

**HARDING TOWNSHIP BOARD OF ADJUSTMENT MINUTES
REGULAR MEETING
NOVEMBER 19, 2020
7:30 PM**

CALL TO ORDER AND STATEMENT OF COMPLIANCE

The Board of Adjustment Chair, Mike Flanagan called the regular meeting of the Board of Adjustment to order at 7:30 and announced that adequate notice of the meeting had been made in accordance with the New Jersey State Open Public Meetings Act and State Executive Order 103.

ROLL CALL

Ms. Taglairino called the roll. It went as follows:

Ms. Sovolos	Present	Mr. Newlin	Present
Mr. Flanagan	Present	Mr. Maselli	Present
Mr. Rosenbaum	Present	Mr. Addonizio	Present
Mr. Symonds	Present	Ms. Chipperson	Present
Mr. Cammarata	Present		

ADMINISTRATIVE

Mr. Newlin addressed ordinances being reviewed before the Planning Board. Mr. Newlin asked for the Board of Adjustment members to submit any comments.

RESOLUTIONS

<u>Resolution BOA # 07-2020</u>	Harding Township Board of Adjustment Adopting Emergency Protocols, Procedures and Requirements for Public Participation at Remote Meetings
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Mr. Flanagan made a motion to adopt Resolution BOA #07-2020 for Emergency Protocols for Remote Meetings. It was seconded by Mr. Rosenbaum. A roll call vote went as follows:

For: Addonizio, Chipperson, Flanagan, Maselli, Newlin, Rosenbaum & Symonds.
Against: None

<u>Application BOA# 11-20</u>	John & Joy Dalena 204 Blue Mill Road, B9L3.01 RR Zone
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Mr. Flanagan made a motion to adopt the Resolution BOA #11-20 Dalena. It was seconded by Mr. Newlin. A roll call vote went as follows:

For: Ms. Chipperson, Mr. Flanagan, Mr. Newlin, Mr. Addonizio, Mr. Maselli, Mr. Symonds & Mr. Rosenbaum.

Against: None

MINUTES

Mr. Flanagan made a motion to approve the minutes from the following meetings:

September 17, 2020, September 30, 2020, (with an amendment to an incorrect carry date), October 15, 2020, October 29, 2020 and the September. 30, 2020 Executive Session Minutes. The motion was seconded by Mr. Newlin. On a voice vote all eligible members were in favor of approving the minutes.

The transcripts are appended but not part of the regular minutes.

NEW BUSINESS

Application BOA# 03-20

James Carifa and Sara Conine

7 Lees Hill Road B17/L55, R-1 & R-2 Zones

Applicant is requesting variance relief for building coverage and a front setback as per NJSA 40:55D 70(c)

Presenting:

Joseph Hyland, Architect

James Carifa and Sarah Conine, Owners

Mr. Hall swore in Mr. Hyland, Mr. Carifa and Ms. Conine

- Ms. Conine presented proposed plans to renovate her childhood home with intentions of preserving the historic character of the structure.
- Mr. Hall asked about the use of the accessory structures on the property.
- Mr. Hyland noted that the building area will be expanded.
- Mr. Hyland noted a change in the roof line.
- Mr. Hall requested elevations be provided for the next meeting noting existing and proposed area of change.

A site inspection was set for December 12, 2020 at 9:00am.

OLD BUSINESS

Application BOA# 17-18

New York SMSA Limited Partnership d/b/a Verizon Wireless

8 Millbrook Road, B17/L1, PL Zone

Applicant requesting variance relief for use, per NJSA 40:55D-70(d) for a cell tower.

Presenting:

Richard Schneider, Attorney

Frances Boshulte, RF Manager
Dr. Eisenstein, RF Specialist
Mr. Mlenak is acting Board Attorney for this application.
Robert Simon is an objecting attorney for this application.

A transcript of the testimony is appended to the minutes.

OTHER BUSINESS

None

ADJOURNMENT

Mr. Flanagan adjourned the meeting at 11:03



Respectfully submitted by Lori Taglairino, Board of Adjustment Secretary

HARDING TOWNSHIP BOARD OF ADJUSTMENT RESOLUTION

**John & Joy Dalena - Application No. BOA 11-20
204 Blue Mill Road - Block 9, Lot 3.01**

Adopted November 19, 2020

WHEREAS, John and Joy Dalena applied to the Harding Township Board of Adjustment for variances from Section 225-116(D)(1) of the Land Use and Development Ordinance, which prohibits the location of accessory structures in front of the principal structure on a property, Section 225-122(F)(1), which requires an enhanced minimum front setback of 150' if the total building area exceeds 3,920 square feet, and Section 225-122(H), which permits a maximum lot coverage ratio of 10%, to permit relocation of emergency generator and A/C condenser pads from the rear to the front of the residence and authorize the current nonconforming lot coverage ratio on property located at 204 Blue Mill Road in the RR Zone that is designated on the Township Tax Map as Block 9, Lot 3.01; and

WHEREAS, the Board of Adjustment conducted a public hearing on the application at a virtual meeting using the Zoom platform on October 15, 2020, for which public notice and notice by applicants were given as required by law; and

WHEREAS, the Board of Adjustment determined that a site inspection was not necessary based on the characteristics of this particular property and proposal; and

WHEREAS, the Board of Adjustment considered the testimony and exhibits presented during the public hearing; and

WHEREAS, at the meeting on October 15, 2020, the Board of Adjustment adopted an oral resolution approving the variance application, subject to certain conditions and based on findings and conclusions as memorialized herein;

NOW, THEREFORE, BE IT RESOLVED by the Harding Township Board of Adjustment, this 19th day of November 2020, that approval of the variance application of John and Joy Dalena is hereby memorialized as follows:

Findings of Fact and Statement of Reasons

1. The subject property is located at 204 Blue Mill Road in the RR Zone. It has a lot size of 3 acres that conforms with the minimum for the R-1 Zone that previously applied, but is nonconforming as to the 5 acre minimum for the RR Zone that currently applies.

2. The property is improved with a single-family residence with a side entry garage. The property has an unusual shape that narrows to the rear of the residence, as shown on a copy of a survey prepared by Braginsky Surveying, LLC, dated April 27, 2015, that was superseded by a new survey also prepared by Braginsky Surveying, LLC, dated September 15, 2020.

3. The applicants proposed to relocate emergency generator and A/C condenser pads from the rear of the residence to a location in front of the residence as generally shown on a marked copy of the initial survey.

4. The proposed location of this mechanical equipment in front of the residence requires variance relief from the accessory structure location restriction in Section 225-116(D)(1).

5. The second survey included a lot coverage calculation that indicated a ratio of 11.3%, which for the first time informed the applicants that the lot coverage ratio exceeded the 10% maximum in Section 225-122(H). The application was amended to request variance relief from the 10% maximum to authorize the current ratio of 11.3%.

6. Discussion at the public hearing resulted in a determination that the applicable front setback requirement is 150', rather than 100', due to a total building area of 4,634 square feet that exceeds the 3,920 square foot threshold in Section 225-

122(F)(1) that triggers an enhanced 150' front setback requirement. The application was amended to request variance relief from this requirement for the proposed mechanical equipment pads that were determined to have proposed front setbacks of at least 100'.

7. Separate variance relief from the restriction against enlargement of nonconforming structures in Section 225-115(B) is not required, since the nonconforming residence would not be altered or enlarged in connection with the current proposal.

8. Testimony in support of the application was provided by the applicants. They stated that the present rear yard location of the mechanical equipment is adjacent to the sleeping quarters in the residence and thus is very disruptive. The proposed front yard location would be screened from the road by existing vegetation, and they agreed to install a fence and additional landscaping to provide further screening.

9. The applicants testified that they had not installed lot coverage that resulted in a nonconforming ratio of more than 10%. They stated that the driveway and parking area had been converted from pavement to pea gravel, which reduced the amount of impervious coverage. They testified that removal of existing coverage to reduce the ratio would not be practical.

10. No neighbor or member of the public commented on or objected to the application.

11. The proposed front yard location for the mechanical equipment improvements is the only practical location due to the garage and parking area to the east side of the residence and the limited side yard area within the building envelop on the west side.

12. The applicants agreed to provide a fence and additional landscaped screening between the mechanical equipment area and the street. Based on these conditions, the front yard location for the mechanical equipment will not have any adverse impact on the streetscape or any adjacent properties.

13. The setback of at least 100' from Blue Mill Road will not be appreciably different than the current front setback for the residence that complied with the lesser requirement of 100' that applied when the residence was constructed.

14. Construction of the mechanical equipment at the proposed location will not result in any adverse impacts on adjacent properties under the particular circumstances of this property and proposal.

15. Based on the unusual lot shape and the location and characteristics of the existing and proposed improvements, denial of the requested variances would impose peculiar and exceptional practical difficulties on the applicants by precluding the proposed relocated mechanical equipment pads and potentially requiring removal of some existing lot coverage, thus making variance relief appropriate pursuant to N.J.S.A. 40:55D-70(c)(1).

16. All of the variance relief requested by the applicants can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the Master Plan and Zoning Ordinance of the Township of Harding.

Description of Variances

1. A variance is hereby granted from the restriction in Section 225-116(D)(1) of the Land Use and Development Ordinance to allow the mechanical equipment pads for an emergency generator and A/C condenser units to be located in front of the residence relative to Blue Mill Road, as shown on a survey prepared by Braginsky Surveying, LLC, dated September 15, 2020, as required to be revised as a condition of this approval.

2. Variance relief is hereby granted from the enhanced 150' minimum front setback requirement in Section 225-122(F)(1) of the Ordinance to permit mechanical equipment pads for an emergency generator and A/C condenser units to be located in front of the residence with minimum front setbacks of at least 100', as shown on the survey as required to be revised as a condition of this approval.

3. A variance is hereby granted from the 10% maximum lot coverage ratio requirement in Section 225-122(H) of the Ordinance to authorize the current ratio of 11.3%, as shown on the survey as required to be revised as a condition of this approval.

Variance Conditions

These variances are granted subject to the following conditions:

1. Any outstanding property taxes, application fees and technical review fees shall be paid prior to issuance of a building permit and certificate of occupancy.

2. The applicants shall obtain a building permit and any other necessary approvals.

3. These variances are based on and authorize only the specific improvements proposed by the applicants as set forth in the testimony, application and plans. New or amended variance approval may be required for any materially different improvements.

4. These variances are granted subject to the condition that the survey and separate zoning table shall be revised as follows:

a. All zoning criteria shall be shown correctly.

b. The enhanced front setback line of 150' shall be shown.

c. The specific location, footprint dimensions and front setback figures shall be shown for the mechanical equipment and pads.

d. The locations and specifications for a fence and additional landscaping screening of the mechanical equipment area shall be shown.

e. Compliance with these conditions and the required revised survey will be subject to review and approval by the Township Engineer, who may conduct a post-construction inspection.

5. These variances shall expire unless the authorized construction is commenced within one year from the date of this resolution and subsequently is pursued in a reasonably diligent manner, as extended by the Permit Extension Act.

Vote on Resolutions

For the Oral Resolution: Chipperson, Flanagan, Maselli, Newlin, Rosenbaum, Addonizio & Symonds.

Against the Oral Resolution: None.

For the Form of the Written Resolution: Chipperson, Flanagan, Maselli, Newlin, Rosenbaum, Addonizio & Symonds.

Against the Form of the Written Resolution: None.

**RESOLUTION BOA# 07-2020 OF THE TOWNSHIP OF HARDING ZONING BOARD
OF ADJUSTMENT ADOPTING EMERGENCY PROTOCOLS, PROCEDURES AND REQUIREMENTS FOR
PUBLIC PARTICIPATION AT REMOTE MEETINGS**

WHEREAS, the purpose of N.J.A.C. 5:39-1 et seq., Emergency Remote Meeting Protocol for Local Public Bodies, is to ensure that local public bodies can continue to conduct official business in an open and transparent manner whenever a declared emergency exists that prohibits physical attendance by members of the public; and

WHEREAS, a “declared emergency” means a public health emergency pursuant to the Health Powers Act, N.J.S.A. 26:13-1 et seq., or a state of emergency, pursuant to P.L. 1942, c. 251 or both, or a state of local disaster emergency which has been declared by the Governor and is in effect; and

WHEREAS, N.J.A.C. 5:39-1.3 permits a local public body to hold a remote public meeting to conduct public business during a declared emergency if the emergency reasonably prevents a local public body from safely conducting public business at a physical location with members of the public present; and

WHEREAS, if during a declared emergency the Zoning Board of Adjustment of the Township of Harding (the “Zoning Board”) holds a physical meeting in a location where, pursuant to State/Federal guidelines meant to mitigate risk, capacity restrictions are required to reduce the number of individuals that can be present in a meeting, the Zoning Board shall either:

- 1) Hold the public meeting at another location with adequate capacity for the reasonable expected attendance by the public; or
- 2) Hold the public meeting as both an in-person and remote public meeting; and

WHEREAS, a public meeting held solely in-person without a remote access alternative provided shall not prohibit members of the public from attending in person; and

WHEREAS, adequate notice of the remote public meeting shall also include, in addition to the Open Public Meeting Act requirements of N.J.S.A. 10:4-8, clear and concise instructions for accessing the remote public meeting, the means for making public comment and how to access any public documents on the Township’s website in the manner set forth at N.J.A.C. 5:39-1.5; and

WHEREAS, at the commencement of a remote public meeting the Chair or the Chair’s designee, or in his or her absence, the Secretary, shall announce publicly and shall cause to be entered into the minutes an accurate statement regarding adequate and electronic notice or an explanation of the reason or reasons such notice was not adequately provided as set forth in N.J.A.C. 5:39-1.5(g); and

WHEREAS, prior to the commencement of a remote public meeting, the Zoning Board shall make a copy of the agenda available to the public for download on the Township’s website and shall post a copy of same at the building where the meeting would otherwise be held, including posting of same at any designated and clearly delineated handicap accessible entrance to the building, by no later than 3:00 PM on the date of the meeting; and

WHEREAS, the content of the electronic notice shall be posted on the main access door of the building where the public would routinely attend public meetings of the local public body in person and the notice must be viewable from the outside; and

WHEREAS, the electronic communications used for a remote public meeting shall have a function that allows the Zoning Board to mute the audio of all members of the public, as well as allow members of the public to mute themselves, and same shall be announced at the beginning of every remote public meeting; and

WHEREAS, pursuant to N.J.A.C. 5:39-1, if the Zoning Board holds a remote meeting to conduct public business, it shall use electronic communication technology routinely used in business settings that can be accessed by the public at no cost and with participant capacity consistent with the reasonable expectations of the Zoning Board for the type of public meeting being held, and such participant capacity shall, at minimum, not be limited to fewer than 50 public participants (not including persons required to be present to conduct business at the meeting such as the Board members, Board professionals, and all members of the Applicant’s team); and

WHEREAS, remote public meetings may be held by the Zoning Board in a format as selected by the Zoning Board, by means including, but not limited to, electronic communications platforms with video and audio or live streaming via the internet and shall, additionally, provide a telephonic conference line to allow members of the public to dial in by telephone to listen and to provide public comment; and

WHEREAS, when the Zoning Board holds a remote public meeting, it shall allow members of the public to ask questions by audio or by audio and video if the meeting is being held over both; and

WHEREAS, any remote public meeting where sworn testimony is being taken shall be broadcast by video, as well as audio, and all individuals giving sworn testimony, including members of the public making comments, shall appear by video; and

WHEREAS, any presentation or documents that would otherwise be viewed by, or made available to, members of the public physically attending an in-person public meeting shall be made available on the internet website of the Township or made visible during the video broadcast of the remote public meeting; and

WHEREAS, except for quasi-judicial hearings on land development applications or similar public hearings, in addition to making public comments at any remote public meeting, the Zoning Board, in advance of the remote meeting shall allow public comments to be submitted to the Clerk by electronic mail and in written letter form by a reasonable deadline to be established and posted on the website in advance of the remote public meeting; and

WHEREAS, except for quasi-judicial hearings on land development applications or similar public hearings, public comments submitted prior to the remote public meeting through electronic or regular mail shall be read aloud and addressed during the remote public meeting in a manner audible to all meeting participants and the public; and

WHEREAS, a reasonable time limit shall be placed on the reading of individual written comments, all of which shall be read from the beginning until the established time limit is reached; and

WHEREAS, in support of, and respect for, an open, fair and informed decision-making process, the Zoning Board recognizes that civil, respectful and courteous discourse and behavior are conducive to the democratic and harmonious airing of concerns and decision making; and

WHEREAS, in an effort to preserve the intent of open government and maintain a positive environment for citizen input and Zoning Board decision making, policies and rules shall be established to promote civility and maintain decorum at in-person public meetings and remote public meetings in accordance with N.J.A.C. 5:39-1.4 (f)-(h); and

WHEREAS, if a member of the public becomes disruptive during a remote public meeting, including during any period for public comment, the Chair or the Chair's designee, or in their absence the Secretary, shall mute or continue muting, or direct appropriate staff to mute or continue muting, the disruptive member of the public and warn that continued disruption may result in the member of the public being prevented from speaking during the remote public meeting or removed from the remote public meeting; and

WHEREAS, disruptive conduct at an in-person public meeting or remote public meeting includes sustained inappropriate behaviors including, but not necessarily limited to, shouting, interruption, and use of profanity; and

WHEREAS, any member of the public who continues to act in a disruptive manner at a remote public meeting after receiving an initial warning, may be muted while other members of the public are allowed to proceed with their questions or comments; and

WHEREAS, if time permits, the disruptive individual shall be allowed to speak after all other members of the public have been given the opportunity to make comment and, if the person still remains disruptive, the individual may be muted or kept on mute for the remainder of the remote public meeting, or removed from the remote public meeting; and

NOW, THEREFORE, BE IT RESOLVED by the Zoning Board of Adjustment of the Township of Harding that the standards and procedures for emergency remote meetings, as set forth in the recitals to this resolution and as codified in N.J.A.C. 5:39-1 et seq., are hereby confirmed, established and adopted in order to safeguard public participation in any in-person or remote public meetings in the Township of Harding and shall apply to all members of the public in attendance at any in-person public or remote public meeting in the Township of Harding; and

BE IT FURTHER RESOLVED that the Board Secretary is hereby authorized and directed to post copies of this resolution on the Harding Township web site and on the door of the Municipal Building so as to be visible to the public from the outside.

For the Resolution: Chipperson, Maselli, Symonds, Newlin, Rosenbaum, Addonizio & Flanagan.

Against the Resolution: None.

<p style="text-align: right;">Page 1</p> <p style="text-align: center;">HARDING TOWNSHIP BOARD OF ADJUSTMENT</p> <p>IN THE MATTER OF: : TRANSCRIPT : CASE: BOA# 17-18 : OF New York SMSA Limited Partnership: d/b/a Verizon Wireless :REMOTE PROCEEDINGS 8 Millbrook Road : Block 17; Lot 1; PL Zone : _____X</p> <p style="text-align: center;">Thursday, November 19, 2020 Zoom Remote Videoconference Commencing at 8:19 p.m.</p> <p>BOARD MEMBERS PRESENT: MIKE FLANAGAN, Chairman ARIC ROSENBAUM ALF NEWLIN, RITA CHIPPERSON DAN MASELLI HUGH SYMONDS ELIZABETH SOVOLOS THOMAS ADDONIZIO MICHAEL CAMMARATA</p> <p>ALSO PRESENT: LORI TAGLAIRINO, Board Administrator PAUL D. FOX, P.E., CME M. McKINLEY MERTZ, PP, AICP DR. BRUCE EISENSTEIN, Cellular Communications Consultant</p> <p style="text-align: center;">PRECISION REPORTING SERVICE Certified Shorthand Reporters (908) 642-4299</p>	<p style="text-align: right;">Page 2</p> <p>1 A P P E A R A N C E S: 2 3 GREENBAUM, ROWE, SMITH & DAVIS, LLP BY: STEVEN G. MLENAK, ESQUIRE Attorneys for the Board 4 5 VOGEL, CHAIT, COLLINS & SCHNEIDER, ESQUIRES BY: RICHARD SCHNEIDER, ESQUIRE Attorneys for the Applicant 6 7 8 HEROLD LAW, PA BY: ROBERT F. SIMON, ESQUIRE Attorneys for the Objectors: SGSL, LLC; Harsh and 9 Nina Bansal; Michael and Susan Koenke; David and Eunice Conine; Brian and 10 Christina McKittrick; Livio Saganic and Christel Engel; James M. Carifa and 11 Sarah G. Conine; Ted Cotton 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>
<p style="text-align: right;">Page 3</p> <p>1 I N D E X 2 3 WITNESS: PAGE 4 DIANE ENRIGHT By Mr. Schneider..... 6 5 By Mr. Simon.....16 6 7 FRANCES BOSCHULTE.....40 8 9 10 E X H I B I T S 11 IN EVD. DESCRIPTION PAGE 12 13 A-22 Proposal from Mr. Geswelli to Ms. Enright10 14 A-23 Letter from Ms. Enright to Mr. Geswelli dated 10/16/2020...11 15 16 A-24 Letter from Ms. Enright to the New Vernon Volunteer Fire Department dated 11/17/2020.....12 17 18 19 20 21 22 23 24 25</p>	<p style="text-align: right;">Page 4</p> <p>1 CHAIRMAN FLANAGAN: Next up Board of 2 Adjustment 17-18 Verizon. 3 ADMINISTRATOR TAGLAIRINO: Gary -- 4 MR. HALL: I will defer to Mr. Mlenak now 5 and wish everyone a good night. 6 CHAIRMAN FLANAGAN: All right, Gary. Good 7 night. Thank you very much. 8 Mr. Schneider, Mr. Simon, welcome back. 9 Mr. Schneider, do you want to remind us of where we 10 left off? 11 MR. SCHNEIDER: I'll be glad to. Good 12 evening, Mr. Chairman, fellow members of the Board. 13 Once again for the record, Richard Schnieder of the law 14 firm of Vogel, Chait, Collins and Schneider on behalf 15 of the Applicant Verizon Wireless. 16 Maybe if I can take a couple of minutes 17 just to refresh everyone's recollection as to where we 18 left off and what the game plan is for this evening. 19 We had most recently been scheduled for a special 20 public meeting and as you recall Ms. Boschulte was 21 scheduled to testify, but for reasons previously 22 articulated she was unable to be there that evening. 23 So the game plan for this evening is to very, and I say 24 hopefully briefly re-call Diane Enright. She's the 25 Applicant's site acquisition consultant. Limited to</p>

<p style="text-align: right;">Page 5</p> <p>1 just providing an update as to where we are relative to 2 the ongoing communications with the fire department. I 3 expect me to ask Ms. Enright probably no more than 4 three or four questions, and I anticipate her testimony 5 to be very, very brief, just to update the Board where 6 we are on that.</p> <p>7 It is my hope and expectation that based on 8 my testimony of Mrs. Enright, which I'm hopeful the 9 Board will concur in my thought process, that the Board 10 will reach a conclusion that the fire department 11 remains an unavailable site. Assuming that the Board 12 so concludes at this stage of the proceedings based on 13 my ongoing communications with Mr. Mlenak, I believe 14 that the ongoing, what I'll call housekeeping issue or 15 an issue concerning Mr. Newlin's continued 16 participation, goes by the wayside upon a finding by 17 the Board that the fire department is unavailable. 18 That's my hope and expectation, and that puts the issue 19 behind us.</p> <p>20 Assuming that the matter unfolds in the way 21 that I would hope that it would then what remains 22 hopefully for the balance of the evening is Mr. Simon's 23 cross-examination of Ms. Boschulte. As you recall when 24 Ms. Boschulte previously testified she completed her 25 redirect based on Exhibit A-21 and Dr. Eisenstein's</p>	<p style="text-align: right;">Page 6</p> <p>1 review of that testimony. Her testimony at that point 2 complete and we're up to Mr. Simon's cross-examination. 3 So that's hopefully the game plan for this evening.</p> <p>4 CHAIRMAN FLANAGAN: Okay. That sounds 5 great then.</p> <p>6 MR. SCHNEIDER: I should have just asked, 7 Mr. Chairman. Iris, I presume you're on, my Certified 8 Shorthand Report.</p> <p>9 THE COURT REPORTER: Yes, I am, Mr. 10 Schnieder. I am on.</p> <p>11 MR. SCHNEIDER: Okay. I just wanted to 12 make sure. So Mr. Chairman, if that will be okay with 13 you and the rest of the Board and Mr. Mlenak, I'll 14 briefly re-call Ms. Enright.</p> <p>15 CHAIRMAN FLANAGAN: Yes, please do. Thank 16 you.</p> <p>17 MR. SCHNEIDER: Ms. Enright, you're 18 available and ready to go?</p> <p>19 MS. ENRIGHT: Yes, I am.</p> <p>20 MR. SCHNEIDER: Thank you, Diane. I'll 21 remind you in case Mr. Mlenak won't that you're still 22 under oath and I'll be brief.</p> <p>23 D I A N E E N R I G H T, having been previously sworn 24 testifies as follows: 25 EXAMINATION BY MR. SCHNEIDER:</p>
<p style="text-align: right;">Page 7</p> <p>1 Q. Ms. Enright, you last testified before the 2 Board back in September of 2019. Do you recall the 3 testimony that you presented that evening?</p> <p>4 A. Yes.</p> <p>5 Q. Okay. And without rehashing the entire 6 substance of that testimony as it specifically related 7 to the fire department, suffice it to say there was a 8 series of communications between you and the fire 9 department as to whether the fire department would 10 accept certain financial terms as it related to the 11 proposed sighting of a wireless communication facility 12 at that property, do you recall that testimony; 13 correct?</p> <p>14 A. Correct.</p> <p>15 Q. Okay. And very specifically at that time 16 you introduced two letters into the record previously 17 marked as Exhibits A-10 and A-14, and they related to 18 an exchange of communications between you and the fire 19 department as to the financial term, do you recall 20 those specific communications?</p> <p>21 A. Yes.</p> <p>22 Q. Okay. And the sum and substance of that 23 was that at that time the fire department had made a 24 rental demand for a guaranteed rent of 110,000 by the 25 third year, is that consistent with your recollection?</p>	<p style="text-align: right;">Page 8</p> <p>1 A. Yes, it is.</p> <p>2 Q. And just, because I think it is somewhat 3 important, just in terms of timing without getting into 4 the specific dates, those communications essentially 5 took place in July and August of 2019; am I correct?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. When was the next time you had any 8 direct communications with the fire department?</p> <p>9 A. Yes. We heard back from the fire 10 department on September 17, 2020, where we got a 11 revised proposal for -- from the fire department asking 12 for a different financial amount.</p> <p>13 Q. Okay. So just to put that -- just to 14 provide some timing and context of that, that new 15 financial proposal was, if I'm looking at my calendar, 16 actually either the night of or the day of -- the night 17 before or the day of the scheduled Board hearing in 18 September; correct?</p> <p>19 A. Correct.</p> <p>20 Q. And that was approximately 13 months after 21 you had last heard from the fire department; correct?</p> <p>22 A. Yes.</p> <p>23 Q. Okay. And for the purposes of the record 24 that correspondence when you heard from them or e-mail 25 on September 17th made a financial demand of \$80,000 in</p>

<p style="text-align: right;">Page 9</p> <p>1 guaranteed base rent by the third year; is that</p> <p>2 correct?</p> <p>3 A. That's correct.</p> <p>4 MR. SCHNEIDER: Okay. And for purposes of</p> <p>5 the record, I'm going to go through it Mr. Chairman and</p> <p>6 then maybe we can mark all the letters for purposes of</p> <p>7 the record?</p> <p>8 CHAIRMAN FLANAGAN: Okay.</p> <p>9 MR. SCHNEIDER: That would probably be</p> <p>10 easier.</p> <p>11 BY MR. SCHNEIDER:</p> <p>12 Q. After that correspondence was communicated</p> <p>13 did you have any further communications with the fire</p> <p>14 department as to the acceptability of their demand for</p> <p>15 \$80,000?</p> <p>16 A. Yes, I did.</p> <p>17 Q. Okay. And that, for purposes of the</p> <p>18 record, was your response verbal or in writing?</p> <p>19 A. Yes, both. October 16th we provided the</p> <p>20 fire department with our proposal.</p> <p>21 MR. SCHNEIDER: Okay. Lori, would you</p> <p>22 mind, if possible, just for the benefit of the public</p> <p>23 putting up the October 16th letter which I previously</p> <p>24 provided to you?</p> <p>25 SECRETARY TAGLAIRINO: Hold on one second.</p>	<p style="text-align: right;">Page 10</p> <p>1 MR. SCHNEIDER: Sure. Take your time. And</p> <p>2 I had provided, Mr. Chairman, copies of the</p> <p>3 correspondences to Mr. Simon in advance.</p> <p>4 CHAIRMAN FLANAGAN: Yes, I have it. I</p> <p>5 think the whole Board has a copy of it.</p> <p>6 MR. SIMON: Hey, Rich, I'm sorry to</p> <p>7 interrupt you. It may be cleaner, frankly, as the</p> <p>8 public and the Board is following along if maybe you</p> <p>9 pre-mark for Identification first. Only because the</p> <p>10 first -- especially the first item because it was</p> <p>11 undated.</p> <p>12 MR. SCHNEIDER: That's fine. So Lori,</p> <p>13 based on your agenda, there's a reference to a Geswelli</p> <p>14 letter Enright that's undated, that's the proposal</p> <p>15 which references \$80,000. Can we mark that as A-22?</p> <p>16 SECRETARY TAGLAIRINO: Okay. So wait. I'm</p> <p>17 making my note here. So the first, Mr. Geswelli to Ms.</p> <p>18 Enright is going to be A-22?</p> <p>19 MR. SCHNEIDER: Correct.</p> <p>20 (Exhibit A-22 was received and marked.)</p> <p>21 SECRETARY TAGLAIRINO: Okay. But we're not</p> <p>22 showing that one right now.</p> <p>23 MR. SCHNEIDER: That's fine. I think all</p> <p>24 the Board members have that. We could if necessary,</p> <p>25 but I don't know that it's necessary.</p>
<p style="text-align: right;">Page 11</p> <p>1 SECRETARY TAGLAIRINO: Then A-23 is going</p> <p>2 to be the 10/16 letter.</p> <p>3 MR. SCHNEIDER: That's correct.</p> <p>4 SECRETARY TAGLAIRINO: That's what we want</p> <p>5 to put up?</p> <p>6 MR. SCHNEIDER: That's correct.</p> <p>7 SECRETARY TAGLAIRINO: All right. Hold on</p> <p>8 one second.</p> <p>9 (Exhibit A-23 was received and marked.)</p> <p>10 CHAIRMAN FLANAGAN: And Lori, just so</p> <p>11 everyone knows, these documents are -- there's</p> <p>12 hyperlinks on the agenda for tonight.</p> <p>13 SECRETARY TAGLAIRINO: Why can't I -- all</p> <p>14 right. So hold on. Can you see that everyone?</p> <p>15 CHAIRMAN FLANAGAN: Yes.</p> <p>16 BY MR. SCHNEIDER:</p> <p>17 Q. Thank you, Lori. Diane, can you just</p> <p>18 concisely review your response as reflected in Exhibit</p> <p>19 A-23 being the October 16, 2020 correspondence?</p> <p>20 A. Yes. That's the exact letter.</p> <p>21 Q. Okay. And that's the exact letter. And</p> <p>22 the sum and substance of that letter is that you recite</p> <p>23 the history of the communications, reject the most</p> <p>24 recent offer of \$80,000 and ask whether the fire</p> <p>25 department is prepared to accept the same terms and</p>	<p style="text-align: right;">Page 12</p> <p>1 conditions that Verizon entered into a public bid</p> <p>2 through the bidding process with the township of</p> <p>3 Harding, is that a fair and accurate summary of the</p> <p>4 October 16th correspondence?</p> <p>5 A. Yes.</p> <p>6 Q. Okay. And while you have received some</p> <p>7 verbal responses to date is it fair to say that you</p> <p>8 have not received any written communications in</p> <p>9 response to that; correct?</p> <p>10 A. Not written, no.</p> <p>11 Q. Okay. Lori, can you now put up the</p> <p>12 November 17, 2020, correspondence from Ms. Enright to</p> <p>13 the New Vernon Volunteer Fire Department? And I'll</p> <p>14 mark that as A-24.</p> <p>15 SECRETARY TAGLAIRINO: All right. Hold on</p> <p>16 one second.</p> <p>17 MR. SCHNEIDER: Take your time.</p> <p>18 SECRETARY TAGLAIRINO: I'm sure there's a</p> <p>19 better way to do this, but we're just going to do</p> <p>20 this -- okay. So that would be A-24?</p> <p>21 MR. SCHNEIDER: Correct.</p> <p>22 SECRETARY TAGLAIRINO: Okay.</p> <p>23 (Exhibit A-24 was received and marked.)</p> <p>24 BY MR. SCHNEIDER:</p> <p>25 Q. Okay. Ms. Enright, could you review what</p>

<p style="text-align: right;">Page 13</p> <p>1 the summons -- all Board members have copies of this, 2 but for the benefit of the public who may not want to 3 read it quickly on the screen, what's the sum and 4 substance of A-24 that being your November 17th, 2020 5 correspondence? 6 A. Yes. This letter is a confirmation that 7 the Fire Department Board had rejected Verizon's 8 proposal dated October 16, 2020. And that was 9 communicated to me by Jim Geswelli on 10/28/2020. 10 Q. And the further import of that letter is 11 that since the negotiations now have, or the 12 communications I should say and result in negotiations 13 have spanned some 18 months that Verizon Wireless felt 14 it appropriate that given the ongoing proceedings 15 before the Board that they're not in a position to 16 engage in further negotiations, is that a fair 17 statement? 18 A. Correct. It's clear that they are not 19 interested in the proposal. 20 CHAIRMAN FLANAGAN: Mr. Schneider, can I 21 ask you a quick question? Ms. Enright, I think you 22 said Mr. Geswelli communicated something to you on 10/ 23 28? 24 THE WITNESS: It was a phone call. 25 CHAIRMAN FLANAGAN: 10/28 being what</p>	<p style="text-align: right;">Page 14</p> <p>1 November? 2 THE WITNESS: That will be October 28, 3 2020, is when Mr. Geswelli had informed my that the 4 Board rejected the proposal that was provided to the 5 Board, the October 16th proposal, the financial terms 6 and the whole proposal was rejected by the Board. 7 CHAIRMAN FLANAGAN: All right. So just so 8 I understand. So you sent a letter to him on the 16th 9 of October; is that right? 10 THE WITNESS: Yes. 11 CHAIRMAN FLANAGAN: And then on the 28th 12 you had a phone call with him or saw him in person, or 13 whatever? 14 THE WITNESS: He called me to let me know. 15 CHAIRMAN FLANAGAN: All right. And then 16 what we're looking at is a letter memorializing that 17 conversation from the 28th that was sent on 18 November 17th; is that right? 19 THE WITNESS: Yes. 20 CHAIRMAN FLANAGAN: Okay. 21 BY MR. SCHNEIDER: 22 Q. So to put a bow on this, Ms. Enright, at 23 this point Verizon Wireless having engaged in what I 24 gather you believe is good-faith negotiations for now a 25 period of 18 years is not prepared to continue to</p>
<p style="text-align: right;">Page 15</p> <p>1 engage in further proceedings recognizing the fact that 2 we have an ongoing application before the Board of 3 Adjustment; is that correct? 4 A. Yes. 5 MR. SCHNEIDER: Mr. Chairman, I have 6 nothing further for Ms. Enright. 7 CHAIRMAN FLANAGAN: Okay. Steve, I know 8 there's been some discussion -- Lori you can take that 9 screen share down, if you could. 10 MR. MLENAK: Yes. 11 CHAIRMAN FLANAGAN: Do you want to give the 12 Board a little bit of background on, I guess it's a 13 Resolution, it's a proposal that we're considering -- 14 well, I guess the question that is before the Board, 15 and if you would frame it for us is, is the firehouse 16 currently as we stand here tonight in the Board's view 17 an available property; is that correct. 18 MR. MLENAK: Yes, it is. 19 MR. SIMON: Yes, again, I apologize, Mr. 20 Chairman, but for purposes of procedure -- 21 MR. MLENAK: I'm going to let you ask 22 questions Rob. That's where I was getting. 23 MR. SIMON: Thank you. 24 MR. MLENAK: Before we get to any vote we 25 need to open up the witness for questioning for both</p>	<p style="text-align: right;">Page 16</p> <p>1 Mr. Simon and the public. And then after that is I 2 will brief the Board on the summary of where we're at, 3 what the ask from the applicant is, and what their 4 rights are. 5 CHAIRMAN FLANAGAN: Okay. I was getting 6 ahead of myself. Mr. Simon, do you have any questions? 7 MR. SIMON: Yes. My apologies for 8 interrupting. I just -- 9 CHAIRMAN FLANAGAN: Not at all. 10 EXAMINATION BY MR. SIMON: 11 Q. Ms. Enright, good evening. I just have a 12 couple of quick questions. With regard to A-22, the 13 e-mail from Mr. Geswelli with the proposal, and I'm 14 focusing on number one saying the tower must be a 15 flagpole type with no exterior antennas visible on the 16 outside similar to the pole at Green Village Firehouse 17 which is located at the other end of Village Road. And 18 number two, the tower must not exceed 120 feet. 19 On A-23 the penultimate paragraph states, 20 "With specific further reference to your requirements 21 as to the design of the communications facility the 22 ultimate final design and authorized maximum height is 23 ultimately a determination that's within the final 24 purview of the Harding Township Board of Adjustment." 25 Do I take that response to mean that in</p>

<p style="text-align: right;">Page 17</p> <p>1 response to A-22 on those two issues, namely the tower 2 design and the height of the tower, Verizon didn't make 3 or state a determination or a position as to either one 4 of those items; correct?</p> <p>5 A. Well, that paragraph basically refers to 6 the fact that we would have to go before the Zoning 7 Board for approval for the type of design. So 8 ultimately we wouldn't be able to totally commit to a 9 type of design until we got our zoning approval.</p> <p>10 Q. And that applies to height as well?</p> <p>11 A. Yes.</p> <p>12 MR. SIMON: I have nothing further. Thank 13 you, Mr. Chairman.</p> <p>14 CHAIRMAN FLANAGAN: Thank you, Mr. Simon. 15 Do any other members of the public that are not 16 represented by Mr. Simon have any questions for the 17 witness?</p> <p>18 MR. MLENAK: Or for the Board for that 19 matter.</p> <p>20 CHAIRMAN FLANAGAN: Or the Board. Sorry. 21 I skipped the Board. I was rushing ahead. All right. 22 With that, Steve, do you want to give us an overview?</p> <p>23 MR. MLENAK: Sure. So this issue came up 24 initially as was testified by Ms. Enright last year 25 where the fire department started being evaluated by</p>	<p style="text-align: right;">Page 18</p> <p>1 the applicant as a potential alternative site, and the 2 applicant at that time raised the potential that there 3 was a conflict of interest held by Mr. Newlin. An 4 investigation of the Board was conducted at that 5 meeting where it was brought up, and since then Mr. 6 Newlin had not been present at any meetings during 7 which this application was the subject and then of 8 course the Pandemic hit and we had many, many months 9 where this hearing -- this application was not 10 proceeding. And last month based on the undated letter 11 now marked as A-22 the issue was brought again by the 12 Applicant.</p> <p>13 We requested if the Board were to remember 14 at the last meeting letters from both Mr. Schneider and 15 Mr. Simon on this issue. We did receive letters from 16 both, and as indicated by Mr. Simon and through the 17 testimony of Ms. Enright tonight it is the Applicant's 18 position that the fire department site is not available 19 for this particular use. And as requested from the 20 Board a determination at this time as we sit here 21 tonight on November 19th that based on the facts as we 22 have them at this point that the site is, in fact, not 23 available. That's a finding of fact that the Board can 24 make.</p> <p>25 With that, Mr. Schneider has agreed that</p>
<p style="text-align: right;">Page 19</p> <p>1 there's no need to even have a further determination of 2 whether or not a conflict exists, if the site is not 3 available, by Mr. Newlin and that discussion need not 4 take place.</p> <p>5 Mr. Simon wrote a letter as well in which 6 he concluded on behalf of his clients that he also 7 believes the site is not an available site. There was 8 some discussion at the last meeting whether or not the 9 Board can entertain such a finding of fact during the 10 proceeding, and in fact it's my position -- it's my 11 opinion that the Board can. Boards make routine or 12 interim, however you want to call it, decisions 13 throughout proceedings: Bifurcated matter, whether a 14 variance needs to happen, credibility of witnesses, 15 whether an expert qualifies as an expert and so on, and 16 those findings of fact are happening in real time as of 17 the time they are made.</p> <p>18 If the Board wants to entertain a motion as 19 requested by the Applicant to make that finding of fact 20 that the firehouse is not available and move on you'd 21 be making that again strictly with the facts that you 22 have them now, and should additional facts come up in 23 the future or additional letters be sent and offers 24 made that will of course change the fact and you would 25 be revisiting that issue, as well as revisiting</p>	<p style="text-align: right;">Page 20</p> <p>1 potentially whether or not there is a conflict by 2 Vice-Chairman Newlin.</p> <p>3 So with that I would turn it over to the 4 Board to make a motion or ask any questions of me that 5 there may be.</p> <p>6 CHAIRMAN FLANAGAN: Okay. Steve, thank 7 you. So it's simply a motion that we -- what are we 8 going to do here? And I know we've had some discussion 9 about having a Resolution or not, or simply having -- 10 what form does this take, is it simply making a motion 11 that the firehouse is not available?</p> <p>12 MR. MLENAK: If that's the motion that 13 somebody on the Board wants to make it would be a 14 motion that as of November 19th as we sit here tonight 15 the Board's determination is that the firehouse is not 16 an available alternate site for the proposed use.</p> <p>17 CHAIRMAN FLANAGAN: Okay. And then 18 obviously you've had discussions with Mr. Schneider 19 regarding Mr. Newlin, and there is -- I imagine there's 20 nothing in writing, but based on your discussions the 21 Township and the Board has assurances that if this 22 application were denied I guess that the Applicant 23 would not raise any issues with Mr. Newlin and 24 potential conflicts. Do we need that in writing?</p> <p>25 MR. MLENAK: Well, what would happen is</p>

<p style="text-align: right;">Page 21</p> <p>1 that at the last meeting we did ask both Mr. Schneider 2 and Mr. Simon whether they believed at the time there 3 was a taint of the proceeding, to which both replied 4 that they did not believe that there was. Mr. 5 Schneider has indicated both in his letter, and if the 6 Board were to make the decision I would ask him again 7 tonight to confirm on the record that the Applicant 8 does not believe a taint has been -- or that this 9 application has been tainted. And we can ask the same 10 of Mr. Simon, although his letter suggests that he did 11 not believe there was a conflict of interest. So I 12 don't imagine that he would find there to be a taint. 13 So that's how we would proceed.</p> <p>14 CHAIRMAN FLANAGAN: Okay. So Mr. Schneider 15 then as we've discussed and you've written, and I 16 appreciate your letters, just confirm on the record as 17 Steve just suggested, would you still agree that there 18 no taint if the Board finds that as of tonight the 19 firehouse is not an available site?</p> <p>20 MR. SCHNEIDER: Confirmed and stipulated, 21 Mr. Chairman.</p> <p>22 CHAIRMAN FLANAGAN: Okay. Mr. Simon, same 23 question for you. Is it your view that if the Board 24 finds the firehouse is not an available site that you 25 would raise that there was no taint, is no taint with</p>	<p style="text-align: right;">Page 22</p> <p>1 Mr. Newlin?</p> <p>2 MR. SIMON: Not only do I believe that 3 there is no taint, but I also want to take this 4 opportunity in all sincerity to commend the Board for 5 the way that they have dealt with this issue over many, 6 many months. I think it should be commended.</p> <p>7 CHAIRMAN FLANAGAN: Well, thank you. On 8 behalf of the Board thank you, Mr. Simon. All right. 9 And I'll make the motion that as of tonight, and this 10 is subject to change, right, based on new information, 11 and Mr. Schneider I guess one of the other things that 12 we'll ask you is that you will bring to -- if there is 13 any other further communication with the firehouse that 14 you will bring it to us. Is that something you're 15 willing to do?</p> <p>16 MR. SCHNEIDER: Yes. I certainly will 17 bring it to the Board's attention whether at a certain 18 point in time the response of the fire department 19 becomes relevant for suitability, that's something for 20 a further proceeding but, I will stipulate that if we 21 have any further communications we would appropriately 22 bring it to the attention of the Board.</p> <p>23 CHAIRMAN FLANAGAN: Okay. With that said, 24 I move that as of tonight subject to change based on 25 any further action of the firehouse that the firehouse</p>
<p style="text-align: right;">Page 23</p> <p>1 is not an available site for purposes of this 2 application.</p> <p>3 SECRETARY TAGLAIRINO: Second?</p> <p>4 BOARD MEMBER ADDONIZIO: Second.</p> <p>5 SECRETARY TAGLAIRINO: Tom, did you just 6 second it?</p> <p>7 BOARD MEMBER ADDONIZIO: Yes. I'll second 8 that.</p> <p>9 CHAIRMAN FLANAGAN: Do you want to do just 10 a voice vote or do you want to do a roll call here?</p> <p>11 MR. SCHNEIDER: I think it should be a roll 12 call.</p> <p>13 CHAIRMAN FLANAGAN: Okay.</p> <p>14 SECRETARY TAGLAIRINO: All right, so, and 15 that means Mr. Newlin can vote on this?</p> <p>16 BOARD MEMBER NEWLIN: I'm going to abstain. 17 I will vote, but I will abstain.</p> <p>18 SECRETARY TAGLAIRINO: Okay. Mr. Mlenak, 19 is that the way it should go?</p> <p>20 MR. MLENAK: Yea. Mr. Newlin has not 21 recused himself so he will still be participating in 22 roll call, but he's indicated he will abstain.</p> <p>23 SECRETARY TAGLAIRINO: So we'll deal with 24 our seven non-alternate members for the vote?</p> <p>25 MR. MLENAK: Correct.</p>	<p style="text-align: right;">Page 24</p> <p>1 SECRETARY TAGLAIRINO: Okay. I just want 2 to be clear. Ms. Chipperson?</p> <p>3 CHAIRMAN FLANAGAN: You know, I'd like to 4 hear from Ms. Chipperson last, if it's possible.</p> <p>5 BOARD MEMBER CHIPPERSON: I do have a 6 question, though, Mike. We're saying right now that 7 there's no taint to date, but I think if it's allowed 8 we should have an assurance that there's no taint to 9 the end. I mean, what's to say that, you know, if Alf 10 were to vote against the application, I mean, there 11 could be an allegation that's because if it's denied 12 that maybe the firehouse will look more attractive, I 13 don't know, but can we get a little more assurance than 14 there's just no taint as of today? That there won't be 15 an appeal based on Alf's conflict?</p> <p>16 CHAIRMAN FLANAGAN: Mr. Schneider?</p> <p>17 MR. SCHNEIDER: I'm not clear what other 18 assurance I can give you. All I can deal with are what 19 the facts are as of today based on the facts presented. 20 We're stipulating that Mr. Newlin -- based on the 21 determination that the fire department's unavailable 22 Mr. Newlin has unequivocally no conflict. I don't know 23 how much more I can -- what more I can stipulate. I 24 can't stipulate to the future.</p> <p>25 BOARD MEMBER CHIPPERSON: You're</p>

<p style="text-align: right;">Page 25</p> <p>1 stipulating that you agree he doesn't have a conflict 2 till the end of this proceeding? I'm just not really 3 sure. 4 MR. SCHNEIDER: I'm stipulating -- maybe 5 Mr. Mlenak -- maybe I'm not -- Steve, I don't know if 6 anything that you can add. I'm just -- I'm stipulating 7 as of the facts of today that he has absolutely -- that 8 he doesn't have a conflict. I don't know how much more 9 clear I could be. 10 MR. MLENAK: I think what we can do is just 11 as the Board -- just as the motion that Mike just 12 articulated would be a Board finding of fact as of the 13 facts today, and as Mr. Schneider indicated he's 14 stipulating as to the facts as they are today. Those 15 are equal stipulations and findings. 16 The Board, if the motion is to be passed 17 the way it was articulated, would have the right to 18 revisit with additional facts. I believe that's what 19 Mr. Schneider is trying to articulate, and that seems 20 fair to me. Does that answer your question? 21 BOARD MEMBER CHIPPERSON: I guess what I'm 22 saying is, you know, could there still be an appeal if 23 the application is denied based on Alf having a 24 conflict based on something that happens two weeks from 25 now?</p>	<p style="text-align: right;">Page 26</p> <p>1 MR. MLENAK: There is no stipulation in 2 writing that will ever get somebody to not be able to 3 file an appeal. Everybody can always file. Whether 4 they'd successful or not after making the stipulation 5 that Mr. Schneider did on the application is another 6 story. And barring any additional facts, whether this 7 concludes at the next meeting or five or ten meetings 8 from now, if there are no additional facts that are 9 brought forward then the stipulation that Mr. Schneider 10 just gave should carry through the end. 11 CHAIRMAN FLANAGAN: So maybe that's the 12 question then for you Steve who would have to defend 13 this in an appeal. If we make this motion and if 14 Verizon were to be denied at the end of this whole 15 application, and Verizon were to go and appeal it, 16 based on Mr. Newlin's relationship or his wife's 17 relationship or the firehouse, are you comfortable that 18 that basis for the appeal I guess would be denied or 19 would not be given any weight? 20 MR. MLENAK: I'm satisfied that an appeal 21 by the Applicant that's just stipulated that there is 22 no taint, that there is no conflict, and barring any 23 additional facts would be sufficient. 24 CHAIRMAN FLANAGAN: Okay. I'll take the 25 Board's -- the Applicant's -- I'm sorry, the Board's</p>
<p style="text-align: right;">Page 27</p> <p>1 attorney's advice here. 2 All right. So the motion's out there. Tom 3 has seconded it. I think what I said was that the 4 Board finds that as of tonight, subject to change based 5 on more information in the future, the Board finds that 6 the firehouse is not currently available as an 7 alternative site for this application. Tom, is that 8 what you seconded? 9 BOARD MEMBER ADDONIZIO: I second it. 10 CHAIRMAN FLANAGAN: All right. Any other 11 questions from the Board before we -- (no response.) 12 No? All right. Lori would you do a roll 13 call? 14 SECRETARY TAGLAIRINO: Yes. Mr. Maselli? 15 CHAIRMAN FLANAGAN: Everybody take 16 themselves off mute. 17 SECRETARY TAGLAIRINO: Mr. Maselli? 18 BOARD MEMBER MASELLI: Yes. 19 SECRETARY TAGLAIRINO: Mr. Symonds? 20 BOARD MEMBER SYMONDS: Yes. 21 SECRETARY TAGLAIRINO: Mr. Newlin? 22 BOARD MEMBER NEWLIN: Abstain. 23 SECRETARY TAGLAIRINO: Mr. Rosenbaum? 24 BOARD MEMBER ROSENBAUM: Yes. 25 SECRETARY TAGLAIRINO: Mr. Addonizio?</p>	<p style="text-align: right;">Page 28</p> <p>1 BOARD MEMBER ADDONIZIO: Yes. 2 SECRETARY TAGLAIRINO: Mr. Flanagan? 3 CHAIRMAN FLANAGAN: Yes. 4 SECRETARY TAGLAIRINO: Ms. Chipperson? 5 BOARD MEMBER CHIPPERSON: No. 6 CHAIRMAN FLANAGAN: All right. So that 7 motion passes? 8 MR. SCHNEIDER: Thank you. I'm glad we're 9 passed that issue. 10 CHAIRMAN FLANAGAN: Thank you, Mr. 11 Schneider. 12 BOARD MEMBER NEWLIN: And Mike, can I say? 13 I really look forward to the time where the words 14 "Newlin" and "taint" are not in the same sentence. 15 Thank you. (Laughter.) 16 MR. MLENAK: You know, I have one further 17 housekeeping on this issue and then we really will be 18 passed it. At the last hearing the Applicant 19 stipulated to attempt to bring back the Police Chief 20 for questioning by Mr. Newlin if Mr. Newlin had 21 questions, and I just want to ask of Mr. Newlin whether 22 there are such questions that we can ask the Applicant 23 to see if the Police Chief would be willing to come 24 back to answer. 25 BOARD MEMBER NEWLIN: Can we defer that</p>

<p style="text-align: right;">Page 29</p> <p>1 question?</p> <p>2 MR. MLENAK: If we can have that answer</p> <p>3 tonight just so we can give the Police Chief time if we</p> <p>4 need to get him back obviously, but yes, we don't have</p> <p>5 to answer that now.</p> <p>6 BOARD MEMBER NEWLIN: Okay. Thanks.</p> <p>7 CHAIRMAN FLANAGAN: Okay. Mr. Schneider, I</p> <p>8 think you were saying at the beginning, as I recall, it</p> <p>9 is time for Mr. Simon to do his cross-examination of</p> <p>10 your RF expert; is that correct?</p> <p>11 MR. SCHNEIDER: That is correct.</p> <p>12 CHAIRMAN FLANAGAN: Okay. Mr. Simon, the</p> <p>13 floor is yours.</p> <p>14 MR. SCHNEIDER: And I'll just remind, Ms.</p> <p>15 Boschulte is I believe present. Frances, are you on?</p> <p>16 MS. BOSCHULTE: I am.</p> <p>17 MR. SCHNEIDER: Okay. I'll remind you that</p> <p>18 you are still under oath.</p> <p>19 MR. MLENAK: And just for the record, Mr.</p> <p>20 Simon, this is your first opportunity to cross-examine</p> <p>21 Ms. Boschulte; right? So you are able to cross-examine</p> <p>22 her on anything and not limited to the re-direct; is</p> <p>23 that correct?</p> <p>24 MR. SIMON: That is essentially correct.</p> <p>25 Just so the record is clear, I did cross-examine her, I</p>	<p style="text-align: right;">Page 30</p> <p>1 started to cross-examine her on a couple of subjects</p> <p>2 that she had raised many, many, many months ago. So in</p> <p>3 terms of cross-examination I had commenced it for the</p> <p>4 first time, but we didn't really get very far, Steve.</p> <p>5 Just so the record's clear. I didn't want to impede</p> <p>6 anyone.</p> <p>7 MR. SCHNEIDER: Just for the record, Mr.</p> <p>8 Simon did, albeit briefly, did have some brief</p> <p>9 cross-examination of Ms. Boschulte on two prior</p> <p>10 occasions.</p> <p>11 MR. MLENAK: But not with respect to A-21</p> <p>12 that was testified at the last hearing.</p> <p>13 MR. SCHNEIDER: That is correct.</p> <p>14 MR. SIMON: And not even with regard to the</p> <p>15 first set of propagations that were submitted either.</p> <p>16 MR. MLENAK: Okay. The floor is yours.</p> <p>17 MR. SIMON: Thank you, Mr. Chairman.</p> <p>18 FRANCES BOSCHULTE, having been</p> <p>19 previously sworn, testifies as follows:</p> <p>20 EXAMINATION BY MR. SIMON:</p> <p>21 Q. Ms. Boschulte, good evening. Can you hear</p> <p>22 me okay?</p> <p>23 A. Can you hear me?</p> <p>24 Q. I can. Actually, can you raise your volume</p> <p>25 just a tad, please?</p>
<p style="text-align: right;">Page 31</p> <p>1 CHAIRMAN FLANAGAN: Other maybe come closer</p> <p>2 to the mic?</p> <p>3 THE WITNESS: Is this better?</p> <p>4 MR. SIMON: That is better. Thank you.</p> <p>5 Q. And is it okay if I refer to you as both</p> <p>6 Ms. Boschulte and Frances?</p> <p>7 A. Yes, that's okay.</p> <p>8 Q. Thank you. I just want to make sure.</p> <p>9 Have you had an opportunity to review any</p> <p>10 of the transcripts of the testimony that you have</p> <p>11 provided to date in connection with this application?</p> <p>12 A. I have reviewed, yes.</p> <p>13 Q. And is there any testimony Ms. Boschulte</p> <p>14 that you have given to date with regard to this</p> <p>15 application that you wish to change or modify in any</p> <p>16 way?</p> <p>17 A. I don't believe so. There's probably some</p> <p>18 things that I think we left off I was not sure of, and</p> <p>19 probably we'll circle back around, but no I'm fine with</p> <p>20 what was stated.</p> <p>21 Q. And the cell phone for a user in Harding</p> <p>22 Township, the cell phone can operate at any frequency</p> <p>23 for Verizon; correct?</p> <p>24 A. If there's coverage, yes.</p> <p>25 Q. So for the cell phone user it doesn't</p>	<p style="text-align: right;">Page 32</p> <p>1 matter whether they're on 700 megahertz, 800, 1900 or</p> <p>2 2100 megahertz; correct?</p> <p>3 A. If there's coverage in those bands the</p> <p>4 phones should work.</p> <p>5 Q. But the user's not going to know which band</p> <p>6 they're on; correct?</p> <p>7 A. That is correct. The user won't know by</p> <p>8 looking at their phone. They will know whether or not</p> <p>9 they're on the LTE or the CDMA. Sometimes it will come</p> <p>10 up as the 1X or 3G in certain areas.</p> <p>11 Q. So when it's 1X or 3G what does that mean?</p> <p>12 A. It's not an LTE. It's the older</p> <p>13 technology.</p> <p>14 Q. So that's CDMA? Is that CDMA?</p> <p>15 A. It's referred to CDMA, yes.</p> <p>16 Q. And if they're on the LTE how will they</p> <p>17 know that?</p> <p>18 A. Usually the icon on the phone will say LTE.</p> <p>19 Q. And that's the 4G?</p> <p>20 A. Correct.</p> <p>21 Q. And in a weaker coverage area such as the</p> <p>22 one that's being alleged here in Harding Township a</p> <p>23 lower frequency is what traditionally most people are</p> <p>24 going to initially operate on when they're using their</p> <p>25 phones; correct?</p>

<p style="text-align: right;">Page 33</p> <p>1 A. The newer phones will try to search for the</p> <p>2 higher frequency. If none is available it will go to</p> <p>3 the lower frequency band.</p> <p>4 Q. When you say the newer phones, for most</p> <p>5 phones today what happens?</p> <p>6 A. Most phones today they will search for the</p> <p>7 2100 megahertz first.</p> <p>8 Q. And why is that?</p> <p>9 A. Because the 2100 offers the larger</p> <p>10 bandwidth which provides better data speeds basically.</p> <p>11 Q. And if -- what happens if a phone searches</p> <p>12 for the 2100 megahertz bandwidths and is unsuccessful</p> <p>13 in finding those, the 2100 coverage?</p> <p>14 A. Right. Well, it kind of goes down. So</p> <p>15 then there's the 1900 and then there's the 700. So if</p> <p>16 there are no high band frequencies once it searches it</p> <p>17 will automatically go to the 700.</p> <p>18 Q. As kind of a default?</p> <p>19 A. Yes. You can use it as a default, yes.</p> <p>20 Q. And the user, if I'm walking around in</p> <p>21 downtown Harding Township by the post office and I have</p> <p>22 my phone I'm not going to know the process by which the</p> <p>23 phone goes from 2100 to 1900 to 700; correct?</p> <p>24 A. They're not going to know which frequency</p> <p>25 band they're on, if that's what you're asking.</p>	<p style="text-align: right;">Page 34</p> <p>1 Q. Right. And if this application is approved</p> <p>2 the same situation holds? In other words, as what</p> <p>3 happens today the user when they are using their smart</p> <p>4 phone to make a call it will start by looking for the</p> <p>5 2100 then to the 1900 then down to seven -- 800 or 700;</p> <p>6 correct?</p> <p>7 A. That's correct.</p> <p>8 Q. And Verizon has currently achieved their</p> <p>9 FCC mandated coverage in all frequency bands without</p> <p>10 the need for this application; correct?</p> <p>11 A. I'm not sure what you mean. They are FCC</p> <p>12 licenses, is that what you mean?</p> <p>13 Q. Yeah. They're not going to lose their</p> <p>14 license in any of these frequency bands if this</p> <p>15 application is denied; correct?</p> <p>16 A. I think that's probably a question for Rich</p> <p>17 Schneider. I mean, I can assume -- I would say no.</p> <p>18 Q. And --</p> <p>19 A. -- but I don't know if there's any legal</p> <p>20 stipulations or not that they have to, you know --</p> <p>21 there's never any coverage here. I don't know.</p> <p>22 Q. What did you say that there's not any</p> <p>23 coverage here?</p> <p>24 A. If there's no coverage in Harding I don't</p> <p>25 know if there's any legal ramifications of them not</p>
<p style="text-align: right;">Page 35</p> <p>1 being able to provide service.</p> <p>2 Q. Well, we'll get to this in a minute, but is</p> <p>3 there coverage currently in Harding?</p> <p>4 A. In some parts, yes.</p> <p>5 Q. In the parts that you're intending to cover</p> <p>6 with this application is there any coverage?</p> <p>7 A. In some areas there is no coverage.</p> <p>8 Q. And when you say "there is no coverage,"</p> <p>9 what are you, and I don't want to jump around too much</p> <p>10 but I will ask you because you answered the question</p> <p>11 this way. What do you mean that there is no coverage?</p> <p>12 A. Meaning that the signal strength is so weak</p> <p>13 that a phone or a -- I should say a smart device is not</p> <p>14 able to initiate a connection.</p> <p>15 Q. So have you tried to initiate a connection</p> <p>16 yourself in the various areas of the coverage gap that</p> <p>17 you're trying to cover here?</p> <p>18 A. Not of recent because of COVID, of course,</p> <p>19 but in the past, yes, there were areas in Harding where</p> <p>20 I was in my vehicle driving and I could not. There</p> <p>21 were times where I did try at the municipal building</p> <p>22 and I could not get through. I got the spinning dial</p> <p>23 like it was searching.</p> <p>24 Q. So that was at the municipal building</p> <p>25 specifically?</p>	<p style="text-align: right;">Page 36</p> <p>1 A. There was a -- yes. There were more than</p> <p>2 one occasion at the municipal, and there were occasions</p> <p>3 where coming off of 287 utilizing my navigator -- my</p> <p>4 navigation system I was not able to continue with the</p> <p>5 mapped route.</p> <p>6 Q. That was coming off of 287?</p> <p>7 A. Yes.</p> <p>8 Q. And let me go back. With regard to, when</p> <p>9 you say this happened on more than one occasion at the</p> <p>10 municipal building, what time period or dates are we</p> <p>11 talking about?</p> <p>12 A. I wasn't making note of the dates, so the</p> <p>13 times that I was using my navigation system would</p> <p>14 either be -- would have been at the municipal -- would</p> <p>15 be in the evening time at night. And other times</p> <p>16 during the afternoon.</p> <p>17 Q. So when you're talking about this spinning</p> <p>18 dial are you talking about you experiencing that when</p> <p>19 you're leaving the municipal building after a hearing?</p> <p>20 A. Yes. There was times leaving the municipal</p> <p>21 building going on my way home trying to initiate my</p> <p>22 drive route home.</p> <p>23 Q. For your -- through your GPS system on your</p> <p>24 phone?</p> <p>25 A. Yes, when I connect my -- yes. Utilizing</p>

<p style="text-align: right;">Page 37</p> <p>1 my phone, the Google maps or the maps feature it would</p> <p>2 not come up with a route. It would just get the</p> <p>3 spinning dial. Nothing would happen until I was</p> <p>4 further already on 287.</p> <p>5 Q. So that's what you're referring to when you</p> <p>6 testified that you had the spinning dial on more than</p> <p>7 one occasion at the municipal building?</p> <p>8 A. Yes. There were --</p> <p>9 Q. Go ahead. I didn't mean to cut you off.</p> <p>10 A. So, yes. That's the instance utilizing my</p> <p>11 navigation system. Other instances was calling my</p> <p>12 husband to let him know I'm on my way home where I did</p> <p>13 make a connection but there was no audio.</p> <p>14 Q. And where was that call made from?</p> <p>15 A. Also leaving the municipal -- between that</p> <p>16 and -- my normal route would be Blue Mill Road and then</p> <p>17 turning onto James Street.</p> <p>18 Q. So would you regularly try to do this and</p> <p>19 not be able to make a call through to let's say your</p> <p>20 husband at the conclusion of the hearing?</p> <p>21 A. Yes. I normally start my navigation system</p> <p>22 and try to call my husband when I leave.</p> <p>23 Q. And that's on the municipal property;</p> <p>24 correct?</p> <p>25 A. That is correct.</p>	<p style="text-align: right;">Page 38</p> <p>1 Q. And with regard to what you just testified</p> <p>2 to as your inability to get a call through to your</p> <p>3 husband, or to access your navigation system on your</p> <p>4 phone, did you actually take any measurements or put</p> <p>5 your phone in test mode to assess what kind of signal</p> <p>6 you were getting?</p> <p>7 A. So the iPhone I have I am not able to put</p> <p>8 that into test mode, so I understand -- I know peers</p> <p>9 have the Samsung which does allow you to you get those</p> <p>10 features, but I did search for that feature. I was not</p> <p>11 able to get it on my iPhone to unlock that.</p> <p>12 Q. And with regard -- so other than -- and I'm</p> <p>13 going to get to the drive test and the drive test data,</p> <p>14 but other than the recordings of the service on I think</p> <p>15 it was February 14th of 2020, have you, Frances,</p> <p>16 provided the Board with any other documentation</p> <p>17 demonstrating data as to attempts to, you know, utilize</p> <p>18 or achieve a signal within the gap area?</p> <p>19 A. So for the record, even though my personal</p> <p>20 experience of having difficulties I don't necessarily</p> <p>21 make it my conclusion on whether or not an area has</p> <p>22 service. There could be potentially something wrong</p> <p>23 with my phone or it could be, you know, the variations</p> <p>24 between devices. So the drive test was conducted</p> <p>25 utilizing the scan device, and that's a calibrated</p>
<p style="text-align: right;">Page 39</p> <p>1 unit. And we utilize the signal strength level that --</p> <p>2 a reasonable accepted level to determine whether or not</p> <p>3 reasonable service can be provided, not just to -- for</p> <p>4 voice but for data as well on a multitude of smart</p> <p>5 devices.</p> <p>6 Q. Okay. So other than that February 14th</p> <p>7 reading you haven't provided the Board with any other</p> <p>8 test data whether it's drive test or any test that you</p> <p>9 may have performed; correct?</p> <p>10 A. That's correct.</p> <p>11 Q. Other than the February 14th drive test</p> <p>12 data that you provided, have you seen -- well, let me</p> <p>13 back up. Have you performed any other drive test at</p> <p>14 any other time within any section of the gap area in</p> <p>15 question?</p> <p>16 A. I have not performed any other drive test</p> <p>17 other than the date that it was last conducted.</p> <p>18 Q. And I understand, Frances, from doing this</p> <p>19 more than once or twice or three times that the</p> <p>20 carriers routinely, what I'm told, is drive test areas</p> <p>21 at least once a year if not twice a year, and that in</p> <p>22 fact the carriers share the drive test data based on</p> <p>23 those tests. Are you aware of any drive test other</p> <p>24 than the February 14th, 2020, drive test that was</p> <p>25 performed in any portion of this gap area, whether or</p>	<p style="text-align: right;">Page 40</p> <p>1 not you performed it, someone from your company</p> <p>2 performed it, or even if Verizon performed it?</p> <p>3 A. So I am not aware, but I know in the past</p> <p>4 of what you're referring to where carriers would</p> <p>5 conduct a drive test of their network on an annual</p> <p>6 basis, and over the last couple of years I've noticed,</p> <p>7 I don't know if you've noticed, but that's decreased</p> <p>8 over the last number of years. But I am not aware that</p> <p>9 Verizon has conducted any such test in Harding since</p> <p>10 February, the one that I conducted.</p> <p>11 Q. Well, I'm not so curious, and I understand</p> <p>12 of course because of COVID and the state of emergency</p> <p>13 why a drive test has not been conducted subsequent to</p> <p>14 February 14th of 2020. What I was curious about was a</p> <p>15 drive test that may have been conducted by Verizon or</p> <p>16 AT&T, T-Mobile, Sprint, anywhere within the gap area in</p> <p>17 question at any time even prior to February 14th, 2020,</p> <p>18 even at the times as you stated when they were doing</p> <p>19 more of that?</p> <p>20 MR. SCHNEIDER: Objection as to the</p> <p>21 question as to other carriers. I don't know how Ms.</p> <p>22 Boschulte would know what tests were performed by the</p> <p>23 other carriers.</p> <p>24 MR. SIMON: Well, I asked her, that's why I</p> <p>25 tried, Rich, to lay the foundation, that my</p>

<p style="text-align: right;">Page 41</p> <p>1 understanding in hearing testimony from radio frequency</p> <p>2 experts throughout the state of New Jersey that, in</p> <p>3 fact, not just Verizon but all the carriers not only</p> <p>4 drive test these areas but also share the data, and so</p> <p>5 that's what I'm asking the question about.</p> <p>6 MR. SCHNEIDER: If you know, Frances.</p> <p>7 MR. SIMON: If you know.</p> <p>8 THE WITNESS: I do not know. I have not</p> <p>9 asked the question to the carriers, so I do not know if</p> <p>10 they have that information.</p> <p>11 BY MR. SIMON:</p> <p>12 Q. Okay. With regard to -- and I'm going to</p> <p>13 take to you A-3 that was marked. And A-3 and I don't</p> <p>14 know if it's necessary really for Lori to put it up on</p> <p>15 the screen, but at the same time, Frances, I want to</p> <p>16 make sure that you can adequately review an exhibit</p> <p>17 before answering a question that I may ask pertaining</p> <p>18 to the exhibit. So maybe the way we'll do it is I'll</p> <p>19 ask you the question, and if you have it in front of</p> <p>20 you and you don't need to put the exhibit up that's</p> <p>21 fine, but that's really up to you; is that fair?</p> <p>22 MR. SCHNEIDER: Just to assist you A-3</p> <p>23 would be your original August 28th report.</p> <p>24 THE WITNESS: Okay. That's helpful because</p> <p>25 I don't have all the exhibit numbers.</p>	<p style="text-align: right;">Page 42</p> <p>1 SECRETARY TAGLAIRINO: It's on the screen.</p> <p>2 Is this the one, Rob?</p> <p>3 MR. SIMON: Of course, I'm looking at</p> <p>4 something a little different, because I'm looking --</p> <p>5 no, hold on. I'm looking at a paper version so the</p> <p>6 coloring is way different based on the screen, but it</p> <p>7 does look like when I'm -- what I'm looking at. So</p> <p>8 thank you for that, Lori.</p> <p>9 Q. So Frances?</p> <p>10 A. Yes.</p> <p>11 Q. So looking at I believe what Lori has up on</p> <p>12 the screen was previously marked as A-3. And you see</p> <p>13 here it says under Harding-3 Verizon Wireless 800, 700</p> <p>14 LTE, rural suburban coverage. So let me ask a couple</p> <p>15 of questions. Why does it say 800/700. Isn't it one</p> <p>16 or the other?</p> <p>17 A. Yes. When you run a propagation you have</p> <p>18 to choose a particular frequency band. The reason way</p> <p>19 I label it that way is because typically instead of</p> <p>20 showing each individual frequencies like 850 and 700 or</p> <p>21 2100 and 1900 there's typically very little difference</p> <p>22 in between the low band and the high band. So</p> <p>23 typically you'll see on a legend it will say 800/700 or</p> <p>24 2100/1900 indicating that there's very little</p> <p>25 difference between the two because they are still close</p>
<p style="text-align: right;">Page 43</p> <p>1 in frequency.</p> <p>2 Q. But for this one for this A-3 is what we're</p> <p>3 looking at in terms of these -- what I'm looking at as</p> <p>4 green areas, is it 800 or is it 700 or do you not know?</p> <p>5 A. It is the 700 propagation.</p> <p>6 Q. Seven hundred. Okay. And it says 800/700</p> <p>7 now we know it's 700, LTE. So that's 4G?</p> <p>8 A. Yes.</p> <p>9 Q. So this is not showing coverage via, you</p> <p>10 know, CDMA at 3G, for example?</p> <p>11 A. That's correct, it is not. It is showing</p> <p>12 what it would look like for the 800 LTE.</p> <p>13 Q. So have you provided or -- I'm sorry. Have</p> <p>14 you created a propagation at, for example, 700 CDMA, or</p> <p>15 3G?</p> <p>16 A. Sorry. There is no 700 CDMA, that does not</p> <p>17 exist.</p> <p>18 Q. So what is the lower frequency?</p> <p>19 A. The 700 on the map is LTE. It says LTE</p> <p>20 technology.</p> <p>21 Q. Right. So that's for 4G?</p> <p>22 A. Uh-hum.</p> <p>23 Q. So if you were to provide a propagation map</p> <p>24 for 3G?</p> <p>25 A. Yeah.</p>	<p style="text-align: right;">Page 44</p> <p>1 Q. What frequency would that be at?</p> <p>2 A. Well, 3G is only in 850. The 850 has CDMA</p> <p>3 technology and LTE technology. Right now, Mr. Simon,</p> <p>4 you are aware that the CDMA 3G is to be going away.</p> <p>5 They are right now still leaving it turned on in areas</p> <p>6 where there are still users on that technology or areas</p> <p>7 where there's poor coverage. But they are looking to</p> <p>8 turn this off some time in 2021. Now I'm hearing it's</p> <p>9 being pushed out a little further. But that is the</p> <p>10 plan to open up more of the spectrum for 850 LTE.</p> <p>11 Q. And this is showing -- this map is showing</p> <p>12 700 LTE; right?</p> <p>13 A. Yes.</p> <p>14 Q. A-3 or, yes, A-3. You also have here</p> <p>15 rural/suburban coverage. What is the difference</p> <p>16 between the two?</p> <p>17 A. Well, rural indicates areas where the</p> <p>18 residential homes are not close together. So you</p> <p>19 wouldn't call it quite a suburban area where the homes</p> <p>20 are closer together. There are farmland and open</p> <p>21 spaces so that's more of a rural topography.</p> <p>22 Q. So is there a -- when you label this as</p> <p>23 rural/suburban coverage, is there a -- in the</p> <p>24 propagation data, is there like a percentage that's</p> <p>25 rural versus a percentage that's suburban?</p>

<p style="text-align: right;">Page 45</p> <p>1 A. Basically in the propagation data and in</p> <p>2 the models there are chosen, they are chosen for areas</p> <p>3 that are kind of in between rural and suburban where</p> <p>4 you would utilize a different propagation model in a</p> <p>5 more dense suburban area.</p> <p>6 Q. So this is a -- who chose rural suburban,</p> <p>7 did you?</p> <p>8 A. Yes. That's the way I describe the</p> <p>9 topography of the area.</p> <p>10 Q. Is there a definition of that that you use</p> <p>11 to make that decision as to rural versus suburban</p> <p>12 versus rural suburban?</p> <p>13 A. Yeah. Rural would be where you have homes</p> <p>14 very far spaced apart. In some sections of Harding you</p> <p>15 do have that, in other sections of Harding you see</p> <p>16 certain clusters and density of residential homes. So</p> <p>17 it's a mix.</p> <p>18 Q. That's how you came up with rural/suburban</p> <p>19 for this particular gap area?</p> <p>20 A. Yes, that's how I --</p> <p>21 Q. And with regard to the 800/700 that's on</p> <p>22 A-3. Throughout your report, and I'm referring,</p> <p>23 Frances, to your August 28th, 2018, report, you</p> <p>24 referred to the coverage as not 800/700, but 850/700.</p> <p>25 Is there a reason why the report repeatedly states</p>	<p style="text-align: right;">Page 46</p> <p>1 850/700 megahertz for the gap analysis, and on the</p> <p>2 propagation it says 800/700?</p> <p>3 A. It should have been 850 on the actual</p> <p>4 legend for better clarification.</p> <p>5 Q. So A-3 so the record is clear, what that</p> <p>6 legend should be under existing Verizon Wireless is it</p> <p>7 should be 850/700?</p> <p>8 A. Yes.</p> <p>9 Q. But that the propagation that we're</p> <p>10 actually seeing is 700?</p> <p>11 A. That's correct.</p> <p>12 Q. Thank you. In an area -- when you have a</p> <p>13 phone and you talked earlier about starting at 2100</p> <p>14 then 1900 and going down to I guess 850 and 700, right?</p> <p>15 And that happens just instantaneously, it's not two</p> <p>16 minutes at one and two minutes at the other, it's right</p> <p>17 away; correct?</p> <p>18 A. Yes.</p> <p>19 Q. If you end up, and I apologize and I'm</p> <p>20 going to apologize throughout my questioning if I, you</p> <p>21 know, garble some terms or I'm speaking out of pure</p> <p>22 ignorance, but once you transfer from 2100 in a weaker</p> <p>23 area, because there's no higher frequency down to 700</p> <p>24 you're not going to be transferring from 700 back up,</p> <p>25 right, to 2100; correct?</p>
<p style="text-align: right;">Page 47</p> <p>1 A. I would think if you start approaching an</p> <p>2 area where you come into an area of good 2100 signal</p> <p>3 strength that the phone would put you back on 2100.</p> <p>4 Q. What are you basing that on?</p> <p>5 A. That I'm not sure.</p> <p>6 Q. Have you seen any data in the work that you</p> <p>7 perform that leads you to conclude that once the phone</p> <p>8 is operating on a lower frequency like 700 that it will</p> <p>9 subsequently transfer back up, my term being up, to</p> <p>10 2100?</p> <p>11 A. No, I have not, I just said, but I don't</p> <p>12 know.</p> <p>13 Q. You don't know either way, right; correct?</p> <p>14 A. I know -- I've never -- from all the</p> <p>15 technical documents that I've read on how the phone</p> <p>16 operates it does search for the high frequency band</p> <p>17 first.</p> <p>18 Q. But you haven't read anything that once it</p> <p>19 ends up on a lower frequency, whether it --</p> <p>20 A. Whether it goes back I said I don't know.</p> <p>21 Q. Okay. If this application is approved, and</p> <p>22 let's say it's approved at the DPW site, but only at</p> <p>23 the lower frequencies, 700, 850, there would be</p> <p>24 adequate coverage in the purported gap area; correct?</p> <p>25 A. Sorry. Mr. Simon, are you saying that at</p>	<p style="text-align: right;">Page 48</p> <p>1 the 700/850 frequency that there's no gap.</p> <p>2 Q. I'm saying if -- what you are apply -- when</p> <p>3 I say you I apologize. What Verizon is applying for</p> <p>4 with this application, if the Board hypothetically were</p> <p>5 to say we're going to grant your application at the</p> <p>6 lower frequencies based on your desired signal strength</p> <p>7 of a negative 95 dBm RSRP, but we are going to deny the</p> <p>8 Applicant's application for the higher frequencies, the</p> <p>9 2100, 1900 LTE coverage, if that's the result of the</p> <p>10 application, the determination of the Board, there</p> <p>11 would be adequate coverage in the purported gap area;</p> <p>12 correct?</p> <p>13 A. The phone -- the devices will still work,</p> <p>14 yes.</p> <p>15 Q. And this is not, I believe as Mr. Schneider</p> <p>16 appropriately stated, I think I did question you</p> <p>17 briefly I think on two separate dates, and I do believe</p> <p>18 not to repeat myself in one of those I recall that you</p> <p>19 acknowledge that this is not a capacity case; correct?</p> <p>20 A. Correct. This is coverage.</p> <p>21 Q. And in this area, namely Harding Township,</p> <p>22 within this gap area, the 700/850 bandwidth will have</p> <p>23 enough spectrum to accommodate Verizon's customers that</p> <p>24 require service; correct?</p> <p>25 A. I don't know that.</p>

<p style="text-align: right;">Page 49</p> <p>1 Q. Okay. You don't know that either way;</p> <p>2 right?</p> <p>3 A. I don't know whether or not if this site</p> <p>4 was approved and people realized that there is good</p> <p>5 service, whether or not the 700 which is a smaller</p> <p>6 bandwidth and the 850 which is even smaller bandwidth</p> <p>7 will be sufficient to support the users that would be</p> <p>8 on it.</p> <p>9 Q. You don't know either way; right?</p> <p>10 A. I just said, I don't know.</p> <p>11 Q. And with regard to your reports, certainly</p> <p>12 in the first record report, I believe that you</p> <p>13 identified sites in the surrounding area; correct?</p> <p>14 A. Sites meaning alternate --</p> <p>15 Q. Sites -- and Frances, I'm sorry. It states</p> <p>16 and this is on the last page of your August 28th, 2018,</p> <p>17 report, it says existing wireless communications</p> <p>18 facilities in Harding Township New Jersey and within</p> <p>19 one mile of the border. Do you recall that being on</p> <p>20 the last page?</p> <p>21 A. I'm going back to see.</p> <p>22 Q. Yes. Why don't we -- Lori, can you assist</p> <p>23 Ms. Boschulte?</p> <p>24 SECRETARY TAGLAIRINO: I'm sorry, what do</p> <p>25 you want?</p>	<p style="text-align: right;">Page 50</p> <p>1 MR. SCHNEIDER: The last page of A-3.</p> <p>2 MR. SIMON: Rich, is this all A-3?</p> <p>3 MR. SCHNEIDER: I believe so.</p> <p>4 MR. SIMON: Because I have -- can I just</p> <p>5 take a time out for a second just so the record's</p> <p>6 clear? And, Rich, I may be off on this, but the</p> <p>7 exhibit that I have and the reason why I referenced</p> <p>8 what's on the screen right now is A-3 is that I believe</p> <p>9 that this, this existing 800/700 was A-3, and then the</p> <p>10 2100/1900 was A-4, the 800/700 existing proposed was</p> <p>11 A-5, et cetera et cetera. So Rich, do you want to take</p> <p>12 a second to confirm that just so we're not messing that</p> <p>13 up?</p> <p>14 DR. EISENSTEIN: I think you're correct,</p> <p>15 Rob. That's what I have in my notes.</p> <p>16 MR. SIMON: Hey Bruce, if that's the case</p> <p>17 then, do you recall if the Applicant marked the</p> <p>18 August 28th, 2018, report?</p> <p>19 DR. EISENSTEIN: According to my notes A-3</p> <p>20 refers to the graph that's marked as Exhibit-A. A-4 is</p> <p>21 marked as Exhibit-B within that August 28th report.</p> <p>22 And let me see what else we have. We have A-5 is</p> <p>23 Exhibit-C. A-6 is Exhibit-D. And --</p> <p>24 MR. SCHNEIDER: A-7 was a topographical</p> <p>25 map.</p>
<p style="text-align: right;">Page 51</p> <p>1 DR. EISENSTEIN: Correct. That's what I</p> <p>2 have.</p> <p>3 MR. SCHNEIDER: So Rob, you are correct</p> <p>4 that the report itself because it was submitted with</p> <p>5 the application was not specifically marked into</p> <p>6 evidence. There were four exhibits as Dr. Eisenstein</p> <p>7 just mentioned, A-3, 4, 5 and 6.</p> <p>8 MR. SIMON: So Rich, then I'm going to</p> <p>9 leave it up to you. If I ask Frances some questions</p> <p>10 about the last page of the August 28th, 2018, report</p> <p>11 how do you want me -- just so your record is clear, how</p> <p>12 do you want me to refer to it?</p> <p>13 MR. SCHNEIDER: Why don't you refer to it</p> <p>14 as the last page of the August 28th, 2018, report</p> <p>15 prepared by PierCon and submitted in conjunction with</p> <p>16 the application.</p> <p>17 MR. SIMON: Okay. All right.</p> <p>18 SECRETARY TAGLAIRINO: So how do I know</p> <p>19 which one that is?</p> <p>20 MR. SIMON: Hey Rich, before you go on, I</p> <p>21 think, and I was having difficulty with regard to --</p> <p>22 I'm sorry, so A-21, Rich, was the supplemental report?</p> <p>23 MR. SCHNEIDER: That's correct.</p> <p>24 MR. SIMON: And that was the entirety of</p> <p>25 the report?</p>	<p style="text-align: right;">Page 52</p> <p>1 MR. SCHNEIDER: That is correct.</p> <p>2 MR. SIMON: And it doesn't have -- if you</p> <p>3 remember it doesn't have page numbers on it. So I</p> <p>4 guess, it's your call, but I just wanted to point that</p> <p>5 out to you in case you want to change things up in</p> <p>6 terms of notation, but I'm fine however you decide.</p> <p>7 MR. SCHNEIDER: Okay. Frances, do you have</p> <p>8 your original August 20 -- I'm sorry, your original</p> <p>9 August 28th report?</p> <p>10 THE WITNESS: Yes.</p> <p>11 MR. SCHNEIDER: Okay.</p> <p>12 THE WITNESS: But I doesn't see where he's</p> <p>13 referencing.</p> <p>14 MR. SCHNEIDER: I believe the last page of</p> <p>15 the report was the, so to speak, the inventory of</p> <p>16 existing sites.</p> <p>17 MR. SIMON: Lori, are you able to pull that</p> <p>18 up or no?</p> <p>19 SECRETARY TAGLAIRINO: I can pull them up,</p> <p>20 but I don't know what the last page is. I have them</p> <p>21 marked as A-4, A --</p> <p>22 MR. SIMON: Oh, yes. No, it's not going to</p> <p>23 work, because as Rich stated we're going to refer to</p> <p>24 this as the last page of the August 28th, 2018, report</p> <p>25 which is part of the application packet. So Rich is</p>

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1 certainly correct about that, I just wanted to make
2 sure that things were accurate and clear in terms of
3 referencing.
4 SECRETARY TAGLAIRINO: The last one I have
5 would be, it says Harding-3 and it's 2100/1900 LTE
6 rural coverage.
7 MR. SIMON: Dr. Eisenstein was absolutely
8 correct in terms of the identification of the exhibits.
9 DR. EISENSTEIN: If you go to the
10 August 28th report which is not marked as an exhibit,
11 it is the report dated August 28, 2018, ID Harding-3.
12 And that should be in the form of a PDF document, I
13 guess. Scroll down that document to the last page of
14 the document. Since the pages aren't numbered we have
15 no way of referring to them. So you just -- the last
16 page means the last page. I'm able to pull it up here
17 in paper.
18 SECRETARY TAGLAIRINO: Oh, you have it on
19 paper. You don't have it -- well, I have -- let me
20 just see what this is here. I have the whole PierCon
21 report. Is it going to be within the body of that?
22 MR. SCHNEIDER: Correct.
23 MR. SIMON: Absolutely. The 2018 report.
24 SECRETARY TAGLAIRINO: All right. Hold on
25 one second here.

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1 list of -- I'm going to open my list of things that I
2 have and we'll try to identify -- can you see that?
3 MR. SCHNEIDER: I can.
4 SECRETARY TAGLAIRINO: I have an EMF report
5 --
6 MR. MLENAK: Lori, just to be clear, while
7 you're working this out the rest of the Board is on a
8 break, right? Because we're not recording. We're just
9 trying to figure out the exhibits, that's all.
10 CHAIRMAN FLANAGAN: That's right. We'll
11 pick it back up again how about at 9:36.
12 (Whereupon, a brief recess is taken at
13 9:31 p.m.)
14 (Back on the record at 9:39 p.m.)
15 SECRETARY TAGLAIRINO: Okay. We're back on
16 recording. We're going to take a roll call again to
17 make sure everybody is back.
18 Okay. Ms. Chipperson?
19 BOARD MEMBER CHIPPERSON: Here.
20 SECRETARY TAGLAIRINO: Mr. Maselli? Not
21 back yet. We'll come back to him. Mr. Symonds?
22 There's Mr. Symonds.
23 BOARD MEMBER SYMONDS: Yes.
24 SECRETARY TAGLAIRINO: Mr. Newlin?
25 BOARD MEMBER NEWLIN: I'm here.

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1 MR. SIMON: Mr. Chairman, oh, we've got
2 this.
3 MR. SCHNEIDER: Just go to the -- scroll to
4 the last page of that report, hopefully, Lori.
5 SECRETARY TAGLAIRINO: That's references.
6 DR. EISENSTEIN: Go further. You're on
7 page 15 now. There's 16 pages of the report.
8 MR. SCHNEIDER: No. I think -- you know
9 what, Bruce? I think that's the EMF report.
10 MR. SIMON: Mr. Chairman?
11 CHAIRMAN FLANAGAN: Yes, Mr. Simon.
12 MR. SIMON: Can we take maybe a five minute
13 break just to give Iris a break and then we can figure
14 this out? Might be a good time.
15 CHAIRMAN FLANAGAN: That sounds good. It's
16 9:30 exactly, so at 9:35 we'll pick it back up.
17 MR. SIMON: Thank you. Appreciate that.
18 CHAIRMAN FLANAGAN: Do you have to keep
19 this recording, or can you pause recording and then
20 start it again?
21 MR. SCHNEIDER: I think you can pause the
22 recording, but I can help Lori and try to figure out
23 what she's looking for.
24 SECRETARY TAGLAIRINO: Actual recording is
25 paused. So this is what we're going to do. This is my

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1 SECRETARY TAGLAIRINO: Thank you. Mr.
2 Rosenbaum?
3 BOARD MEMBER ROSENBAUM: I'm here.
4 SECRETARY TAGLAIRINO: Thank you. Mr.
5 Addonizio?
6 BOARD MEMBER ADDONIZIO: Here.
7 SECRETARY TAGLAIRINO: Mr. Flanagan?
8 CHAIRMAN FLANAGAN: Here.
9 SECRETARY TAGLAIRINO: Ms. Sovolos?
10 BOARD MEMBER SOVOLOS: Here.
11 SECRETARY TAGLAIRINO: Mr. Cammarata?
12 BOARD MEMBER CAMMARATA: Here.
13 SECRETARY TAGLAIRINO: And Mr. Maselli?
14 Okay. So we're missing one. I see Mr. Simon. We have
15 Dr. Eisenstein. We have Mr. Schneider. We have Mr.
16 Mlenak. Mr. Fox is here. Ms. Mertz. Just waiting for
17 Mr. Maselli. Dan Maselli? (No reply.) I don't know.
18 What do we do, Mike? Steve?
19 CHAIRMAN FLANAGAN: We give Dan a watch.
20 MR. MLENAK: We gave till 36. It's only
21 38. I say give it another minute or so. I see
22 movement.
23 SECRETARY TAGLAIRINO: Okay. Roll cal.
24 Dan?
25 BOARD MEMBER MASELLI: Yes.

<p style="text-align: right;">Page 57</p> <p>1 SECRETARY TAGLAIRINO: Thank you. We can 2 proceed. 3 MR. SIMON: Thank you, Mr. Chairman. 4 SECRETARY TAGLAIRINO: All right. Can 5 everybody see that? 6 CHAIRMAN FLANAGAN: We can see your screen 7 with a table on it. 8 BY MR. SIMON: 9 Q. Ms. Boschulte, can you hear me? 10 A. I can hear you, but I don't see you 11 anymore. 12 Q. Well, you're better off. That was a joke. 13 BOARD MEMBER MASELLI: I laughed. 14 (Laughter.) 15 MR. SIMON: I know. Somebody did. I have 16 to work at my delivery. 17 SECRETARY TAGLAIRINO: There you are. Can 18 you see now Frances? I have "Your meeting will start 19 in a few seconds." I'm not sure. Okay. I see 20 everyone. Thanks. 21 BY MR. SIMON: 22 Q. Okay. Thank you. So with regard to what's 23 up on the screen which I'm going to represent for the 24 record, and Mr. Schneider will correct me, I'm sure, is 25 the last page of your PierCon Solutions radio frequency</p>	<p style="text-align: right;">Page 58</p> <p>1 report dated August 28, 2018. Do you see that? 2 A. Yes. 3 Q. And it provides existing wireless 4 communication facilities in Harding Township, New 5 Jersey, and within one mile of the border; correct? 6 A. Yes. 7 Q. And it states on the top there that you 8 prepared this; right? 9 A. I did prepare the list, yes. 10 Q. And in preparing this list what data did 11 you rely on? 12 A. So we have site tables from the wireless 13 carriers. Over the years we do update and pull from 14 their site databases, their on-air site databases. We 15 also have access into their site traffic tools so we 16 can see what sites are on air. And then in conjunction 17 with that I drove around and looked at the locations of 18 these facilities to identify the design type that you 19 see in the last column. 20 Q. So the design type that's identified, 21 that's based on your visual observation; correct? 22 A. That's correct. Sometimes in their 23 databases there are errors. 24 Q. And when you say errors, errors as to what? 25 A. Well, sometimes the person that's putting</p>
<p style="text-align: right;">Page 59</p> <p>1 in the information after a site goes on air and it's 2 commissioned you update the database with the height 3 and the design type and everything is finalized. So 4 people make mistakes. 5 Q. So did you independently verify -- so you 6 independently verified the design; correct? 7 A. Yes. Whether it was a rooftop, or whether 8 it was a monopole, or whether it was like on a 9 transmission tower or something, yes. 10 Q. And in terms of the -- of the height that's 11 identified in this table did you independently verify 12 the height? 13 A. No. I didn't independently verify the 14 height. So I can only look and see if it looks visibly 15 obvious that the height was way off, but there's no way 16 for me to identify on a monopole whether or not it's a 17 hundred feet or 90 feet. 18 Q. And what about for the rooftops that are 19 identified, where do those height -- did you verify 20 those height measurements in any way? 21 A. Those height measurements, again, came from 22 the site database. It came from the site database. 23 Q. And that were not independently verified by 24 you; correct? 25 A. No. I did not go up on the roof or</p>	<p style="text-align: right;">Page 60</p> <p>1 anything like that and drop a tape measure, no. 2 Q. Right. Understood. With regard to the 3 description here of -- well, before I get to that. Did 4 you -- other than the database that you refer to, did 5 you verify with anyone at Verizon that this chart of 6 existing wireless communication facilities in Harding 7 Township and within one mile is a complete chart as of 8 today? 9 MR. SCHNEIDER: As of today or the date of 10 -- 11 MR. SIMON: As soon as I said that I 12 realized I made a faux pas. 13 Q. So let me first ask, as of August 24th, 14 2018? 15 A. Yes. Back in 2018, yes. 16 Q. And all of these sites are on air? 17 A. Back then. I haven't checked to make sure 18 that they're all still up and operating. The ones that 19 are visibly on my exhibits that we're speaking of. So 20 this is in -- this also includes sites that are within 21 one mile of the town border. 22 Q. So since August 24th of 2018 have you done 23 anything to verify whether all these sites are on air? 24 A. No, I have not. Other than the ones that 25 are referenced on the exhibit and the ones that I did</p>

<p style="text-align: right;">Page 61</p> <p>1 the drive test for.</p> <p>2 Q. So other than the ones when you say you did</p> <p>3 the drive test for, you mean the ones that you did the</p> <p>4 drive test for on February 14th, 2020?</p> <p>5 A. Correct. Some of these are further away</p> <p>6 from the drive test route, so, no I did not validate</p> <p>7 whether or not those were still on air.</p> <p>8 Q. And have you done -- since August 24th,</p> <p>9 2018, have you done any investigation to determine</p> <p>10 whether there are additional sites that are either on</p> <p>11 air, proposed or contemplated by Verizon in Harding</p> <p>12 Township or within one mile of Harding Township?</p> <p>13 A. Not within one mile of Harding Township. I</p> <p>14 have had correspondence with them and I have looked in</p> <p>15 the database to see whether or not anything has changed</p> <p>16 near the gap, such as the in-building solution that's</p> <p>17 at the municipality now. I have had conversations with</p> <p>18 him regarding since the outage.</p> <p>19 Q. All right. Well, since you raised it.</p> <p>20 What do you mean conversations with them since the</p> <p>21 outage?</p> <p>22 A. Well, at the last hearing when they lost</p> <p>23 power, that temporary, what they call a spot with a</p> <p>24 Picocell on it, a trailer was put up, including a</p> <p>25 solution -- in-building solution inside.</p>	<p style="text-align: right;">Page 62</p> <p>1 Q. And that's what the Chief testified to,</p> <p>2 correct, Frances?</p> <p>3 A. Yes.</p> <p>4 Q. And have you -- since the Chief provided</p> <p>5 testimony have you had any communications with the</p> <p>6 Chief or any member of the -- of Tewksbury Township</p> <p>7 regarding that in-building coverage?</p> <p>8 MR. SCHNEIDER: Tewksbury or Harding?</p> <p>9 Q. I'm sorry. Funny. Harding. My mistake.</p> <p>10 A. I have not spoken with the Chief. I did</p> <p>11 inquire with Verizon whether or not the equipment that</p> <p>12 was put inside the building, whether or not that was a</p> <p>13 temporary or permanent.</p> <p>14 Q. And what did you learn?</p> <p>15 A. I learned that as long as it is needed they</p> <p>16 will keep the equipment there. That depending on the</p> <p>17 outcome of the macro facility will dictate what they</p> <p>18 plan to do with the equipment down the road.</p> <p>19 Q. Meaning, what is your understanding as to</p> <p>20 that statement?</p> <p>21 A. That if the macro facility is approved then</p> <p>22 the in-building solution is not -- is no longer needed.</p> <p>23 Q. And if the macro application is denied what</p> <p>24 will they do, do you know?</p> <p>25 A. I don't know. Right now it's still listed</p>
<p style="text-align: right;">Page 63</p> <p>1 as temporary they said in there -- on their end, and</p> <p>2 that's as far as I went with the conversation. So they</p> <p>3 do believe that the macro is approved. That the</p> <p>4 building will have good in-building service.</p> <p>5 Q. And now when you say they believe, what</p> <p>6 leads you to make that statement, Ms. Boschulte?</p> <p>7 A. So they have done their own analysis,</p> <p>8 propagation analysis. I have also provided that with</p> <p>9 the drive test data.</p> <p>10 Q. When you say "they have done their own</p> <p>11 independent analysis," first of all, who is they?</p> <p>12 A. Oh, excuse me. Verizon has looked at the</p> <p>13 proposed site, at the proposed height they have. They</p> <p>14 ran their own as RF engineers would run their own</p> <p>15 analysis.</p> <p>16 Q. So Verizon, are you saying they -- and I</p> <p>17 apologize if I'm not understanding this. So Verizon</p> <p>18 has conducted their own drive test or propagation?</p> <p>19 A. No. Verizon's RF runs a propagation on</p> <p>20 sites that they would like to pursue.</p> <p>21 Q. Such as the DPW?</p> <p>22 A. I would think that if they were evaluating</p> <p>23 that candidate that they had done some sort of</p> <p>24 analysis.</p> <p>25 Q. Do you know what analysis Verizon has done</p>	<p style="text-align: right;">Page 64</p> <p>1 that you're testifying to?</p> <p>2 A. I said I would think that if they wanted to</p> <p>3 pursue the DPW that they would have run some type of an</p> <p>4 analysis.</p> <p>5 Q. Have you ever seen an analysis that Verizon</p> <p>6 has run --</p> <p>7 A. No.</p> <p>8 Q. -- for the DPW?</p> <p>9 A. But they have access to propagation tools</p> <p>10 just as I have access to propagation tools. So, no, I</p> <p>11 haven't seen anything that they've done, but I have</p> <p>12 done my propagation analysis and I have done my drive</p> <p>13 test.</p> <p>14 Q. So again, when you say that Verizon has</p> <p>15 done their own a couple of lines ago, do you -- are you</p> <p>16 saying that Verizon has done their own analysis for</p> <p>17 what, for the municipal building?</p> <p>18 And I apologize, Frances. I'm just trying</p> <p>19 to understand your testimony.</p> <p>20 A. The conversation that I had with Verizon</p> <p>21 was that if this site was approved they feel that the</p> <p>22 municipal building will be covered by the macro.</p> <p>23 Q. And you share that conclusion; right?</p> <p>24 A. Yes. I do share that conclusion based on</p> <p>25 my drive test data. Yes.</p>

<p style="text-align: right;">Page 65</p> <p>1 Q. And if the application at the DPW is denied</p> <p>2 you don't know to what extent the current in-building</p> <p>3 coverage in the municipal building will continue;</p> <p>4 correct?</p> <p>5 A. Correct. I have no knowledge of what</p> <p>6 they'll decide.</p> <p>7 Q. Going back to the chart on the last page of</p> <p>8 your October -- I'm sorry, your August 28th, 2018,</p> <p>9 radio frequency report, when it talks about the heights</p> <p>10 -- is that the total height of the monopole, or the top</p> <p>11 of the rooftop, or is that just where Verizon's</p> <p>12 antennas are?</p> <p>13 A. That is the antenna centerline according to</p> <p>14 their database.</p> <p>15 Q. Whose antennas centerline?</p> <p>16 A. Verizon's antenna centerline.</p> <p>17 Q. So from this chart on the last page of your</p> <p>18 radio frequency report from 2018, we don't know the</p> <p>19 total height of the monopoles that are referenced;</p> <p>20 correct?</p> <p>21 A. Correct. The height that is on the chart</p> <p>22 is of Verizon's antenna centerline and it is not the</p> <p>23 height of the structure.</p> <p>24 Q. Of the structures that are referenced do</p> <p>25 you know how many of them have Verizon at the top of</p>	<p style="text-align: right;">Page 66</p> <p>1 the monopole?</p> <p>2 A. No.</p> <p>3 Q. From your investigation, either personal</p> <p>4 investigation or the investigation of the data, do you</p> <p>5 know whether Verizon's centerline location of antennas</p> <p>6 is at the lowest portion of the monopole for antennas?</p> <p>7 A. No. I only know -- I mean, in some cases I</p> <p>8 took notes whether or not, you know, other carriers are</p> <p>9 there, but there's no -- it's difficult with monopoles</p> <p>10 to be able to follow the cable lines and determine</p> <p>11 who's who at the very top visually.</p> <p>12 Q. And you didn't review any data to find that</p> <p>13 out; correct?</p> <p>14 A. I didn't review other carrier's height</p> <p>15 information, no, to determine who's on top, who's in</p> <p>16 the middle, and who's on the bottom. No.</p> <p>17 Q. And with regard to frequencies, do you know</p> <p>18 whether those existing sites that you identify all use</p> <p>19 the higher frequency bands?</p> <p>20 A. That was a long time ago. I don't have</p> <p>21 that written down in front of me.</p> <p>22 Q. Do you recall -- and I don't want you to</p> <p>23 guess. Do you recall whether you've provided any of</p> <p>24 that information to the Board to date in terms of what</p> <p>25 frequencies the antennas are operating on?</p>
<p style="text-align: right;">Page 67</p> <p>1 A. On that list, no. I have not broken it</p> <p>2 down by bands, frequency bands. No.</p> <p>3 Q. And do you know -- you mentioned some</p> <p>4 notes. Do you know whether there are carriers other</p> <p>5 than Verizon who are operating on any of those</p> <p>6 monopoles, rooftops, towers, or tanks?</p> <p>7 A. Yes, I do have -- I have some notes that --</p> <p>8 Harding has the monopole that's in the parking lot.</p> <p>9 T-Mobile exists on that. The Harding 2, that's a tree</p> <p>10 pole, T-Mobile's also on that. The Morristown Relo,</p> <p>11 T-Mobile also exists on that.</p> <p>12 Q. I'm sorry I'm interrupting, but I just want</p> <p>13 to cut to the chase. How do you know that those other</p> <p>14 carriers are operating on those poles?</p> <p>15 A. Well, I know because in conversation and</p> <p>16 having done work with T-Mobile.</p> <p>17 Q. So that's just from your experience working</p> <p>18 with T-Mobile?</p> <p>19 A. Yes.</p> <p>20 Q. And what's your experience working in</p> <p>21 Harding Township and within one mile of Harding</p> <p>22 Township on behalf of T-Mobile?</p> <p>23 A. I did -- well, not in Harding but around</p> <p>24 Harding I do other zoning work for T-Mobile. I've done</p> <p>25 T-Mobile work in the past as far as long ago bringing</p>	<p style="text-align: right;">Page 68</p> <p>1 up when they were doing the merge with MetroPCS. So I</p> <p>2 did a lot of evaluations where their sites were</p> <p>3 located, where Metro's sites were located and things of</p> <p>4 that nature. So we have build -- in addition to</p> <p>5 working with T-Mobile a database that has certain</p> <p>6 information over the years in our office.</p> <p>7 Q. Okay. So this is your PierCon internal</p> <p>8 office information?</p> <p>9 A. Yes.</p> <p>10 Q. And none of that's been provided to the</p> <p>11 Board; correct?</p> <p>12 A. No.</p> <p>13 Q. And with regard to AT&T, do you know</p> <p>14 whether AT&T is on any of these structures?</p> <p>15 A. I didn't investigate it, no. I didn't</p> <p>16 investigate for sure. I do know that there are more</p> <p>17 than one carrier on several of these structures, but I</p> <p>18 can't say whether or not they're Sprint or AT&T at this</p> <p>19 time.</p> <p>20 Q. Or T-Mobile; right?</p> <p>21 A. Right.</p> <p>22 Q. With regard to these structures have you</p> <p>23 done any investigation as to whether any of these</p> <p>24 structures identified could be raised in height?</p> <p>25 A. No. The thought has crossed my mind, but I</p>

<p style="text-align: right;">Page 69</p> <p>1 did not investigate to determine whether or not any of</p> <p>2 these structures could be extended, no.</p> <p>3 Q. So you don't know the full height of any of</p> <p>4 these monopoles or any of the other structures in the</p> <p>5 appendix; correct?</p> <p>6 A. I do not know the top height of the</p> <p>7 structures.</p> <p>8 Q. And do you know, Ms. Boschulte, the</p> <p>9 topographical elevation of these sites?</p> <p>10 A. I had that written down, but I don't have</p> <p>11 that up in front of me. I'd have to look for that.</p> <p>12 Q. And do you know what -- you know, I guess</p> <p>13 you started to mention it, what these sites consist of</p> <p>14 beyond street address, namely what's the principal use</p> <p>15 or uses on those sites?</p> <p>16 A. You mean the frequency bands or --</p> <p>17 Q. No, no. I mean, you know, what's there.</p> <p>18 So for example, you know, it says -- I'm going to give</p> <p>19 you just one. Morristown 3 Relo. And it says I287</p> <p>20 Exit 34. What is on that property besides the cell</p> <p>21 tower?</p> <p>22 A. In my evaluation in driving to these sites</p> <p>23 I didn't take -- I was looking at it more type --</p> <p>24 looking at it more from a perspective of structure. I</p> <p>25 have notes like the type of mount. I have for the</p>	<p style="text-align: right;">Page 70</p> <p>1 Morristown Relos it's a cluster-mount type or whether</p> <p>2 or not it's a tree, or you know, a flagpole, things of</p> <p>3 that nature. I was not looking to see what else or</p> <p>4 existing structures were on the property.</p> <p>5 Q. So you couldn't tell me, you know, what the</p> <p>6 frequency is of that people visiting those particular</p> <p>7 sites, for the principal use, let's say, other than the</p> <p>8 cell tower, if there is one?</p> <p>9 A. No. No. It was a very long time ago. I</p> <p>10 wouldn't make note of that.</p> <p>11 Q. And with regards to getting back to the</p> <p>12 design, you started mentioning the, you know, the</p> <p>13 different type of designs. So you have five I'm</p> <p>14 counting monopoles, right. And with regard to those</p> <p>15 five monopoles could you identify the type of design</p> <p>16 for each one of those?</p> <p>17 A. Well, like I was mentioning before, the</p> <p>18 Harding is a monopole.</p> <p>19 Q. When you say a monopole can you just be a</p> <p>20 little bit more specific? I mean, does it look like a</p> <p>21 stealth tree? You know, what is it?</p> <p>22 A. No. Harding 2 is a tree type with a</p> <p>23 fiberglass things on it. You know, Chatham 2 is a</p> <p>24 flagpole but I have here in my notes that I didn't see</p> <p>25 a flag on it at the time. Bernardsville I have as a</p>
<p style="text-align: right;">Page 71</p> <p>1 rooftop kind of a stealth enclosed design.</p> <p>2 Q. When you say a rooftop is a self-enclosed</p> <p>3 design --</p> <p>4 A. When I was looking at it I could not</p> <p>5 physically see the antennas. It gave me the indication</p> <p>6 that it was enclosed. It was inside.</p> <p>7 Q. Inside the building?</p> <p>8 A. Yes.</p> <p>9 Q. So that -- and you're talking there about</p> <p>10 Bernardsville 2; right?</p> <p>11 A. Yes.</p> <p>12 Q. And so just sticking with Bernardsville 2</p> <p>13 for a second at 50 feet, and it says a rooftop, does</p> <p>14 that mean that there's antennas from your investigation</p> <p>15 that are inside the building that for lack of a better</p> <p>16 phrase radiate out so they provide some coverage to the</p> <p>17 outside?</p> <p>18 A. What I mean is, to try to explain kind of</p> <p>19 going back to, you know when -- okay. That it would be</p> <p>20 enclosed in some type of RF friendly to look like a</p> <p>21 part of a structure on the roof.</p> <p>22 Q. So it's on the roof but it's camouflaged in</p> <p>23 a manner that if I looked up no one would -- if I</p> <p>24 looked up I wouldn't know that they were -- or I</p> <p>25 shouldn't know that there were antennas on top of that</p>	<p style="text-align: right;">Page 72</p> <p>1 roof?</p> <p>2 A. Yes, that's correct. That would be the</p> <p>3 idea.</p> <p>4 Q. And then, so you identified Harding 2 and</p> <p>5 Chatham 2 in terms of the monopole design. What about</p> <p>6 Harding and Morristown 3?</p> <p>7 A. Well, let's see here. Harding is just a</p> <p>8 monopole. When I say that I mean like a regular</p> <p>9 standard steel monopole. Nothing -- the Basking Ridge</p> <p>10 North --</p> <p>11 MR. SCHNEIDER: I can help move the process</p> <p>12 along. Basking Ridge North is the Verizon Headquarters</p> <p>13 rooftop installation.</p> <p>14 The Morristown 3 Relo is the same site that</p> <p>15 Mr. Fox referred to at the initial public hearing.</p> <p>16 That's on DOT property right next to 260 James Street</p> <p>17 right at the intersection. That's a monopole of</p> <p>18 cluster mount antennas that Mr. Fox commented on the</p> <p>19 beautiful aesthetics as to that.</p> <p>20 The Chatham 2 is a flagpole design without</p> <p>21 a flagpole occupied by Verizon and T-Mobile.</p> <p>22 The Convent Station is the Madison Hotel</p> <p>23 which is a rooftop facility.</p> <p>24 The Madison Route 24 West, I believe -- I</p> <p>25 don't know, I believe that's a water tank.</p>

<p style="text-align: right;">Page 73</p> <p>1 THE WITNESS: That's correct.</p> <p>2 MR. SCHNEIDER: And I believe the</p> <p>3 Morristown 2 Relo, you'll correct me if I'm wrong,</p> <p>4 might be the monopoly at the DelBarton School.</p> <p>5 Hopefully that helps move things along.</p> <p>6 MR. SIMON: Thank you, Mr. Schneider.</p> <p>7 MR. SCHNEIDER: You're welcome.</p> <p>8 BY MR. SIMON:</p> <p>9 Q. My recollection, Ms. Boschulte, regarding</p> <p>10 Morris Township 2 Relo at 230 Mendham Road that that is</p> <p>11 a tree design?</p> <p>12 A. That's what I have in my notes as well.</p> <p>13 Q. And with regard to -- you said you didn't</p> <p>14 recall the particular permitted use or main use of some</p> <p>15 of these facilities, and what they are or -- let me ask</p> <p>16 you a question. Do you have any information from your</p> <p>17 observations with regard to the DPW yard, as to its</p> <p>18 use?</p> <p>19 A. Well, having been inside the DPW yard I see</p> <p>20 there are piles of salt, I saw trucks going in and out,</p> <p>21 but, I mean, other than that they're a full operation.</p> <p>22 No, I don't -- I didn't speak with anyone there to</p> <p>23 inquire about how -- you know, the people that are</p> <p>24 there or anything of that nature. I was there to</p> <p>25 conduct a drive test. I was more focused on conducting</p>	<p style="text-align: right;">Page 74</p> <p>1 a drive test.</p> <p>2 Q. And other than -- just so the record's</p> <p>3 clear, other than what's in the August 24th, 2018,</p> <p>4 table at the back for the existing wireless</p> <p>5 communication facilities in Harding Township, you're</p> <p>6 not aware of any proposed potential or new sites for</p> <p>7 Verizon or any other carrier that's not reflected in</p> <p>8 the appendix; correct?</p> <p>9 A. Say that one more time? I'm sorry.</p> <p>10 Q. Sure. That's okay. Other than what is</p> <p>11 reflected in this August 24th, 2018 table, is it</p> <p>12 correct to state that you are not aware of any</p> <p>13 proposed, potential or new sites for Verizon or any</p> <p>14 other carrier?</p> <p>15 A. Well, this table is for existing, so -- I</p> <p>16 am not aware of any other existing wireless</p> <p>17 communication for Verizon other than the one that we</p> <p>18 spoke about that has been deployed inside the municipal</p> <p>19 building.</p> <p>20 Q. Other than existing, are you aware of any</p> <p>21 proposed, potential, or contemplated new sites for</p> <p>22 Verizon or any other carrier?</p> <p>23 A. Okay. So I cannot speak for any other</p> <p>24 carrier. I have not spoken to other carriers in</p> <p>25 regards to Harding Township and their plans. But in</p>
<p style="text-align: right;">Page 75</p> <p>1 speaking with Verizon they do have a conceptual plan</p> <p>2 to, I should say, to compliment or to work with if the</p> <p>3 macro facility is approved to put in some ODAS nodes</p> <p>4 along the major roads to kind of try to fill in the</p> <p>5 remaining gaps in coverage along those routes.</p> <p>6 Q. So with regard to that concept plan, have</p> <p>7 you actually seen the concept plan?</p> <p>8 A. Yes.</p> <p>9 Q. When was the last time that you saw the</p> <p>10 concept plan?</p> <p>11 A. So they don't have the exact date --</p> <p>12 MR. SIMON: Lori, can you put up A-3,</p> <p>13 please?</p> <p>14 SECRETARY TAGLAIRINO: The other one?</p> <p>15 MR. SIMON: Yes, A -- I'm sorry, why don't</p> <p>16 you put up A-5, please.</p> <p>17 BY MR. SIMON:</p> <p>18 Q. So Ms. Boschulte, what is up on the screen</p> <p>19 right now is what has been previously marked as A-5,</p> <p>20 which has a title block of existing and proposed</p> <p>21 Verizon Wireless 800/700 LTE rural suburban coverage;</p> <p>22 do you see that?</p> <p>23 A. Yes.</p> <p>24 Q. And with regard to this concept plan that</p> <p>25 -- conceptual, excuse me, conceptual plan, I'm going to</p>	<p style="text-align: right;">Page 76</p> <p>1 ask you again, not that you were being non-responsive</p> <p>2 but I know you were looking, do you recall the last</p> <p>3 time that you saw this conceptual plan to compliment or</p> <p>4 work with the proposed macro facility?</p> <p>5 A. I have it -- that's only the -- it was</p> <p>6 earlier this year. I want to say end of, end of</p> <p>7 February or the beginning of March. But I have to find</p> <p>8 the exact e-mail which I haven't found. I can only go</p> <p>9 by when I saved it.</p> <p>10 Q. So at the time -- when you say</p> <p>11 February/March, are we talking February/March 2020?</p> <p>12 A. That's correct.</p> <p>13 Q. And when you performed the drive test on</p> <p>14 February 14th, 2020, were you aware of this conceptual</p> <p>15 plan?</p> <p>16 A. Up until -- at that time I had not seen</p> <p>17 that -- the plan.</p> <p>18 Q. Were you aware at that time that one was</p> <p>19 contemplated?</p> <p>20 A. Yes. There was talks about it, but they</p> <p>21 had not finalized anything with me yet.</p> <p>22 Q. So is it your testimony that subsequent to</p> <p>23 February 14th of 2020 they did finalize things with you</p> <p>24 in terms of a conceptual design for an ODAS system to</p> <p>25 compliment this macro site?</p>

<p style="text-align: right;">Page 77</p> <p>1 A. Yes. It's a conceptual design of what 2 they're thinking about. As far as I know that nothing 3 has actually been -- as far as I know nothing has been 4 formalized. It's what -- based on the footprint of the 5 macro it's being designed to compliment that coverage 6 footprint. But it's conceptual because they have no 7 idea how this application's going to turn out. 8 Q. Well, if this application turns out well 9 for Verizon by way of an approval, then they do know 10 how it's going to turn out; isn't that accurate? 11 A. Yes. 12 Q. So if that's the case is this conceptual 13 design based on the presumption -- that you've seen 14 based on the presumption that the application's going 15 to be approved? 16 A. Yes. I will say that it's based on that 17 assumption. 18 Q. And have you provided that conceptual plan 19 to compliment this site, this macro site to the Board? 20 A. No, I have not. I would think that Verizon 21 would do that. I have no indication at this time to -- 22 I haven't the evaluated it to submit it. 23 Q. So you haven't -- right. That was my next 24 question, Frances. So you haven't done any drive test 25 or propagation of this conceptual plan for an ODAS or</p>	<p style="text-align: right;">Page 78</p> <p>1 outdoor distributed antenna system; correct? 2 A. Correct. 3 Q. And based on what you know now by way of 4 conceptual plan, how does this ODAS conceptual plan in 5 reference to A-5 which is on the screen, also Exhibit-C 6 of your propagation report from 2018, how does it 7 compliment this site? 8 A. Well, as I mentioned I did not fully 9 evaluate it, but where their conceptual design, where 10 they have located them are in the areas that are 11 depicted in white on the map, along the major roads 12 like Glen Alpin, Pleasantville Road, across the other 13 side of 287, which is Tempe Wick. 14 Q. Tempe Wick? 15 A. Tempe Wick. And their conceptual shows a 16 cluster that's on the east side of James Street. So 17 that open area that you see kind of to the northeast. 18 Q. So if you're looking at this A-5 it's to 19 the northeast as well? 20 A. There's a -- yeah. There are some nodes, 21 like I said, east of James Street. 22 Q. And when you say these nodes, can you 23 please describe them, are they on telephone poles? 24 What are they? 25 A. I don't have enough information. What I</p>
<p style="text-align: right;">Page 79</p> <p>1 have is a map with some push pins. So I haven't 2 verified what's actually there. 3 Q. Well, what typically based on your 4 experience as a radio frequency expert, what do those 5 push pins typically represent? 6 A. Well, I mean, in the ODAS network they 7 typically represent either an existing utility pole 8 where, you know, they would place an ODAS solution, or 9 it represents placing a new wood pole in that location. 10 Q. And as we sit here this evening, do you 11 know to what extent they can utilize existing poles 12 versus placing new poles within the right-of-ways for 13 this conceptual plan for an ODAS system? 14 A. I can only speak of what I know having 15 worked on ODAS networks in the past, what the 16 percentage is. 17 Q. And what is that? 18 A. Typically more than 50 percent are not 19 existing. Typically more than 50 percent are a 20 placement of new wood poles. 21 Q. And how tall are those new wood poles? 22 A. They typically average between 25 and 40 23 feet. It depends on the area. They typically try to 24 keep it -- the utility poles that you have to work with 25 typically try to keep them the same height as was</p>	<p style="text-align: right;">Page 80</p> <p>1 there. So if it's a 25-foot pole that's -- utility 2 pole that's existing along that certain stretch of 3 right-of-way they'll try to match that. If that 4 particular right-of-way maybe has the 35-foot pole 5 above ground then they'll try to match that. 6 Q. And in all these poles whether they're 7 existing or new poles, they typically are put in 8 pursuant to the push pins that you referred to earlier 9 within the right-of-way of those roadways; correct? 10 A. Yeah, but -- well, a lot has to happen 11 before -- you know, it's a conceptual. So in my 12 experience conceptually typically don't turn out as per 13 the conceptual design after one has done their surveys 14 and everyone has had their input. 15 Q. Are you aware, Ms. Boschulte, whether 16 Verizon actually filed an application with Harding 17 Township for ODAS system within the last two years? 18 A. I don't know if they physically filed 19 anything. 20 Q. You weren't told one way or another whether 21 there was an ODAS application that was submitted that 22 was subsequently withdrawn without prejudice? 23 A. You know more than I, if that's the case. 24 Q. Well, I don't know about that, but, okay. 25 So the answer is, no, you don't know that; correct?</p>

<p style="text-align: right;">Page 81</p> <p>1 A. Right.</p> <p>2 Q. And with regard to this conceptual plan</p> <p>3 that you're referring to for this ODAS system, how --</p> <p>4 based on your -- have you designed ODAS systems in</p> <p>5 right-of-ways for a carrier before?</p> <p>6 A. Yes, I have.</p> <p>7 Q. And which carriers have you designed ODAS</p> <p>8 systems for?</p> <p>9 A. I have designed ODAS systems for Verizon</p> <p>10 Wireless.</p> <p>11 Q. What about T-Mobile?</p> <p>12 A. No.</p> <p>13 Q. And how many ODAS systems have you designed</p> <p>14 for Verizon Wireless?</p> <p>15 A. I would say two, and the third I worked in</p> <p>16 conjunction with another.</p> <p>17 Q. And which is the one where you worked in</p> <p>18 conjunction with another RF professional?</p> <p>19 A. Jersey -- Jersey City, and --</p> <p>20 Q. Go ahead. I'm sorry.</p> <p>21 A. Jersey City and Newark.</p> <p>22 Q. So in Jersey City and Newark you worked</p> <p>23 with another RF professional in designing an ODAS</p> <p>24 network?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 82</p> <p>1 Q. And where did -- did you independently --</p> <p>2 and I'm sorry, that was on behalf of Verizon; correct?</p> <p>3 A. That is correct.</p> <p>4 Q. And where did you design yourself</p> <p>5 independently an ODAS system on behalf of Verizon?</p> <p>6 A. Hoboken. And -- well, actually, I could</p> <p>7 also say in conjunction with another RF, but I did a</p> <p>8 significant portion in Bernardsville-Mendham.</p> <p>9 Q. So let's talk about the significant portion</p> <p>10 that you did in Bernardsville-Mendham. Can you</p> <p>11 describe what that ODAS system consists of in</p> <p>12 Bernardsville-Mendham?</p> <p>13 A. As far as --</p> <p>14 Q. That you designed in terms of how many</p> <p>15 nodes?</p> <p>16 A. Well, it was a long -- it's been a while,</p> <p>17 but my involvement had to do with working with the</p> <p>18 company, identifying locations where the nodes should</p> <p>19 be placed for optimal coverage seeing up and down the</p> <p>20 right-of-way. Working with companies as to the</p> <p>21 azimuth. And then after a conceptual was done</p> <p>22 determining what they could and could not do and then</p> <p>23 basically having to shift poles and redesigns. Because</p> <p>24 as I mentioned before you have a conceptual where you</p> <p>25 try to place the ODAS solutions in areas where it can</p>
<p style="text-align: right;">Page 83</p> <p>1 see over hills or around corners as best as possible.</p> <p>2 You don't always get those locations, either because</p> <p>3 utility companies say you can't have the location, or</p> <p>4 residents in opposition do not want them in that</p> <p>5 location, or all sorts of issues why it can't be there.</p> <p>6 So it goes through a couple of iterations of redesigns.</p> <p>7 Q. So ultimately the -- an ODAS system was</p> <p>8 installed after some redesigns on Bernardsville</p> <p>9 mountain to cover Bernardsville and Mendham, right,</p> <p>10 Mendham Road?</p> <p>11 A. Yes.</p> <p>12 Q. And you worked with PierCon -- you were at</p> <p>13 PierCon when you did that, with Mr. Pierson?</p> <p>14 A. That is correct.</p> <p>15 Q. And with regard to that installation do you</p> <p>16 have a recollection, even if it was some time ago, and</p> <p>17 when you say some time ago how long ago to your</p> <p>18 recollection?</p> <p>19 A. Well, Mr. Pierson, I believe, has been gone</p> <p>20 from PierCon for probably almost two years, so it was</p> <p>21 before his departure.</p> <p>22 Q. So it was about four years ago, give or</p> <p>23 take?</p> <p>24 A. Could be.</p> <p>25 Q. So with regards to that installation do you</p>	<p style="text-align: right;">Page 84</p> <p>1 recall as you sit here this evening approximately how</p> <p>2 many nodes were installed?</p> <p>3 A. Not off the top of my head. I would have</p> <p>4 to go back.</p> <p>5 Q. And based on your experience, and the</p> <p>6 reason why I'm asking about Bernardsville in particular</p> <p>7 is because of its type of area and terrain as compared</p> <p>8 to Harding Township. Particularly in that area of</p> <p>9 Bernardsville and Mendham, is that an accurate</p> <p>10 statement?</p> <p>11 A. It's a hilly and deciduous area, yes.</p> <p>12 Q. And with regard to the ODAS nodes</p> <p>13 specifically, for how far can they, or do they</p> <p>14 propagate a signal?</p> <p>15 A. Well, like I said, we also did drive tests</p> <p>16 in certain locations and they vary based on the</p> <p>17 location and its line-of-sight, so especially in a</p> <p>18 hilly terrain where the roads are winding as well. As</p> <p>19 soon as you go around a corner the signal is lost.</p> <p>20 Q. So you have to put an extra node in?</p> <p>21 A. Correct. The nodes would have to be closer</p> <p>22 together. If it was a long flat stretch you could get</p> <p>23 in some cases, you know, 800 feet to 1,000 and 1,200.</p> <p>24 In other cases you'd get 500 feet or less, you know,</p> <p>25 but it was, you know, it would have line-of-sight and</p>

<p style="text-align: right;">Page 85</p> <p>1 then you go around a bend or over a hill and the</p> <p>2 signal, it drops pretty significantly and pretty</p> <p>3 sharply you're gone.</p> <p>4 Q. My recollection, actually, just to refresh</p> <p>5 your goes recollection, I believe that you have</p> <p>6 testified with regards to other applications in the</p> <p>7 past that the distance ranges from, you know, it could</p> <p>8 be 500 feet up to 1,500 feet, just depending on the</p> <p>9 factors that you just stated; is that correct?</p> <p>10 A. Yes.</p> <p>11 Q. So are you aware, Ms. Boschulte, of whether</p> <p>12 this conceptual -- how this conceptual plan would</p> <p>13 change if at all if this application were denied?</p> <p>14 A. I mean, like I said, I haven't evaluated</p> <p>15 the conceptual. I can see visually from the conceptual</p> <p>16 map that they're placed in areas where the macro is not</p> <p>17 -- is not proposed to provide coverage. So if the</p> <p>18 macro was denied that would have to be investigated as</p> <p>19 to how that conceptual design changes.</p> <p>20 Q. And that could conceivably affect, or maybe</p> <p>21 even increase the number of ODAS nodes that would be</p> <p>22 installed potentially; correct?</p> <p>23 A. Correct. So again, I think part of the</p> <p>24 challenge as I indicated in other areas that I've</p> <p>25 designed is part of the challenge is that the</p>	<p style="text-align: right;">Page 86</p> <p>1 residential neighborhoods are not on the right-of-ways.</p> <p>2 So you're not able to provide coverage to those</p> <p>3 residential areas because they're, you know, they're</p> <p>4 private roads and they're just not going to be</p> <p>5 permitted. So I haven't thoroughly investigated</p> <p>6 Harding, but just from doing the conducting, the drive</p> <p>7 test, several of these residential roads are private.</p> <p>8 Q. And when you say residential roads -- I'm</p> <p>9 sorry. I just want to be clear. When you say some of</p> <p>10 the residential roads are private, you take private to</p> <p>11 mean that you and I are prohibited from driving on</p> <p>12 them?</p> <p>13 MR. SCHNEIDER: If you know, Frances.</p> <p>14 MR. SIMON: If you know. I don't know what</p> <p>15 that means, that's why I'm asking.</p> <p>16 THE WITNESS: No, I don't believe that cars</p> <p>17 are prohibited from driving on it. It's just that it's</p> <p>18 a private road, so I'm assuming that there's a private</p> <p>19 owner of the road.</p> <p>20 BY MR. SIMON:</p> <p>21 Q. Okay. So these are roads -- when you say</p> <p>22 private roads you're talking about roads that have not</p> <p>23 been dedicated to the public and that are not</p> <p>24 maintained by Harding Township; correct?</p> <p>25 A. That's correct.</p>
<p style="text-align: right;">Page 87</p> <p>1 Q. Okay. And with regard -- is there anything</p> <p>2 other than what you've testified to this evening, is</p> <p>3 there anything else that you're aware of or have been</p> <p>4 privy to with regard to this conceptual plan to put in</p> <p>5 ODAS nodes along the major roads, as you call them, to</p> <p>6 fill the gaps?</p> <p>7 A. No.</p> <p>8 Q. And with regard to the area in question,</p> <p>9 particularly the DPW yard, and its proximity to other</p> <p>10 nonresidential buildings in Harding Township, are you</p> <p>11 aware of any investigation or attempt to install</p> <p>12 rooftop installations on any existing building,</p> <p>13 nonresidential building?</p> <p>14 A. Within Harding?</p> <p>15 Q. Yes, Ma'am?</p> <p>16 A. I am not -- I am not aware of any other</p> <p>17 installation being planned.</p> <p>18 Q. Okay. You're not aware of any other than</p> <p>19 what's on your chart, correct, from 2018?</p> <p>20 A. Correct.</p> <p>21 Q. And with regard to small cell technology,</p> <p>22 and you're aware of what I'm referring to by small</p> <p>23 sell, antennas on the side of the buildings, for</p> <p>24 example?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 88</p> <p>1 Q. Are you aware of any investigation or</p> <p>2 attempt to install a small cell technology on the sides</p> <p>3 of buildings at any time in Harding -- within Harding</p> <p>4 Township?</p> <p>5 MR. SCHNEIDER: At any time from when?</p> <p>6 MR. SIMON: Within the last ten years.</p> <p>7 A. No. I don't recall any or having given any</p> <p>8 information.</p> <p>9 Q. And with regard to the installations that</p> <p>10 are existing on that last page of your 2018 report, are</p> <p>11 you aware of any efforts to rotate or swap out antennas</p> <p>12 on those facilities to improve coverage?</p> <p>13 A. I'm only aware from the Chief -- from the</p> <p>14 Chief of the Police Department when he mentioned that</p> <p>15 -- when he contacted Verizon that they indicated they</p> <p>16 were going to try to make some changes and he said the</p> <p>17 changes had no affect. So that's about it.</p> <p>18 Q. Do you know what those changes consisted</p> <p>19 of?</p> <p>20 A. No. I don't know exactly what changes they</p> <p>21 did make in order to approve coverage that the Chief</p> <p>22 indicated had no improvement. I don't know exactly.</p> <p>23 Q. And you're not aware of any type of</p> <p>24 structural analysis to determine whether any of those</p> <p>25 structures can be raised in height; correct?</p>

<p style="text-align: right;">Page 89</p> <p>1 A. I have not contacted any Verizon or any</p> <p>2 firm to figure out if any of these existing structures</p> <p>3 can be increased in height, no.</p> <p>4 Q. And you haven't seen any propagation or</p> <p>5 drive test data for AT&T or T-Mobile to determine to</p> <p>6 what extent they may have similar gaps; correct?</p> <p>7 A. So I can tell you that when I did the scan</p> <p>8 drive that I scanned for frequencies other than</p> <p>9 Verizon. Our scanner is set up to scan multiple</p> <p>10 frequencies, but I did not evaluate that data to verify</p> <p>11 whether or not other carriers have similar gaps at this</p> <p>12 time.</p> <p>13 Q. So when you say "the scan is setup," you</p> <p>14 mean setup to analyze the existing coverage for AT&T,</p> <p>15 and T-Mobile, for example?</p> <p>16 A. That is correct. Those frequency bands are</p> <p>17 included in my frequency scan list.</p> <p>18 Q. But you haven't provided that information</p> <p>19 to the Board; correct?</p> <p>20 A. I have not processed it or analyzed it or</p> <p>21 provided it.</p> <p>22 Q. Are you aware whether any of the carriers</p> <p>23 other than Verizon have an interest in collocating at</p> <p>24 the DPW tower?</p> <p>25 A. I do not.</p>	<p style="text-align: right;">Page 90</p> <p>1 Q. Do you have any information as to whether</p> <p>2 any of those carriers plan to construct their own</p> <p>3 towers?</p> <p>4 A. I do not.</p> <p>5 Q. And on page six of your August 28, 2018,</p> <p>6 report you say something that there's a comprehensive</p> <p>7 plan to provide Harding Township with seamless and</p> <p>8 reliable wireless services. Do you recall saying that</p> <p>9 or do you want to turn to that? I think it's the first</p> <p>10 paragraph. Let me see. Hold on. Yeah.</p> <p>11 A. First paragraph of my report?</p> <p>12 Q. Yes. I'm going to quote it so you don't</p> <p>13 have to look it up. Of course, you can.</p> <p>14 "It's important to note that the coverage</p> <p>15 gap is too large to cover with one wireless facility</p> <p>16 and this proposed wireless facility is part of a</p> <p>17 comprehensive plan to provide Harding Township with</p> <p>18 seamless and reliable wireless service."</p> <p>19 Do you recall saying that?</p> <p>20 A. Yes. It's typical -- yes.</p> <p>21 Q. And so what is the comprehensive plan then</p> <p>22 to provide Harding Township with such service?</p> <p>23 A. Well, I mean, this is one size. Obvious</p> <p>24 that there are other gaps. So there would be a plan in</p> <p>25 the future to try to fill in those gaps.</p>
<p style="text-align: right;">Page 91</p> <p>1 Q. But you say that it's part of a</p> <p>2 comprehensive plan, but is there a current plan?</p> <p>3 A. Well, no. There isn't a plan to say where</p> <p>4 these -- where within Harding these other macro</p> <p>5 facilities could be placed to fill the gap.</p> <p>6 Q. So you don't -- so there's no plan where</p> <p>7 Macro Tower 1's going to go here and rooftop will go</p> <p>8 here, and you know water tower will go there and that</p> <p>9 will be good enough to fill in the gaps, right, there's</p> <p>10 no plan yet, right?</p> <p>11 A. No. There's no physical plan, no.</p> <p>12 Q. And when you mention the term seamless</p> <p>13 wireless -- the word "seamless," is there a legal, or</p> <p>14 any obligation that you're aware of for the carrier to</p> <p>15 provide seamless service?</p> <p>16 MR. SCHNEIDER: That calls for a legal</p> <p>17 conclusion.</p> <p>18 MR. SIMON: Well, the reason why I'm</p> <p>19 asking, Rich, is that she used the word and that's what</p> <p>20 raised my eyebrows. That's why I'm asking the question</p> <p>21 about.</p> <p>22 BY MR. SIMON:</p> <p>23 Q. What did you mean by "seamless" and why do</p> <p>24 you use the word, Ms. Boschulte?</p> <p>25 A. Well, because you have -- for good service</p>	<p style="text-align: right;">Page 92</p> <p>1 your wireless facilities, your coverage gaps should</p> <p>2 overlap so that there is a continuity of service</p> <p>3 between one geographic area to the next, making it</p> <p>4 seamless.</p> <p>5 Q. So seamless you mean overlap?</p> <p>6 A. Correct.</p> <p>7 Q. Is there a situation where you can have too</p> <p>8 much overlap and that's a bad thing?</p> <p>9 A. You want a balance.</p> <p>10 Q. And how much over -- this might be an</p> <p>11 awkward question. I apologize if I'm asking it</p> <p>12 incorrectly, but how much overlap is too much by way of</p> <p>13 percentage?</p> <p>14 A. By way of percentage?</p> <p>15 Q. So if there's an overlap of 20 percent of</p> <p>16 the existing coverage is that not good, but ten percent</p> <p>17 is okay? That's why I'm saying, it might be an awkward</p> <p>18 question. Do you understand my question?</p> <p>19 A. It is an awkward.</p> <p>20 MR. SCHNEIDER: Are you able to articulate</p> <p>21 that in a percentage or not?</p> <p>22 A. I mean, typically you don't want to have</p> <p>23 too much redundancy, otherwise --</p> <p>24 Q. Can you express -- and Mr. Schneider did a</p> <p>25 better job than I did. Can you express that redundancy</p>

<p style="text-align: right;">Page 93</p> <p>1 in terms of a percentage? So if your new coverage --</p> <p>2 just as an example. If your new coverage resulting in</p> <p>3 let's say 50 percent redundant coverage that's existing</p> <p>4 is that a good thing, bad thing, or does it not matter?</p> <p>5 A. Well, typically what will happen, the more</p> <p>6 overlap in coverage the more sectors you have covering</p> <p>7 a particular area. And if they're of the same signal</p> <p>8 strength it does begin to affect your signal quality</p> <p>9 and your signal quality goes down. So it's</p> <p>10 counterproductive.</p> <p>11 Q. So resulting in interference; correct?</p> <p>12 A. Right. So what would typically happen in</p> <p>13 scenarios where you have too much overlap is that</p> <p>14 you'll try to optimize by down-tilting or moving</p> <p>15 antennas if you can so that you will only have one</p> <p>16 dominant server so to speak. So you're not expanding</p> <p>17 your coverage when you have too much overlap.</p> <p>18 Q. Let me move on. With regard to your</p> <p>19 propagation maps, Verizon is currently servicing the</p> <p>20 alleged gap area in question, even in the area of</p> <p>21 white; correct?</p> <p>22 MR. SCHNEIDER: Can you repeat the question</p> <p>23 Rob? I'm sorry.</p> <p>24 BY MR. SIMON:</p> <p>25 Q. Sure. That's okay. Verizon is currently</p>	<p style="text-align: right;">Page 94</p> <p>1 servicing the alleged gap area in question, including</p> <p>2 the areas that are depicted on your propagation maps as</p> <p>3 white; correct?</p> <p>4 A. Well, what do you mean by servicing? What</p> <p>5 does that mean?</p> <p>6 Q. I'll give you an example. I know that when</p> <p>7 I leave the municipal building after a hearing and I</p> <p>8 call my wife in Gladstone to tell her that I'm done and</p> <p>9 I'm on my way home, and I have Verizon service, that I</p> <p>10 can make a call outside the Harding Township municipal</p> <p>11 building. And that area, just a simple example, is an</p> <p>12 area that you have depicted in white. And there are</p> <p>13 many areas on your propagation materials that are what</p> <p>14 I call areas of white or not in green, or color. Is</p> <p>15 there the ability to have service within those white</p> <p>16 areas?</p> <p>17 A. Well, I think you have to have an</p> <p>18 understanding that services, you know, are not just for</p> <p>19 making a voice call. The service that the wireless</p> <p>20 carriers are providing are not -- are also not just for</p> <p>21 phones, they're for other types of smart devices. So</p> <p>22 even the -- when the Chief testified he was referring</p> <p>23 to his mobile data terminals. There are laptops, there</p> <p>24 are tablets, there are other smart devices.</p> <p>25 So the threshold, you know, this goes back</p>
<p style="text-align: right;">Page 95</p> <p>1 to the neg 95 threshold, and yes, there could be areas</p> <p>2 where it may be a little stronger. There could be</p> <p>3 areas where it's weaker than neg 95. It could be neg</p> <p>4 110, it could be neg 120.</p> <p>5 Q. Hold on. I'm not talking at all yet about</p> <p>6 desired signal strength. We'll get to that. I'm just</p> <p>7 -- let me put it to you this way. This tower, this new</p> <p>8 macro site, is not necessarily providing new coverage</p> <p>9 but rather it's providing improved reliability; is that</p> <p>10 a fair statement?</p> <p>11 A. No.</p> <p>12 Q. Okay. Why is that not a fair statement?</p> <p>13 A. Because according to the drive data that I</p> <p>14 conducted there are areas where the signal is so weak</p> <p>15 that you would not be able to have service.</p> <p>16 Q. And are there areas that you picket in</p> <p>17 white based on -- and we'll get to all of this,</p> <p>18 including your drive test. Are there areas that are</p> <p>19 depicted on the propagation materials as in white where</p> <p>20 there is some service?</p> <p>21 A. Yes. That was in my supplemental report I</p> <p>22 pointed out those areas of inconsistencies between the</p> <p>23 propagation that you have on -- that's shared and with</p> <p>24 the drive test data.</p> <p>25 Q. But it's not just the areas where you</p>	<p style="text-align: right;">Page 96</p> <p>1 identified the inconsistencies, aren't there other</p> <p>2 areas that are depicted in white on both your</p> <p>3 propagation and drive test that are not as strong as</p> <p>4 negative 95 dBm RSRP that still provide coverage, a</p> <p>5 level of coverage?</p> <p>6 A. Again, I'm going to go back, because you're</p> <p>7 saying coverage, and coverage you're indicating that</p> <p>8 okay for you but maybe not for someone else.</p> <p>9 Q. Okay. Well, I'm not debating right now</p> <p>10 whether you believe it's reliable or I believe it's</p> <p>11 reliable. I'm just talking about whether -- I'm trying</p> <p>12 to establish the point that in the areas of white that</p> <p>13 there is in most cases, maybe not all but in most, some</p> <p>14 coverage, some level of coverage. Isn't that an</p> <p>15 accurate statement?</p> <p>16 A. I will say that in areas of white there is</p> <p>17 detectable signal strength.</p> <p>18 Q. Right. So it's not -- if somebody says to</p> <p>19 you that I was in an area of white and I used my phone</p> <p>20 to activate my GPS to get home late at night after a</p> <p>21 hearing they're not necessarily lying, right, that</p> <p>22 could have happened; correct?</p> <p>23 A. Yes, that's true. The requirements, the</p> <p>24 requirements for having service in your home versus if</p> <p>25 you're standing outside in a parking lot are going to</p>

<p style="text-align: right;">Page 97</p> <p>1 be different.</p> <p>2 Q. We're going to get to all of that. I just</p> <p>3 wanted to establish the fact that there are certain</p> <p>4 areas that you depict as white areas that have a level</p> <p>5 of coverage where your smart phone can work?</p> <p>6 A. The areas in white are to depict areas</p> <p>7 where you won't have --</p> <p>8 Q. Where you won't have negative 95 dBm RSRP;</p> <p>9 correct?</p> <p>10 A. Correct.</p> <p>11 Q. Right. But there may be within the white</p> <p>12 areas that have a signal strength of let's say negative</p> <p>13 97 dBm RSRP and your phone or smart phone would work</p> <p>14 fine, isn't that accurate?</p> <p>15 A. Maybe.</p> <p>16 Q. When you say maybe, when you did your drive</p> <p>17 test, we'll talk about that just for a moment, A-21,</p> <p>18 and you identify in your drive test areas that are</p> <p>19 gray, and areas that are green, and I'm just looking at</p> <p>20 A-Harding-3 existing 700 megahertz coverage scan test</p> <p>21 results?</p> <p>22 A. Yes.</p> <p>23 Q. Right. So you have -- for existing you</p> <p>24 have some green areas use and then you have gray areas?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 98</p> <p>1 Q. And the existing green areas you identify</p> <p>2 as having greater than or equal to negative 95 dBm</p> <p>3 RSRP; correct?</p> <p>4 A. Yes.</p> <p>5 Q. Do you have -- have you provided the Board</p> <p>6 with data based on that drive test as to how much</p> <p>7 better, if at all, is the signal in those particular</p> <p>8 locations that you identified as in green, better than</p> <p>9 negative 95 dBm RSRP?</p> <p>10 So for example, how will I know in looking</p> <p>11 at your scanned test results, if the area in green is</p> <p>12 at negative 95 dBm RSRP, or negative 65 dBm RSRP? This</p> <p>13 is an example.</p> <p>14 A. Right. You're not going to know that based</p> <p>15 on my schematic. I would have to change my schematic</p> <p>16 to something that is more smaller intervals, say 5 dB</p> <p>17 intervals or 10 dB intervals would give you a better</p> <p>18 indication and would show you that the closer you get</p> <p>19 to the wireless facility, the closer you get to the</p> <p>20 cell site the stronger the signal would become.</p> <p>21 Q. Right. And I have certainly seen PierCon,</p> <p>22 and maybe even yourself, provide to Boards not only</p> <p>23 drive test data but drive test data precisely in the</p> <p>24 manner that you just described, namely identifying how</p> <p>25 much stronger, just as an example, the areas in green</p>
<p style="text-align: right;">Page 99</p> <p>1 are to negative 95 dBm RSRP; isn't that the correct?</p> <p>2 A. Yes. That can be provided, yes.</p> <p>3 Q. And then conversely, Ms. Boschulte, in</p> <p>4 those -- in the drive test data that you provided the</p> <p>5 Board, in the area that you identified in I think it's</p> <p>6 gray, that that depicts areas that are worse than</p> <p>7 negative 95 dBm RSRP; correct?</p> <p>8 A. That's correct.</p> <p>9 Q. But again I can't -- the Board is not able</p> <p>10 to determine whether the area -- whether a dot in the</p> <p>11 area in -- that's in gray is at negative 96 dBm RSRP,</p> <p>12 or negative 106, or negative 116 dBm RSRP; isn't that</p> <p>13 accurate?</p> <p>14 A. That is correct.</p> <p>15 Q. And are you able, Ms. Boschulte, to supply</p> <p>16 the Board, of course you don't have to answer this,</p> <p>17 it's sort of a rhetorical question, but you're able to</p> <p>18 if you were so directed by your client, you would be</p> <p>19 able to generate and supply the Board with that</p> <p>20 information based on the drive test, for example, that</p> <p>21 you conducted on February 14th of 2020?</p> <p>22 A. Yes.</p> <p>23 CHAIRMAN FLANAGAN: Mr. Simon, I hate to</p> <p>24 interrupt you, but we have a few minutes left here</p> <p>25 until 11 o'clock. So do we have anything else we need</p>	<p style="text-align: right;">Page 100</p> <p>1 to do before we close this meeting, Steve?</p> <p>2 MR. MLENAK: We would just need to carry</p> <p>3 the meeting to the next meeting date for the purposes</p> <p>4 of notice, and I believe we need to extend the shot</p> <p>5 clock one more time.</p> <p>6 CHAIRMAN FLANAGAN: All right. Mr.</p> <p>7 Schneider, are you willing to extend the shot clock?</p> <p>8 MR. SCHNEIDER: I am, subject to the</p> <p>9 Board's consent which we appreciate. And that's the</p> <p>10 direction, and it is certainly late. We would carry it</p> <p>11 to I think you said December 17th, Mr. Chairman?</p> <p>12 CHAIRMAN FLANAGAN: I believe that's the</p> <p>13 date, Lori; is that correct?</p> <p>14 SECRETARY TAGLAIRINO: It is. I do know we</p> <p>15 have a couple of applications coming in, so it won't be</p> <p>16 a full meeting, but we can carry it to the next</p> <p>17 meeting.</p> <p>18 CHAIRMAN FLANAGAN: All right. So the</p> <p>19 Board consents to the extension of the shot clock. The</p> <p>20 meeting is carried.</p> <p>21 MR. SCHNEIDER: Mr. Chairman, can I just</p> <p>22 ask one question just so I can plan? Mr. Simon, what</p> <p>23 is -- famous last words, but what is your expected time</p> <p>24 that you intend to further questioning of Ms. Boschulte</p> <p>25 just so I can determine if there's other matters on the</p>

<p style="text-align: right;">Page 101</p> <p>1 agenda whether we're realistically going to get to 2 other witness. I think it's a fair question. 3 MR. SIMON: Well, it's always a very fair 4 question, Rich, and you know I'm very open with you 5 about that, even off-line. The way I would respond in 6 all honesty, as always, is that I want to go back and 7 see what the balance of my notes entail and whether 8 they've already been covered by some of the answers 9 that Frances has given, because I always do that to try 10 to sort of streamline. 11 So, you know, I think certainly at least an 12 hour, Rich, but I will certainly do what I always do 13 which is try my best just to be efficient and cut to 14 the chase, you know, based on not only the answer that 15 she's given tonight but also what I still intend to ask 16 of her. I don't know if that's -- I'm not trying to 17 beat around the bush that's just an honest answer. 18 And I would be certainly -- and Mr. 19 Chairman, Mr. Schneider and I have communicated prior 20 to tonight about, you know, scheduling and I am 21 available on the -- that December 17th date. And I can 22 certainly reach out to Mr. Schneider before that 23 hearing to give him a fair heads up as to -- famous 24 last words -- but what I do anticipate timing-wise. 25 CHAIRMAN FLANAGAN: That would be great.</p>	<p style="text-align: right;">Page 102</p> <p>1 And if you and Mr. Schneider and Steve can all speak 2 just so we all have an idea of what the agenda's going 3 to look like I'd appreciate it. 4 One thing Mr. Schneider, Mr. Simon brings 5 up some great points. One thing I would be interested 6 in seeing is a coverage chart showing how much worse it 7 is, the coverage is, the negative 95. Is that 8 something that you can prepare for the next meeting? 9 MR. SCHNEIDER: I'd have to ask Ms. 10 Boschulte, but your comment is certainly noted, Mr. 11 Chairman. 12 CHAIRMAN FLANAGAN: Okay. Is there 13 anything else we need to discuss tonight? 14 MR. SCHNEIDER: Other than just for the 15 purposes of the public they will not receive any 16 additional notice. The same procedure for logging on 17 will be made available on the Township website so 18 there's no new notice provided. 19 CHAIRMAN FLANAGAN: Okay. 20 MR. SIMON: I'm sorry, Mr. Chairman, just 21 one other thing. Is it, just again for the benefit of 22 the public, is it fair to assume that if based on 23 Lori's comment that there's another application that 24 that application would go first and this application 25 would go second?</p>
<p style="text-align: right;">Page 103</p> <p>1 CHAIRMAN FLANAGAN: I would expect so. And 2 not knowing anything else we have the application that 3 we're going to do the site visit for, this Carifa 4 application. It sounds like that will be back next 5 month. Yes. And I would expect that this application 6 would be at the end of the meeting, you know, or not 7 the end of the meeting but after we get through some of 8 the other business and we just need to see what comes 9 in between now and then. 10 SECRETARY TAGLAIRINO: Yes. We'll have two 11 that will be ready, two residentials. 12 CHAIRMAN FLANAGAN: All right. Lori, does 13 the Board have any other business? 14 SECRETARY TAGLAIRINO: Motion to adjourn? 15 CHAIRMAN FLANAGAN: All right. We're 16 adjourned. Good night everyone. 17 (Whereupon, the hearing adjourns at 11:03 p.m.) 18 19 20 21 22 23 24 25</p>	<p style="text-align: right;">Page 104</p> <p>1 C E R T I F I C A T E 2 3 I, IRIS LA ROSA, a Notary Public and Certified 4 Shorthand Reporter of the State of New Jersey, do 5 hereby certify that the foregoing is a true and 6 accurate transcript of the testimony as taken 7 stenographically by and before me at the time, place, 8 and on the date hereinbefore set forth. 9 I DO FURTHER CERTIFY that I am neither a 10 relative nor employee nor attorney nor counsel of any 11 of the parties to this action, and that I am neither a 12 relative nor employee of such attorney or counsel, and 13 that I am not financially interested in the action. 14 15 16 IRIS LA ROSA, CSR, RPR 17 Certificate No. 30XI 00162800 18 Dated: 19 20 21 22 23 24 25</p>

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