

NO. CV-03-0183606 : SUPERIOR COURT  
NEW ENGLAND ESTATES : JUDICIAL DISTRICT  
VERSUS OF WATERBURY  
TOWN OF BRANFORD, ET AL : AUGUST 15, 2007  
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**P.M. SESSION**

BEFORE: THE HONORABLE WILLIAM C. CREMINS, JUDGE

APPEARANCES:

JAMES W. BERGENN, ESQUIRE  
TIMOTHY S. HOLLISTER, ESQUIRE  
ATTORNEY FOR NEW ENGLAND ESTATES

STEVEN R. HUMPHREY, ESQUIRE  
BRIAN R. SMITH, ESQUIRE  
ATTORNEYS FOR THOMAS SANTA BARBARA & FRANK  
PERROTTI, JR.

KERRY CALLAHAN, ESQUIRE  
DANIEL CANAVAN, ESQUIRE  
ATTORNEYS FOR THE TOWN OF BRANFORD

JACQUELINE SAGLIANO  
COURT RECORDING MONITOR

1 THE COURT: Please have a seat. We've located  
2 all the jurors. They're all back.

3 Any matters for the record before the panel  
4 comes out, please? Hearing none, Attorney  
5 Carlucci, would you get the panel, please.

6 We're going to go to about ten of four and  
7 then we're going to break at that point, just so  
8 you have an idea.

9 (Whereupon, the jury entered the courtroom.)

10 THE COURT: Ask counsel please stipulate to  
11 the presence of all the jurors.

12 MR. CALLAHAN: Yes, Your Honor.

13 MR. BERGENN: Yes, sir.

14 THE COURT: Attorney Callahan, please.

15 CONTINUED CROSS-EXAMINATION OF JEFFREY GORDON BY MR.  
16 CALLAHAN:

17 Q Mr. Gordon, of course you're testifying under  
18 oath today, correct?

19 A Yes.

20 Q And is it true, sir, that there were prior  
21 proceedings involved in this case at which you have  
22 also testified as a witness under oath?

23 A Yes.

24 Q And is it also true, sir, that there are  
25 occasions on which you have appeared as a  
26 representative of New England Estates at various  
27 meetings, for example, before the Inland Wetlands

1 Commission in Branford as well as the Planning and  
2 Zoning Commission in Branford?

3 A Yes.

4 Q And is it true, sir, that there was an  
5 occasion in which you represented at such a  
6 presentation in a discussion with Attorney Bellamy  
7 that what the 77-acre property needed was three to  
8 five hundred thousand cubic yards of fille?

9 A At that time I probably misspoke. I meant at  
10 that time 300,000 yards of material to be moved on the  
11 site.

12 Q At one time you did represent that there were  
13 going to be three hundred -- I'm not saying -- I'm  
14 not arguing about whether it's misspoken or not. I'm  
15 just saying at one point you did say three to five  
16 hundred thousand cubic yards was going to be needed on  
17 this site, is that correct, and you later sought to  
18 correct that statement?

19 A I believe I said that.

20 Q Okay.

21 THE COURT: Mr. Gordon, again, you've got to  
22 keep your voice up, please, sir.

23 THE WITNESS: I'm sorry.

24 THE COURT: Thank you.

25 BY MR. CALLAHAN:

26 Q Sir, do you still have Plaintiff's Exhibit 8  
27 before you?

1 A Yes.

2 Q And that's an approval of October 2, 1987?

3 A Yes.

4 Q And would you please just read for the record  
5 the condition listed as number seven?

6 A Submit environmental analysis of measures to  
7 be taken to protect ponds from possible area  
8 leachates.

9 Q Okay. And we've talked somewhat about  
10 leachates, but are you versed in what they are?

11 A I know what they are. I'm not experienced in  
12 it.

13 Q This says area leachates. Now, if we look to  
14 the south, and, of course, the document that we're  
15 talking about is dated in 1987, correct?

16 A Yes.

17 Q Okay. Now, if we look to the south of the  
18 subject parcel, are you familiar with what the  
19 Zawalick land is?

20 A Not by that name.

21 Q Okay. Well, what's your understanding, sir,  
22 of what historically had been located to the south of  
23 the parcel and to the east of the landfill in this  
24 area to which you have a claim?

25 A Somewhere in that area I believe there was an  
26 older landfill and there also was open space.

27 Q And are you able to testify, Mr. Gordon, as to

