

1 STATE OF CONNECTICUT
2 CONNECTICUT SITING COUNCIL
3

4 Docket No. 503

5 Arx Wireless Infrastructure, LLC application for a
6 Certificate of Environmental Compatibility and Public
7 Need for the construction, maintenance, and operation
8 of a telecommunications facility located at 43 Osgood
9 Avenue, New Britain, Connecticut
10

11 Zoom Remote Council Meeting (Teleconference),
12 on Thursday, September 2, 2021, beginning at 2 p.m.
13

14 H e l d B e f o r e:

15 JOHN MORISSETTE, Member and Presiding Officer
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1 **A p p e a r a n c e s :**

2 **Council Members:**

3 **JOHN MORISSETTE, (Hearing Officer)**

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5 **QUAT NGUYEN,**

6 **PURA Designee**

7
8 **ROBERT SILVESTRI**

9 **ED EDELSON**

10 **LOUANNE COOLEY**

11
12 **Council Staff:**

13 **MELANIE BACHMAN, ESQ.,**

14 **Executive Director and Staff Attorney**

15
16 **MICHAEL PERRONE,**

17 **Siting Analyst**

18
19 **LISA FONTAINE,**

20 **Fiscal Administrative Officer**

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

2 **For Arx Wireless Infrastructure, LLC (Applicant):**

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5 **Bridgeport, Connecticut 06604**

6 **By: DAVID A. BALL, ESQ.**

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10 **For NEW CINGULAR WIRELESS PCS, LLC (Intervenor):**

11 **BROWN RUDNICK, LLP**

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19 **For THE CITY OF NEW BRITAIN:**

20 **CITY OF NEW BRITAIN CORPORATION COUNSEL**

21 **27 West Main Street,**

22 **New Britain, Connecticut 06051**

23 **By: JOSEPH E. SKELLY, JR., ESQ.**

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25 **860.826.3397 (fax)**

1 THE HEARING OFFICER: Good afternoon, ladies and
2 gentlemen. Can everyone hear me okay?

3 A VOICE: Yes.

4 THE HEARING OFFICER: Thank you.

5 This continued remote evidentiary hearing
6 session is called to order this Thursday,
7 September 2nd, 2021, at 2 p.m. My name is John
8 Morissette, member and Presiding Officer of the
9 Connecticut Siting Council.

10 As everyone is aware, there is currently a
11 statewide effort to prevent the spread of the
12 coronavirus. This is why the Council is holding
13 this remote hearing, and we ask for your patience.

14 If you haven't done so already, I ask that
15 everyone please mute their computer audio and
16 telephones now.

17 A copy of the prepared agenda is available on
18 the Council's Docket Number 503 webpage along with
19 the record of this matter, the public hearing
20 notice, instructions for public access to this
21 remote public hearing and the citizen's guide to
22 the Siting Council's procedures.

23 Other members of the Council are Mr. Edelson,
24 Mr. Silvestri, Mr. Nguyen, Ms. Cooley, and the
25 Executive Director Melanie Bachman, Staff Analyst

1 Michael Perrone, and Fiscal Administrative Officer
2 Lisa Fontaine.

3 This evidentiary session is a continuation of
4 the remote public hearing held on July 20, 2021.
5 It is held pursuant to the provisions of Title 16
6 of the Connecticut General Statutes, and of the
7 Uniform Administrative Procedure Act upon an
8 application from Arx Wireless Infrastructure, LLC,
9 for a certificate of environmental compatibility
10 and public need for the construction, maintenance,
11 and operation of the telecommunications facility
12 located at 43 Osgood Avenue, New Britain,
13 Connecticut.

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

17 A verbatim transcript will be made of this
18 hearing and deposited with the New Britain City
19 Clerk's office for the convenience of the public.

20 The Council will take a 10 to 15-minute break
21 at a convenient juncture around 3:30 p.m.

22 We will now continue with the appearance of
23 the Applicant. And in accordance with the
24 Council's July 21st 2021 continued evidentiary
25 hearing memo, we will continue with the appearance

1 of the Applicant Arx Wireless Infrastructure, LLC,
2 to verify the new exhibits marked as Roman numeral
3 two, items B10 on the hearing program.

4 Attorney Ball, please begin by identifying
5 the new exhibits you have filed in this matter and
6 verifying exhibits with the appropriate sworn
7 witnesses. Thank you.

8 Attorney Ball?

9 MR. BALL: Thank you, Mr. Morissette. David Ball on
10 behalf of the Applicant. We have the same panel
11 of witnesses who are here. This particular
12 exhibit, which is Exhibit 10 in the program, I
13 will be able to introduce into the record through
14 Doug Roberts who is on the line.

15 Mr. Roberts, if I could unmute you. Thank
16 you.

17 K E I T H C O P P I N S,
18 D O U G L A S R O B E R T S,
19 M I C H A E L L I B E R T I N E,
20 B R I A N G A U D E T,

21 recalled as witnesses, having been previously
22 duly sworn, were examined and testified under
23 oath as follows:

24
25 MR. BALL: Mr. Roberts. Did you prepare, assist or

1 supervise in the preparation of Exhibit 10 which
2 is Arx's supplemental response to the Siting
3 Council's interrogatory number one?

4 THE WITNESS (Roberts): Yes, I did.

5 MR. BALL: All right. And is the supplemental response
6 true and accurate to the best of your knowledge?

7 THE WITNESS (Roberts): Yes it is.

8 MR. BALL: Do you have any corrections or revisions to
9 the response?

10 THE WITNESS (Roberts): No, I don't.

11 MR. BALL: Do you adopt the supplemental response to
12 interrogatory number one as your testimony today?

13 THE WITNESS (Roberts): I do.

14 MR. BALL: Thank you.

15 Mr. Morissette, with that I would ask that
16 our supplemental response to interrogatory number
17 one, which is dated August 26, 2021, and is
18 Exhibit 10, be made a full exhibit.

19 THE HEARING OFFICER: Thank you, Attorney Ball.

20 Does any party or any intervenor object to
21 the admission of the Applicant's New Exhibit?

22 Attorney Regan?

23 MR. REGAN: No objection.

24 THE HEARING OFFICER: Thank you.

25 Attorney Skelly?

1 MR. SKELLY: No objection.

2 THE HEARING OFFICER: Thank you. The exhibit is hereby
3 admitted. We will continue with the
4 cross-examination of the Applicant by the Council
5 starting with Mr. Perrone, and then Mr. Edelson.

6 Mr. Perrone?

7 MR. PERRONE: Thank you, Mr. Morissette.

8 Just as another update, have any other
9 wireless carriers expressed an interest in
10 co-locating on the proposed facility to date?

11 THE WITNESS (Coppins): Keith Coppins for Arx Wireless.

12 No, not as -- no other carriers have expressed
13 interest at this point in time.

14 MR. PERRONE: And Mr. Coppins, on pages 34 and 35 of
15 the evidentiary hearing transcript you had
16 mentioned an alternative site property on
17 Farmington Avenue that you had rejected because
18 most of the acreage was in front of the building,
19 rather than behind the building.

20 Do you have the address of such property?

21 THE WITNESS (Coppins): I will get that address for
22 you. I don't have it at my fingertips, but I'll
23 get it for you.

24 MR. PERRONE: Okay. And turning to page 28 of the
25 transcript, Mr. Gaudet, this is a visibility

1 related question. In that response on page 28 you
2 talk about visibility to certain residences to the
3 north of the facility and also across the street
4 across Beach Street. Could you explain if those
5 are seasonal or year-round views?

6 THE WITNESS (Gaudet): Sure thing. Give me one second
7 just to pull that up.

8 So there's going to be a combination of
9 seasonal and year round, depending on where you
10 are on those streets and where on the property on
11 some of those residences. Certainly the -- the
12 residences that are closest to the facility will
13 likely have year-round views, at least from some
14 portion of their property.

15 As you move, you know, again a little bit
16 further down the street, there are some
17 intervening trees. So you will experience
18 seasonal visibility.

19 I think that the guaranteed spot of
20 year-round visibility is directly across the
21 street on Beach Street. There's a few residences
22 there essentially where the access drive comes in.
23 They will be able to see that facility above the
24 building.

25 MR. PERRONE: But as far as the properties to the north

1 would you expect year round --

2 **THE WITNESS (Gaudet):** That those properties will be a
3 combination of year round and seasonal.

4 Certainly, I think it's expected that -- that
5 from, you know, maybe one corner of a backyard it
6 will be seasonal. The other corner, depending on
7 where that foliage is, maybe year round.

8 **MR. PERRONE:** And that's for the upper section of the
9 tower?

10 **THE WITNESS (Gaudet):** I would say probably the upper
11 section. Again, depending on where you're
12 standing, you know, we don't have access to these
13 private residences. So it's tough to depict
14 exactly where that visibility will be.

15 They will likely see -- there is some
16 existing fencing, so I think the compound will be
17 shielded itself. They will likely see portions of
18 the -- the monopole structure, whether that be the
19 top or the -- the central piece.

20 **MR. PERRONE:** Thank you. That's all I had for the
21 Applicant.

22 **THE WITNESS (Coppins):** Mr. Perrone. That address is
23 444 Farmington Avenue.

24 **MR. PERRONE:** Thank you.

25 **THE HEARING OFFICER:** Thank you, Mr. Perrone. We'll

1 now continue with cross-examination by Mr. Edelson
2 followed by Mr. Silvestri.

3 Mr. Edelson?

4 MR. EDELSON: Yes. I have no questions of the
5 applicant. Thank you.

6 THE HEARING OFFICER: Thank you, Mr. Edelson.

7 We'll now continue with cross examination of
8 the Applicant by Mr. Silvestri followed by
9 Mr. Nguyen.

10 Mr. Silvestri?

11 MR. SILVESTRI: Thank you, Mr. Morissette, and good
12 afternoon all. I'm not sure who's going to
13 respond to this. If it's AT&T, then I'll ask it
14 again at the appropriate time -- but I do have a
15 follow-up question about the site search summary.

16 Site five which was addressed as 221
17 Farmington Avenue -- which I believe is the old
18 school across the street from Holy Cross Church,
19 the parcel itself appears relatively large, being
20 boarded by Farmington Avenue, Eddy Glover
21 Boulevard and Worthington Street.

22 And in the site search summary, Arx mentioned
23 that no responses were received from the owner,
24 but it continued that AT&T site acquisition team
25 spoke with the owner who in turn said there was no

1 interest.

2 My question on that, did conversations about
3 potential use of 221 Farmington Avenue include all
4 areas of the parcel? Or was it just conversations
5 limited to the building?

6 THE WITNESS (Coppins): So I'll only do -- and respond
7 to what -- to what I have and what I've done, and
8 sent out letters. I never spoke with the owner
9 directly at -- at that, at 221 Farmington Ave.
10 AT&T may have, but determined that it wasn't
11 usable for whatever reason or had a different
12 conversation, but I didn't receive any response
13 back from the -- from the landowner.

14 MR. SILVESTRI: All right. Thank you, Mr. Coppins.
15 And I'll hold the question again that I pose to
16 AT&T when the time comes.

17 Mr. Coppins, one other followup. You
18 mentioned 444 Farmington Avenue. What type of
19 structure building is present there now?

20 THE WITNESS (Coppins): I believe it's -- and I have to
21 look a little closer, but I think it's a mortuary,
22 and there's a lot of parking in the back -- or a
23 funeral home.

24 But I'll double check and -- and make sure I
25 know what that is.

1 MR. SILVESTRI: But the concern you had is, that space
2 potentially available would be street side of the
3 building, not behind the building.

4 Did I understand that right?

5 THE WITNESS (Coppins): The entire rear of the building
6 looks like it's a paved parking lot that's used
7 during -- during the -- during the services. And
8 a large portion of the -- it's a fairly large
9 parcel of land, and it looked like a large portion
10 of it was in the street side portion of the
11 building, yes.

12 MR. SILVESTRI: Thank you. And just one followup on
13 that. Was any type of RF study done for 444
14 Farmington Avenue to see if that would provide the
15 coverage that would be needed?

16 THE WITNESS (Coppins): I did not pass that along to
17 AT&T because I just didn't think that that was
18 going to be a constructable site.

19 MR. SILVESTRI: Okay. I'll pose that to AT&T just to
20 see if anything was done when the time comes, but
21 thank you for your response.

22 And Mr. Morissette, that's all the questions
23 I have at this time. Thank you.

24 THE HEARING OFFICER: Thank you, Mr. Silvestri. We
25 will now continue with cross examination by

1 Mr. Nguyen followed by Ms. Cooley.

2 Mr. Nguyen?

3 MR. NGUYEN: Good afternoon, Mr. Morissette. I don't
4 have any questions for the Applicant. Thank you.

5 THE HEARING OFFICER: Thank you, Mr. Nguyen. We'll
6 continue with cross examination by Ms. Cooley,
7 followed by myself.

8 Ms. Cooley?

9 MS. COOLEY: Thank you, Mr. Morissette.

10 At this time I don't have any further
11 questions for the Applicant. Thank you.

12 THE HEARING OFFICER: Thank you, Ms. Cooley.

13 Okay. I have a few questions. I want to
14 make sure I fully understand the control of the
15 property that we're talking about here. Is the
16 Applicant leasing the site from the property
17 owner?

18 THE WITNESS (Coppins): So we currently have an option
19 to -- option to lease, but in the -- in our -- in
20 our amendment that we did back on July, I think it
21 was July 18th or 19th, we put a provision in the
22 amendment that we extended the option in the event
23 that this site were to be approved Arx Wireless
24 would, within 30 days, purchase the property at a
25 predetermined price.

1 Currently Cohen & Wolf holds the down payment
2 in escrow for Arx Wireless.

3 **THE HEARING OFFICER:** And the option to purchase the
4 entire site, does that mean the entire property or
5 just the cell site specific?

6 **THE WITNESS (Coppins):** That's the entire property
7 including the structure.

8 **THE HEARING OFFICER:** Very good. And just so I
9 understand, then what is your intent to do with
10 the structure once that you own the property?

11 **THE WITNESS (Coppins):** So my -- my understanding with
12 the structure is that there's some issues with
13 access and security on the property. So we would
14 immediately secure the building.

15 We would, you know, I'd send out a group of
16 people to clean up the property. If we needed to
17 plant some -- plants some trees along the -- get
18 rid of some dead trees, get rid of some dead
19 bushes. Basically just clean up the property
20 until we understand what we have, and what we're
21 going to do with it.

22 **THE HEARING OFFICER:** Thank you. I'd like to talk a
23 little bit about these site search summary,
24 Exhibit F. Let's start off with site number
25 three. It's at -- 662 Barrett, is that a

1 cemetery?

2 THE WITNESS (Coppins): I would have to take a look at
3 that, but it may be.

4 THE HEARING OFFICER: Okay. And number four, the 285
5 Osgood Avenue, that's the larger cemetery. Is
6 that correct?

7 THE WITNESS (Coppins): There are a few cemeteries over
8 there that I -- that I searched. And -- and I
9 will -- I can -- if you give me one second. I
10 will either pull up the letter that I sent out.

11 That's -- yes, that's a cemetery by Sacred
12 Heart of Jesus.

13 THE HEARING OFFICER: That's Number 662 --

14 THE WITNESS (Coppins): That's number three. That's
15 number three. And number four is --

16 THE HEARING OFFICER: Is Trinity? That's the larger
17 one, I believe.

18 THE WITNESS (Coppins): That one was 34 acres.

19 THE HEARING OFFICER: Okay. Just do you know if the
20 Town has control of either of those cemeteries?
21 Or are they affiliated with a church?

22 THE WITNESS (Coppins): I think they're affiliated. I
23 think they're affiliated with a church. Holy
24 Trinity Greek Catholic Cemetery is the other one.
25 And the -- and that one, actually I mean, it may

1 have a couple of parcels to it.

2 No, it's -- that one is 2.96 acres. So the
3 first one that you asked me for 662 Barrett
4 Street, New Britain, is -- is the larger of the
5 two.

6 **THE HEARING OFFICER:** 662 Barrett is the larger? I
7 thought --

8 **THE WITNESS (Coppins):** So I'm looking at two -- 285
9 Osgood -- Osgood is 2.96. And the other one is 34
10 acres.

11 **THE HEARING OFFICER:** Okay. I had them reversed. All
12 right. And neither of those properties, the
13 owners did not show any interest. Is that
14 correct?

15 **THE WITNESS (Coppins):** That is correct. After -- we
16 did send certified mail to each one just to add
17 one more in since our last hearing on the 20th.
18 We went back for the 8th, Allen Street, which is
19 owned by -- it's -- I think it's number seven on
20 my site search, but that one by Beth Alom
21 Cemetery. Phonecalls were made on that. And the
22 certified letter, another certified letter was
23 sent out.

24 And to date no -- no response to that, to
25 those, to those properties -- to that property.

1 THE HEARING OFFICER: Okay.

2 THE WITNESS (Coppins): I think that was -- I think
3 that was a question on -- somebody else had it,
4 and I wanted to, you know, run that one down as
5 well.

6 THE HEARING OFFICER: Okay. Very good. In looking at
7 AT&T's propagation at 700 megahertz, it appears
8 that if you were to locate your site further south
9 somewhere in the vicinity of Farmington Avenue and
10 Allen Street that you would probably get a better
11 coverage, the area that you're trying to cover.

12 And I believe there was a couple of
13 properties in that area. I think one of them, as
14 you just talked about, was 48 Allen Street and
15 that was also a cemetery. And they showed no
16 interest?

17 THE WITNESS (Coppins): They haven't gotten back with
18 me at all, and I've -- I've contacted them more
19 than one time. And you -- I think Mr. Bilezikian
20 from AT&T has done the same and that he didn't
21 receive any responses either -- but you could ask
22 that question directly to him.

23 But I -- again I ran it down because I knew
24 it was a question that was there as well.

25 THE HEARING OFFICER: Yeah. There seems to be other

1 properties in that general location that may fit
2 the bill, too, on the corner of Allen and
3 Farmington and New Britain and Farmington. I
4 believe there's a church on one side and another
5 commercial property on the other side. Were those
6 two properties looked at?

7 THE WITNESS (Coppins): So I'm going to take a look and
8 see, but they may have been already looked at and
9 rejected for lack of interest. But that's the --

10 THE HEARING OFFICER: I apologize for the confusion,
11 but I was getting confused with all the potential
12 sites here, the ones that were looked at and the
13 ones that weren't looked at.

14 You've got Holy Cross School and then across
15 from that, you have a church across from that.

16 THE WITNESS (Coppins): So Holy Cross Church, Holy
17 Cross Church was looked at.

18 THE HEARING OFFICER: Okay. What number was that on
19 your list?

20 THE WITNESS (Coppins): Going back to my -- all right.
21 Holy Cross Church on Farmington Avenue,
22 October 14th letter was sent to them with no
23 response.

24 That is -- I think that's 210 Farmington
25 Avenue.

1 THE HEARING OFFICER: Okay. That's Holy Cross?

2 THE WITNESS (Coppins): I believe so. I want to
3 make -- I want to make sure the record is correct.
4 So I'm just going to verify.

5 That is correct. It's two tenants on Burritt
6 Street and Farmington Avenue.

7 THE HEARING OFFICER: Okay. And you also looked at
8 Holy Cross School.

9 THE WITNESS (Coppins): Holy Cross School is directly
10 across the street.

11 THE HEARING OFFICER: Yeah.

12 THE WITNESS (Coppins): And that is located at -- it's
13 at 221 Farmington Avenue. Let me just make sure
14 that I'm correct on the other one.

15 And the other one was 210 Farmington Avenue.
16 So they're both owned by the same people, 210 and
17 221.

18 THE HEARING OFFICER: Okay. So Holy Cross the Church
19 and Holy Cross the School, the owner indicated
20 they were not interested. Okay. All right.

21 And just up the road is the Beth Alum
22 Cemetery?

23 THE WITNESS (Coppins): Yes, that's the 48 Allen
24 Street. That's the one I just referenced.

25 THE HEARING OFFICER: Gotcha.

1 THE WITNESS (Coppins): And the attempts to that, to
2 that property was done by both AT&T and myself.
3 And I agree with you that I -- it looks like it
4 would have worked, but because I didn't -- I
5 didn't have an opportunity. I didn't send it over
6 because I didn't have a willing landlord at that,
7 at that parcel.

8 THE HEARING OFFICER: So the landowner didn't respond?

9 THE WITNESS (Coppins): They haven't responded to any
10 of us, correct.

11 THE HEARING OFFICER: Okay. And do we know if that's a
12 town cemetery or not?

13 THE WITNESS (Coppins): It -- it doesn't appear to be.
14 It looks like it's a -- it's owned by Beth Alom
15 Cemetery and it doesn't have -- it doesn't have --
16 it's got a mailing address of 48 Allen Street, and
17 it's by Beth Alom Cemetery, Incorporated.

18 THE HEARING OFFICER: Well, that's unfortunate. It
19 looks like a good site.

20 Okay. Thank you. I'd like to move off the
21 site search for now. Does the Applicant have
22 somebody available to answer questions about
23 noise?

24 THE WITNESS (Coppins): Yes, that's Mr. Roberts.

25 THE HEARING OFFICER: Thank you.

1 Mr. Roberts, well, first I'd like to go to
2 the revised drawing C-2. And I'd like to
3 understand with that revised drawing what has
4 changed? I think Mr. Coppins, you would answer
5 that?

6 **THE WITNESS (Coppins):** That would be Mr. Roberts.

7 **THE HEARING OFFICER:** Mr. Roberts? Thank you.

8 Mr. Roberts?

9 **THE WITNESS (Roberts):** I believe on C-2 we added a
10 fourth carrier.

11 **THE HEARING OFFICER:** Okay. All right. So we've got a
12 fourth carrier, and that fourth carrier is about
13 64 feet AGL?

14 **THE WITNESS (Roberts):** Correct.

15 **THE HEARING OFFICER:** Okay. Using C-2 as a guide I
16 noticed the property line from the pole to the
17 north is 89 feet. And the cooling cabinet is
18 southwest, and will be away from the residential
19 property line.

20 My first question is, given that the site and
21 the cooling cabinet, and the generator for that
22 matter, will be in a closed area in the courtyard,
23 I'll call it, it will have buildings on all three
24 sides; does that impact or cause some echoing off
25 the building in the direction of the property

1 line?

2 THE WITNESS (Roberts): You're absolutely correct. And
3 normally when, you know, we would place a
4 generator set on -- on a site, we try to locate it
5 as far away from the residents as possible.

6 In this case it was determined that, in fact,
7 because of the three sides and possible
8 reverberation that it would be better to have it a
9 little closer and allow the equipment, the AT&T
10 equipment shelter to dissipate some of that, as
11 opposed to hard reflection. Very good.

12 THE HEARING OFFICER: Okay. So they be cooling, the
13 cabinet -- the cooled cabinet actually has some
14 noise attenuation properties built into it.

15 Is that correct?

16 THE WITNESS (Roberts): That is correct. It has almost
17 a muffin fan, if you will, configuration, or that,
18 you know, similar to a fan in a computer.

19 THE HEARING OFFICER: Okay. So the worst property, the
20 north property, the worst case scenario with the
21 generator and cooler Operating during the day
22 would be 51 dBA at the property line. Correct?

23 THE WITNESS (Roberts): Yes.

24 THE HEARING OFFICER: Do you know or can you tell us,
25 tell me what it would be with just the cooler and

1 not the generator?

2 THE WITNESS (Roberts): The cooler itself will actually
3 be below ambient noise level in that area. So
4 basically it would emit no additional sound levels
5 at the property lines, very faint.

6 THE HEARING OFFICER: What is it? 40, ambience 40?

7 THE WITNESS (Roberts): Yes, yes.

8 THE HEARING OFFICER: Okay. So the cooler is about 40.
9 Relatively with the generator you're at 51. Okay.

10 Now, given that the tower has the ability to
11 add three, three additional carriers, so you would
12 have three additional cooling cabinets and then
13 you would have three additional generators.

14 What impact would that have on the noise
15 values at the property with the 51 dBA?

16 THE WITNESS (Roberts): Obviously it would increase as,
17 you know, additional carriers were located upon
18 that site and if they'd have a generator or not.

19 The advantage of the generator that AT&T is
20 proposing, which is the Kohler Power Generator,
21 it's a DC generator and quite -- it runs quite
22 differently than a traditional generator that
23 we've used in the past for the last 25 years at
24 many, many sites, or one might even have at their
25 home that automatically starts up when there's a

1 loss of power, whether there's a need for it to
2 run, even if there is no load needed at that time
3 it runs and ramps up.

4 A DC generator will start up and will just
5 idle along and charge the batteries, and then shut
6 off even with a loss of power. It does have the
7 ability in -- in certain instances where we have
8 a -- we don't have them in Connecticut, but you
9 know, certainly California, we've seen, you know,
10 rolling brownouts where, you know, they'll have
11 short durations of loss of power or -- or low
12 power, and it will start up and charge those
13 batteries.

14 So reality is it's not -- it would be
15 different than a normal AC generator where if
16 power was lost to this part of the city all --
17 all -- technically if every carrier on site had a
18 generator, all four would start up.

19 In this case it would -- they would be, I'm
20 going to say, there could be one or two on at a
21 time and -- but they're basically just looking to
22 charge the batteries and then shut themselves off.

23 **THE HEARING OFFICER:** Okay. Now the generators are
24 exempt under emergency conditions.

25 For testing are they also exempt?

1 THE WITNESS (Roberts): Testing is done during the day
2 a time when there's a lot -- the ability to emit a
3 little bit more noise, and usually they're done
4 midday unless there's circumstances that --

5 THE HEARING OFFICER: And how many hours? How long is
6 the runtime when they're exercised?

7 THE WITNESS (Roberts): Normally it's a half an hour.

8 THE HEARING OFFICER: Okay. So the real issue, the
9 real issue is the cooling cabinet. So if the
10 cooling cabinet at that property line is
11 approximately 37 dBA, and assuming that we had
12 four, a total of four cabinets on the site, all
13 that with the same sound attenuation on it at 37
14 dBA, the sound levels are not a cumulative factor.

15 Correct?

16 THE WITNESS (Roberts): Correct. Absolutely.

17 THE HEARING OFFICER: So if that scenario was present,
18 what kind of sound level would you see at the
19 property line? Or would you hear it? I know it's
20 a difficult question to answer.

21 THE WITNESS (Roberts): Without doing the math, if you
22 will, they're not going to be noticeably louder
23 than ambient. I mean, we might get a dB or two
24 per additional carrier.

25 Again, they are not running normally

1 concurrently. Again, they will run kind of on the
2 hottest day of the year. They might be the times
3 when they'll be running the most, but they're
4 normally in the silent position.

5 THE HEARING OFFICER: Okay. Thank you. That was very,
6 very helpful in understanding the details of the
7 report.

8 By the way, I thought your report came out
9 very nice. It was very clear and concise and laid
10 out the scenarios and the information very
11 thoroughly. Thank you. Thank you for that.

12 That's all the questions I have.

13 I do have several questions on the
14 propagation plots for AT&T, but we'll go to them
15 when AT&T is on the stand. So with that we will
16 continue with cross-examination of the Applicant
17 by AT&T.

18 Attorney Regan?

19 MR. REGAN: No questions. No questions for the
20 Applicant.

21 THE HEARING OFFICER: Thank you. We will now continue
22 with cross-examination of the Applicant by the
23 City of New Britain.

24 Attorney Skelly?

25 MR. SKELLY: Good afternoon. I'm not sure who this

1 question is for, but it's for the man that was
2 talking about whether the proposed cell tower was
3 going to be visible year round or seasonal.

4 Can I ask that person, how high is the
5 proposed cell tower going to be?

6 THE WITNESS (Gaudet): It's proposed at 104 feet to the
7 top of the tower.

8 MR. SKELLY: So isn't it fair to say that the residents
9 that live all around this proposed tower are going
10 to be able to see it year round if it's that high?

11 THE WITNESS (Gaudet): It -- again, there's intervening
12 trees. So not every residence will have
13 year-round views.

14 MR. SKELLY: Okay. But aren't most trees -- excuse me,
15 aren't most trees not higher than 104 feet?

16 THE WITNESS (Gaudet): That's accurate. The -- the
17 trees, depending on where you're standing --
18 right? So if you're -- let's assume you're a
19 tenth of a mile away, and you have a 40-foot tree
20 in front of you looking towards 104-foot tower.

21 If you were right up against that tree you
22 will likely not see the tower. So you -- you
23 won't be seeing the top of the tower wherever you
24 are. There will be areas of year-round
25 visibility, you know, within -- within a half

1 mile.

2 A large portion of that is at the cemetery to
3 the southwest, certainly scattered about in some
4 of those nearby neighborhoods. You will have --
5 it's anticipated that there will be some
6 year-round views.

7 MR. SKELLY: All right. Thanks. And I'd like to ask
8 questions to the individual who was talking about
9 an option to lease the property with the provision
10 to extend the option to purchase the entire
11 property at a predetermined price.

12 So for that individual, have you already
13 worked out an option to buy the property for a
14 specific price with the owner of 43 Osgood Avenue?

15 THE WITNESS (Coppins): Yes, we have.

16 MR. SKELLY: And when does that option run out?

17 THE WITNESS (Coppins): So that option, that option is
18 a year. When we -- when we paid the option
19 payment that option is for another year. However,
20 we have -- we have caveats in the -- in the new
21 amendment that would require us to purchase it
22 before we build a tower here.

23 I'm thinking if the tower would be approved,
24 if the tower is approved, once the final approvals
25 are -- are completed, Arx Wireless would close on

1 the property. The property would change hands
2 into Arx Wireless Infrastructure, Inc, and as I
3 said earlier, Cohen & Wolf has the escrow down
4 payment in their escrow account.

5 MR. SKELLY: Okay. Has the option to purchase been
6 recorded on the land records, if you know?

7 THE WITNESS (Coppins): It has not been. To my
8 knowledge, it has not been recorded on the land
9 records.

10 MR. SKELLY: Do you have any objection to providing the
11 City of New Britain with a copy of the option and
12 the option to extend?

13 THE WITNESS (Coppins): I'm not sure if I have an
14 objection to that. I'm going to -- I'm going to
15 defer to my counsel on that.

16 MR. BALL: Well, yeah. Of course we want to be
17 cooperative with the City. I think I'm going to
18 need to just take a look at the documents. To the
19 extent there's any confidentiality, Attorney
20 Skelly, I would like to just be able to talk with
21 you about that off the record.

22 MR. SKELLY: All right. Thanks. And just a couple of
23 follow up questions to the gentleman I was just
24 talking to. Are you aware that there are
25 currently some significant blight violations on

1 this property, and that it's generating -- either
2 generating or will be generating significant fines
3 because no effort has been made to resolve the
4 blight conditions?

5 **THE WITNESS (Coppins):** I know there are some fines
6 that are -- there are some issues on the property
7 that -- that have fines that -- associated with
8 them. I don't know to the extent that they are.
9 I haven't talked with the -- the owner directly.

10 I mean, I've talked with the owner, but --
11 but our goal is to make sure that this, this site
12 is cleaned up, is -- is brought back into what
13 I -- I call compliance, so that somebody can come
14 in whether it's us or somebody else to -- to
15 possibly develop the site for something else.

16 **MR. SKELLY:** Okay. And you're aware that there's going
17 to be liens that are going to be recorded on the
18 New Britain land records as it relates to that
19 property?

20 **THE WITNESS (Coppins):** I -- I do not -- I don't know
21 what lien would be -- would be put on the land
22 records. I'm not aware of any.

23 **MR. SKELLY:** You understand that if liens are put on
24 the property, then you're going to have to deal
25 with them as part of the purchase of the property?

1 THE WITNESS (Coppins): I -- I understand that there's
2 going to -- there's going to be some -- some
3 things that we're going to need to deal with, and
4 we're willing to do that.

5 MR. SKELLY: All right. Now what plans do you have?
6 Assuming that your application gets granted and
7 you put a cell tower at this site, what plans do
8 you have with this property? What do you want to
9 turn it into? It was a former school.

10 THE WITNESS (Coppins): I mean, I have -- so I'm --
11 this is, you know, for the last 30 years, I've
12 just -- I've done cell tower development.
13 That's -- that's been my -- my complete role in my
14 career here.

15 As far as developing that, that building to
16 something else, Arx Wireless would not be the ones
17 that would do the development of that. However,
18 we're going to get with somebody. We're going
19 to -- we're going to market it to somebody that
20 would -- that does that type of development.

21 So you know, we don't really have a plan in
22 place yet, but we -- we certainly have a plan to
23 clean up the property, secure the building, make
24 sure that the -- make sure the City is happy
25 with -- with what we're doing with it.

1 And from there we're going to, you know, work
2 with another developer to develop the site for
3 whatever purpose they have.

4 MR. SKELLY: Have you reached out to Mayor Stewart?

5 She'll be talking to you folks later today. But
6 have you reached out to Mayor Stewart about trying
7 to figure out some alternative sites, because you
8 know she's opposed to this, to the plant site at
9 43 Osgood.

10 THE WITNESS (Coppins): I haven't reached out to the
11 Mayor.

12 MR. SKELLY: Okay. Thanks. And regarding alternative
13 sites, are you familiar with the property around
14 where Holy Cross Church is located?

15 THE WITNESS (Coppins): Is that the one in Farmington
16 and Burritt Street?

17 MR. SKELLY: It's at the corner of Farmington and
18 Biruta Streets.

19 THE WITNESS (Coppins): Yeah. The one that we just
20 talked about earlier, yes.

21 MR. SKELLY: And, and if you go -- I'm not good at
22 directions, but if you go across the street from
23 the side of the church, there's a gas station
24 there that's on Farmington Avenue.

25 Are you aware of that gas station?

1 THE WITNESS (Coppins): I'm not. I'm not, you know,
2 personally aware of it, of the -- of the gas
3 station that -- that's there. We typically would
4 not build a site on a gas station due to tanks and
5 whatnot, if that's the question.

6 MR. SKELLY: I understand that. I understand that, but
7 my question is, right next to the gas station --
8 so you have Holy Cross Church, then you have
9 Biruta Street. Then you have the gas station and
10 you're still on Farmington Avenue, and then you
11 have this piece of property that's owned by
12 Eversource that doesn't have any buildings on it.

13 Have you approached Eversource about seeing
14 if you could utilize their property to build your
15 cell tower there?

16 THE WITNESS (Coppins): So I'm trying to figure out
17 where, where the property is that you're asking
18 about. So --

19 MR. SKELLY: Okay, if you're at --

20 THE WITNESS (Coppins): I'm on the corner of Farmington
21 Avenue.

22 MR. SKELLY: And Biruta. Okay?

23 THE WITNESS (Coppins): Okay.

24 MR. SKELLY: Holy Cross Church is on one side of
25 Biruta. There's a gas station that should say

1 Gulf on the opposite side of Biruta and then right
2 next to the to the gas station -- I think it's
3 marked 148. There's a square piece of property, a
4 rectangular piece of property.

5 It looks like it has some Eversource
6 equipment on it, but the rest of the area looks
7 like it's completely paved and there's no
8 buildings on it. Have you talked to Eversource
9 about possibly having your cell tower at that
10 location instead of at 43 Osgood Avenue?

11 THE WITNESS (Coppins): I did not -- I did not reach
12 out to Eversource for that piece of property.

13 MR. SKELLY: Wouldn't that be a good site?

14 THE WITNESS (Coppins): I would have to take -- I mean,
15 the -- I'm not saying it would be a bad site. I
16 don't know the -- I don't know the -- all the --
17 all the details of the site to tell you whether
18 it's going to be a good site or bad site.

19 I'm just having -- saying, does it work out
20 from an RF point of view? We need to -- we need
21 to look at that, but we also need to look and see
22 if Eversource is interested in leasing space to us
23 on that piece of property.

24 MR. SKELLY: It looks like it's diagonally across the
25 from the school.

1 THE WITNESS (Coppins): No -- I'm looking at the -- I'm
2 looking at the parcel that you're talking about.

3 MR. SKELLY: Okay. All right. So that's something you
4 might be interested in exploring with Eversource?

5 THE WITNESS (Coppins): It -- it's something I -- I
6 could. I mean, I -- I haven't, is my point, but
7 certainly something that we -- we could take a
8 look at.

9 MR. SKELLY: I don't have any further questions.
10 Thanks, sir.

11 THE HEARING OFFICER: Thank you, Attorney Skelly.

12 Just to go back to the purchase and the
13 options of the property, the Siting Council's
14 evaluation criteria doesn't take into account what
15 the purchase of the underlying property or the
16 options associated with it as part of its
17 evaluation criteria.

18 Before we move on to the continued appearance
19 of AT&T, I'd like to go back to the Council and
20 see if Mr. Perrone or any Council members have any
21 follow-up questions at this point.

22 Mr. Perrone?

23 MR. PERRONE: Not at this time.

24 THE HEARING OFFICER: Thank you.

25 Mr. Edelson, any followup?

1 MR. EDELSON: Well, I might have been a little confused
2 about the environmental sound assessment. I was
3 going to wait until AT&T was before us, but it
4 sounded like --

5 THE HEARING OFFICER: It's an Arx exhibit. It's not an
6 AT&T exhibit.

7 MR. EDELSON: It seemed to me it was submitted by AT&T,
8 but whatever.

9 I do have a question, and on page 12 the top
10 of the environmental sound assessment, the
11 paragraphs says, as result of sound level
12 modeling. There's a confusing typo, at least
13 confusing to me on the second line.

14 Could you take a look at that and indicate
15 what that should be there? You see where it says,
16 cabinet cooler or generators so emits only? I
17 think this is for Mr. Roberts.

18 THE WITNESS (Roberts): Yes. Let me take a look at
19 that and read into that, and I'll get right back
20 to you -- if I could get a few moments?

21 MR. EDELSON: Okay. And I think -- well, I just want
22 to clarify. It's been a long time since I've done
23 sound analysis, and I was a little confused by
24 Mr. Morissette's questions.

25 So my understanding is sound is not

1 cumulative. And so if you had one, two or four
2 cooling cabinets as long as they were the similar
3 design and emissions, the total amount of noise
4 from them would be basically the same as one. It
5 might be different depending on how close you are
6 to a certain one than another, but basically it's
7 not cumulative. It's the loudest sound that
8 basically you hear as a recipient.

9 Am I correct in that understanding?

10 **THE WITNESS (Roberts):** My experience has been that
11 it's almost a logarithmic addition. So it's --
12 it's not a doubling of sound if you have two, or
13 quadrupling of the sound levels if you have four.
14 It's logarithmic addition of sound, so that
15 it's -- it's once you have one it's not very much
16 more sound if two are running, or three are
17 running.

18 You are correct.

19 **MR. EDELSON:** But if they are, all four of them -- so
20 go to the ultimate case and they, none of them are
21 above the ambient sound level, you will only hear
22 the ambient sound level?

23 **THE WITNESS (Roberts):** Most likely the ambient sound
24 level will exceed any noise given off by, like you
25 said, if four units, similar units were placed.

1 They would probably be below that ambient sound
2 level.

3 MR. EDELSON: All right. I think I'm understanding you
4 correctly -- but okay. That's all I have at this
5 point, Mr. Morissette.

6 THE HEARING OFFICER: Thank you, Mr. Edelson.

7 Mr. Silvestri, any follow up questions?

8 MR. SILVESTRI: Yes. Thank you, Mr. Morissette.

9 Mr. Coppins, I wanted to get back to that 444
10 Farmington Avenue site. I did pull it up on
11 Google maps just to see what it looked like, and
12 in looking at it from Google maps I'm counting
13 90-plus parking spaces in the rear of the facility
14 as well as a substantial wooded area. And I'm
15 just curious as to why that wasn't considered for
16 a cell site location?

17 THE WITNESS (Coppins): I'm going to go back to that.

18 I think when I looked at that I saw the --
19 the -- I think I -- I saw the -- the -- mostly in
20 the front of the parking lot and the back, and it
21 was, like I said, it was a mortuary, and didn't
22 pursue it.

23 I think it went a little -- two things. I
24 think it went a little bit further north than what
25 I thought was going to work. The second -- the

1 second thing was I -- I looked at it from a
2 perspective of that, sitting in the parking lot or
3 in the front, I didn't like the front necessarily.
4 But certainly in the -- in the rear, I just saw it
5 sitting in a parking lot.

6 In hindsight I probably should have done a
7 little bit more research on that site, but I
8 didn't.

9 MR. SILVESTRI: Yeah. Again, from my perspective I
10 don't know if it would work or not. I was just
11 looking at location, seated in back of a facility
12 not too much in plain sight, if you will. So
13 that's why I was posing the question as to what
14 you might have looked at and why you might have
15 rejected it -- but thank you for your response.

16 Mr. Morisette, that's all I have at this
17 point. Thank you.

18 THE HEARING OFFICER: Thank you, Mr. Silvestri.

19 Mr. Nguyen, any followup?

20 MR. NGUYEN: Yes, I do. Thank you, Mr. Morisette.

21 Mr. Coppins, If I may I follow up with the
22 discussion that you had with Mr. Morisette
23 regarding the site search? And you mentioned that
24 you have reached out to the owners. You sent out
25 certified mails and you received no response.

1 Have you received any confirmation that the
2 owner is absolutely not interested, or just
3 because they haven't responded and therefore you
4 concluded that they're not interested?

5 THE WITNESS (Coppins): So yeah. I -- I think that
6 I've come to a conclusion when I sent out the
7 first set of letters, or you know, we're doing our
8 search and we make a phonecall. The -- I find
9 that the easiest way to do -- to get a response --
10 and I want to make sure that we -- we do our
11 homework, so to speak.

12 But if I send out a certified letter and
13 it's -- it's not -- we still don't have a response
14 to it yet, we have -- we know that they've
15 received it. That tells us that there's just no
16 interest, and that's why we've come to a
17 conclusion that there's no interest.

18 And hear back from one cemetery that he
19 called and said, well, where would you put it?
20 Because it's wide open over here.

21 And you know, this is -- he came -- he came
22 to the conclusion, well, it's probably not going
23 to work for us. So that's why sometimes we --
24 we'll -- definite, it's a definite no.

25 But in this particular case a lot of the

1 cemetery did not -- did not respond to us.

2 MR. NGUYEN: Yeah. I mean, to the extent that there's
3 always a chance that it might be the correct
4 address, but the recipient might have been
5 changed. A phonecall, you know, personnel have
6 changed.

7 So I'm just kind of curious as to whether or
8 not it's really confirmed that the owners are not
9 interested.

10 THE WITNESS (Coppins): So, yeah. Just -- just to give
11 another example, 48 Allen -- Beth Alom Cemetery on
12 48 Allen street, I thought that was a good site.
13 I thought it was. I thought Mr. Morissette made a
14 good point where that area is --

15 MR. NGUYEN: Is that the site number 7.

16 THE WITNESS (Coppins): 48 Allen Street is site
17 number -- I moved my stuff here. Hold on. Yes.
18 Site number seven.

19 I -- I looked up that site on online, made
20 several attempts to call them. I got through one
21 time to an answering service, but not to an actual
22 person to -- to deal with.

23 That's when I sent out another letter,
24 another certified letter to the address on file at
25 the -- at the city hall that had -- that they have

1 on -- in there, in their land records and sent out
2 another letter.

3 Again, I agree with Mr. Morissette that that
4 may be a good spot.

5 MR. NGUYEN: And the record indicates that AT&T sent
6 out certified letters. Are you saying that Arx
7 also sent out certified letters?

8 THE WITNESS (Coppins): Yes, and made phone calls.

9 MR. NGUYEN: So in addition to AT&T's certified
10 letters, the two sets of letters?

11 THE WITNESS (Coppins): Yes, you are correct.

12 MR. NGUYEN: The other question with regard to the
13 backup generators -- and I think that would be
14 Mr. Roberts. And I understand that if this site
15 is approved AT&T would install natural gas, a
16 backup generator, is that right?

17 THE WITNESS (Roberts): That is the plan, sir.

18 MR. NGUYEN: And I understand that if other carriers,
19 potential carriers utilize this facility, would
20 they provide the natural gas backup generators as
21 well?

22 THE WITNESS (Roberts): It varies from carrier to
23 carrier and site to site within the carriers.
24 Plans -- not every site. Each carrier has is
25 automatically fitted with a generator. It depends

1 how -- where it fits in their network and whether
2 that the loss of commercial power would require --
3 could take over for this, from a coverage point of
4 view.

5 So in this case AT&T is proposing a Kohler DC
6 generator for their backup power in case of a loss
7 of emergency power or a brownout, if you will.

8 MR. NGUYEN: So I apologize. AT&T would provide what
9 type of backup generator?

10 THE WITNESS (Roberts): Natural gas.

11 MR. NGUYEN: Natural gas. Yeah?

12 THE WITNESS (Roberts): Yeah, that's correct.

13 MR. NGUYEN: And as the owner of this facility, would
14 you mandate that all the carriers, or your tenants
15 if you will, that they have a specific requirement
16 that they have to utilize the natural gas and
17 provide backup generators?

18 THE WITNESS (Roberts): I think that falls to Keith --
19 but I don't want to speak for him, but I would
20 think that if we have natural gas on site on --
21 that the carriers would -- and brought natural gas
22 onto the site, that they would all jump at the
23 chance to -- to connect to it.

24 It solves two problems. When we do have a
25 major hurricane where we do lose power, generators

1 that are diesel have run times, and you know they
2 have to come and fill them, where natural gas
3 is -- basically will run perpetually as long as
4 the gas is still there.

5 MR. NGUYEN: Okay. That's all I have, Mr. Morissette.

6 Thank you. Thank you, gentlemen.

7 THE WITNESS (Roberts): Thank you.

8 THE HEARING OFFICER: Thank you, Mr. Nguyen.

9 Ms. Cooley, do you have any follow-up
10 questions?

11 MS. COOLEY: I do not. I think my questions I did have
12 have been adequately covered. Thank you.

13 THE HEARING OFFICER: Very good. Thank you. And I
14 have no follow-up questions.

15 Mr. Edelson, are you satisfied with the -- I
16 believe you had an open response from Mr. Roberts
17 that is due. Did you get your answer, or did I
18 miss it?

19 MR. EDELSON: No, I don't think he's had a chance to
20 look at it and give me an answer, so.

21 THE HEARING OFFICER: Okay. We're going to be moving
22 on.

23 Mr. Roberts, did you have a chance to look at
24 that?

25 THE WITNESS (Roberts): I did. Basically the -- the

1 site would not normally be run -- you wouldn't
2 normally have a fan unit running. It really only
3 runs on peak hot days. So the section I can see
4 where it is slightly confusing.

5 It does -- it's not expected to be running --
6 it's not something that runs continuously, only on
7 hot days when it needs to provide that, that
8 cooling within the unit.

9 So normal operation, that fan wouldn't be
10 running. It's not like a PC that has a fan
11 running constantly while it's running.

12 MR. EDELSON: So you're saying that that sentence reads
13 the way you want it to read?

14 THE WITNESS (Roberts): It does.

15 MR. EDELSON: To include the cabinet cooler or
16 generator so it emits only fan sounds?

17 THE WITNESS (Roberts): Correct.

18 MR. EDELSON: I guess that's as good as I'm going to
19 get, Mr. Morissette. Thank you.

20 THE HEARING OFFICER: Okay. Thank you, Mr. Roberts.
21 Thank you, Mr. Edelson.

22 Well we will now continue with the appearance
23 of the Intervener AT&T, to swear in their witness
24 Daniel Bilezikian to verify --

25 MR. SKELLY: Can I just interrupt you for a second?

1 THE HEARING OFFICER: Yes, Attorney Skelly?

2 MR. SKELLY: I was wondering would it be possible to
3 have Mayor Stewart go out of turn because she has
4 a previously scheduled commitment later this
5 afternoon? I don't know if there's any
6 objections.

7 She'd be very short with her testimony and --

8 THE HEARING OFFICER: Well, the agenda was pre-posted,
9 but I'll ask the attorneys to see if they object
10 or would agree to changing the order.

11 Attorney Ball?

12 MR. BALL: I have no problem with it, Mr. Morissette.

13 THE HEARING OFFICER: Attorney Regan?

14 MR. REGAN: No objection, Mr. Morissette.

15 THE HEARING OFFICER: Attorney Bachman?

16 MS. BACHMAN: No objection, Mr. Morissette. Thank you.

17 THE HEARING OFFICER: Thank you. Very good. Attorney
18 Skelly, there you go.

19 MR. SKELLY: Thank you.

20 THE HEARING OFFICER: We'll now go with the appearance
21 of the City in Britain. Will the party present
22 its witness panel for the purpose of taking the
23 oath?

24 Attorney Bachman will administer the oath.

25 MR. SKELLY: Okay. I'm going to have Mr. Schiller also

1 take the oath now, but I'll wait until AT&T
2 finishes its case before we bring Mr. Schiller
3 back, if that's what you want me to do. I was
4 just going to have Mayor Stewart testify now.

5 THE HEARING OFFICER: No, we're going to go with the
6 City of New Britain in its entirety at this point
7 in time. So please --

8 MR. SKELLY: Okay. That's fine.

9 S T E V E N P. S C H I L L E R,

10 E R I N S T E W A R T,

11 called as witnesses, being first duly sworn
12 by the Executive Director, were examined and
13 testified under oath as follows:

14
15 THE HEARING OFFICER: Thank you.

16 Attorney Skelly, I didn't see on this your
17 second witness on the -- oh, there he is. I see
18 him now. The affidavit from Steven Schiller.
19 Okay. Very good. Please continue.

20 MR. SKELLY: Okay. I'm going to start with Mayor
21 Stewart.

22 You're the mayor of the City of New Britain?

23 THE WITNESS (Stewart): Yes.

24 MR. SKELLY: Okay. And what has been previously marked
25 City of New Britain Exhibit 4 for identification

1 is your prefiled two-page testimony dated July 13,
2 2021. You're familiar with that document?

3 THE WITNESS (Stewart): Yes.

4 MR. SKELLY: Okay. And you understand you're now under
5 oath and have sworn to tell the truth?

6 THE WITNESS (Stewart): Yes.

7 MR. SKELLY: Okay. Have you had the opportunity to
8 review your profiled testimony?

9 THE WITNESS (Stewart): Yes, I have.

10 MR. SKELLY: And is the information set forth in your
11 prefiled testimony true and accurate to the best
12 of your knowledge?

13 THE WITNESS (Stewart): It sure is.

14 MR. SKELLY: And do you adopt here today everything you
15 wrote in Exhibit 4 as your testimony today?

16 THE WITNESS (Stewart): Yes.

17 MR. SKELLY: And you're asking the Siting Council to
18 accept your prefiled testimony?

19 THE WITNESS (Stewart): Yes, please.

20 MR. SKELLY: Okay. And are there any additional
21 matters that you want to bring to the Siting
22 Council's attention today that you did not mention
23 in your July 13, 2021, letter.

24 THE WITNESS (Stewart): Yes.

25 MR. SKELLY: Okay. Can you tell the Siting Council

1 what that information is?

2 **THE WITNESS (Stewart):** So I just need to make the
3 Siting Council -- if you'll indulge me -- aware of
4 the poor condition of the location that's proposed
5 at 43 Osgood Avenue, which has necessitated our
6 building officials to send letters to the property
7 owner in May of 2021 as well as June, specifically
8 June 15th of 2021 -- but notice the violations
9 regarding the blight conditions on this property.

10 While I understand that the blighted nature
11 of the property is not a condition that the Siting
12 Council takes into consideration, I must expand a
13 little bit on that.

14 **THE HEARING OFFICER:** Before you expand I must
15 interrupt. We're not at that point for testimony
16 at this time. We'll be taking testimony when the
17 cross-examinations occur after the witnesses have
18 verified their exhibits -- and we take
19 cross-examination. So if we could hold off for
20 one moment, please?

21 Please continue, Attorney Skelly.

22 **MR. SKELLY:** Can you just clarify? So I'm not allowed
23 to ask her if there's any additional items that
24 she wants to testify to at this point?

25 **THE HEARING OFFICER:** No, you are not, not at this

1 point. Thank you. But you have another witness
2 that has to verify their exhibits and their
3 testimony as well, their prefiled testimony.

4 MR. SKELLY: I understand that, but when can I have her
5 testify about other matters that she did not talk
6 about in her prefiled letter almost two months
7 ago?

8 THE HEARING OFFICER: During cross-examination she'll
9 have an opportunity to testify.

10 MR. SKELLY: Okay. I understand. So I have no further
11 questions of her at this point.

12 THE HEARING OFFICER: Very good. And the verification
13 of the prefiled testimony exhibits by the other
14 witness?

15 MR. SKELLY: So you want me to put Mr. Schiller on now?

16 THE HEARING OFFICER: Yes, you need to confirm with him
17 as you did with Mayor Stewart.

18 MR. SKELLY: Okay. Mr. Schiller, you're under oath.
19 You submitted an affidavit with supporting
20 exhibits to the Siting Council back on July 16,
21 2021?

22 THE WITNESS (Schiller): Yes, I did.

23 MR. SKELLY: And that affidavit was signed under oath?

24 THE WITNESS (Schiller): It was.

25 MR. SKELLY: And have you had the opportunity to review

1 your affidavit in the exhibits that you attached?

2 **THE WITNESS (Schiller):** I have.

3 **MR. SKELLY:** Okay. And is the information set forth in
4 your affidavit true and accurate to the best of
5 your knowledge?

6 **THE WITNESS (Schiller):** It is.

7 **MR. SKELLY:** And are the exhibits that were attached to
8 the affidavit, specifically the recommendation of
9 the city plan commissions for 43 Osgood Avenue
10 submitted to the Zoning Board of Appeals in May of
11 2016 in the minutes of the May 26, 2016, meeting
12 of the Zoning Board of Appeals official documents
13 maintained by the City of New Britain?

14 **THE WITNESS (Schiller):** They are.

15 **MR. SKELLY:** Okay. And are there any additions,
16 corrections, modifications or clarifications which
17 you want to make, keeping in mind what the Siting
18 Council just said?

19 **THE WITNESS (Schiller):** I do not at this time.

20 **MR. SKELLY:** And you, you're seeking that the Siting
21 Council accept your affidavit and the exhibits
22 thereto as your testimony today?

23 **THE WITNESS (Schiller):** Yes.

24 **MR. SKELLY:** I have nothing further.

25 **THE HEARING OFFICER:** Very good. Thank you, Attorney

1 Skelly.

2 Does any party or intervenor object to the
3 admission of the City of New Britain's exhibits?

4 Attorney Ball.

5 MR. BALL: No objection.

6 THE HEARING OFFICER: Thank you.

7 Attorney Regan?

8 MR. REGAN: No objection.

9 THE HEARING OFFICER: Thank you.

10 The exhibits are hereby admitted. We will
11 now begin with cross-examination of the City of
12 New Britain by the Council.

13 Mr. Perrone?

14 MR. PERRONE: I have no questions for the City. Thank
15 you.

16 THE HEARING OFFICER: Thank you.

17 Mr. Edelson?

18 MR. EDELSON: That was a little faster than I expected
19 from Mr. Perrone. Well, I believe I'd like to, I
20 guess, begin with an open question for Mayor
21 Stewart.

22 If she would like to comment on the existing
23 conditions of the site at 43 Osgood?

24 THE HEARING OFFICER: Thank you, Mr. Edelson.

25 Mayor Stewart, please continue. Sorry for

1 the confusion.

2 **THE WITNESS (Stewart):** Thank you, Mr. Edelson. I
3 appreciate it, and thank you very much.

4 So I -- it's a concern for me because of the
5 nature of 43 Osgood Avenue and the problems that
6 have been located on that site for decades. This
7 has been a blighted property. It's been an
8 eyesore in the area, but prior to my letter and
9 specifically the testimony that you have today,
10 Officials from the City's Building Department sent
11 letters to the owner of 43 Osgood Avenue on two
12 separate occasions in May and June where several
13 violations for blight on this property were
14 noticed with ample time to be given to rectify.

15 The owners applied for permits to do work,
16 but never paid, and applications to -- to do work
17 were denied subsequently. And there's still
18 currently no permits for repair work to be done on
19 this property, and the building is still extremely
20 un-secure and an eyesore in the neighborhood.
21 It's resulted in thousands of dollars of fines
22 that have been issued to the owners.

23 So while the City would certainly like to see
24 something done with this property, the location of
25 it being in that single family zone is not really

1 conducive to having a massive hundred-foot cell
2 tower. It's in an open field, basically. So
3 there's no way that you wouldn't be able to see it
4 from any given angle when you go into that
5 neighborhood.

6 I gather many of those that have spoken today
7 have not been through the neighborhood. It was
8 clearly evident, but I also am a little bit
9 confused as to why assistance wasn't asked from me
10 or my staff to try to find a suitable site
11 otherwise.

12 We would have been happy to help. As I
13 stated in my testimony, we're still happy to help.
14 And we can certainly help make connections for the
15 Arx Wireless Group with the owners of said
16 cemeteries that were mentioned, or the Eversource
17 location that we put forth to.

18 So from the City's perspective it's just a
19 bit frustrating when we have a property owner that
20 has been unwilling to do anything with the
21 property for decades. And then all of a sudden we
22 have this proposal, and we end up in front of the
23 Siting Council having to testify here without any,
24 you know, offering of -- of wanting to work
25 together. So from my perspective, that's awfully

1 frustrating.

2 MR. EDELSON: Well, thank you for that explanation. So
3 according to the narrative presented by the
4 Applicant a report was sent back in November to
5 your office indicating that they wanted to build
6 this tower. I think that included the site search
7 information.

8 But as I understand it, and please clarify if
9 I'm wrong, they did not hear anything back from
10 your office in regard to that, that report that
11 outlined what their plans were.

12 Do you know why there -- well, am I mistaken?
13 Was there a response? And if so, what was that
14 response? And if there wasn't, why did you not
15 call in Mr. Coppins and say, hey, we need to talk?

16 THE WITNESS (Stewart): I never saw anything.

17 MR. EDELSON: I'm sorry. Can you repeat that?

18 THE WITNESS (Stewart): I never saw anything.

19 MR. EDELSON: So you're saying the report that they say
20 they submitted in November did not make it to your
21 office.

22 THE WITNESS (Stewart): It did not make it to me.

23 MR. EDELSON: Subsequently in their narrative to us,
24 they indicated on three days later there was a
25 letter sent to Mr. Skelly -- oh, sorry, there was

1 a letter from Mr. Skelly back to Arx indicating
2 that they'd like two alternative sites to be
3 looked at.

4 Isn't that sort of a reaching out on behalf
5 of the Town of New Britain to Arx to think about
6 other ways of doing things?

7 THE WITNESS (Stewart): I'm unaware of that.

8 MR. EDELSON: And I believe for the record what we were
9 told is those two sites were evaluated and
10 determined that they really did not meet the need.

11 So I just want to reiterate, I agree with you
12 completely. It's very useful when the town and
13 the applicant work together. It makes our job, I
14 think, sometimes a lot easier if we know what the
15 town's desires are. And if they are supportive of
16 a particular site, you know, that makes, I think
17 the process move a little quicker.

18 So I would encourage you to think about that
19 and why your office -- well, I don't know. I
20 don't want to point fingers about something. I
21 don't know who sent what, and what was received by
22 who?

23 THE WITNESS (Stewart): Thank you.

24 MR. EDELSON: But something seems to have fallen
25 between the cracks there.

1 Your letter was quite interesting and I would
2 like to ask you a few questions about that,
3 because as you know one of our jobs, our mission
4 here is to balance public need with environmental
5 impacts, environment in the largest sense.

6 So do you agree that quality cellular service
7 for the residents of New Britain is a critical
8 piece of the infrastructure of the town?

9 **THE WITNESS (Stewart):** Yes, but not when it -- when it
10 impedes on someone's quality of life.

11 **MR. EDELSON:** Okay. So you do reference this quality
12 of life issue. Can you expand on what you -- how
13 you interpret that? I think you used, you know,
14 that this location will negatively impact their
15 quality of life.

16 So if you could be a little more specific
17 about, you know, what you mean by that? I think
18 that would be helpful.

19 **THE WITNESS (Stewart):** So as I stated before, if
20 you've been to the property it's an open field in
21 the middle of a residential neighborhood. There's
22 no, you know, there's no trees. There's no
23 growth. There's nothing blocking anything.

24 You're across the street from a very elderly
25 neighborhood, too, of single-family homes.

1 There's no hiding a hundred-foot cell tower in
2 that neighborhood.

3 The neighbors have expressed serious concern
4 to my office, to the City Council. It's certainly
5 a hot topic of discussion because of the nature of
6 the property to begin with, because it's been such
7 an eyesore in the neighborhood for many years.

8 Not ideally what the residents in that
9 neighborhood have pictured to see there. I think
10 that they would have wanted to see the building
11 come down first before they see a hundred-foot
12 cell tower being put there.

13 MR. EDELSON: Now the Applicant -- I'm not sure if you
14 had a chance to review the transcript from the
15 prior hearing -- seemed to me to be well aware of
16 the condition and the past history of this
17 building, and I think has made statements about
18 wanting to improve the site from a security
19 standpoint, in terms of securing it from further
20 vandalism as well as improving it from a
21 landscaping point of view.

22 I would think you would see that as somewhat
23 of a mitigating factor here, that now you might
24 have a tenant -- an owner, I should say, who's
25 willing to work with the Town to improve the site

1 as opposed to what you've described here as a
2 current owner who has not been willing to work
3 with the Town.

4 Do you see that --

5 THE WITNESS (Stewart): Is see this as rewarding bad
6 behavior.

7 MR. EDELSON: What's rewarding bad behavior? Allowing
8 him to sell it?

9 Can you -- who's being rewarded for bad
10 behavior?

11 THE WITNESS (Stewart): You have a property owner that
12 has neglected the property for many years. You
13 have a company in my eyes who has done nothing to
14 try to reach out to me personally to talk about
15 this, or the building department.

16 Sending a certified letter is -- is one
17 thing. Picking up the phone and making a personal
18 phone call, or sending a direct e-mail is another.
19 I don't think that there was ample effort done
20 there, to do so.

21 I reached out to the lobbyist for AT&T as
22 well and expressed concern in saying that I'd love
23 to have a conversation to talk about alternate
24 sites. Apparently that message didn't get where
25 it needed to go. So I still think that there's

1 opportunity for us to work together to talk about
2 other locations other than in the middle of this
3 residential neighborhood, and I'm still willing to
4 do so.

5 MR. EDELSON: In your letter you refer to the
6 disruptive operation of the cell tower facility by
7 Arx employees. And again, this is not the
8 construction, but the operation is what you refer
9 to.

10 What's your understanding of the nature of
11 the operation that would be, quote, unquote,
12 disruptive?

13 THE WITNESS (Stewart): The residents having to look at
14 it.

15 MR. EDELSON: So it has nothing to do with the
16 employees? Your sentence refers to the disruptive
17 operation of the cell tower facility by Arx
18 employees who can be expected to be a regular
19 presence, maintaining the site for as long as the
20 proposed facility exists.

21 Our understanding is these visits are quite
22 infrequent. It basically almost runs by itself.
23 Periodically someone will come out to inspect and
24 make sure everything is working. If something
25 goes wrong, obviously somebody responds to that,

1 but maybe you have a different understanding of
2 what Arx employees would do, and I just want to
3 kind of understand what that might be.

4 **THE WITNESS (Stewart):** Whatever you just said, but I
5 would anticipate that they would have a
6 communication with the City, or in the
7 neighborhood, or with the neighbors, too, of what
8 they could expect. My job is to represent what
9 the community wants. That's what I'm here doing
10 right now.

11 The neighborhood in that community in that
12 area of town just simply does not want this in
13 their neighborhood. They don't want it in their
14 backyard.

15 **MR. EDELSON:** All right. At the prior hearing I
16 suggested to Mr. Coppins the idea that if the
17 building could be -- I forget the exact word, but
18 rehabilitated and become something like a
19 neighborhood community center, is that something
20 he would consider doing so that it actually had
21 value to the residents?

22 Were you aware of that suggestion?

23 **THE WITNESS (Stewart):** Yes, and I do not believe that
24 a community center is needed in that area of town.

25 **MR. EDELSON:** Okay. I think that's all the questions I

1 have at this point, Mr. Morissette. So thank you.

2 **THE HEARING OFFICER:** Thank you, Mr. Edelson.

3 Will now continue with cross-examination by
4 Mr. Silvestri.

5 **MR. SILVESTRI:** Thank you, Mr. Morissette. And good
6 afternoon, Mayor Stewart.

7 Mayor Stewart, you had mentioned the blight
8 issues at 43 Osgood Avenue. I'm trying to fill in
9 a blank, if you will. I'm aware of plans that
10 were to convert that building into an
11 age-restricted apartment with X amount of parking
12 spaces, that type of thing.

13 What happened there? How did that fall
14 through, or any comments on that one?

15 **THE WITNESS (Stewart):** No permits were ever pulled to
16 do the work. It is our understanding that the
17 property owners could never, I don't know, get it
18 together to -- to have it done. I don't know.

19 **MR. SILVESTRI:** Okay. Thank you.

20 **THE WITNESS (Stewart):** There was a deal for that
21 neighborhood, though, I will say.

22 **MR. SILVESTRI:** Thank you. Turning to 221 Farmington
23 Avenue, which I believe is the old school that's
24 there on the corner.

25 **THE WITNESS (Stewart):** Holy Cross.

1 MR. SILVESTRI: Yes. Do you know what the current
2 status is of that parcel?

3 THE WITNESS (Stewart): It's still owned by the church
4 and it's currently being utilized as swing space
5 for the Chamberlain Elementary School Project, a
6 renovation project that the City is -- is doing
7 right now. So you have a school, full.

8 MR. SILVESTRI: So it is in session to some degree.
9 Okay. And the back part of it, the paved area,
10 the grass area, if I saw correctly is used for --
11 how should we say? Get-togethers, or possibly
12 carnivals in the past. Is that correct?

13 THE WITNESS (Stewart): Currently it's being used as
14 recess space for the school. But yes, in years
15 past the church has utilized that for their annual
16 carnival.

17 MR. SILVESTRI: Thank you. And not to put you on the
18 spot, but you had mentioned, you know, some
19 consideration by the City possibly for the
20 cemetery or the Eversource property.

21 What's your feeling if it were feasible to
22 put a cell tower at 221 Farmington Ave?

23 THE WITNESS (Stewart): At the Holy Cross site I feel
24 uncomfortable with the kids being there all day,
25 but I would have to see what the -- where and

1 exactly how they would propose to put this in
2 there.

3 MR. SILVESTRI: Okay. It was a hypothetical, but thank
4 you.

5 THE WITNESS (Stewart): Okay. I still think that this
6 cemetery option or the Eversource site is going to
7 be a much better location in terms of neighborhood
8 disruption, and I don't think that you're going to
9 have as many people that would be very upset about
10 it. But again, we still stand here ready to help
11 facilitate discussions if possible.

12 MR. SILVESTRI: Thank you. I'm going to put one more
13 hypothetical to you, because the topic came up
14 earlier today About 444 Farmington Avenue. It
15 really hasn't been investigated, but I'm just
16 curious about your thoughts about a potential
17 location for a cell tower there.

18 THE WITNESS (Stewart): It's a funeral home and a
19 banquet facility that sits right next to a
20 condominium complex where there's probably -- it's
21 got to be about a hundred units that are right
22 there.

23 I'm not really sure that would -- would be
24 pretty feasible as the parking lot is always jam
25 packed with cars. I'm not sure if that would

1 necessarily be ideal.

2 MR. SILVESTRI: Thank you, Mayor Stewart.

3 Again, my visibility on that today was
4 limited to just looking at Google maps and looking
5 down on it, if you will.

6 THE WITNESS (Stewart): I understand.

7 MR. SILVESTRI: So I appreciate your comments as to
8 what's around that area as well. Thank you.

9 Mr. Morissette, that's all the questions that
10 I have.

11 And again thank you, Mayor Stewart.

12 THE WITNESS (Stewart): Thank you.

13 THE HEARING OFFICER: Thank you, Mr. Silvestri.

14 We'll now continue with cross examination by
15 Mr. Nguyen, followed by Ms. Cooley. Mr. Nguyen?

16 MR. NGUYEN: Thank you, Mr. Morissette. I don't have
17 any questions for the City. Thank you.

18 THE HEARING OFFICER: Thank you, Mr. Nguyen.

19 Ms. Cooley, any cross-examination?

20 MS. COOLEY: Thank you. Mr. Morissette. I just have
21 one question for Mayor Stewart. First of all
22 Mayor Stewart, thank you for attending today and I
23 appreciate your advocacy for the people of New
24 Britain in this matter.

25 In your letter you noted that a potential use

1 that you think would be appropriate would be some
2 kind of an adaptive reuse of this property, and
3 you consider it a historic property. But are you
4 aware that the property was reviewed by SHPO and
5 found not to be eligible for listing as a historic
6 place?

7 THE WITNESS (Stewart): No.

8 MS. COOLEY: Okay. So just so you're aware of that,
9 the property has to go through review for the
10 State Historic Preservation Office, which it did.
11 And their conclusion was that there would be no
12 impact on the site from a project like this, and
13 that the site itself was not eligible for historic
14 listing.

15 I do agree with you. It would be lovely had
16 the owner tried to do something like that with the
17 site, but we are only able to evaluate the project
18 that is before us at the moment. And I think that
19 we're getting an idea of what could and couldn't
20 be done there. And I think that looking at other
21 sites is valuable, and we have attempted to get
22 more information about that. So thank you.

23 THE WITNESS (Stewart): If I may? Just that the
24 City --

25 THE HEARING OFFICER: Thank you, Ms. Cooley --

1 THE WITNESS (Stewart): The city never -- oh, sorry.

2 We also never applied for any type of historic tax
3 credit on the property or anything like that to --
4 we're going off of this year, the year and the
5 nature of the -- the building, which is how it's
6 viewed in the eyes of the federal government when
7 it comes to historic preservation as -- as well.

8 So I think that's what we were just, when I'm
9 making those comments, based off of.

10 THE HEARING OFFICER: Thank you, Ms. Cooley. I will
11 continue with cross-examination. At this point
12 the questions that I had have already been asked
13 by my fellow Council members, however I will give
14 the Mayor an opportunity to provide any last
15 moment commentary if she would like.

16 Mayor Stewart?

17 THE WITNESS (Stewart): Sure. I, you know, again I
18 just want to reiterate the fact that if, you know,
19 that my office and the City does still stand
20 willing to work together with Arx to find another
21 site that's suitable that we don't think would
22 impact a neighborhood as deeply as how we feel
23 that this property would.

24 I'm intrigued at their comments about wanting
25 to, you know, rehab the location. While that

1 certainly is something that we have been looking
2 for, for many years, I'm not, you know, too keen
3 on what that might look like with a company that
4 specializes in cell towers and not redevelopment.

5 So again, I'm still welcoming those
6 conversations. We think that we have other
7 opportunities in town and other locations that
8 would achieve the ultimate goal here. And again,
9 we're just -- we're still willing to -- to work
10 together.

11 And we hope that the Siting Council will not
12 allow this location to go through in this very
13 elderly and residential neighborhood. Thank you.

14 **THE HEARING OFFICER:** Thank you, Mayor Stewart.

15 We will now continue with cross-examination
16 of the City of New Britain by the Applicant.

17 Attorney Ball.

18 **MR. BALL:** Thank you, Mr. Morissette.

19 Good afternoon, Mayor Stewart.

20 **THE WITNESS (Stewart):** Good afternoon.

21 **MR. BALL:** My name is David Ball. I represent Arx
22 Wireless, the Applicant. And I just wanted to ask
23 you just a few questions sort of following up on
24 some of your testimony a few minutes ago.

25 Are you aware that before Arx filed this

1 application that we sent a copy of the application
2 as part of a municipal consultation process to you
3 directly?

4 THE WITNESS (Stewart): No.

5 MR. BALL: Okay. So have you seen my letter to you,
6 which is Exhibit M, as in Mary, in the record,
7 Dated November 13, 2020, where I sent it to you
8 via Federal Express; and I wrote a letter to you
9 asking if we could meet with you?

10 And in the letter I specifically said, if the
11 City has any proposed alternative sites, it must
12 provide them to us within 30 days of our initial
13 consultation meeting.

14 Have you never seen that letter?

15 THE WITNESS (Stewart): No.

16 MR. BALL: Okay. All right. Do you doubt that the
17 package was delivered to your office?

18 THE WITNESS (Stewart): I never saw it.

19 MR. BALL: Okay. You saw that -- well, then Joseph E.
20 Skelly, Jr., who's sitting next to you, Assistant
21 Corporation Counsel was also provided a copy of
22 that letter and the technical report that went
23 along with it. Are you aware of that?

24 THE WITNESS (Stewart): No.

25 MR. BALL: Okay. Do you know whether the City of New

1 Britain provided to us, to Arx, the Applicant,
2 proposed alternative sites within 30 days of any
3 kind of discussion? Do you know if that happened?

4 THE WITNESS (Stewart): I don't believe it did. If I
5 didn't know about it, then I'm assuming it didn't.

6 MR. BALL: In our letter we also offered to have an
7 informational meeting in the City of New Britain
8 within 60 days of our initial consultation with
9 you.

10 Do you know if the City agreed to allow us to
11 provide an informational meeting within that time?

12 THE WITNESS (Stewart): Sir, if I never saw the letter,
13 how would I know that?

14 MR. BALL: Okay. But you're not aware of any
15 consultation, any meeting that Arx was allowed to
16 put forward at the City?

17 THE WITNESS (Stewart): Obviously not.

18 MR. BALL: Okay. Now earlier you were asked about a
19 couple of alternative sites that your Counsel did
20 provide asking Arx to look at those sites, and I
21 just want to be clear about this.

22 So Mr. Skelly wrote a letter on November 17,
23 2020, and he identified two sites. One was a
24 water tank on Elm Street, 1780 Corbin Avenue, and
25 the other was on Osgood Park. Those were the two

1 sites that were provided to me as something that
2 Arx should take a look at.

3 Do you have knowledge of those two sites?

4 THE WITNESS (Stewart): I mean, yes, I'm aware of those
5 two sites. They're owned by the City and would
6 have been much easier to work with here.

7 MR. BALL: Okay. You're aware they're both in
8 residential neighborhoods also. Right?

9 THE WITNESS (Stewart): Well, the Elam Street water
10 tank is also high above the residential
11 neighborhood, and Osgood has a huge area of wooded
12 area behind it, which is also in the area of other
13 developments, like business developments like
14 Polamer Precision and -- and others.

15 MR. BALL: Okay. So are you aware that on March 5,
16 2021, my partner Phil Pires wrote back to Attorney
17 Skelly to advise him that AT&T had rejected both
18 of those sites from a coverage standpoint because
19 both sides were so close to other existing AT&T
20 sites. Have you seen that letter?

21 THE WITNESS (Stewart): No.

22 MR. BALL: Okay. I appreciate that, you know, you've
23 indicated your willingness to meet with us.

24 In Exhibit M to the application we submitted
25 an e-mail exchange between Phil Pires and Attorney

1 Skelly where Mr. Pires twice asked if we could
2 have a Zoom meeting with you, and asked if the
3 City would like to participate with us to discuss
4 alternative sites.

5 And the last response we got from Attorney
6 Skelly was that he'd get back to -- we'll let you
7 know, he wrote, on March 5, 2021.

8 Are you aware that those communications were
9 happening?

10 THE WITNESS (Stewart): No.

11 MR. BALL: Okay. And in fact, you never did -- or
12 Attorney Skelly never did set up a Zoom meeting
13 with us to discuss any alternative sites. Did he?

14 THE WITNESS (Stewart): Obviously not.

15 MR. BALL: Okay. In your letter dated July 13, 2021,
16 which you've already been asked about, as I
17 understand it, you know, one of your points is
18 that there's development potential to this
19 property. And correct me if I'm wrong -- I guess
20 your position is that if there's a
21 telecommunications tower, that will impede its --
22 the property's development potential.

23 Is that your position?

24 THE WITNESS (Stewart): Correct.

25 MR. BALL: Okay. Has the City ever commissioned a

1 study of any sort concluding that building a
2 telecom tower at this site would somehow impact
3 its development potential?

4 THE WITNESS (Stewart): No, we don't own the site.

5 MR. BALL: Okay. And you're aware that whether or not
6 a property's value increases or decreases as a
7 result of a telecommunications facility is an
8 issue that is outside the scope of what the Siting
9 Council can consider. Right?

10 THE WITNESS (Stewart): Yes.

11 MR. BALL: All right.

12 THE WITNESS (Stewart): But it's still relevant to the
13 quality of life of the people that live in the
14 neighborhood in the city that I represent, that
15 obviously Arx doesn't care about.

16 MR. BALL: Right. I understand. So now you also
17 discussed the, I guess, the potential of the
18 property being designated for historic purposes.
19 And I just want to follow up on Commissioner
20 Cooley's questions -- and if you think
21 Mr. Schiller is more appropriate to respond, I'm
22 happy to talk with him about that issue.

23 But we submitted in connection with the
24 prefiled testimony of Michael Libertine and Brian
25 Gaudet the letter from SHPO dated November 24,

1 2020, which specifically concluded that there
2 would be no adverse effects on any sites eligible
3 for listing on the National Register of Historic
4 Places if this telecommunications facility was
5 built.

6 Have you seen SHPO's letter?

7 THE WITNESS (Stewart): No.

8 MR. BALL: Okay. Mr. Schiller in his affidavit talked
9 about a local New Britain grand list identifying
10 43 Osgood Avenue as a property that should at
11 least be considered for historic status.

12 Mayor Stewart, are you aware that the City
13 maintains an online document called, a listing of
14 historic properties by district?

15 THE WITNESS (Stewart): Yes, but I -- I don't think
16 that's been updated in quite some time.

17 MR. BALL: Right. And the last time it was updated was
18 2016. Okay? And we submitted that in the
19 prefiled testimony of Mr. Libertine and Mr. Gaudet
20 on July 12, 2021. And we attached the entire
21 listing within the city of New Britain of all
22 historic places. It's accurate. Is it not?

23 Forty-three Osgood Avenue is not listed
24 anywhere on the Monument Historic District
25 Properties, Walnut Hill Historic District

1 Properties, West End Historic District Properties,
2 or Downtown Historic District Properties.

3 Isn't that right?

4 THE WITNESS (Stewart): I don't know.

5 MR. BALL: Okay. And just to close out my question, so
6 there is no dispute 43 Osgood Avenue is not listed
7 on the National Register of Historic Places.

8 Isn't that SHPO's conclusion?

9 THE WITNESS (Stewart): I don't know what SHPO's
10 conclusion is, but I can tell you what my thought
11 process was in my testimony.

12 MR. BALL: I appreciate your thought process. I'm just
13 trying to make sure the record is clear and the
14 facts are clear. This property is not on the
15 National Register of Historic Places.

16 Isn't that true?

17 THE WITNESS (Stewart): Nor did I say that it was,
18 though.

19 MR. BALL: Okay. So the record is clear. It is not?

20 THE WITNESS (Stewart): I never said that it was on the
21 historic place -- okay. I get it, like, yeah,
22 your point is made.

23 MR. BALL: Okay. And SHPO concluded that it is not
24 eligible for that status?

25 THE WITNESS (Stewart): We don't know that.

1 MR. BALL: In the letter that SHPO provided November
2 24, 2020, that is exactly what they communicated.
3 That's part of the record.

4 MR. SKELLY: Who's that letter to?

5 MR. BALL: It is Exhibit A, to Mr. Libertine and
6 Mr. Gaudet's prefiled testimony that you have,
7 Mr. Skelly, dated July 12, 2021.

8 MR. SKELLY: Yeah, but who's the letter addressed to,
9 though?

10 MR. BALL: Mayor Stewart, have you seen the
11 communication?

12 THE WITNESS (Stewart): No. Who is the letter sent to?

13 MR. BALL: If you look at the record -- and I'm sure
14 your attorney has seen it. The letter from SHPO
15 dated November 24, 2020, to Stacey Vairo of All
16 Points Technology corp who makes the conclusion
17 that this property is not eligible for that
18 historic status.

19 Are you aware of any communication to the
20 contrary?

21 MR. SKELLY: We were not aware of that letter since it
22 wasn't addressed to the City in Britain.

23 MR. BALL: Okay. It's part of the record.

24 MR. SKELLY: I understand that.

25 MR. BALL: Attorney Skelly, for the record, it was

1 provided to you in our application. It was
2 provided to you in our prefiled testimony.

3 MR. SKELLY: I understand that.

4 MR. BALL: Okay. Thank you.

5 I have no further questions of this panel,
6 Mr. Morissette.

7 THE HEARING OFFICER: Thank you, Attorney Ball.

8 Attorney Regan, do you have questions for the
9 City of New Britain? We should take a break? Or
10 do you have a short list of questions?

11 MR. REGAN: No, I have no questions for the City.
12 Thank you.

13 THE HEARING OFFICER: Okay. Very good. That concludes
14 the cross-examination of the City of New Britain.

15 Mayor Stewart, thank you very much for your
16 time today and the information that you've shared
17 with the Council. Thank you.

18 We'll now take a twelve-minute break and be
19 back here at 3:50. Thank you, everyone.

20 See you at 3:50.

21
22 (Pause: 3:38 p.m. to 3:50 p.m.)

23
24 THE HEARING OFFICER: Very good. Thank you, everyone.

25 We'll now return back to AT&T. We will

1 continue with the appearance of the Intervener
2 AT&T.

3 MR. EDELSON: Excuse me, Mr. Morissette? I thought we
4 were trying to be deferential to Mayor Stewart,
5 and so I delayed asking questions of Mr. Schiller
6 because I thought we were trying to move through
7 that quickly.

8 Is there any chance I could ask a question of
9 Mr. Schiller?

10 MR. SKELLY: I thought that's what you folks were going
11 to do when we had Mr. Schiller take the oath as
12 well as Mayor Stewart. So Mr. Schiller is here.

13 THE HEARING OFFICER: Well, I was clear at the offset
14 that we were going to go through the
15 cross-examination of the City of New Britain in
16 it's entirety. I was very clear on that matter.

17 Mr. Edelson, if we need to go back, we'll go
18 back -- but I was very clear. So please ask your
19 question and we'll move on. Thank you.

20 MR. EDELSON: Thanks you, Mr. Morissette.

21 Mr. Schiller, as you heard there were letters
22 and reports sent to the City of New Britain based
23 on what we heard from the Applicant. Were you
24 aware of the application for this cell tower as
25 the City Planner? Did that come before your

1 organization?

2 THE WITNESS (Schiller): I was not aware of it until
3 earlier this year. So this site was -- lead to
4 the process here.

5 MR. EDELSON: And so the follow-up letters also that
6 were noted in addition, and the technical report,
7 they never came to the planner office -- planning
8 office?

9 THE WITNESS (Schiller): No.

10 MR. EDELSON: Okay. That was my question,
11 Mr. Morissette. Thank you.

12 THE HEARING OFFICER: Thank you, Mr. Edelson.

13 We will now continue with the
14 cross-examination with the appearance of the
15 Intervener AT&T, to swear in their new witness
16 Daniel Bilezikian and to verify new exhibits
17 marked as Roman numeral three, items B4 through '8
18 on the hearing program.

19 Attorney Bachman, please begin by swearing in
20 Mr. Bilezikian. Attorney Bachman?

21 MS. BACHMAN: Thank you, Mr. Morissette.

22 D A N I E L B I L E Z I K I A N,

23 called as a witness, being first duly sworn
24 by the Executive Director, was examined and
25 testified under oath as follows:

1 THE HEARING OFFICER: Thank you, Attorney Bachman.

2 Attorney Regan, please begin by identifying
3 the new exhibits you have filed in this matter and
4 verifying exhibits by the appropriate sworn
5 witnesses.

6 MR. REGAN: Thank you, Mr. Morissette.

7 The Intervener AT&T has five new exhibits
8 that it would like to introduce, have verified and
9 then be admitted as full exhibits. They are
10 identified as 3B4 through 3B8 on the program
11 agenda.

12 There are the late-filed exhibits submitted
13 in response to Council 721 memorandum; late
14 response to the City of New Britain -- the
15 responses to the City of New Britain's July 22nd
16 interrogatories; supplemental profiled testimony
17 of Martin Lavin; resume of Dan Bilezikian, and the
18 modeling specialty environmental sound assessment
19 report dated 8/27/'21.

20 I would ask Mr. Lavin, Ms. Redding,
21 Mr. Roberts and Mr. Bilezikian to answer to each
22 of the following questions.
23
24
25

1 H O L L I S M. R E D D I N G,
2 D O U G L A S R O B E R T S,
3 M A R T I N J. L A V I N,

4 recalled as witnesses, having been first duly
5 sworn, were examined and testified under oath
6 as follows:

7
8 MR. REGAN: First, did you prepare or assist in the
9 preparation of these exhibits? Mr. Lavin?

10 THE WITNESS (Lavin): Martin Lavin, yes.

11 MR. REGAN: Ms. Redding?

12 THE WITNESS (Redding): Hollis Redding, yes.

13 MR. REGAN: Mr. Roberts?

14 THE WITNESS (Roberts): Yes.

15 MR. REGAN: And Mr. Bilezikian.

16 THE WITNESS (Bilezikian): Dan Bilezikian, yes.

17 MR. REGAN: Are there any corrections, modifications or
18 clarifications to any of these exhibits?

19 Again, Mr. Lavin?

20 THE WITNESS (Lavin): Martin Lavin, no.

21 MR. REGAN: Ms. Redding?

22 THE WITNESS (Redding): Hollis Redding, no.

23 MR. REGAN: Mr. Roberts?

24 THE WITNESS (Roberts): Yes, I have a couple, and that
25 will be regarding the sound assessment on page 2.

1 I would like to substitute the word "backup"
2 generator for "emergency" generator.

3 Sorry.

4 On page 9 on the first line, propane fired to
5 natural gas. On the end of the second first
6 paragraph, emergency would be standby use. And
7 the next paragraph it says, emergency, and that
8 would be also standby use.

9 And on page 13 under conclusion, second
10 paragraph, we have emergency generator. That
11 would go to backup or standby use, and the reason
12 for that is NFPA 70, which part of the Connecticut
13 Building Code defines emergency generator as a
14 life safety generator.

15 That would be something that one would see in
16 a building where we have -- emergency lights would
17 turn on, or a hospital where, you know, loss of
18 life would be hindered if -- if power was not
19 done.

20 Where our -- our site is unoccupied we
21 wouldn't have loss of life. So it falls under the
22 definition of a backup system, or standby system.

23 MR. REGAN: Thank you, Mr. Roberts.

24 Mr. Bilezikian?

25 THE WITNESS (Bilezikian): No.

1 MR. REGAN: Are these exhibits as amended true and
2 accurate to the best of your knowledge?

3 Mr. Lavin?

4 THE WITNESS (Lavin): Martin Lavin, yes.

5 MR. REGAN: Ms. Redding?

6 THE WITNESS (Redding): Hollis Redding, yes.

7 MR. REGAN: Mr. Roberts?

8 THE WITNESS (Roberts): Yes.

9 MR. REGAN: And Mr. Bilezikian?

10 THE WITNESS (Bilezikian): I'm sorry. I should have
11 indicated yes to that.

12 MR. REGAN: Okay. And finally, and you accept these
13 exhibits as your testimony here today? Mr. Lavin?

14 THE WITNESS (Lavin): Martin Lavin, yes.

15 MR. REGAN: Ms. Redding?

16 THE WITNESS (Redding): Yes. Hollis Redding, Yes.

17 MR. REGAN: Mr. Roberts?

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

19 MR. REGAN: And Mr. Bilezikian?

20 THE WITNESS (Bilezikian): Yes.

21 MR. REGAN: I would ask that AT&T's exhibits noted B4
22 through B8 be admitted as full exhibits.

23 THE HEARING OFFICER: Thank you, Attorney Regan.

24 MR. REGAN: And our panel is ready for questions,
25 Mr. Morissette.

1 THE HEARING OFFICER: Thank you. Does any party or
2 intervener object to the admission of the AT&T's
3 new exhibits? Attorney Ball?

4 MR. BALL: No objection.

5 THE HEARING OFFICER: Thank you. Attorney Skelly?

6 MR. SKELLY: No objection.

7 THE HEARING OFFICER: Thank you. The exhibits are
8 hereby admitted.

9 We will continue with cross-examination of
10 AT&T By the Council starting with Mr. Perrone
11 followed by Mr. Edelson.

12 Mr. Perrone?

13 MR. PERRONE: Thank you, Mr. Morissette.

14 Referencing page 87 of the evidentiary
15 hearing transcript. I had asked about AT&T
16 looking at the council's comprehensive database of
17 sites, and Ms. Redding had indicated that Mr.
18 Bilezikian did the initial search or scrub of the
19 Council's comprehensive database.

20 Mr. Bilezikian, is that correct?

21 THE WITNESS (Bilezikian): Yes.

22 MR. PERRONE: Could you tell us how you performed the
23 search of the Council's comprehensive database?

24 For example, did you locate sites within a
25 certain radius? Or how is that done?

1 THE WITNESS (Bilezikian): I believe it was with a
2 certain radius, but typically we move outside
3 the -- the search ring radius and examine anything
4 that's even reasonably appropriate. I don't have
5 the details of how I did that, but that's
6 typically how it's done.

7 MR. PERRONE: So you don't know a ballpark radius that
8 you used?

9 THE WITNESS (Bilezikian): I -- I don't.

10 MR. PERRONE: But within the area you searched did you
11 look at all possible facilities, rooftop,
12 small-cell or non tower arrays?

13 THE WITNESS (Bilezikian): Did not look at small-cell,
14 no.

15 MR. PERRONE: While I'm on the small-cell topic I'm
16 going to go to Mr. Lavin. On page 88 of the
17 transcript I had asked Mr. Lavin about small-cell
18 sites, specifically installing on existing
19 small-cell sites. And Mr. Lavin had testified
20 that existing small-cell sites were not looked at.

21 My question is, are there any existing
22 small-cell sites on utility poles within a
23 four-mile radius that AT&T could use if you made
24 them taller, if you swap out the poles with taller
25 poles?

1 THE WITNESS (Lavin): This is Martin Lavin. There are
2 two existing small-cell sites for AT&T in New
3 Britain, 89 Grove and 865 East Street. They are
4 both on utility poles basically at the curb.

5 I -- I don't believe there would be any way
6 to convert them to full towers. And they're
7 certainly -- 8 on Grove is very close to one of
8 our current sites And 865 East Street is too far
9 away to do us any good here.

10 MR. PERRONE: So you don't see a way to convert them to
11 full macro sites?

12 THE WITNESS (Lavin): No, I -- and I -- I don't see any
13 real advantage in -- I -- I don't think they
14 would. The one is too close. The other one
15 wouldn't really serve over here just in terms of
16 rolling them out. And I don't -- I don't think
17 there's any real advantage to putting a macro site
18 where those two are. I think there they serve
19 well as small cells for their concentrated
20 coverage areas, but I don't think it would give us
21 any advantage in terms of building out a macro
22 site.

23 MR. PERRONE: And lastly on that topic, would you be
24 able to extend them just to have a small cell on
25 top? Would that work if you had both?

1 THE WITNESS (Lavin): They are currently operated as
2 small cells.

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

4 THE HEARING OFFICER: Thank you, Mr. Perrone. We will
5 now continue with cross examination by Mr. Edelson
6 followed by Mr. Silvestri.

7 Mr. Edelson?

8 MR. EDELSON: Yes, I had one question regarding the
9 response of the AT&T, who -- I guess, it's your
10 late-filed exhibit -- I'm sorry. And it includes
11 a diagram that's called, terrain profile proposed
12 site to corner of Allen and Derby. I'm not sure
13 who prepared that.

14 THE WITNESS (Lavin): Mr. Lavin, it would be me.

15 MR. EDELSON: So I was hoping you could explain a
16 little bit about the lines, especially the one
17 that -- I think it's called the Fresnel zone. I'm
18 not sure if I understand how to interpret that.

19 THE WITNESS (Lavin): The Fresnel zone, the -- by
20 colors, the dark gray colors tend to be the
21 ground. The green is intended to be the --

22 MR. EDELSON: You should know the copy I have is black
23 and white. So that might be --

24 THE WITNESS (Lavin): The lowest part would be the --
25 would be the ground. The next uncolored strip

1 would be the trees and the last uncolored area up
2 above is just blue in our copy to denote the sky.

3 MR. EDELSON: Okay. And so the Fresnel zone is between
4 the ground level and the treetop?

5 THE WITNESS (Lavin): Yes. The straight line is direct
6 line of sight. The Fresnel zone underneath is an
7 area we try to keep free, if we can. That
8 particular line is -- denotes where a reflecting
9 object would create a reflection that canceled at
10 the receiving end. It will be exactly 180 degrees
11 out of phase.

12 If something were in that zone, right at that
13 line or in that zone it has potential to create a
14 canceling reflection at the site at the receiving
15 end.

16 MR. EDELSON: Because it seems to me that line goes
17 through the earth.

18 THE WITNESS (Lavin): Yes.

19 MR. EDELSON: Through the ground.

20 THE WITNESS (Lavin): Yeah. And in this case the
21 primary --

22 MR. EDELSON: You're talking about cancellation?

23 THE WITNESS (Lavin): Yes. The primary thing to note
24 is that the direct line of sight goes through the
25 trees, and also there's no line of sight to that

1 area around the 52 Derby.

2 And even if the trees weren't there, the
3 terrain blocks, and it creates a shadow behind
4 on -- to the right side of that hill in the middle
5 there's a big shadow that it creates. That's why
6 the -- that area shows poor coverage in our
7 proposed coverage plots.

8 MR. EDELSON: I don't want to belabor the point, but
9 even the line of sight you have going through
10 trees --

11 THE WITNESS (Lavin): Yes, uh-huh.

12 MR. EDELSON: I'm not able to do that, so.

13 THE WITNESS (Lavin): The trees absorb our signal. So
14 that's another factor that knocks down our
15 coverage in that direction.

16 MR. EDELSON: In addition to not being able to see
17 through them -- that's why I was kind of surprised
18 that that was line of sight. So to me, the line
19 of sight would be above the tree level.

20 THE WITNESS (Lavin): Along that profile to the corner
21 of Allen and Derby, the direct line of sight goes
22 through the trees. It was answering a question
23 about why coverage was so poor from our proposed
24 site in that, in the vicinity of Allen and Derby.

25 MR. EDELSON: Okay. Maybe it's just terminology.

1 But I think that that's all the questions I
2 have, Mr. Morissette.

3 **THE HEARING OFFICER:** Very good. Thank you,
4 Mr. Edelson.

5 We'll now move on to Mr. Silvestri followed
6 by Mr. Nguyen. Mr. Silvestri?

7 **MR. SILVESTRI:** Thank you, Mr. Morissette.

8 Mr. Lavin, good afternoon.

9 **THE WITNESS (Lavin):** Good afternoon, sir.

10 **MR. SILVESTRI:** I'd like to stay on that diagram for
11 two quick questions, if you will. How tall is the
12 hypothetical cell tower at 52 Derby in that plot?

13 **THE WITNESS (Lavin):** Same height as the proposed
14 tower. Just to show you the profile, at the same
15 tower height at each end.

16 **MR. SILVESTRI:** Gotcha. Then the other question I had,
17 when you're looking at the line of sight, why does
18 it come down from the proposed site to the middle
19 of that tower as opposed to a higher elevation, or
20 maybe to the top of that hypothetical tower?

21 **THE WITNESS (Lavin):** Because our users are down at
22 ground level. The line of sight, there would be
23 pretty much uninterrupted line of sight between
24 the tops of the two towers, but that's not -- this
25 is just -- that's really not what we're looking

1 at, the two towers communicating with each other.

2 This was intended to -- to show that the
3 same, the same reason we have poor coverage in the
4 area of Allen and Derby and 52 Derby is the same
5 reason as the tower at 52 Derby wouldn't see back
6 up the hill to the area of the proposed site.

7 MR. SILVESTRI: I think I understand you. Thank you.

8 THE WITNESS (Lavin): That that hill in the middle
9 causes both problems.

10 MR. SILVESTRI: Okay. Let me stay with you for the
11 next question that I have. This goes back to your
12 prefiled testimony dated August 26th. And the
13 question I have for you is on page 3, your
14 response to question number eight.

15 And I'm going to quote what you have down
16 here on the bottom of one of the paragraphs. The
17 ideal areas for the deployment of small-cell
18 facilities are highly concentrated population
19 urban areas where the network requires capacity,
20 which can be addressed by these low power, lower
21 height small-cell facilities in the specific areas
22 in need of capacity, end quote.

23 The question I have for you, the area of
24 Osgood Avenue appears, at least in my opinion, to
25 be a highly concentrated population urban area.

1 So why doesn't that area fit into what you just
2 provided for your answer to question 8?

3 **THE WITNESS (Lavin):** Because the coverage area is
4 greater than we can do, we can cover with a small
5 cell at heights we, you know, determine pole by
6 pole.

7 The two we have are in varied areas of high
8 capacity which could be reached by a small cell,
9 and in the immediate vicinity they kind of stand
10 out on their own, more or less unobstructed line
11 of sight to the homes and businesses they serve in
12 the immediate area there.

13 That approach -- and if we tried to get the
14 same amount of coverage out of small cells in the
15 area around the school, around 43 Osgood, I'd say
16 we would probably have to put at least a dozen of
17 these up and, you know, pole by pole to try to
18 figure out whether we can do it or not.

19 **MR. SILVESTRI:** And what's the primary frequency that
20 you're using for the other two small cells that
21 you just mentioned?

22 **THE WITNESS (Lavin):** I believe those are PCS and AWS.
23 It makes for an easier -- and they don't perhaps
24 cover as far, but they're only intended to have a
25 very concentrated area of capacity in the

1 immediate vicinity that PCS and AWS can reach.

2 It keeps -- it makes the equipment smaller,
3 it makes the antenna smaller, and it gets those
4 users off the 700 megahertz system. So it allows
5 a little more quiet -- or environment for 700 to
6 operate.

7 MR. SILVESTRI: Thank you. And the last question I
8 have -- I don't know who it might be directed to,
9 but it's just to close the gap on the question
10 that I had posed to Arx earlier about 221
11 Farmington Avenue.

12 The question I have is, did the conversations
13 about potential use of that site at 221 Farmington
14 Avenue include all areas of the parcel? Or were
15 conversations just limited to the building area?

16 THE WITNESS (Bilezikian): I can answer that, Mr.
17 Silvestri. At the time that we approached the
18 church about that property we were told that it
19 was up for sale and that they weren't considering
20 anything at all.

21 MR. SILVESTRI: And that would be for the whole
22 property?

23 THE WITNESS (Bilezikian): Yes.

24 MR. EDELSON: Okay. And then related to that, the
25 conversations that perhaps you had regarding the

1 steeple in the church, how did that conversation
2 go?

3 **THE WITNESS (Bilezikian):** That was a phone
4 conversation. We -- since there was an existing
5 carrier there, it seemed logical that they would
6 be interested, but it turns out that they were
7 apparently regretful that they had moved forward
8 and -- and they weren't considering -- they
9 weren't going to consider any more attachments to
10 that steeple and that was -- that was final.

11 No -- no room for negotiation. They made the
12 decision that they didn't want anything else
13 there, and we were told, you know, it wouldn't be
14 considered.

15 **MR. SILVESTRI:** No. Thank you for your response.

16 Mr. Morissette, that's all the questions that
17 I have. Thank you.

18 **THE HEARING OFFICER:** Thank you. Mr. Silvestri. We'll
19 now continue with cross-examination by Mr. Nguyen
20 followed by Ms. Cooley.

21 Mr. Nguyen?

22 **MR. NGUYEN:** Thank you, Mr. Morissette.

23 To the extent that when AT&T sent out letters
24 to the owners of a particular site -- and I
25 understand that you sent out certified mail and

1 you received no response. Is that the conclusion
2 that they are not interested in leasing or renting
3 that particular space?

4 I'm just trying to understand AT&T's process
5 behind this.

6 **THE WITNESS (Bilezikian):** Yes. Well, it -- it goes
7 beyond just sending a certified letter. We, in
8 the particular case I think you're referring to
9 the Bethel Alum cemetery. Right?

10 **MR. NGUYEN:** I'm talking about site number seven. Let
11 me pull the record up.

12 It's alternative site number seven.

13 **THE WITNESS (Bilezikian):** Yeah. Yes, that's -- that's
14 the Bethel St. Mary --

15 **MR. NGUYEN:** Forty-eight Allen Street.

16 **THE WITNESS (Bilezikian):** Yes, that's correct. We
17 tried to approach them by phone on numerous
18 occasions. I don't know if I was ever able to
19 leave a voice mail with them because the phone
20 just rang, rang, rang, rang and then it went dead
21 on several -- more than several occasions.

22 We -- we did send a certified letter. The
23 certified letter came back undeliverable. We did
24 a search on -- on the Internet to see. Oftentimes
25 you can get some clues, but there weren't any.

1 And it -- by all appearances on comments on
2 Yelp and -- and other reviews, the data back a
3 long, long time ago it was apparent that -- or
4 seemed -- seemingly apparent there they weren't
5 active for whatever reason; any further line on
6 anybody there.

7 So yeah, we dropped it. Didn't -- didn't
8 pursue it any further.

9 MR. NGUYEN: So you sent out the letters and you get it
10 back that it's unbelievable.

11 THE WITNESS (Bilezikian): Unbelievable, yes.

12 MR. NGUYEN: And in terms of a phonecall, how did you
13 obtain the numbers for this particular site?

14 THE WITNESS (Bilezikian): I believe -- well, on the
15 Internet they have the number listed. So that was
16 the number that I called.

17 MR. NGUYEN: Okay.

18 THE WITNESS (Bilezikian): The address was obviously
19 from the assessor's office and there weren't any
20 other numbers. That that number is the only one
21 that I was able to find for Beth Alum in my
22 search.

23 So just couldn't -- couldn't get a line on
24 them at all other than those two pieces of
25 information.

1 MR. NGUYEN: If I could ask about a reference to the
2 transcript page number 116, I believe. And there
3 was a question to AT&T from Mr. Edelson. And the
4 question was, did AT&T make any effort to explain
5 to the City of New Britain why you believe there's
6 a public need in the vicinity of, you know, for
7 coverage?

8 And the answer from AT&T from Mr. Lavin and
9 Ms. Redding is that you did not.

10 So with what the City of New Britain
11 presented earlier, to the extent that if there's a
12 communication between the parties, I'm just
13 wondering if you could comment on whether or not
14 this, this process could facilitate the need for a
15 tower in the city of New Britain; and two, to meet
16 your objectives.

17 THE WITNESS (Bilezikian): I'm sorry. Are you asking
18 me?

19 MR. NGUYEN: Well, I'm asking AT&T's witnesses. So if
20 anyone can offer that, offer your comments it will
21 be appreciated.

22 THE WITNESS (Bilezikian): Well, AT&T stepped out of
23 the -- the direct process early on and Arx took
24 over the site, and from that point on they were
25 in -- they were the ones that were driving the

1 process.

2 So we did an initial site ac to -- to
3 determine, you know, to run through the possible
4 alternatives. And then when Arx showed an
5 interest in -- in taking the site on, they -- they
6 assumed those responsibilities. So I'd have to
7 defer to -- to Mr. Coppins to answer those
8 questions.

9 MR. NGUYEN: Okay. And Mr. Lavin, have you had any
10 conversation with City of New Britain officials
11 since the last hearing?

12 THE WITNESS (Lavin): No, I have not.

13 MR. NGUYEN: Ms. Redding?

14 THE WITNESS (Redding): I have not either.

15 MR. NGUYEN: Okay. And that's all I have. Thank you,
16 Mr. Morissette. And thank you very much.

17 THE HEARING OFFICER: Thank you, Mr. Nguyen. Thank
18 you.

19 We now continue with cross examination of
20 AT&T by Ms. Cooley. Ms. Cooley?

21 MS. COOLEY: Thank you, Mr. Morissette. I have just
22 one question I think directed to Mr. Lavin. It's
23 related to the question about small cells. I just
24 want to make sure that I'm understanding the issue
25 at this site.

1 So small cells are efficient when you have
2 capacity issues, but they're not as efficient in a
3 situation like this when really it's a coverage
4 issue. Would that be accurate?

5 **THE WITNESS (Lavin):** Yes, it would. The small cells
6 are there for capacity, not for primary coverage.
7 This site is providing the primary coverage to
8 this area, so it's much more suited to a macro
9 site.

10 **MS. COOLEY:** Okay. Thank you. All right. That's all
11 that I have, Mr. Morissette. Thank you.

12 **THE HEARING OFFICER:** Thank you, Ms. Cooley.

13 I have some follow-up questions for Mr.
14 Lavin. Good afternoon, Mr. Lavin.

15 **THE WITNESS (Lavin):** Good afternoon.

16 **THE HEARING OFFICER:** I'd like to go to your original
17 analysis attached to the application, and it's
18 Exhibit E, if we could?

19 **THE WITNESS (Lavin):** Okay.

20 **THE HEARING OFFICER:** And if we could go to attachment
21 two? I was a little confused when I was reading
22 your supplemental prefiled testimony filed
23 August 26th related to question five. And it had
24 to do with the DiLoreto School.

25 **THE WITNESS (Lavin):** Yes?

1 THE HEARING OFFICER: In using attachment two, my
2 understanding, and correct me if I'm wrong, is
3 that cell site CT 5419 is DiLoreto School.

4 THE WITNESS (Lavin): Yes, it is. Uh-huh.

5 THE HEARING OFFICER: Okay. So that cell site is
6 located at that facility. So therefore, moving
7 this cell site to that location would not work?

8 THE WITNESS (Lavin): No, we're already on there.
9 Yeah.

10 THE HEARING OFFICER: Okay. Very good.

11 And the CREC Academy of Science and
12 Innovation is just up the road from CT 5419.

13 Correct?

14 THE WITNESS (Lavin): Very close, yes.

15 THE HEARING OFFICER: Okay. Very good. Thank you for
16 clarifying that for me. I thought that was the
17 case, but I wanted to make sure.

18 Okay. Turning to the 700 megahertz coverage
19 plot attachment three on the next page of your
20 original filing attachment E, if I see the
21 original -- let me see. Is it the existing?

22 Actually if we could go to attachment four,
23 which would be the existing coverage plus the
24 proposed. You with me so far?

25 THE WITNESS (Lavin): Yes.

1 THE HEARING OFFICER: Okay. Well, if we were to move
2 the CT 1430 site south in the general area of
3 Allen and Farmington Avenue, would we generally
4 obtain the same coverage as we're seeing here,
5 plus additional, additional coverage for the area
6 in white.

7 THE WITNESS (Lavin): We would be more directly in the
8 area of somewhat weaker coverage. I don't know if
9 it would lose us the coverage up by Dean Drive,
10 Heather Lane and McKinley Drive to the northwest.

11 I don't have that right in front of me.

12 THE HEARING OFFICER: Yeah. Okay. I see what you're
13 saying, is if you go further south you lose that
14 coverage in that area of Dean Drive. It seems
15 like a small area that could possibly be picked up
16 by a small cell?

17 THE WITNESS (Lavin): Possibly. I just -- but you
18 know, we're at the proposed site. Just because I
19 think moving down to that area would be generally
20 moving to the Holy Cross School or the -- or the
21 cemetery, which you know, according to our site ac
22 are not leasable.

23 THE HEARING OFFICER: Yeah, understanding that there,
24 at this point in time, that those sites have been
25 determined as not being available. But if they

1 were to become available for some reason and that
2 was we're able to obtain the location at either
3 one of those properties, the coverage would be
4 approximately the same with the exception of the
5 Dean Drive area.

6 **THE WITNESS (Lavin):** It would seem that they would
7 probably be certainly worth taking a close look at
8 given their proximity to our proposed site.
9 They're a little downhill. Putnam hill -- or
10 Putnam School is on top of a hill. So it's very
11 likely that we would lose.

12 If we move down that intersection that hill
13 is probably a hundred feet higher in that
14 intersection and that might shadow us in the
15 northwestern direction. So I'm not exactly sure,
16 robbing Peter to pay Paul, exactly how much we
17 would gain versus how much we'd lose.

18 **THE HEARING OFFICER:** Okay. Very good. Thank you for
19 that. That concludes my line of questioning. We
20 will now continue with cross-examination of AT&T
21 by the Applicant. Attorney Ball?

22 **MR. BALL:** I have no questions. Thank you,
23 Mr. Morissette.

24 **THE HEARING OFFICER:** Thank you, Attorney Ball.

25 We will continue with cross examination of

1 AT&T by the City of New Britain. Attorney Skelly?

2 MR. SKELLY: Thank you. I wanted to follow up on
3 Exhibit E that the Chair referenced in his prior
4 questions. So attachment four, and this would be
5 for, I think Mr. Lavin, or one of the other AT&T
6 people.

7 But even -- the way I'm looking at this, even
8 if the cell tower's site, or their application is
9 approved, there's still going to be significant
10 gaps in coverage. Because if you look at
11 attachment four there's a lot of -- I think it's
12 the orange area, and there's still three
13 significant areas in white.

14 So this is clearly not going to solve the
15 coverage issue 100 percent. Correct?

16 THE WITNESS (Lavin): That's correct. In this terrain,
17 no -- no site is going to solve all the problems.

18 MR. SKELLY: So attachment four, it's better. It's
19 better than attachment three, but there's still
20 significant gaps in coverage even if you win your
21 case. Correct?

22 THE WITNESS (Lavin): Yes. And as I said, there are
23 always -- no site, especially when we've got a
24 hundred -- to a hundred-foot, 50-foot variations
25 in terrain here, no site is going to solve all the

1 problems.

2 This site does a very good job of solving
3 about as many as a hundred-foot tall tower can.

4 MR. SKELLY: And is AT&T willing to sit down with Mayor
5 Stewart to explore the alternative sites at the
6 cemetery and the other source property, assuming
7 that we can hook all the parties up together?

8 THE WITNESS (Lavin): AT&T is here to get the best site
9 we can, all the parties involved. I don't see any
10 reason why AT&T wouldn't participate.

11 MR. SKELLY: All right. Thank you. I don't have any
12 further questions.

13 THE HEARING OFFICER: Thank you. Attorney Skelly.

14 That concludes our hearing for today. Before
15 closing the evidentiary record in this matter the
16 Connecticut Siting Council announces that briefs
17 and proposed findings of fact may be filed with
18 the Council by any party or intervener no later
19 than October 2, 2021.

20 The submission of briefs and proposed
21 findings of fact are not required by this Council,
22 rather that we leave it to the choice of the
23 parties and interveners. Anyone who has become a
24 party or intervener but who desires to make his or
25 her views known to the Council may file written

1 statements with the council within 30 days of the
2 date hereof.

3 The Council will issue draft findings of
4 fact, and thereafter parties and intervenors may
5 identify errors or inconsistencies between the
6 Council's draft findings of fact and the record.
7 However, no new information, no new evidence, no
8 new arguments and no reply beliefs without our
9 permission will be considered by the Council.

10 I hereby declare this hearing adjourned. And
11 thank you, everyone, for your participation.

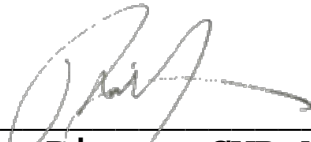
12 Have a good evening.

13
14 (End: 4:07 p.m.)
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25

1 CERTIFICATE

2
3 I hereby certify that the foregoing 106 pages
4 are a complete and accurate computer-aided
5 transcription of my original verbatim notes taken
6 of the remote teleconference meeting in Re:

7 ARX WIRELESS INFRASTRUCTURE, LLC APPLICATION
8 FOR A CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY
9 AND PUBLIC NEED FOR THE CONSTRUCTION, MAINTENANCE,
10 AND OPERATION OF A TELECOMMUNICATIONS FACILITY
11 LOCATED AT 43 OSGOOD AVENUE, NEW BRITAIN,
12 CONNECTICUT, which was held before JOHN
13 MORISSETTE, Member and Presiding Officer, on
14 September 2, 2021.

15
16
17 
18 _____
19 Robert G. Dixon, CVR-M 857
20 Notary Public
21 BCT Reporting, LLC
22 55 Whiting Street, Suite 1A
23 Plainville, CT 06062
24 My Commission Expires: 6/30/2025
25

INDEX

WITNESSES	PAGE
Keith Coppins	
Douglas Roberts	
Michael Libertine	
Brian Gaudet	6

EXAMINERS	PAGE
By Mr. Ball	6
By Mr. Perrone	8
By Mr. Silvestri	11, 39
By Hearing Officer (Morissette)	14
By Mr. Skelly	27
By Mr. Edelson	37, (45)
By Mr. Nguyen	40

WITNESSES	PAGE
Steven P. Schiller	
Erin Stewart	48

EXAMINERS	PAGE
By Mr. Skelly	48
By Mr. Ainsworth	13
By Mr. Edelson	53, 79
By Mr. Silvestri	63
By Ms. Cooley	66
By Hearing Officer (Morissette)	68
By Mr. Ball	69

WITNESSES	PAGE
Daniel Bilezikian	80
Hollis M. Redding	
Douglas Roberts	
Martin J. Lavin	82

EXAMINERS	PAGE
By Mr. Regan	82
By Mr. Perrone	85
By Mr. Edelson	88
By Mr. Silvestri	91
By Mr. Nguyen	95
By Ms. Cooley	99
By Hearing Officer (Morissette)	100
By Mr. Skelly	104