS (Vergati): The proposed site
10 on Soundview, yes, we feel that we checked all four
11 boxes. The Town felt strongly as well. Their
12 third-party consultant, CityScape, also agreed. And
13 this area certainly targeted called out for Center
14 Lines report, I think 2014, independent report, found
15 that this area, if you want to call it St. Luke's, is
16 a replication (inaudible).

17 MR. PERRONE: Next, I have a couple of
18 engineering questions for Mr. Burns, please.
19 Mr. Burns, at the last hearing, you had testified
20 about the height of the walk-in cabinet; it was
21 approximately 9-1/2 feet, and it sits on stilts to
22 allow for cabling underneath. Do the stilts
23 materially affect the height? In other words, do we
24 have to add something to the 9-1/2 feet or 9-1/2 is
25 the total?

1 THE WITNESS (Burns): No, the stilts do
2 add to the height. Since that time, I've received
3 more information on the walk-in cabinet. The stilts
4 are actually 18 inches, so the top of that cabinet
5 will be 11 feet off of the concrete pad.

6 MR. PERRONE: And the concrete pad, the
7 top of that is pretty close to grade?

8 THE WITNESS (Burns): Yes, it's going to
9 be close to grade.

10 MR. PERRONE: Okay. And in response to
11 the Council Interrogatory Question 11, we had asked
12 about codes and safety standards, it says that the
13 2012 International Building Code to be used. Would
14 the 2015 International Building Code be the most
15 recently adopted in Connecticut?

16 THE WITNESS (Burns): If not the 2020
17 building code. To be honest, I'm not sure what was
18 adopted, but it would be the most recent.

19 MR. PERRONE: So structurally, the tower
20 would be designed with the most recent building code?

21 THE WITNESS (Burns): Yes, it will be
22 designed to BIA-18.

23 MR. PERRONE: Thank you, Mr. Burns. My
24 next questions are RF. Mr. Lavin, on page 123 of the
25 transcript, you had mentioned how an RF crane test was

1 sometimes referred to as a CW test. What does the
2 "CW" stand for?

3 THE WITNESS (Lavin): Continuous wave, an
4 unmodulated carrier.

5 MR. PERRONE: On page 130 of the
6 transcript, you were asked if a tower at 1160 Smith
7 Ridge Road would provide seamless coverage on
8 Route 123. You testified that it looked that way.
9 Was that based on a 146-foot center line?

10 THE WITNESS (Lavin): I believe it was. I
11 need the (inaudible).

12 MR. PERRONE: The records for that is the
13 Wiley interrogatories sent in the attachments, which
14 I'll refer you to for my next question. If a tower at
15 1160 Smith Ridge Road had a center line height of
16 approximately 106 feet, how would the coverage on
17 Smith Ridge Road compare to that of the proposed site?

18 THE WITNESS (Lavin): There would be --
19 for Smith Ridge Road, there's more coverage from 1160
20 Smith Ridge than there is from the Crow site at 81 and
21 106 and then 146, but not into the area we're trying
22 to serve with this site.

23 MR. PERRONE: Okay. Going to the
24 application, page 2, the RF report, at the bottom of
25 page 2, "Analysis of the propagation modeling and

1 drive testing in New Canaan reveal the AT&T network is
2 unreliable." My question is: The part about drive
3 testing, which drive testing is that referring to?

4 THE WITNESS (Lavin): We call it baseline
5 drive. The drive test is to determine what the
6 existing coverage is from the network as it stands.

7 MR. PERRONE: Was that drive testing the
8 one from the 2014 report, or are these more recent
9 drive tests referred to?

10 THE WITNESS (Lavin): These are more
11 recent drive tests. They were submitted as --
12 binder's coming apart here. I don't know exactly
13 which one.

14 MR. PERRONE: I'll move on. That's okay.
15 In referencing page 125 of the transcript, Attorney
16 Cannavino had asked you about the accuracy of
17 propagation maps, and the reference in the wireless
18 market study report page 9, where it mentions how
19 coverage maps should be viewed as a guideline rather
20 than absolute. There was some discussion about
21 potential errors in the modeling. My question is:
22 How do you manage or compensate for uncertainty in
23 propagation modeling?

24 THE WITNESS (Lavin): Our software
25 compares the prediction to the measured coverage and

1 points to us errors by -- differences by land-use
2 category and what the standard deviation is of the
3 differences between measured and predicted, and we
4 that to change the priorities of our model to fit it
5 more precisely to the local condition. It's a good
6 comparison by land-use category between our prediction
7 and the measured, and we use that to change the
8 perimeters of the prediction to get them to match the
9 measured gate as closely as we can.

10 MR. PERRONE: Do drive test results play
11 into that?

12 THE WITNESS (Lavin): They are the
13 measure.

14 MR. PERRONE: Thank you. My next question
15 is for Mr. Vergati. Mr. Vergati, I'd like to ask you
16 about the height of a potential tower at 1160 Smith
17 Ridge Road. The pre-filed testimony of Mr. Camporine
18 contains a June 19, 2020 offer letter from Homeland to
19 offer to lease a location for a tower at 1106 Smith
20 Ridge Road. My question is: How tall a facility at
21 that site was contemplated in that offer letter?

22 THE WITNESS (Vergati): I don't think we
23 put a height in that offer letter. We would look at
24 it, in conjunction with other sites, looking at the
25 Town's wishes. I would say no taller than 110 feet.

1 We have admitted to the Town, as I've stated
2 previously on the record, as a partner, developing
3 partner, where we won the RFP, that our sites,
4 typically we develop at 110 feet and below. So I
5 think 110 feet, if the site were to go in that area, I
6 don't have any interest from 1160 Smith Ridge Road as
7 far as intense interest, but if the site were to go
8 in, that land was particularly interested, I think we
9 would propose a facility of 110 feet height wise.

10 MR. PERRONE: So with a tower at 110,
11 would that put the antennas at something like 106 or
12 107?

13 THE WITNESS (Vergati): Yes. The carriers
14 are using typical 8-foot antennas. We would like to
15 keep the tip of the antenna flush with the top of the
16 tower, so, yes, 106 would be an appropriate center
17 line.

18 MR. PERRONE: Thank you, Mr. Vergati. I'm
19 going to move be on to a visibility topic for
20 Mr. Libertine. Is the proposed project located within
21 a national heritage corridor?

22 THE WITNESS (Libertine): No, it is not.

23 MR. PERRONE: Next, I'd like to ask you
24 about the crane test that was performed on April 17,
25 2019. My question is: How long was the crane up? I

1 mean, a number of hours? All day?

2 THE WITNESS (Libertine): The better part
3 of a day. I'd say between four and five hours, maybe
4 a little longer. Enough time so that we had the
5 opportunity to drive all of the local and state roads
6 within a two-mile vicinity.

7 MR. PERRONE: And turning to the
8 late-filed exhibits, late-filed B, which has
9 visibility of the neighborhood, my question is: Could
10 you explain how that visibility modeling was
11 performed?

12 THE WITNESS (Libertine): Certainly.
13 Similar to what we present in our visual reports, we
14 do a computer model that includes building essentially
15 a digital surface model that has photographic
16 elevation derived from LIDAR information, so that's
17 flown; that's very accurate. And then on top of that,
18 we use land-use data, as well as the LIDAR itself,
19 which allows us to understand the representations of
20 points, either on the ground, trees, structures, so we
21 have accurate heights of all those points. Those are
22 all meshed together into this model, and then what
23 we're able to do is understand from the top of the
24 tower where you might be able to see out onto the
25 landscape, so it's a little bit of an ingrowth process

1 of how we actually present it. Instead of the viewer
2 being in a particular location and looking back at the
3 tower, this is actually as though we were on the very
4 tip of the tower looking back down onto the landscape.
5 It essentially does the same thing, but it's exactly
6 the same model that we use as part of the overall
7 visual assessment. The only difference here is that
8 we're relying strictly on computer modeling.

9 Actually, I take that back. This was actually derived
10 after we field reviewed the work based on the crane
11 test, so the same footprint that is presented in the
12 visual report, in this case we overlaid the parcel
13 data so we could understand over what properties we
14 might have an affinity over, and obviously, we were
15 not able to confirm areas on private property and on
16 the school.

17 MR. PERRONE: Were you able to refine your
18 model with the crane data?

19 THE WITNESS (Libertine): We did, we did
20 refine. But, again, we relied solely upon the
21 modeling, whether we were on private property or
22 property that allowed access to us.

23 MR. PERRONE: In the transcript on
24 page 21, Mr. Vergati had mentioned that he had
25 conversations with the property owner regarding

1 additional plantings to the south. These plantings,
2 hypothetically, would be between the proposed facility
3 and the property owner's driveway. Looking at the
4 visibility map that was prepared in late-filed
5 Exhibit B, would putting additional plantings between
6 the facility and the property owner's driveway
7 materially affect the fuchsia?

8 THE WITNESS (Libertine): No, it would
9 not.

10 MR. PERRONE: Is that because the trees
11 would be more around the compound than the top itself?

12 THE WITNESS (Libertine): Precisely. So,
13 it would help to view some of the lower portions of
14 the facility, primarily the stockade fence, but it
15 would not -- from an overall standpoint, it would not
16 do anything to really -- I'll take that back. It
17 would be some benefit to anyone who was driving to the
18 end of the cul-de-sac; that would also screen some
19 views, but certainly from an overall standpoint, it
20 would have a minimal effect.

21 MR. PERRONE: And just visually or
22 aesthetically, what is the difference between a
23 shadowbox fence and a standard stockade fence?

24 THE WITNESS (Libertine): I'll let
25 Mr. Burns respond to that, only because he's more of

1 an expert on that and I might misstep by saying the
2 wrong thing.

3 THE WITNESS (Burns): A stockade fence is
4 typically wooden boards that are butted up together.
5 A shadowbox fence has more of a separation, so kind of
6 more of a board-on-board fence, if you will. It's got
7 a nicer look to it, at least in my opinion.

8 MR. PERRONE: And my last question is also
9 to Mr. Burns.

10 THE WITNESS (Burns): I'm sorry. There is
11 a detail of it in the drawing.

12 MR. PERRONE: Yes. At the last hearing,
13 on page 94 of the transcript, there was some
14 discussion about an existing tower structure at
15 St. Luke's, perhaps with a radio station. Are you
16 familiar with that at all, Mr. Burns?

17 THE WITNESS (Burns): I'm not.

18 MR. PERRONE: Thank you. That's all I
19 have.

20 MR. SILVESTRI: Thank you, Mr. Perrone.
21 I'd like to continue cross-examination of the
22 applicants by Mr. Morissette.

23 CROSS-EXAMINATION

24 MR. MORISSETTE: Thank you, Mr. Silvestri.
25 I'll start with Mr. Burns since he was seated.

1 THE WITNESS (Burns): Yes, sir.

2 MR. MORISSETTE: Good afternoon.

3 Mr. Burns, you testified that the towers are designed
4 not to fail, and I'm assuming that they're designed
5 for events such as, as you stated, earthquakes,
6 hurricanes, and tornadoes, those types of events. You
7 also touched upon building codes. I'm assuming within
8 those building codes that you're designing to certain
9 wind speeds?

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

11 MR. MORISSETTE: What wind speeds are you
12 designing to?

13 THE WITNESS (Burns): For Fairfield
14 County, I don't know the answer offhand. I certainly
15 can get that for you.

16 MR. MORISSETTE: So it varies by county?

17 THE WITNESS (Burns): It does vary by
18 county, yes. It's built into the DIA regulations.

19 MR. MORISSETTE: So this specific tower is
20 designed for certain --

21 THE WITNESS (Burns): Wind speeds and wind
22 gusts.

23 MR. MORISSETTE: For this county?

24 THE WITNESS (Burns): Correct.

25 MR. MORISSETTE: Is it the entire tower or

1 is the base different than the upper portion relating
2 to wind speeds or are they the same?

3 THE WITNESS (Burns): Well, it's the
4 entire tower, but obviously, you know, the top where
5 the antennas are, there tends to be more surface area
6 there, so that would be more used in the design, but
7 it is for the entire tower.

8 MR. MORISSETTE: Okay. And this would be
9 in full compliance with building codes and those wind
10 speeds?

11 THE WITNESS (Burns): Yes, sir.

12 MR. MORISSETTE: Okay. I'm not sure if
13 this question is for you, I think it is, but if the
14 setback was moved to the 50 feet for Planning &
15 Zoning, would you change your yield point?

16 THE WITNESS (Burns): The yield point is
17 based on the proximity to the closest property, so if
18 we moved it 50 feet off the closest property line,
19 that yield point would go from 38 feet from the top to
20 50 feet from the top.

21 MR. MORISSETTE: Okay. So it would still
22 be designed to collapse within feet or inches of the
23 property line?

24 THE WITNESS (Burns): The subject parcel,
25 correct.

1 MR. MORISSETTE: Okay. But it would be
2 designed such that it would not cross the property
3 line into the abutting property?

4 THE WITNESS (Burns): That is correct.

5 MR. MORISSETTE: And in consideration of
6 the property, the house on the property that is, would
7 that affect your yield point? Probably not.

8 THE WITNESS (Burns): No. I believe that
9 house, I want to say, is 165 from the tower, so it
10 probably wouldn't affect it at all.

11 MR. MORISSETTE: Okay. Very good. Those
12 are all the questions that I have. Thank you.

13 MR. SILVESTRI: Thank you, Mr. Morisette.
14 I'd like to continue with Mr. Harder.

15 CROSS-EXAMINATION

16 MR. HARDER: Thank you. Actually,
17 following up on the question that Mr. Morisette just
18 asked, with a yield point designed at the same
19 distance from the top that the tower is from the
20 property line, I guess that presumes that if the tower
21 does fail, it falls no farther than the property line.
22 Have you ever seen situations where a storm or wind
23 speed is so extreme that the tower separates at the
24 yield point and then might fall, still fall into the
25 adjacent property?

1 THE WITNESS (Burns): I have personally
2 not seen that.

3 MR. HARDER: So the expectation is, while
4 the tower may yield, I guess, or collapse, that
5 there's still some physical connection?

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

7 MR. HARDER: Okay.

8 THE WITNESS (Burns): In addition, there
9 are multiple cables inside the tower from the carriers
10 as well, so those would act like an anchor, if you
11 will.

12 MR. HARDER: Okay. Thank you. That's
13 helpful. My next question is a follow-up. I believe
14 Mr. Rosow asked a couple of questions on WiFi Calling.
15 I'm not sure who the best person is for this, but my
16 question is: Can anyone with a cellphone make a Wi-Fi
17 call?

18 THE WITNESS (Lavin): If it's a smartphone
19 that's compatible with Wi-Fi and the security on the
20 network in question and the network has the bandwidth
21 to serve it and the signal strength, generally
22 speaking, yes.

23 MR. HARDER: Okay. All right. So say
24 everyone passes those tests, and I'm not sure how
25 difficult those tests are, but say everyone passes

1 those tests, are there -- what are the roadblocks,
2 then, to actually using a cellphone or Wi-Fi? What
3 situations might occur that would prohibit the use of
4 that cellphone that still has passed all those tests?

5 THE WITNESS (Lavin): The most common will
6 be a power outage. In all likelihood, when the power
7 goes out, the Wi-Fi network shuts off and disappears
8 on you; so when you need it the most, it's gone.
9 That's probably the most common. Then there's lack of
10 coverage. I don't know the details of their system;
11 it's likely covered strongly within the building, but
12 once you get outside, Wi-Fi is down-linked from the
13 site to the pole, it's a very low-power system, it
14 won't reach very far. Outside my house, and Wi-Fi is
15 gone by the time I get to the curb. There's no
16 coverage over the whole area. Also, a cable outage,
17 prevent calls from the rest of the phone network to
18 call people, either within the Wi-Fi system, you have
19 to go back to the switch and back to the Wi-Fi system
20 again. If you lose your most likely cable or other
21 Internet connection, high-speed bands, nothing works
22 there either.

23 MR. HARDER: Okay. So Wi-Fi calls, you
24 can't make a Wi-Fi call from your vehicle?

25 THE WITNESS (Lavin): No. You'd have to

1 have -- well, there are some vehicles that have Wi-Fi,
2 but that Wi-Fi connects back to a commercial network
3 like AT&T or Verizon. You think you're making a Wi-Fi
4 call, but it's just masquerading as a Wi-Fi call.

5 MR. HARDER: But would that kind of call
6 still function if the cell service wasn't -- the cell
7 service, the kind you're talking about providing here,
8 wasn't provided or wasn't adequate?

9 THE WITNESS (Lavin): If there's no
10 cellphone service in that vehicle, there's no Wi-Fi
11 connection to the rest of the world.

12 MR. HARDER: Okay. Thank you. My last
13 question is concerning communications with the
14 neighbors. I'm not sure who the best person is for
15 that. There were a few questions -- this, I think,
16 came up related to the photographic -- the visibility
17 analysis and photographs related to that, but also
18 just generally communications with the neighbors, and
19 it's come up in other situations also. But there were
20 several questions asked about whether or not you had
21 contacted the neighbors or asked them permission to go
22 on their property, and I think in all cases or almost
23 all cases, the answer was no. My question is: Why
24 don't you? I can understand that perhaps in some
25 cases, there may be a fear of getting the answer you

1 don't want, but I guess separate from that, why don't
2 you ask the neighbors for permission to go on their
3 property?

4 THE WITNESS (Libertine): This is Mike
5 Libertine. Since we're the ones who typically are
6 responsible for obtaining photographs during crane
7 tests or balloon floats, it might be more appropriate
8 for me to answer. We have on occasion entered onto
9 private properties; that is typically when there is a
10 public notice float on a weekend or another time that
11 everyone has been made aware of it, and we usually do
12 that through the attorneys, so there is some paperwork
13 involved from a liability standpoint. But primarily,
14 most of our work is done privately, and part of that
15 is already in the process. One of the reasons we do
16 that is so we can understand what the overall
17 visibility is going to be. There have been cases
18 where I've worked with clients, including Homeland,
19 and expressed my concerns over visibility and issues
20 associated with tower placement or more specifically
21 tower height typically, and so it's just a norm of the
22 business to go out and do some independent work prior
23 to making a site public. That's really 99 percent of
24 the cases the way it's conducted.

25 MR. HARDER: Understood, I guess. But I

1 guess, you know, someone was asking a question, I
2 think it might have been Attorney Cannavino, about,
3 you know, the location being as preferred by the
4 property owner, but there were no questions asked as
5 to what the preference might be for the neighbors.
6 Obviously, in some cases, maybe all, I don't know, the
7 preference would be no tower, but short of that, you
8 know, without talking to them, you don't know what
9 their preference might be in terms of alternate
10 locations on that property. So, you know, why not ask
11 those questions, or at least attempt to ask those
12 questions?

13 THE WITNESS (Libertine): Well, I'm not
14 sure we're going to get a lot of input. As you
15 suggest, I would imagine most people would probably
16 say, We don't want it anywhere on that property if I
17 can see it. But I think Mr. Vergati's statement about
18 working with the property owner and the property
19 owner's preference may be taken a little beyond what
20 he meant. I don't want to put words in his mouth, but
21 I know in this case, we were asked about placement
22 when we saw where this was going, and from my personal
23 perspective, I felt this was appropriate for a number
24 of reasons. One, we are essentially in the woods, so
25 we can do as much screening as possible. And we have

1 balance, proximity to other properties. There is a
2 property directly across the cul-de-sac to the west
3 that if we were to move this to the south toward
4 Mr. Richey's house, we'd open up those views more than
5 they are today and likely would be increased
6 visibility for that particular neighbor, who happens
7 to be one of the closer neighbors. It's a balancing
8 act trying to find appropriate locations on any
9 parcel, especially when you have one that only has so
10 much acreage on it. So, again, we're trying to
11 balance all those needs and take advantage of what's
12 there today. Asking the neighbors, if we did that, we
13 could get six different answers and still might be
14 back at the same spot.

15 MR. HARDER: Okay. Thank you. That's all
16 the questions that I have. Thank you.

17 MR. SILVESTRI: Thank you, Mr. Harder. We
18 also, later on today, will have the appearance by the
19 Soundview Neighbors Group, Mr. Harder, if you have
20 questions specific to them to continue your line of
21 thought, there will be an opportunity later on.

22 I would like to continue cross-examination
23 by Council members at this time with Mr. Hannon.

24 Mr. Hannon, are you still with us?

25 MR. HANNON: (No response.)

1 MR. SILVESTRI: I do have Mr. Hannon on my
2 screen; I just don't hear or see him at this point.
3 Let me pass on Mr. Hannon for the time being and move
4 to Ms. Guliuzza.

5 MS. GULIUZZA: Thank you, Mr. Silvestri.
6 I don't have any questions.

7 MR. SILVESTRI: Thank you. I'll move to
8 Mr. Eldelson before I come back to Mr. Hannon.
9 Mr. Eldelson.

10 CROSS-EXAMINATION

11 MR. EDELSON: My question is really, I
12 guess, a radio frequently question, and it related to
13 this wireless or I should say Internet calling or WiFi
14 Calling. Specifically, how compatible is that with
15 the FirstNet concept that we heard described at the
16 original hearing? Is that consistent with FirstNet?
17 Does it address the incorporation or integration of
18 WiFi Calling?

19 THE WITNESS (Lavin): FirstNet, to the
20 best of my knowledge, does not. I think with WiFi
21 Calling, depending on the campus, the first responders
22 would show up and in all likelihood not be able to
23 communicate with anyone except inside the building if
24 the power still happened to be on. There are multiple
25 clear scenarios when first responders have to come to

1 campus, the building may not be accessible or the
2 power might be off for a number of reasons. This is
3 intended to be an independent system with backup power
4 and its own connections to give them priority. Also,
5 they wouldn't have any priority on a Wi-Fi system.
6 They could access if they had all passwords and
7 everything all set ahead of time. This is priority
8 access for them to basically from this spectrum move
9 to the head of the line for their communications and
10 not get caught in the congestion to attend some sort
11 of event on campus.

12 MR. EDELSON: Thank you for that answer.
13 I guess my next question, in a sense a comment, would
14 be for Mr. Vergati.

15 THE WITNESS (Vergati): Yes, sir.

16 MR. EDELSON: As you can obviously tell,
17 for us Council members, the aesthetic balance and
18 balance of aesthetics versus the public need is
19 probably critical to what we're doing, and there's
20 been some discussion about your attempt to do some
21 photographing from the St. Luke's site, and obviously,
22 it didn't work out the first time, so I would just
23 make a comment to say that I think you've heard some
24 things today that said or say with a little bit of
25 warning, something could be worked out, and I think

1 having more visual evidence for us about what the
2 tower would look like would be beneficial for the
3 Council members. That's obviously your decision about
4 what you want to bring forward. With that,
5 Mr. Chairman, it's the end of my questions.

6 MR. SILVESTRI: Thank you, Mr. Eldelson.
7 I believe Mr. Hannon has rejoined us. Mr. Hannon.

8 CROSS-EXAMINATION

9 MR. HANNON: I don't want to cast any
10 aspersions, but I have AT&T service and my call got
11 dropped. I do have a couple of questions. One of the
12 things that's come up in the discussions is 1160 South
13 Ridge Road, and I'm just curious from the applicants'
14 perspective, how good of a site is that compared to
15 the site that you're currently looking at?

16 THE WITNESS (Vergati): Are you asking the
17 question from an RF perspective, a visual --

18 MR. HANNON: Primarily the RF.

19 THE WITNESS (Lavin): There's no
20 hard-and-fast location height and everything else
21 established, so it's difficult to say in terms of
22 AT&T. From the thoughts you've seen, they are
23 solutions to two different problems. AT&T's problem
24 currently they're addressing is the area around the
25 proposed site. The Smith Ridge site would cover

1 different areas. They're not mutually exclusive in
2 any way. They address two different areas.

3 MR. HANNON: Okay. I'm just curious about
4 the two sites simply because 1160 has been brought up
5 on a number of occasions. I'm not sure, but you may
6 be the one to answer this question. I'm looking at
7 the current coverage maps that are in here behind
8 Tab 1, and I'm curious as to whether or not NY 2145,
9 is this the New York tower that has been discussed?

10 THE WITNESS (Lavin): Yes.

11 MR. HANNON: And then also looking at that
12 same map, it looks as though there is just a little
13 bit of coverage below where the proposed CT 652, I
14 guess it is, is located, and I'm just wondering, below
15 that area on Soundview Lane, it appears as though
16 there's maybe a little bit of coverage. I'm just
17 wondering, can you make an educated guess as to what
18 tower that coverage might be coming from, whether or
19 not it's the New York tower or one of the two
20 Connecticut towers shown on the map?

21 THE WITNESS (Lavin): There are three
22 primary candidates: NY 2145, 2282, and CT 2841. I
23 don't know offhand which one that's coming from.

24 MR. HANNON: So it is theoretical that it
25 could be coming from New York, correct?

1 THE WITNESS (Lavin): It is possible. It
2 seems more likely to be from 2282 or 2841, but I'm not
3 exactly sure.

4 MR. HANNON: Okay. That's fine. This is
5 just a general question to the applicant. I believe
6 that there's language that says the applicant will be
7 responsible for maintaining the pipes and all that in
8 the easement that runs along the proposed facility, so
9 I'm wondering if you're aware of whether or not there
10 are any encumbrances based on the easement in that
11 area that might prevent them from planting any type of
12 shallow-root landscaping, seeing as how they are the
13 ones responsible for maintaining the pipes should
14 something happen. Is that a possibility if there is
15 not a restriction, the easement, that they could
16 possibly utilize that area for some landscaping and
17 keep it entirely on that site?

18 THE WITNESS (Vergati): My understanding,
19 the reinforced concrete pipe is roughly 8 to 9 feet
20 below grade. We have proposed access through that
21 easement. I don't think it would be feasible to put
22 landscaping over the pipe, nor would it be prudent,
23 because of the root systems growing into the pipe and
24 so forth, so we'd like to keep it open, and it's been
25 open. There's no trees that have been planted there.

1 It's pretty much a swamp that's kind of open at this
2 point.

3 MR. HANNON: I'm just asking you if that
4 might be a possible alternative should this go forward
5 and you cannot work out something with St. Luke's, is
6 that a possibility?

7 THE WITNESS (Vergati): I'd have to
8 discuss it internally, discuss it with the Town. I
9 would like to mention as well, and maybe St. Luke's
10 can speak to this, I believe St. Luke's may have
11 recently done some plantings, some screening on their
12 property right now that stands today; I don't know
13 that for sure. So there may have been some screening
14 already put in by St. Luke's on the property, but I
15 don't know that for sure.

16 MR. HANNON: Okay. That's all I have.
17 Thank you for your patience.

18 CROSS-EXAMINATION

19 MR. SILVESTRI: Thank you, Mr. Hannon. I
20 have a few follow-up questions from -- I guess mostly
21 from the ones that Mr. Perrone had asked. Let me
22 start with Mr. Lavin. Mr. Perrone had asked you about
23 errors in modeled coverage, if you will, and I'm not
24 sure if I received your answer correctly, so I'm going
25 to pose a similar question to you. If you do your

1 modeling and you come up with a certain area that
2 you're going to cover with a proposed tower and you
3 build a tower, but the reality of the whole thing is
4 wrong, that somehow you're missing coverage in a
5 certain area that you thought you were going to have
6 it, how do you make up for what I'll call that error
7 and what you predicted versus what is reality?

8 THE WITNESS (Lavin): It's basically known
9 in terms of optimization, perhaps the -- oftentimes, a
10 site is configured based on the models, down cells, we
11 call them, to reduce -- almost like opening and
12 closing an umbrella, to open up coverage and close it
13 down. Those are the sorts of things we do to try to
14 rectify the things that didn't turn out quite the way
15 we hoped they'd be done continuously. Turn up
16 probably once or twice a year, at least, to survey the
17 coverage and make adjustments to how the site is
18 configured to improve service.

19 MR. SILVESTRI: So is it a question of,
20 say, reorientating your antennae or possibly trying to
21 boost the signal or both of those and something else?

22 THE WITNESS (Lavin): We may change
23 antenna models for lower or higher gain. We may
24 change the azimuth. We're running full power, so
25 there isn't any more power from the radio that we

1 could use. Change azimuth, change down fields to
2 bring the beam onto the area we wanted to overshooting
3 or undershooting it; either one could be responsible
4 for not having coverage.

5 MR. SILVESTRI: All right. And from your
6 experience in doing this through the years, has
7 anything fallen flat, such that you predicted a
8 certain coverage in the area and all the sudden you
9 might be 20 percent or more off that you couldn't
10 correct it?

11 THE WITNESS (Lavin): Very unusual. I
12 mean, we're human. Every system like this is
13 extremely complicated and those kind of things can
14 happen, but we've got very experienced people to keep
15 the possibility of such things to an absolute minimum.

16 MR. SILVESTRI: All right. Let me go back
17 to this Wi-Fi business, because I'm still confused
18 about that part, and I think this still might be for
19 Mr. Lavin. I'm familiar with a lot of vehicles that
20 are on the road right now that are receiving
21 over-the-air updates to update their computers. Do
22 you know how that over-the-air update process takes
23 place? Is it through Wi-Fi or some other means?

24 THE WITNESS (Lavin): I'm fairly certain
25 that is from public networks, because you couldn't

1 ever predict when a vehicle could get close enough to
2 a Wi-Fi independent of the people out in the garage
3 that would actually get the update. I believe they're
4 carried over the public mobile carriers like AT&T and
5 Verizon.

6 MR. SILVESTRI: As opposed to a Wi-Fi
7 situation?

8 THE WITNESS (Lavin): Yes. You'd have to
9 be very close in there. You'd have to have access to
10 it. There would be a lot of things that could be
11 greatly delayed or they could never happen.

12 MR. SILVESTRI: Is there a satellite
13 component to that as well, to updates in vehicles,
14 that you're aware of?

15 THE WITNESS (Lavin): It is possible. I
16 don't know for sure. I'm not -- it depends on the
17 size of these things. There may be different ways.
18 You're looking at a satellite receiver, but to really
19 get a data stream from the satellites, you're probably
20 looking more extensive of an antenna than the vehicle
21 would have.

22 MR. SILVESTRI: Just to complete my train
23 of thought or my line of questioning on this one, GPS,
24 how is GPS communicated or activated?

25 THE WITNESS (Lavin): For vehicles?

1 MR. SILVESTRI: Yes.

2 THE WITNESS (Lavin): There's a GPS
3 receiver, much like the one in your phone, or if
4 you're out long enough -- the separate GPS that people
5 used to have in their cars and plug into their
6 cigarette lighters. There's no -- that is a one-way
7 communication. The satellites -- when you first turn
8 it on, you get what's called an almanac based on where
9 you are that tells the receiver where the satellites
10 are currently. The receiver starts to sort out the
11 satellites; there are 24 of them up at any given
12 moment. The almanac is downloaded from the first,
13 that's a roadmap to find the others, and right after
14 that, you acquire the other satellites, you find them.
15 Basically, you receive all their signals and the
16 receiver is off.

17 MR. SILVESTRI: So it's a satellite
18 function, as opposed to a Wi-Fi function or a cellular
19 function?

20 THE WITNESS (Lavin): One-way very
21 specific system; not a wide-band system at all. Each
22 satellite repeats a relatively small stream of data.
23 The system determines your location based on the
24 timing among the satellites more than anything else.
25 The different arrival times from the satellites, since

1 you know where they are from the almanac, the timing
2 among the satellites tells you -- one satellite will
3 tell you that you're a certain distance on the sphere;
4 two satellites will settle it down to circle where the
5 two spheres intersect; and the third one will get you
6 two answers, one of which should be on the earth, the
7 other one won't be.

8 MR. SILVESTRI: But, again, all satellite?

9 THE WITNESS (Lavin): That's your minimum.

10 MR. SILVESTRI: Thank you. I believe the
11 next question I had was to Mr. Burns, and this goes
12 back into the wind speed aspect of it that one of our
13 Council folks had asked. The basic question I have
14 for you is: Is the wind speed built into the building
15 codes for whatever municipality you might be in in the
16 state of Connecticut?

17 THE WITNESS (Burns): Typically, the
18 building codes reference the state building code, and
19 in some cases, the state building code references the
20 national building code, but the wind speed is dictated
21 in the overall power design code, which is the
22 TIA/EIA-H; I think it's H has been adopted. And I
23 believe in Fairfield County, it's a 120-mile-an-hour
24 wind speed.

25 MR. SILVESTRI: Yeah, I was going say if

1 it was 120 as an example, but you might be proving me
2 right there, that the 120 would be taken into account
3 into the code that you mentioned and would fall in
4 with all the other building codes as well.

5 THE WITNESS (Burns): Correct. They tend
6 to reference each other.

7 MR. SILVESTRI: And the other question I
8 had for you goes back to the pile question Mr. Perrone
9 had asked you, and if I understood it correctly, the
10 control building would be now 11 feet off the concrete
11 pad, 11 feet off grade. Last time we discussed, I
12 had --

13 THE WITNESS (Burns): I believe I --

14 MR. SILVESTRI: -- 9-1/2 feet.

15 THE WITNESS (Burns): Well, we had 9-1/2,
16 and I believe I testified that they put it on stilts
17 because the cable ran underneath, but I was not sure
18 how high those stilts were. Since that time, I've
19 talked to AT&T and I've talked to the building
20 manufacturer, the cabinet manufacturer, and those
21 stilts are 18 inches high.

22 MR. SILVESTRI: So you're looking at the
23 aboveground top of that cabinet to be 11 feet?

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

25 MR. SILVESTRI: Okay. And again when we

1 talked the last time about this, the fence wasn't
2 going to be high enough to try to cover that. You
3 were talking about landscape plantings outside the
4 fenced area to try to hide it, if you will, and I
5 think with the increase in height, you'd be looking at
6 taller landscape?

7 THE WITNESS (Burns): Yeah, I believe, you
8 know, we could go 12-foot trees on the outside.

9 MR. SILVESTRI: Okay. I believe those are
10 the only follow-up questions I had for you. Attorney
11 Cannavino, we're almost right at your prediction. I'd
12 like to take a break at this point for about
13 15 minutes, coming back at 3:35. Would you have your
14 panel with you at that time?

15 MR. CANNAVINO: Yes, I'll endeavor to have
16 them. I'll email Mr. Camporine right now.

17 MR. SILVESTRI: Very good. I have 3:20.
18 Let's take a 15-minute break to 3:35 and then resume.

19 (Recess, 3:20 p.m. to 3:35 p.m.)

20 MR. SILVESTRI: I have 3:35 p.m. Before
21 we start, I just want to make sure we have everybody
22 back that we need at this point. Attorney Cannavino,
23 are you with us?

24 MR. CANNAVINO: I am with you.

25 MR. SILVESTRI: Super. Thank you.

1 Attorney Chiocchio, are you with us?

2 MS. CHIOCCHIO: (No response.)

3 MR. SILVESTRI: Attorney Chiocchio?

4 MS. CHIOCCHIO: (No response.)

5 MR. SILVESTRI: I'll come back to her in a
6 second. Mr. Rosow, are you with us?

7 MR. ROSOW: Yes, sir, I'm here.

8 MR. SILVESTRI: Thank you. Ms. Gabriele,
9 are you with us?

10 MS. GABRIELE: I am.

11 MR. SILVESTRI: Awesome. Thank you.

12 Attorney Chiocchio, are you with us?

13 MS. CHIOCCHIO: (No response.)

14 MR. SILVESTRI: Do we have Homeland
15 Towers, AT&T? I'll try again. Attorney Chiocchio,
16 are you with us at this point?

17 MS. CHIOCCHIO: I'm sorry, we're having
18 some technical issues.

19 MR. SILVESTRI: As soon as you get them
20 resolved, I'd like to continue. Attorney Chiocchio,
21 all set?

22 MS. CHIOCCHIO: Yes. Thank you.

23 MR. SILVESTRI: Thank you. Attorney
24 Cannavino, we're going to have the appearance by the
25 Soundview Neighbors Group, and will you present your

1 witness panel for the purposes of taking the oath?

2 And Attorney Bachman will administer the oath.

3 MR. CANNAVINO: I will. My witness panel
4 includes the following: Garrett Camporine, who is the
5 owner of 1160 Smith Ridge Road; Steven Sosnick, who
6 lives on Soundview Lane; Joseph Sweeney, who also
7 lives on Soundview Lane; and Hugh Wiley, who lives on
8 Soundview Lane.

9 MR. SILVESTRI: Thank you. Attorney
10 Bachman?

11 GARRETT CAMPORINE

12 STEVEN SOSNICK

13 JOSEPH SWEENEY

14 HUGH WILEY

15 Called as witnesses, being first duly
16 sworn (remotely) by Attorney Bachman, were examined
17 and testified on their oaths as follows:

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

20 Attorney Cannavino, could you begin by
21 verifying all exhibits by the appropriate sworn
22 witnesses?

23 DIRECT EXAMINATION

24 MR. CANNAVINO: I will do so.

25 Mr. Camporine, directing your attention to

1 your pre-filed testimony, to Exhibit 1 of your
2 pre-filed testimony, is that a letter dated April 8,
3 2020, to Lucia Chiocchio from John Cannavino?

4 THE WITNESS (Camporine): Yes, it is.

5 MR. CANNAVINO: And did you authorize me
6 to send this letter?

7 THE WITNESS (Camporine): I did.

8 MR. CANNAVINO: However, I do not
9 represent you, correct?

10 THE WITNESS (Camporine): That is correct.

11 MR. CANNAVINO: And attached as Exhibit 2
12 to your pre-filed testimony is a June 19th, 2020
13 letter sent to you from Homeland Towers via email?

14 THE WITNESS (Camporine): That is correct.

15 MR. CANNAVINO: Thank you. Mr. Wiley.

16 THE WITNESS (Wiley): Yes, sir.

17 MR. CANNAVINO: I'd like to go over with
18 you the exhibits attached to your pre-filed testimony.

19 First to Mr. Camporine, with regard to
20 your pre-filed testimony, now that you've been sworn,
21 are the statements contained in your pre-filed
22 testimony true and correct to the best of your belief?

23 THE WITNESS (Camporine): Yes, they are.

24 MR. CANNAVINO: Thank you. Mr. Wiley,
25 with respect to your pre-filed testimony, Exhibits 1,

1 2 and 3, are these photographs taken from different
2 locations on your property at the direction of the
3 proposed tower?

4 THE WITNESS (Wiley): They are.

5 MR. CANNAVINO: And Exhibit 4, is this a
6 photograph of a Homeland crane protruding above the
7 treetops?

8 THE WITNESS (Wiley): Yes, it is.

9 MR. CANNAVINO: And Exhibits 5, 6, 7, 8
10 and 9, are these photographs of other nearby
11 residences on Soundview Lane?

12 THE WITNESS (Wiley): They are.

13 MR. CANNAVINO: And turning to Exhibit 10,
14 is this the April 8, 2020 letter just referred to by
15 Mr. Camporine in his testimony?

16 THE WITNESS (Wiley): It is.

17 MR. CANNAVINO: And Exhibit 11, is this a
18 letter from Homeland to the owner of 1160 Smith Ridge
19 Road proposing a lease?

20 THE WITNESS (Wiley): It is.

21 MR. CANNAVINO: Thank you. Mr. Wiley,
22 lest I forget, are the statements contained in your
23 pre-filed testimony true and correct to the best of
24 your belief?

25 THE WITNESS (Wiley): They are all true

1 and correct to the best of my belief.

2 MR. CANNAVINO: Mr. Sweeney, directing you
3 to your pre-filed testimony, is Exhibit 1 a photograph
4 of your home?

5 THE WITNESS (Sweeney): It is.

6 MR. CANNAVINO: And Exhibits 2 and 3, are
7 these photographs taken at the direction of the
8 proposed tower from your front yard and bedroom
9 window?

10 THE WITNESS (Sweeney): Yes, sir.

11 MR. CANNAVINO: Exhibits 4, 5 and 6, are
12 these photographs of the proposed site in winter?

13 THE WITNESS (Sweeney): They are.

14 MR. CANNAVINO: Thank you. And lest I
15 forget, Mr. Sweeney, are the statements contained in
16 your pre-filed testimony true and correct to the best
17 of your belief?

18 THE WITNESS (Sweeney): They are.

19 MR. CANNAVINO: Mr. Sosnick, referring you
20 to your pre-filed testimony - I'm trying to trip you
21 up by going out of order - are the statements
22 contained in your pre-filed testimony true and correct
23 to your best of your knowledge and belief?

24 THE WITNESS (Sosnick): Yes, they are.

25 MR. CANNAVINO: And attached to your

1 pre-filed testimony as Exhibit 1, is that a photograph
2 taken in the direction of the proposed tower from your
3 master bedroom window?

4 THE WITNESS (Sosnick): Yes, it is.

5 MR. CANNAVINO: Thank you. The witnesses
6 have been sworn. I offer all of the exhibits that are
7 be attached to the pre-filed testimony.

8 MR. SILVESTRI: Thank you. Does any party
9 or intervener object to the admission of Soundview
10 Neighbors Group's exhibits? Attorney Chiocchio?

11 MS. CHIOCCHIO: No objection.

12 MR. SILVESTRI: Thank you. Ms. Gabriele
13 and Mr. Rosow.

14 MR. ROSOW: No objection.

15 MS. GABRIELE: No objection.

16 MR. SILVESTRI: Thank you. The exhibits
17 are admitted.

18 (Camporine Exhibit 1, 4/8/20 letter,
19 received in evidence.)

20 (Camporine Exhibit 2, 6/19/20 letter,
21 received in evidence.)

22 (Wiley Exhibits 1 through 9,
23 photographs, received in evidence.)

24 (Wiley Exhibit 10, 4/8/20 letter,
25 received in evidence.)

1 (Wiley Exhibit 11, letter from Homeland
2 to Mr. Camporine, received in
3 evidence.)

4 (Sweeney Exhibits 1 through 6,
5 photographs, received in evidence.)

6 (Sosnick Exhibit 1, photograph, received
7 in evidence.)

8 MR. CANNAVINO: May I suggest we first
9 make Mr. Camporine available for re-cross-examination?

10 MR. SILVESTRI: The way I was going to go
11 through it was starting with the Siting Council and go
12 through each of the members. We'll start with
13 Mr. Perrone. I don't know if we can actually single
14 him out and just go down the list, so if you could
15 bear with us, we'll try to do the best we can to
16 accommodate your person.

17 MR. CANNAVINO: Thank you, sir.

18 MR. SILVESTRI: Thank you. Mr. Perrone.

19 CROSS-EXAMINATION

20 MR. PERRONE: Thank you. I have some
21 questions for Mr. Sosnick.

22 THE WITNESS (Sosnick): Yes.

23 MR. PERRONE: Turning to your Exhibit 1
24 photograph, could you tell us where these trees are
25 located?

1 THE WITNESS (Sosnick): Those trees are to
2 the north of my property, and they would be -- that
3 would be the sightline to the proposed tower site.

4 MR. PERRONE: So the proposed tower would
5 be behind these trees?

6 THE WITNESS (Sosnick): Yes, sort of to
7 the right of the picture.

8 MR. PERRONE: And Item No. 6, you had
9 mentioned a direct line of sight, so that would be a
10 direct line of sight through the trees; is that
11 correct?

12 THE WITNESS (Sosnick): Yes. And as far
13 as we know, it would be above the treeline.

14 MR. PERRONE: Mr. Sosnick, were you aware
15 of the crane simulation on April 17, 2019?

16 THE WITNESS (Sosnick): Only after it
17 happened.

18 MR. PERRONE: So you don't know if it was
19 visible on your property?

20 THE WITNESS (Sosnick): No. We were not
21 asked.

22 MR. PERRONE: Okay. I have a few
23 questions for Mr. Sweeney.

24 THE WITNESS (Sweeney): Yes, sir.

25 MR. PERRONE: Exhibit 2 and Exhibit 3

1 photographs, these trees in Exhibit 2 and Exhibit 3,
2 are those the southern end of your property?

3 THE WITNESS (Sweeney): No. That would be
4 the northern end of my property, looking up towards
5 the proposed Richey cell tower.

6 MR. PERRONE: And the proposed tower would
7 be behind the trees?

8 THE WITNESS (Sweeney): Yes. If you see
9 the flagpole, use the flagpole as your sort of left
10 access, and then you'll see an oak tree that kind of
11 is closest to the cherry tree there. Based on the
12 drawings, it looks like that cell tower will be
13 between the flagpole and the oak tree.

14 MR. PERRONE: So the direct line of sight
15 would be through those existing trees?

16 THE WITNESS (Sweeney): That is correct.
17 And as recently as yesterday, I took another picture,
18 almost identical picture, full foliage, obviously
19 there's more foliage this time of year, but you still
20 will see the cell tower.

21 MR. PERRONE: Were you aware of the crane
22 simulation on April 17, 2019?

23 THE WITNESS (Sweeney): No. I heard about
24 it after the fact.

25 MR. PERRONE: Moving on to your Exhibits 4

1 through 6 photographs, were those taken standing in
2 the cul-de-sac?

3 THE WITNESS (Sweeney): They were, and it
4 was actually a sort of left to right. Based on the
5 drawings that were in the application, I took a
6 picture so you get to see the St. Luke's building, of
7 course, and then Exhibit 5 is a little bit more to the
8 right of that and that's where I believe their
9 driveway will go in, and where you see those clusters
10 of trees looks like where the compound will be built,
11 and then you see to the right where there is,
12 quote/unquote, other trees, but that is the southern
13 aspect of it that is on Mr. Richey's property, and
14 then you'll see down to my house. As you can see,
15 there will be quite of number of trees that will
16 ultimately be taken down.

17 MR. PERRONE: Thank you. Moving on, I
18 have a couple for Mr. Wiley. Mr. Wiley, your
19 Exhibit 4 photograph, which shows the top of the
20 crane, where was that photograph taken from?

21 THE WITNESS (Wiley): That photograph was
22 taken by my wife when she came home; at what point of
23 day, I don't recall. It's at the top of our driveway,
24 which would be in the same line of sight that
25 Mr. Sweeney just described as you look from his house,

1 you look virtually right across the top of our
2 driveway into the Richey property, so that would be
3 that line of sight.

4 MR. PERRONE: And your other photographs,
5 I believe there's a total of nine, so eight additional
6 ones, were taken on the same day or on a different
7 day?

8 THE WITNESS (Wiley): No, those were taken
9 in subsequent weeks or months in preparation for the
10 hearing. As you can see in Exhibits 1, 2 and 3,
11 showing a spring shot, a winter shot, a shot from a
12 window. It's important to note that we look right up
13 at the Richey property. We are well below grade from
14 the Richeys, which I believe will exasperate the
15 perceived height of this proposed tower. You can see
16 the Richey house on the left. The tower will
17 obviously be with a clear line of sight to the right.

18 MR. PERRONE: I'm all set. Thank you,
19 sir. I have no further questions for Soundview.

20 MR. SILVESTRI: Thank you, Mr. Perrone.
21 I'd like to continue cross-examination with
22 Mr. Morissette.

23 CROSS-EXAMINATION

24 MR. MORISSETTE: Thank you, Mr. Silvestri.
25 My first question is for Mr. Sosnick.

1 Your Exhibit 1, that's from your master bedroom and I
2 take it that's ground level?

3 THE WITNESS (Sosnick): That's a
4 second-story bedroom. It's also to the -- it's also
5 taken from the west side of my house, and actually if
6 I had a better picture, the east side of my house
7 would be a clearer view. But yes, that is from that
8 direction.

9 MR. MORISSETTE: So with that picture,
10 it's believed that you'll have a line of sight in the
11 right-hand corner of that picture above the treeline?

12 THE WITNESS (Sosnick): Yes. I also
13 believe I have one from my front lawn, but with the
14 summer foliage, it was not working out.

15 MR. MORISSETTE: From the first floor of
16 your residence, the line of sight is somewhat covered
17 by the treeline?

18 THE WITNESS (Sosnick): Yes.

19 MR. MORISSETTE: Thank you. Moving on to
20 Mr. Sweeney. One second. Mr. Sweeney, now, it
21 appears as though the pictures are being taken from
22 your front of your property, front of your house.
23 Were there any taken from the second-floor windows?

24 THE WITNESS (Sweeney): Yes, sir. Just to
25 give you a frame of reference, Exhibit 2 is looking

1 out my kitchen window.

2 MR. MORISSETTE: Exhibit 2. Oh, that's
3 from the kitchen window?

4 THE WITNESS (Sweeney): Yes, sir. And
5 Exhibit 3, that's outside my bedroom window.

6 MR. MORISSETTE: I see. And it would be
7 straight through -- right of the flagpole, straight
8 through the treeline?

9 THE WITNESS (Sweeney): That's correct.
10 And just to kind of put a point on this, can I bring
11 you, Mr. Morissette, to Exhibit 1?

12 MR. MORISSETTE: Sure.

13 THE WITNESS (Sweeney): This is the front
14 of our house, somewhat looking, I guess, like
15 southeast. The tree there on the front is a Norway
16 maple; they line all of Soundview Lane. A number of
17 these trees, unfortunately, are suffering from root
18 girdle, which is in effect the roots going around the
19 tree itself, the trunk of the tree, and literally
20 strangle it. The reason why I highlight that is in
21 one of the exhibits that was given by one of the
22 consultants, they show a lot of those trees that are
23 screening the proposed cell tower, and unfortunately,
24 when these trees die, that cell tower will be even
25 more exacerbated in terms of exposure on Soundview

1 Lane as a result of those trees unfortunately dying
2 because of the root girdle.

3 MR. MORISSETTE: Thank you for that. Now,
4 I'm going to move on to Mr. Wiley.

5 THE WITNESS (Wiley): I'm here.

6 MR. MORISSETTE: Thank you. Now, your
7 line of sight and your pictures are also from that
8 same vantage point if I'm seeing that right.

9 THE WITNESS (Wiley): Yes. My property is
10 down below both Mr. Richey and Mr. Sweeney. My
11 driveway runs like a fuel funnel, if you will, between
12 the properties and then opens up and broadens out
13 behind. So the view in Exhibit 1, I think the best
14 way to characterize it would be a northwestern view,
15 looking up and a little to the left.

16 I would also point out that the photos
17 here, they're taken from the front of the house.
18 You've asked some questions about main floor versus
19 master bedroom window. I don't have a picture from my
20 upstairs, but I will tell you that my line of sight is
21 even more direct from an upstairs view of the window.

22 I would also add that my line of sight to
23 the proposed tower is not only from the front lawn but
24 from the back lawn and the side lawn where we have a
25 pool, so we will see it from virtually every vantage

1 point out of our house.

2 MR. MORISSETTE: Thank you. That's very
3 helpful. Is there any location on the proposed
4 property site that would be satisfactory for you?

5 THE WITNESS (Wiley): Well, I think, as
6 was referred to in the hearing, you can't come down
7 towards me because the grade starts to come down. I'm
8 not a technician here, but I've heard that that will
9 affect the coverage of the tower. I would say that
10 moving the tower south, which addresses some of the
11 setback issues that you've heard in the hearing, I
12 don't think that helps or hurts. I think to the
13 degree that the elevation is the same, whether it's on
14 the St. Luke's property border or the setback is
15 honored and adhered to, they're one and the same,
16 because look, they're the same elevation. So for me
17 looking up at the property, we'll see both.

18 MR. MORISSETTE: Thank you. Mr. Sweeney,
19 same question: Is there any location on that property
20 that would satisfy you?

21 THE WITNESS (Sweeney): I don't know, to
22 be candid, because I haven't seen a balloon test to
23 get a sense of what it would look like.

24 MR. MORISSETTE: Thank you. And
25 Mr. Sosnick, how about you?

1 THE WITNESS (Sosnick): My answer is
2 essentially the same as Mr. Sweeney's. Without data,
3 it's hard to say.

4 MR. MORISSETTE: Thank you very much.

5 I'm going to move on to Mr. Camporine. In
6 your pre-filed testimony, you stated in the letters
7 that you needed a revenue stream that would cover your
8 mortgage and your taxes, and your original estimate
9 was that 4,000 would do the trick. Is that still the
10 case at this point, or am I mischaracterizing that?

11 THE WITNESS (Camporine): I think that was
12 one way of achieving the goal. Basically, it was to
13 cover mortgage, either through an income stream that
14 covered both mortgage and taxes, or basically a
15 lump-sum payment that would -- a sale, say, of the
16 annuity stream that could also either buy down the
17 mortgage or eliminate the mortgage and there be a
18 reserve for taxes.

19 MR. MORISSETTE: And at this point, you
20 are still interested in leasing the property at 1160
21 Smith Ridge?

22 THE WITNESS (Camporine): I'm interested
23 in entertaining offers, yes.

24 MR. MORISSETTE: Okay. And assuming there
25 were four carriers on the structure, and I think it's

1 in year four or five, it approaches -- starts to
2 approach the 3,000 per month, without negotiating this
3 in public here, does that get you closer where you
4 need to be?

5 THE WITNESS (Camporine): I'm not sure
6 what you're referring to. Are you referring to the
7 offer that was sent to me in June?

8 MR. MORISSETTE: Yeah, there was an offer,
9 and there was a table attached to it that said year
10 four or five, assuming four carriers on the structure,
11 that rents would be in the \$3,000 range, if I remember
12 correctly.

13 THE WITNESS (Camporine): Yeah.
14 Unfortunately, I'm not sure where those numbers have
15 come from, but they're not there based on any
16 particular evidence; they come out of thin air. The
17 issue is if that's the offer, that itself was not
18 sufficient.

19 MR. MORISSETTE: Okay. That's all the
20 questions I have. Thank you. Thank you all.

21 MR. SILVESTRI: Thank you, Mr. Morissette.

22 I'd like to move on now to Mr. Harder to
23 continue the cross-examination.
24
25

CROSS-EXAMINATION

1
2 MR. HARDER: Yes, thank you. I have a
3 couple of questions; actually, the same two questions
4 for each of the Soundview members. First is: Are you
5 satisfied with your cell service now? Is it adequate?

6 THE WITNESS (Sosnick): I'll go first.
7 Yes.

8 THE WITNESS (Sweeney): Yes.

9 THE WITNESS (Wiley): Entirely. I use my
10 cellphone every day for work and pleasure.

11 MR. HARDER: Okay. Was that everyone?

12 THE WITNESS (Sweeney): Yes?

13 THE WITNESS (Sosnick): Yes.

14 THE WITNESS (Wiley): Yes.

15 MR. HARDER: And my other question,
16 Mr. Morissette had asked, I guess, a specific version
17 of the question I was going to ask next, but I'll ask
18 it more generally. Is there another location on the
19 proposed property that would satisfy you, each of you?
20 And I think everyone pretty much answered no or didn't
21 have enough information to answer the question. My
22 more general question is: Are there any other
23 modifications, not best location, but any other
24 modifications to the proposal that would satisfy you
25 if a tower was going to be located there? Are there

1 any changes you would like to see?

2 THE WITNESS (Sosnick): I'll go first.
3 Without seeing an alternative design, it's not clear
4 to me whether the big tree or the monopole, which is
5 preferred by Planning & Zoning regulations, would be
6 aesthetically better. It's unclear which would be
7 more or less intrusive, because we really haven't seen
8 any proposal.

9 The base structure promises to be hideous.
10 Again, under Planning & Zoning rules, Mr. Richey
11 couldn't put a shed there, let alone a building the
12 size of a house, and so there are -- I believe there
13 are plenty of aesthetics that could be worked out,
14 but, again, without seeing alternatives, I can't say
15 with specificity whether one is better than the next.

16 THE WITNESS (Wiley): I would echo what
17 Steve said. This whole process, I feel, has been
18 deficient of visuals. We were given no advance
19 warning of a balloon test. We really don't have
20 enough to go on to be able to comment. I suppose that
21 there is no ideal location on this property for
22 myself. Again, I'm downgrade from the Richeys and the
23 height of the tower will be perceived as exasperated.
24 I agree with Steve. You know, the trade-off between a
25 monopole and a faux tree is really hard to judge. One

1 comes with the consequence of having to be higher, the
2 monopole, and the faux tree being lower. But
3 honestly, I can't respond to that because there's just
4 not enough to go on.

5 THE WITNESS (Sweeney): The only thing I
6 would add would be this: There are zoning rules that
7 have been well-thought-out and well-articulated for
8 this type of situation, and unfortunately, it's being
9 left to you, as the Siting Council, to interpret what
10 we're saying and what other people are saying, and
11 maybe you've taken in the zoning rules and maybe you
12 don't. We are the three homeowners, and this is our
13 biggest possession, and we like to think that the
14 people who crafted the zoning rules did it for the
15 purpose of protecting our investment, protecting the
16 aesthetics and the safety our neighborhood. So it
17 would be very nice to see a proposed mockup of what
18 the Richey cell tower would look like strictly
19 adhering to the Town's well-thought-out and
20 well-articulated rules.

21 THE WITNESS (Wiley): Including the proper
22 siting.

23 THE WITNESS (Sweeney): That's correct.

24 MR. HARDER: Thank you for those answers.
25 I just want to make sure. I think I mentioned the

1 posing questions were to the Soundview members. Now,
2 Mr. Camporine, actually, I'm not sure if you remember
3 or not, but if you wanted to answer those questions,
4 feel free.

5 THE WITNESS (Camporine): I am not a
6 member, and I have not seen any of the mockups.

7 MR. HARDER: So you're not in a position
8 to answer those questions?

9 THE WITNESS (Camporine): I am not.

10 MR. HARDER: Thank you. Those are all the
11 questions I have. Thank you.

12 MR. SILVESTRI: Thank you, Mr. Harder.

13 It'd like to continue with Mr. Hannon.

14 CROSS-EXAMINATION

15 MR. HANNON: Thank you. I do have a few
16 questions. First, again, I apologize if I
17 mispronounce your name, but Mr. Camporine, I believe
18 that based on what I read, your lot is 2.2 acres at
19 1160 South Ridge Road?

20 THE WITNESS (Camporine): Smith Ridge.

21 MR. HANNON: I'm sorry, yeah. Smith Ridge
22 Road, I'm sorry. But it's 2.2 acres?

23 THE WITNESS (Camporine): About 2.2 acres,
24 that's correct.

25 MR. HANNON: Do you know what the

1 underlying zoning requirements are for lot size there?

2 THE WITNESS (Camporine): I do not.

3 MR. HANNON: Many of the questions I have
4 are basically for all the parties. I'm not sure if
5 you want to -- I'll take them individually or I'll
6 just ask the question and get a response. Under the
7 current proposal, the applicant's shown potential
8 visibility of the cell tower and it's both near and
9 far, so would you agree, based on what the applicant
10 has submitted, that a number of residential properties
11 throughout the town are going to be able to see the
12 tower whether it's on-leaf or off-leaf conditions?

13 THE WITNESS (Sosnick): Yes, I think it
14 will be visible by many people.

15 THE WITNESS (Sweeney): I think the houses
16 that are across the street from St. Luke's School
17 definitely will see it, as well as those houses that
18 are on Briscoe Road, which is perpendicular to North
19 Wilton Road, will equally see it.

20 MR. HANNON: Is there somebody who didn't
21 respond?

22 THE WITNESS (Wiley): Yeah. I would just
23 concur with what Joe and Steve said.

24 The other thing to say here is when we
25 moved to this neighborhood, I wouldn't describe our

1 neighborhood or define our neighborhood as just within
2 the confines of our household. This is a community
3 street; people walk up and down it all the time. I
4 think to the degree that people view Soundview Lane as
5 their neighborhood, they're going to see it. This
6 street is used actively. Mr. Richey walks this street
7 in the same way that Mr. Richey notices what neighbors
8 do down the street, the opposite end of Soundview, the
9 people at the far end of Soundview, at the entrance of
10 Soundview are going to see the cell tower in the same
11 manner.

12 MR. HANNON: Okay. Thank you. The reason
13 I'm asking that question is because all three of you
14 state in your pre-filed testimony that 1160 Smith
15 Ridge Road is where a tower could be constructed that
16 would not be visible from any other residence. Can
17 you explain what you mean by that? I mean, it seems
18 rather unlikely that a tower going anywhere in town
19 would not be visible from any other residence.

20 THE WITNESS (Wiley): I'll start by saying
21 that the Camporine property is surrounded, I believe,
22 by 23 acres of land, part of that a conservation gave
23 the Town, some is Town-owned land; it's a heavily
24 wooded area. I do not believe it is a dense
25 neighborhood in the way that our quiet cul-de-sac is.

1 There obviously would have to be more work and
2 analysis done around what the height of that tower
3 would be over on the Camporine property, but from what
4 I know and what I've learned about that property, it's
5 a very different proposition placing a cell tower next
6 to a school in a densely populated cul-de-sac
7 neighborhood such as Soundview Lane.

8 THE WITNESS (Sosnick): The other thing
9 about Mr. Camporine's property is, it's on a state
10 highway road. It's a very main road. It has the
11 interesting advantage of being on a main road and yet
12 surrounded by acres of woods, which is a very unique
13 situation, so that is what leads us -- without doing
14 our own balloon test, which we can do, that's what
15 leads us to that conclusion.

16 MR. HANNON: Following up on that a little
17 bit, all of you say in your pre-filed testimony that,
18 "A cellular tower should not be constructed in a
19 residential neighborhood such as ours." Can you
20 please explain what you mean?

21 THE WITNESS (Sosnick): In all these
22 situations, you're basically -- a zoning premise is
23 that you separate commercial and residential, and so
24 what this is doing is plopping a commercial entity in
25 the middle of a residential area. The key would be to

1 do it in such a way to minimize, if you have to do it,
2 which I really don't think you -- I really think that
3 there are ways around this without having to set the
4 precedent in our town of one landowner on a street
5 basically encumbering all his neighbors by sticking a
6 private business -- this would be a business.

7 Sticking a private business that generates income in a
8 neighborhood that is quiet, residential, I think
9 that's a terrible precedent. There's a lien that
10 separates commercial from residential. This does not
11 do it, and it does it in a sense that it benefits one
12 neighbor at the expense of all the others. That is a
13 terrible precedent.

14 THE WITNESS (Wiley): And even though we
15 don't speak for St. Luke's School, they are friends of
16 ours. We have friends whose children have gone to
17 St. Luke's School. To state the obvious,
18 unfortunately, this tower is complicated by the fact
19 that not only is it in a densely populated cul-de-sac
20 neighborhood, but it is adjacent to a school. I know
21 that's obvious, but that feels like a double negative
22 to us.

23 THE WITNESS (Sweeney): In effect, we're
24 almost like shoe-horning a tower into an area where,
25 unfortunately, there's an awful lot of compromises

1 that need to be made that will have, potentially,
2 unintended consequences, and that's the reason why we
3 brought to your attention another piece of property
4 where a lot of those compromises and perhaps
5 unintended consequences aren't as evident or are
6 obviously mitigated given the fact that it is
7 surrounded by Town land or land-trust land which will
8 not be built on.

9 THE WITNESS (Wiley): I would also go back
10 to our counsel, Mr. Cannavino's remarks. Laying
11 precedence in examples under different administrations
12 in this town, where the Town looked very carefully and
13 very thoughtfully about the consequences and avoiding,
14 to Joe's point, those unintended consequences, and in
15 a case where they actually moved the tower, and in the
16 long run, they mitigated the situation and avoided a
17 lot of the negatives. I feel like we, as neighbors,
18 have tried to be responsible to look for an
19 alternative location that minimized the impact of the
20 cell tower not only to the neighborhood but to the
21 school. We've been very proactive in trying to bring
22 a solution to the table, as opposed to just
23 complaining about the problem.

24 MR. HANNON: I appreciate your answers.
25 My last question is specifically for Mr. Sweeney. In

1 your pre-filed testimony, you have a statement that
2 you understand that at June 26th, New Canaan
3 advertisers' meeting, the First Selectman stated
4 there's adequate coverage in the Soundview Lane area
5 due to the 140-foot cell tower located in vista
6 New York. Do you have any proof you can provide or
7 documentation you can provide to back up that
8 statement?

9 THE WITNESS (Sweeney): I do. I can share
10 with you the corroboration I had from someone who was
11 on the call and has confirmed that Mr. Moynihan made
12 that statement.

13 MR. HANNON: Thank you. I have no further
14 questions.

15 MR. SILVESTRI: Thank you, Mr. Hannon.
16 I'd like to move on to Ms. Guliuzza,
17 please.

18 CROSS-EXAMINATION

19 MS. GULIUZZA: Thank you. I just have one
20 question, and it's for each Mr. Sosnick, Mr. Wiley,
21 and Mr. Sweeney. You each indicate in your pre-filed
22 testimony, and I'm going to quote from that, "My wife
23 and I are gravely concerned that construction of the
24 proposed tower will adversely affect the natural and
25 rural character of our neighborhood, which is a quiet

1 and serene subdivision with abundant plantings, trees,
2 and wildlife." My question for each of you is if
3 there's anything else, besides what's been already put
4 on the record, which you would like the Council to
5 know with respect to that particular statement. And
6 Mr. Sosnick, would you like to begin?

7 THE WITNESS (Sosnick): Again, I guess, as
8 I alluded to before, we're putting an industrial
9 building in a neighborhood that abuts a school. We
10 can sugarcoat this all we want, but it's been referred
11 to as a bunker. So we're putting a bunker in a
12 neighborhood where most of the houses are colonial
13 houses.

14 Again, I'm going to urge the committee,
15 since the question came up, for you to come visit the
16 site. I know COVID has disrupted things. I strongly
17 urge that if you can work that in that you do so.

18 What we're going to be putting in is
19 essentially a small warehouse that makes noise into a
20 neighborhood that is otherwise quiet. The only noise
21 you hear are people doing their normal recreation, or
22 sometimes school having practice, or something like
23 that. These are the sounds of a quiet residential
24 neighborhood, not some constant roaring machinery from
25 an industrial building behind a stockade fence; that

1 is totally out of character with everything that
2 surrounds it.

3 MS. GULIUZZA: Thank you.

4 THE WITNESS (Wiley): I couldn't agree
5 more with what Steve says. This really bears a site
6 visit. I would grant all of you access to my land if
7 you do that. There's no doubt that we, at least, the
8 Wileys will see this tower, especially in the winter.
9 I would argue seven months of the year, as plain as
10 day, this tower will be highly visible to us. And,
11 again, I would say that this is a very active street:
12 people use it, they bike on it, they walk on it, they
13 walk their dogs. It's a beautiful, beautiful setting
14 here, and it's very unfortunate that this tower has to
15 be placed here, especially when it's creating so many
16 problems for a school that's been equally a neighbor
17 to all of us over the years.

18 THE WITNESS (Sweeney): I have nothing to
19 add over and above what Mr. Sosnick and Mr. Wiley have
20 stated.

21 MS. GULIUZZA: Thank you, Mr. Sweeney.
22 That's all I have, Mr. Silvestri.

23 MR. SILVESTRI: Thank you. I'd like to
24 turn now to Mr. Eldelson.
25

CROSS-EXAMINATION

1
2 MR. EDELSON: Thank you, Mr. Chairman.

3 With every one of these dockets, we get
4 the visibility analysis, and there's many caveats to
5 the visibility analysis, but it's really about the
6 best thing we have to understanding what the tower
7 will look like. From what I can tell in the pictures
8 Mr. Sweeney and Mr. Wiley have provided, you're not
9 taking exception to what's in the visibility analysis.
10 Maybe I should have first said, I don't think your
11 attorney, Mr. Cannavino, questioned the visibility
12 analysis. I would like to ask the two of you,
13 Mr. Sweeney and Mr. Wiley, do you feel there are gaps
14 or misrepresentations in the visibility analysis as
15 you review it in the docket?

16 THE WITNESS (Wiley): One aspect of the
17 visibility analysis that I would either challenge or
18 say I don't fully understand is the color coding,
19 which referenced visibility year-round versus partial
20 year. I think knowing and living as close to the
21 Sweeneys as I have over the years, regardless of how
22 much foliage you have on the trees, I know you can see
23 through gaps in those trees in the summer to that cell
24 tower. Again, if the Council is discounting the
25 visibility problem based upon foliage some months of

1 the year, notably the summer, I would say that that's
2 unclear without a balloon test. I will tell you that
3 there's a lot of foliage on the trees right now, but I
4 can look through the trees and I can tell you, I
5 walked to my house one day and said, Do you realize
6 Mr. and Mrs. Richey put a solar panel on the back roof
7 of their house? So I can see that. I believe that
8 solar panel was put on in the late spring or after the
9 foliage came on the trees. So, again, visibility
10 analyses are just that, analyses; I don't think they
11 bear witness to the real problem here.

12 MR. EDELSON: I think I got your drift
13 there. Mr. Sweeney, anything that you saw in the
14 visibility analysis that concerned you and caused you
15 to take additional pictures --

16 THE WITNESS (Sweeney): Yes.

17 MR. EDELSON: -- which obviously don't
18 have the advantage of showing us where exactly the
19 cell tower will be, so we have to surmise that, but
20 something drove you to take those pictures.

21 THE WITNESS (Sweeney): Yes. Thank you,
22 Mr. Eldelson. I'd never seen a visibility analysis
23 until I saw this package for the first time, and the
24 issue that I have with the visibility analysis is
25 who's taking the picture and their view of it. The

1 reason why I say that is that when we had a
2 pre-meeting with the Town Planning & Zoning, as well
3 as the selectmen back in November, there was a
4 picture, and it's actually in the application itself,
5 that shows the tower on the site itself, and that
6 picture shows the tree a little lower than the other
7 trees, and my first thought was, that's a bit
8 disingenuous because that shows the tower below the
9 treeline, in effect, when we know it's going to be
10 above the treeline. So the skeptic said, Well, if
11 that's what they're showing in the application, how do
12 I know that the pictures they're taking around the
13 surrounding area are equally fair and appropriate?
14 That's the reason I took additional pictures. Unless
15 I'm there with the photographer looking at it and
16 seeing it, I am concerned, just like in the
17 application itself, it shows the cell tower is below
18 the tree level today.

19 MR. EDELSON: Now, Mr. Sosnick, you're in
20 a little different situation. You've shown us a
21 picture, you have the visibility analysis, and
22 especially the addendum that we received as a late
23 filing seems to clearly show that your property is not
24 affected visibility-wise; yet, you showed us a picture
25 that looks up through trees. I'm wondering, what

1 expertise did you bring to your taking that picture
2 that would indicate that your view is better than the
3 visibility analysis provided by the consultant?

4 THE WITNESS (Sosnick): I'm a public
5 citizen. I don't have specific expertise, other than
6 to say that when I looked at the picture that
7 Mr. Sweeney referred to, it seemed a little
8 disingenuous that the tower was below the line.
9 There's a way to solve this and that is to have a
10 balloon test, which would make this -- right now, the
11 applicants are asking to be the first tower, to my
12 knowledge, to be approved without a balloon test.
13 Rather than speculating as to who's correct, how about
14 we get the evidence?

15 MR. EDELSON: So nothing further to add
16 about your picture and what we can surmise from that?

17 THE WITNESS (Sosnick): As far as I can
18 tell, I would be able to see through the treelines to
19 the tower. Having spent 20 years looking in that
20 direction out my bedroom window, that's my best
21 estimate.

22 MR. EDELSON: Thank you, Mr. Chairman. No
23 further questions.

CROSS-EXAMINATION

1
2 MR. SILVESTRI: Thank you, Mr. Eldelson.

3 I just had two quick follow-ups. A quick
4 question and probably a quick answer to Mr. Camporine.
5 There is a house on the property at 1160 Smith Ridge;
6 is that correct?

7 THE WITNESS (Camporine): That is correct.

8 MR. SILVESTRI: Perfect. Thank you.

9 The other follow-up I had, and we talked
10 about monopines and I heard the mono tower. I'm
11 curious as to the Soundview Neighbors' opinion that if
12 the proposed tower was in a different form, would it
13 be, how should we say, acceptable or more tolerable?
14 And the form I'm thinking of, and I don't know where
15 the -- I do know where the applicant would stand on
16 it, but I'm going to propose the question anyhow. If
17 this were changed from a monopine into a flagpole,
18 Mr. Wiley, what would be your opinion?

19 THE WITNESS (Wiley): It's hard to say,
20 because I do understand that a pole has the handicap
21 of having to be built higher, so I would like to --
22 going back to the balloon test and the site visit, I
23 would like to understand how much higher it would be
24 and what the siting would be. I will tell you this:
25 I have been surprised in looking at the monopole at

1 the New Canaan country club over the years, and over
2 the years, it has blended in a little better than I
3 thought it would, because it's brown and it's straight
4 up and there's not stuff hanging off of it. I'm not
5 an expert. I can't compare these things. I'd really
6 like to see it and analyze it further and see it side
7 by side, if we're offered that opportunity. I think
8 it's a very interesting question.

9 MR. SILVESTRI: Thank you for your
10 response. Mr. Sosnick, I'll pose the same question to
11 you, if you have anything further to add.

12 THE WITNESS (Sosnick): Mine is along
13 those lines. Without a rendering and without a
14 balloon test, all I can do is speculate. And, you
15 know, my experience with faux trees is the monstrosity
16 on the Hutchinson Parkway in Westchester; they've
17 assured us that it won't look like that. Without some
18 renderings of an alternative, it's really very
19 difficult to give a definitive answer.

20 MR. SILVESTRI: Very good. Thank you.
21 Mr. Sweeney, anything additional to add?

22 THE WITNESS (Sweeney): Just one nuance to
23 what Mr. Wiley and Mr. Sosnick were saying. I
24 requested this back in our November meeting with our
25 Town elected officials. It would be very nice if

1 there could be almost a model of what this would look
2 like, where we would know what trees are taken down,
3 what the screening would look like, and then you put
4 in the faux tree or you put in the pole. At least
5 that way, we have a visualization of how this would
6 look in the contours of the neighborhood; more
7 importantly, the impact it would have. I don't
8 think -- in a three-dimensional way, if I saw
9 something like that, then I would be able to have a
10 stronger appreciation or opinion to answer your
11 question more succinctly.

12 MR. SILVESTRI: Very good. Thank you.
13 Thank you all. I would like to move on to continued
14 cross-examination of the Soundview Neighbors Group by
15 the applicant's attorney. Attorney Chiocchio?

16 MS. CHIOCCHIO: Thank you. No questions.

17 MR. SILVESTRI: Attorney Chiocchio, I
18 couldn't hear you. There was some echo and whatnot
19 going on. Could you repeat that?

20 MS. CHIOCCHIO: Thank you. No questions.

21 MR. SILVESTRI: Thank you. I would like
22 to continue, then, going with the cross-examination of
23 the Soundview Neighbors Group by St. Luke's
24 School/St. Luke's Foundation, Ms. Gabriele and
25 Mr. Rosow.

1 MR. ROSOW: I have no questions for the
2 Soundview Neighbors Group. Thank you.

3 MR. SILVESTRI: Thank you, Mr. Rosow.
4 Ms. Gabriele?

5 MS. GABRIELE: No further questions.

6 MR. SILVESTRI: Very good. Thank you.

7 We're going to move on to the appearance
8 by St. Luke's School/St. Luke's Foundation. Thank the
9 Soundview Neighbors for your participation.

10 MR. CANNAVINO: May I please excuse
11 Mr. Camporine also?

12 MR. SILVESTRI: Oh, absolutely. Sure.

13 MR. CANNAVINO: Mr. Camporine, thank you
14 for attending.

15 MR. SILVESTRI: Thank you, Attorney
16 Cannavino.

17 Moving forward, Ms. Gabriele and
18 Mr. Rosow, I'm going to ask Attorney Bachman to
19 administer the oath.

20 JULIA GABRIELE

21 CHRISTOPHER ROSOW

22 Called as witnesses, being first duly
23 sworn (remotely) by Attorney Bachman, were examined
24 and testified on their oaths as follows:

25 MR. SILVESTRI: Thank you, Attorney

1 Bachman.

2 Mr. Rosow and Ms. Gabriele, you've offered
3 the exhibits listed under the hearing program as Roman
4 numeral IV capital B, Nos. 1 through 3 for
5 identification purposes. Is there any objection to
6 marking these exhibits for identification purposes
7 only at this time, Mr. Rosow and Ms. Gabriele?

8 MR. ROSOW: No objection.

9 MS. GABRIELE: No objection.

10 MR. SILVESTRI: Thank you. Mr. Rosow and
11 Ms. Gabriele, did you prepare or assist in the
12 preparation of Exhibit IV-B-1 through 3?

13 MS. GABRIELE: We did.

14 MR. ROSOW: Yes.

15 MR. SILVESTRI: Ms. Gabriele?

16 MS. GABRIELE: Yes, we did.

17 MR. SILVESTRI: Thank you both. Do you
18 have any additions, clarifications, deletions or
19 modifications to these documents?

20 MS. GABRIELE: No.

21 MR. ROSOW: No, we do not.

22 MR. SILVESTRI: Thank you. Are these
23 exhibits true and accurate to the best of your
24 knowledge?

25 MS. GABRIELE: They are.

1 MR. ROSOW: Yes.

2 MR. SILVESTRI: Thank you. And do you
3 offer these exhibits as your testimony here today?

4 MS. GABRIELE: We do.

5 MR. ROSOW: Yes.

6 MR. SILVESTRI: And do you offer these as
7 full exhibits?

8 MS. GABRIELE: We do.

9 MR. ROSOW: Yes.

10 MR. SILVESTRI: Does any party or
11 intervenor object to the admission of St. Luke's
12 School's/St. Luke's Foundation, Inc.'s exhibits?
13 Attorney Chiocchio?

14 MS. CHIOCCHIO: No objection.

15 MR. SILVESTRI: Thank you. Attorney
16 Cannavino?

17 MR. CANNAVINO: I didn't hear you.

18 MR. SILVESTRI: Do you have any objection
19 to the admission of these exhibits?

20 MR. CANNAVINO: No objection at all.

21 MR. SILVESTRI: Thank you. The exhibits
22 are admitted.

23 (St. Luke's Exhibits IV-B-1 through
24 IV-B-3, pre-filed testimony, received
25 in evidence.)

1 MR. SILVESTRI: I'll begin
2 cross-examination of St. Luke's School/St. Luke's
3 Foundation by the Council, starting with Mr. Perrone.

4 CROSS-EXAMINATION

5 MR. PERRONE: Thank you. Does the school
6 have an existing tower or structure with antennas for
7 use as a radio station?

8 THE WITNESS (Gabriele): We do.

9 MR. PERRONE: Is it correct to say that
10 it's not something under consideration for AT&T and
11 Verizon to put their antennas on?

12 THE WITNESS (Gabriele): No. It's an old
13 radio tower. It would never suffice for any kind of
14 cell use.

15 MR. PERRONE: That's all I had. Thank
16 you.

17 MR. SILVESTRI: Thank you, Mr. Perrone.
18 I'd like to continue with Mr. Morissette.

19 CROSS-EXAMINATION

20 MR. MORISSETTE: Thank you, Mr. Silvestri.
21 I'm curious as to how the school makes decisions
22 related to whether they support or not support a
23 particular situation. I understand that Mr. Rosow is
24 a member of the Board of Trustees, and Ms. Gabriele,
25 you're the Chief Financial Officer. Is there a

1 mechanism in which the school solicits for input and
2 comment as to where the school should stand on a
3 particular position?

4 THE WITNESS (Rosow): Before we talk about
5 mechanism, the school is an entity. It doesn't hold
6 an opinion; it's a school. An entity can't hold an
7 opinion. I believe what we're after here in this
8 particular case is merely ensuring that the laws and
9 regulations that surround us and our property are
10 upheld to the best extent possible. So it's not a
11 matter of opinion per se; it's a matter of maybe
12 showing that the law is followed. I'm not sure if
13 that answers your question.

14 THE WITNESS (Gabriele): I would agree
15 with Mr. Rosow that, you know, we are a school made up
16 of many families, many points of view. For us in this
17 proceeding, I think our feeling is very much that we
18 would want the laws that we have had to abide by when
19 it comes to building and screening and setbacks with
20 our neighbors, we would like our neighbors bound by
21 those as well.

22 MR. MORISSETTE: Well, what I'm trying to
23 get to here is, are these your positions that you're
24 both taking, or is there a board behind you that says,
25 Okay, you guys should go forward and represent the

1 school in this fashion?

2 THE WITNESS (Gabriele): Yes, I would say
3 that I'm authorized as an officer of the school. We
4 represent the school and the board. We've had
5 multiple conversations with both leadership teams and
6 our Board of Trustees and we represent them.

7 MR. MORISSETTE: That's very helpful.
8 That's what I was trying to get at. I didn't know the
9 structure in which the school operates. Thank you.

10 Now, we've talked about setbacks
11 associated with the facility and viewpoints associated
12 with the structure, and if the structure was moved
13 back 90 feet or 50 feet, would the property yield
14 point that would give the school comfort that it would
15 not -- or the border of the property, is that
16 something that would help the school be comfortable
17 with the tower on that property?

18 THE WITNESS (Rosow): I'll start.
19 Certainly, that would go a long way toward resolving
20 one of our concerns, if not compliance with the zoning
21 regulations, which requires setback to match that of a
22 primary structure and also to have a full-height fall
23 zone.

24 The hinge point, as we discussed earlier,
25 is something that I think deserves some examination.

1 I'm not quite certain that a hinge point is a
2 verifiable way of making sure that the tower does not
3 cross property lines should it fall in some
4 catastrophic event. The rear entrance to the school,
5 our emergency exit and access is through Soundview
6 Lane, and if that was blocked by a tower, for example,
7 in some sort of catastrophic event, that would be a
8 real concern to us. So moving to the tower to a
9 full-height fall zone and moving the facility to
10 comply with the zoning regulations would certainly go
11 a long way in relieving our concerns.

12 THE WITNESS (Gabriele): I would agree
13 with Mr. Rosow. I would say, too, my concern is more
14 that the fall zone is more than just the property
15 line. It's falling onto an area where we have
16 programming, where we teach, where I am out with kids
17 every single day. It's not just property; it's
18 actually where we run our programs, and kids are
19 regularly on that field. Again, I've mentioned this
20 before, now going into the age of COVID, we are
21 setting up outdoor classrooms. This is not just
22 property; it's actually programmatic for us.

23 MR. MORISSETTE: Thank you. Along the
24 lines of outdoor classrooms, are you planning on
25 temporary structures, tents?

1 THE WITNESS (Gabriele): We are. We are
2 erecting a tent, a small tent, and using the outdoor
3 space, even without a tent in good weather, for
4 classrooms to allow for social distancing.

5 MR. MORISSETTE: Thank you. Those are all
6 the questions I have.

7 MR. SILVESTRI: Thank you, Mr. Morissette.
8 I'd like to turn now to Mr. Harder to continue
9 cross-examination.

10 CROSS-EXAMINATION

11 MR. HARDER: Thank you. General
12 questions, I guess, that I asked of the neighbors.
13 First of all, from your personal perspectives and what
14 you know interacting with others at the school, what's
15 your opinion of the quality of the cell phone service?
16 Is it adequate?

17 THE WITNESS (Gabriele): I would say it
18 is. I've been at the school for over 30 years, and I
19 would say if you asked me that 10 years ago, I would
20 have said, You know, we've got challenges; there's
21 certain parts of the campus that you can get it better
22 than others; not that it was nonexistent. Since then,
23 I would say in the past 10 years, I have an interior
24 office in the middle of the school, and I am regularly
25 getting calls via cellphone, not just Internet, but

1 via cellphone. So I have not had a problem on campus,
2 I would say, at all for the past three to five years.

3 MR. HARDER: What do you hear from others?

4 THE WITNESS (Gabriele): It's mixed. I
5 think you have the reputation which has preceded
6 itself that, you know, there's no cell service up in
7 that area. When people are actually on campus, they
8 are getting calls and they are making calls. I feel
9 like it's been a little bit of an unfair reputation
10 from the past, not necessarily unfair, but we did have
11 cell service in the past; it has improved and people
12 are seeing that.

13 MR. HARDER: Thank you. Mr. Rosow?

14 THE WITNESS (Rosow): I would agree with
15 my colleague. I've only been on campus for five
16 years, but as a parent who in the pickup and dropoff
17 lines, on the fields, outside the school building more
18 often than I'm inside the building, I have never had
19 any problem with cell service or making a connection,
20 or getting text messages, or that sort of thing. It's
21 been acceptable and I really haven't thought of it. I
22 will say that my phone does log on to the Wi-Fi
23 network when we move into the building and it
24 automatically connects, and therefore inside the
25 building, I couldn't answer that question.

1 THE WITNESS (Gabriele): I would add that
2 we've added a cellphone policy because of disruption
3 in the classrooms, so kids are not permitted to have
4 their cellphones in the classrooms.

5 MR. HARDER: Thank you. Mr. Rosow first,
6 then I'll go to Ms. Gabriele. If the cell tower were
7 to be located on the proposed property, are there any
8 other modifications that you would prefer to see?

9 THE WITNESS (Rosow): The modifications
10 that we would prefer to see as a school would be to
11 simply follow the New Canaan zoning regulations in
12 terms of screening, of compound fencing, landscaping,
13 the equipment shed, the style and design of the actual
14 tower itself. You know, we don't need to reinvent the
15 wheel on that. What New Canaan has set forth makes
16 perfect sense and we're not going to try to fine-tune
17 that to some sort of personal preference. What they
18 say is good enough for us.

19 THE WITNESS (Gabriele): I would agree
20 with Mr. Rosow.

21 MR. HARDER: Thank you. That's all the
22 questions I have, Mr. Silvestri. Thank you.

23 MR. SILVESTRI: Thank you, Mr. Harder.
24 I'd like to turn now to Mr. Hannon.
25

CROSS-EXAMINATION

1
2 MR. HANNON: I just have one question, and
3 I'm not sure that either of these individuals will be
4 able to answer it, but you referred to requirements in
5 the zoning regulations. Do you know about when the
6 zoning regulations were amended to deal with cell
7 towers? Do you have any understanding as to when?
8 Was it the last couple of years? Ten years ago?

9 THE WITNESS (Gabriele): I believe it was
10 the last couple of years. But the zoning regulations,
11 certainly the zoning regulations in terms of setback
12 and residential areas has been on the books for years,
13 and those are the ones that we've had to comply with
14 certainly with all of the building we've done. We've
15 been working with Planning & Zoning for multiple years
16 to build and construct and lay out and develop our
17 campus in accordance with Planning & Zoning and taking
18 into account the neighbors' opinions. We meet with
19 the neighbors annually to hear their concerns, to meet
20 with them to -- any kind of plans we have, we lay out
21 with them before we go ahead and construct anything,
22 and we have to go through the normal Planning & Zoning
23 process.

24 MR. HANNON: I realize that. The thing I
25 was looking at is to say when the Town may have

1 developed regulations for cell towers, because if it
2 was 10, 15 years ago, technology may have changed,
3 requiring larger buildings, things of that nature, but
4 the zoning regulations may not have kept up with
5 technology. That's the only reason I was asking about
6 when the regulations may have been adopted.

7 THE WITNESS (Gabriele): It's a good
8 question, and I don't remember the date exactly, but I
9 was at some of the initial hearings when those
10 cell-tower regulations were being formulated for the
11 town, and I know it was within the last two years.

12 MR. HANNON: Okay. Thank you. Much
13 appreciated. That's all I have.

14 MR. SILVESTRI: Thank you, Mr. Hannon.
15 I'd like to turn now to Ms. Guliuzza.

16 MS. GULIUZZA: I don't have any questions.
17 Thank you.

18 MR. SILVESTRI: Then we'll turn to
19 Mr. Eldelson.

20 CROSS-EXAMINATION

21 MR. EDELSON: I just want to go back to
22 the discussion that happened earlier about the WiFi
23 Calling. Is there Wi-Fi service from St. Luke's when
24 you're out on the fields?

25 THE WITNESS (Gabriele): Yes, there is.

1 MR. EDELSON: All the way to the field
2 that's adjacent to Mr. Richey?

3 THE WITNESS (Gabriele): Yes, there is.

4 MR. EDELSON: How do you do that? Do you
5 have repeaters out there?

6 THE WITNESS (Gabriele): I believe there
7 are repeaters. You know, I'd have to get the
8 specifics from our IT department, but I am regularly
9 out on that field and I use my Wi-Fi all the time.

10 MR. EDELSON: So, I have a question for
11 Mr. Rosow. Why doesn't your phone automatically
12 connect to the Wi-Fi when you go on campus, as opposed
13 to what you just said, if I understood correctly, it
14 only happens when you go in the building?

15 THE WITNESS (Rosow): It's probably my
16 fault and my phone's fault. It's a pretty old iPhone.

17 MR. EDELSON: All right. I was a little
18 confused in the discussion about the fall zone,
19 because I read in your testimony that it seems to be
20 more of a concern about liability. In terms of
21 property liability, if the tower somehow, you know,
22 from an engineering point of view completely failed
23 and fell down, and it looks like you've now developed
24 a brand-new baseball field that would be pretty much
25 adjacent to that, I don't think there's a legal

1 question about the liability for repairing anything
2 caused by the tower falling. Is that what you
3 referred to as the liability? If so, why are you
4 concerned about that? Or did I misunderstand your use
5 of the word "liability"?

6 THE WITNESS (Rosow): I believe we used
7 the word "liability" in terms of liability that means
8 that we're chasing somebody who might be at fault for
9 something that happens on our property. If we
10 game-played the scenario where there is a wind event
11 and one of the faux pine branches breaks off the
12 building and lands on our athletic field and hits a
13 field-hockey player because it's been carried by the
14 wind and knocks that person unconscious, does that
15 increase our liability because that person is on our
16 field and was not protected? I have no idea. I'm not
17 an attorney, so I can't answer that question. I think
18 our greater concern is that there is a 90-foot tall
19 tower 38 feet from our property line, which creates
20 some sort of implied liability to us, and if that
21 90-foot tower was 90 feet away from the property line,
22 that would make more sense to us.

23 MR. EDELSON: I'm not sure you really
24 understood my question, in the sense of neighbors
25 always have liability concerns about what their

1 neighbors do. My understanding is, well, it's pretty
2 clear here: If my neighbor has a tree and something
3 happens with that tree and it comes down on my
4 property, it's his responsibility to take care of it.

5 THE WITNESS (Gabriele): I think the
6 larger issue is not so much who's going to take care
7 of it, but should it injure one of our students, it
8 absolutely exposes us to risk and exposes us to
9 lawsuits and exposes us to unbelievable damage in the
10 public sentiment. So our concern is, obviously, the
11 harm of a child on our campus.

12 MR. EDELSON: And that's a safety
13 consideration and I would understand that, but that's
14 not, from my understanding, a liability issue for the
15 school. It's not your tower. You're concerned about
16 the safety of your students; I understand that.

17 THE WITNESS (Gabriele): That's true. I'm
18 also concerned about any kind of lawsuit that would
19 result, which I'm pretty confident would take place.

20 MR. EDELSON: Okay. I think that's all
21 the questions I have, Mr. Chairman.

22 CROSS-EXAMINATION

23 MR. SILVESTRI: Thank you, Mr. Edelson.

24 I only have a few follow-up questions that
25 I would like to pose. Starting with Mr. Rosow, early

1 on you had mentioned the possibility, if you will, of
2 drawing a circle, and I believe you said it was a
3 90-foot radius-type circle. Do you recall that part
4 of the discussion?

5 THE WITNESS (Rosow): Yes, sir.

6 MR. SILVESTRI: Where would the arc of the
7 circle actually be? Were you looking at drawing that
8 circle at the property line and then extending the
9 radius 90 feet inside?

10 THE WITNESS (Rosow): No. Professionally,
11 I do design work, and so I did this exercise on my
12 computer. I imported the survey and used AutoCAD to
13 draw a circle with a 90-foot radius and then pushed
14 that circle so that the outer arc of the circle
15 touched both the Soundview property line and the
16 St. Luke's property line while being on the Richey
17 property. So center of that circle is on the Richey
18 property.

19 MR. SILVESTRI: Gotcha. Thank you for
20 that clarification. I'm not sure who to pose this one
21 to. On the Wi-Fi topic, Wi-Fi is provided by cable
22 service?

23 THE WITNESS (Gabriele): That's correct.

24 MR. SILVESTRI: Does Wi-Fi actually reach
25 the baseball field at the northwest of the property?

1 THE WITNESS (Gabriele): Yes, it does.

2 MR. SILVESTRI: It does. Okay.

3 THE WITNESS (Gabriele): I use it
4 regularly. I take attendance out there with our Wi-Fi
5 system.

6 MR. SILVESTRI: Thank you. Also, I wanted
7 to get back, Ms. Gabriele, to what you mentioned about
8 the outdoor classes. It was very intriguing, and also
9 probably a must-do as we get into this COVID business.
10 Are you looking at -- well, where are you looking to
11 do that outside? Let me pose that one first.

12 THE WITNESS (Gabriele): Well, I will tell
13 you right now, we're planning on moving our
14 upper-school choir, which is about 60 students, to
15 performing on the upper field; that's scheduled right
16 now. Particularly with music, it's more than 6 feet;
17 I think it's 11 feet now, state guidelines, so our
18 music classes are going to be situated on that upper
19 field. We're also creating space out there for our
20 senior class. Normally, there is a college-counseling
21 area within the building that the seniors congregate
22 in, it has a little bit of a social component to it,
23 and work with our college counselors. Since that
24 can't happen inside, we're relocating that to that
25 upper field. We're doing that right now.

1 MR. SILVESTRI: And will you be using what
2 looks like a football field or soccer field at all?

3 THE WITNESS (Gabriele): We'll be using
4 that for our phys. ed. classes. But our academics, to
5 keep them close to the main building, and just for
6 convenience sake for the teachers to be able to go in
7 and out very quickly, we'll be using that upper field.
8 That lower football field will be used for all of our
9 phys. ed. classes.

10 MR. SILVESTRI: Understood. Thank you.
11 And the grassy area that's between the football field
12 and the larger buildings, will that be used as well?

13 THE WITNESS (Gabriele): There's sort of a
14 sloped grassy area. I think you mean between the
15 athletic center and the main building; is that
16 correct?

17 MR. SILVESTRI: Yes.

18 THE WITNESS (Gabriele): That's sloped, so
19 it's a little bit more difficult to actually hold
20 classes out there, but we are setting up some picnic
21 areas and seating to move our lunch program outside.

22 MR. SILVESTRI: Fantastic. Thank you.
23 That's all the questions that I had for you.

24 I would like to continue cross-examination
25 of St. Luke's School and St. Luke's Foundation by the

1 applicant. Attorney Chiocchio?

2 MS. CHIOCCHIO: No questions.

3 MR. SILVESTRI: Thank you. And I'd like
4 to continue with the Soundview Neighbors Group.
5 Attorney Cannavino?

6 MR. CANNAVINO: I have no questions.
7 However, in response to the inquiry as to the date of
8 the passage of the regulations, the copy I have in
9 front of me says they were adopted on May 29, 2018.

10 MR. SILVESTRI: Thank you, Counselor.

11 With no further cross-examinations by
12 parties, intervenors, or the Siting Council, before
13 closing the evidentiary record of this matter, the
14 Connecticut Siting Council announces that briefs and
15 proposed findings of fact may be filed with the
16 Council by any party or intervenor no later than
17 August 27th, 2020. The submission of briefs or
18 proposed findings of fact are not required by this
19 Council, rather we leave it to the choice of the
20 parties and the intervenors. Anyone who has not
21 become a party or intervenor but who desires to make
22 his or her views known to the Council may file written
23 statements with the Council within 30 days from the
24 date hereof.

25 The Council will issue draft findings of

1 fact, and thereafter, parties and intervenors may
2 identify errors or inconsistencies between the
3 Council's draft findings and fact in the record.
4 However, no new information or no new evidence, no
5 argument and no reply briefs without our permission
6 will be considered by the Council.

7 I hereby declare this hearing adjourned,
8 and I thank you all very, very much for your
9 participation. Thank you again.

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11 (The hearing was adjourned at 4:53 p.m.)
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CERTIFICATE OF REMOTE HEARING

I hereby certify that the foregoing 163 pages are a complete and accurate computer-aided transcription of my original stenotype notes, to the best of my ability, taken of the HEARING HELD BY REMOTE ACCESS IN RE: DOCKET NO. 487, HOMELAND TOWERS, LLC AND NEW CINGULAR WIRELESS PCS, LLC d/b/a AT&T APPLICATION FOR A CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY AND PUBLIC NEED FOR THE CONSTRUCTION, MAINTENANCE, AND OPERATION OF A TELECOMMUNICATIONS FACILITY LOCATED AT 183 SOUNDVIEW LANE, NEW CANAAN, CONNECTICUT, which was held before ROBERT SILVESTRI, PRESIDING OFFICER, on July 28, 2020.



 Ann W. Friedman, CSR 091
 Court Reporter
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I N D E X

WITNESSES	PAGE
Raymond Vergati, Robert Burns, Michael Libertine, and Martin Lavin	
Direct Examination by Ms. Chiocchio	7
Cross-Examination by Mr. Cannavino	12
Cross-Examination by Mr. Rosow	41
Cross-Examination by Mr. Perrone	75
Cross-Examination by Mr. Morissette	85
Cross-Examination by Mr. Harder	88
Cross-Examination by Mr. Edelson	95
Cross-Examination by Mr. Hannon	97
Cross-Examination by Mr. Silvestri	100
WITNESSES	
Garrett Camporine, Steven Sosnick, Joseph Sweeney and Hugh Wiley	
Direct Examination by Mr. Cannavino	109
Cross-Examination by Mr. Perrone	114
Cross-Examination by Mr. Morissette	118
Cross-Examination by Mr. Harder	125
Cross-Examination by Mr. Hannon	128
Cross-Examination by Ms. Guliuzza	134
Cross-Examination by Mr. Edelson	137
Cross-Examination by Mr. Silvestri	143

I N D E X, continued

WITNESSES	PAGE
Julia Gabriele and Christopher Rosow	
Cross-Examination by Mr. Perrone	147
Cross-Examination by Mr. Morissette	147
Cross-Examination by Mr. Harder	151
Cross-Examination by Mr. Hannon	154
Cross-Examination by Mr. Edelson	155
Cross-Examination by Mr. Silvestri	158

EXHIBITS RECEIVED IN EVIDENCE

Applicants' Exhibit II-B-11 late filed exhibit	9
Camporine Exhibit 1 4/8/20 letter	113
Camporine Exhibit 2 6/19/20 letter	113
Wiley Exhibits 1 - 9 photographs	113
Wiley Exhibit 10 4/8/20 letter	113
Wiley Exhibit 11 letter from Homeland to	114
	Mr. Camporine
Sweeney Exhibits 1 - 6 photographs	114
Sosnick Exhibit 1 photograph	114
St. Luke's Exhibits IV-B-1 - IV-B-3	146
	pre-filed testimony